

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2022 REGULAR SESSION
Unofficial Document

Amend printed copy of **SB 125**

On page 1, delete lines 15 to 22 and insert in lieu thereof:

"(3) "Cost of care" means reasonable documented expense incurred in the seizure or treatment of any animal, and may include transportation, food, medicine, boarding, shelter, and medically necessary veterinary costs, including rabies vaccinations under KRS 258.015;

"(4) "Non-possessory co-owner" means a person sharing a right of property in an animal who was not in possession of the animal at the time of an alleged animal cruelty law offense or violation;

"(5) "Owner" means the person having a right of property in and having possession of the animal from whom an animal is seized;

"(6) "Seizing agency" means the agency employing a peace officer or animal control officer who seizes an animal; and

"(7) "Seized animal" means any animal seized by a seizing agency and includes any offspring born of a seized animal while under the care of the seizing agency."; and

On page 1, delete lines 25 to 26 and insert in lieu thereof:

"(1) Any law enforcement agency or animal control office may seize any animal of an owner they reasonably believe has violated any animal cruelty law."; and

On page 2, delete lines 4 to 9 and insert in lieu thereof:

Amendment No. SFA 2

Rep. Sen. Robin L. Webb

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

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"(3) Unless the rights of any non-possessory co-owner are exerted, in lieu of proceeding under Section 4 of this Act, an owner may voluntarily provide a payment mechanism as established by the seizing agency or the animal care facility that has care, custody, and control of the seized animal, or an owner may voluntarily relinquish or transfer ownership of the seized animal to the seizing agency or an animal care facility that has care, custody, and control of the animal."; and

On page 2, line 10, after "(4) _____" insert "Unless the rights of any non-possessory co-owner are exerted,"; and

On page 3, delete lines 9 through 20 and insert in lieu thereof:

"(e) Collect the name and contact information of any non-possessory co-owner, including the name, address, e-mail address, and phone number;

(f) Include a statement that the owner may be responsible for the reasonable cost of caring for the seized animal during the pendency of the criminal case, or until the animal is relinquished, forfeited, or returned, whichever occurs first;

(g) Include a statement that the form must be returned to the seizing agency within ten (10) days after the date of the notice, or the seized animal shall be deemed abandoned and shall be forfeited to the seizing agency;

(h) Include information explaining the methods by which the form may be returned to the seizing agency; and

(i) Include a signature and date line for acknowledgement of receipt of the declaration of ownership and understanding of the statements contained in the declaration.";

and

On page 3, beginning on line 23 through page 4, line 1 delete in its entirety and insert in lieu thereof the following:

"(1) If a non-possessory co-owner is cited in the declaration of ownership provided in Section

3 of this Act, the seizing agency shall make every reasonable effort to contact the non-possessory co-owner and, if the validity of co-ownership is confirmed, deliver the seized animal into the possession and care of the non-possessory co-owner.

(2) (a) A seizing agency may petition a court of competent jurisdiction to require the owner of the seized animal to pay into court funds in an amount sufficient to secure payment of all reasonably anticipated costs related to the seizure and care of the animal if an owner has affirmed his or her intent to reclaim the seized animal by timely returning the declaration of ownership form as provided in Section 3 of this Act."; and

On page 4, line 9, delete "(2)" and insert in lieu thereof "(3)"; and

On page 4, line 11, after the word "animal", insert ", including the existence of any non-possessory co-owner who, if they have not already taken possession of the animal as provided in subsection (1) of this section, may take possession of and provide care for the animal"; and

On page 5, line 3, after the word "owner" delete "in no case shall"; and

On page 5, line 4, after the word "court" insert the word "shall"; and

On page 5, delete lines 14 and 15 and insert the following in lieu thereof:

1. An order of forfeiture is final and not appealable;

2. Voluntary relinquishment of the seized animal or animals; or

3. A non-possessory co-owner takes possession of the animal."; and

On page 6, line 18, after the words "given to" insert "a non-possessory co-owner who has not already taken possession of the animal as provided by Section 4 of this Act, or in the alternative, to"."