

1 AN ACT relating to torture of a dog or cat.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 525.135 is amended to read as follows:

4 (1) As used in this section:~~[, unless the context otherwise requires,]~~

5 ***(a)*** "Torture" means

6 ***1.*** The~~intentional~~ infliction of or subjection to extreme physical pain or
7 injury ***to a dog or cat***, motivated by an intent to ***cause***, increase, or
8 prolong the pain ***or suffering*** of the ***dog or cat, including but not***
9 ***limited to:***

10 ***a. Crushing, burning, drowning, beating, poisoning, electrocuting,***
11 ***suffocating, hanging, impaling, or skinning alive;***

12 ***b. Causing physical disfigurement; or***

13 ***c. Causing the loss of function of a limb or bodily organ; or***

14 ***2. The infliction of or subjection to extreme physical pain or injury***
15 ***through the deprivation of:***

16 ***a. Food and water sufficient to prevent hunger and dehydration;***

17 ***b. Shelter, while restraining the dog or cat with wanton disregard***
18 ***for its pain, suffering, injury, or death; or***

19 ***c. Denying life-saving medical care or euthanasia while restraining***
20 ***the dog or cat with wanton disregard for its pain, suffering,***
21 ***injury, or death; and***

22 ***(b)*** ***"Restrain" means to keep a dog or cat in a confined space with wanton***
23 ***disregard of the dog's or cat's ability to save itself from starvation,***
24 ***dehydration, physical impairment, injury, or illness, including but not***
25 ***limited to:***

26 ***1. Sealing in plastic bag or box;***

27 ***2. Chaining or tying down to prevent or severely restrict motion;***

- 1 **3. Pitching in a dumpster;**
 2 **4. Abandoning in a building; or**
 3 **5. Otherwise physically restraining with tie wraps, rope, chains, or tape**
 4 **without ability to stand or walk**~~[animal]~~.

5 (2) A person is guilty of torture of a dog or cat when he or she, without legal
 6 justification, intentionally tortures a ~~[domestic]~~ dog or cat.

7 (3) Torture of a dog or cat is ~~[a Class A misdemeanor for the first offense and]~~a Class
 8 D felony~~[for each subsequent offense if the dog or cat suffers physical injury as a~~
 9 ~~result of the torture, and a Class D felony if the dog or cat suffers serious physical~~
 10 ~~injury or death as a result of the torture]~~.

11 (4) **Each act of torture of a dog or cat may constitute a separate offense.**

12 **(5)** Nothing in this section shall apply to the killing or injuring of a dog or cat **without**
 13 **the intent to cause, increase, or prolong the pain or suffering of the dog or cat:**

14 (a) In accordance with a license to hunt, fish, or trap;

15 (b) For humane purposes, **including euthanasia of an animal that has been**
 16 **seized as a victim of torture upon the recommendation of a veterinarian;**

17 (c) For veterinary, agricultural, spaying or neutering,~~[or]~~ cosmetic purposes, **or**
 18 **breed-specific alterations including cropping of ears, docking of tails, or**
 19 **declawing a cat if performed by a veterinarian;**

20 (d) For purposes relating to sporting activities including but not limited to training
 21 for organized dog or cat shows, or other animal shows in which a dog or a cat,
 22 or both, participate;

23 (e) For bona fide animal research activities, using dogs or cats, of institutions of
 24 higher education; or a business entity registered with the United States
 25 Department of Agriculture under the Animal Welfare Act or subject to other
 26 federal laws governing animal research;

27 (f) In defense of self or another person against an aggressive or diseased dog or

1 cat;

2 (g) In defense of a domestic animal against an aggressive or diseased dog or cat;

3 (h) For animal or pest control; or

4 (i) For any other purpose authorized by law.

5 (6)~~[(5)]~~ Activities of animals engaged in hunting, field trials, dog training other than
6 training a dog to fight for pleasure or profit, and other activities authorized either by
7 a hunting license or by the Department of Fish and Wildlife Resources shall not
8 constitute a violation of this section.

9 (7)~~[(6)]~~ The acts specified in this section shall not constitute cruelty to animals under
10 KRS 525.125 or 525.130.