

1 AN ACT relating to the 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:<sup>[,]</sup>

5 *(a) "Serious physical injury or infirmity" means physical injury or physical*  
6 *infirmity that creates a substantial risk of death, protracted loss, or*  
7 *impairment of the function of the limb or bodily organ caused by willful or*  
8 *wanton disregard while restrained. As used in this paragraph:*

9 *1. "Physical infirmity" includes intentional starvation, dehydration,*  
10 *hypothermia, hyperthermia, muscle atrophy, restriction of blood flow*  
11 *to a limb or organ, mange or other skin disease or parasitic infestation*  
12 *for which medical care has been denied, denial of life-saving medical*  
13 *care or professional euthanasia while intentionally restraining with*  
14 *the intent to cause or the wanton disregard for extreme physical pain,*  
15 *serious injury, or death; and*

16 *2. "Physical injury" includes substantial physical pain, serious injury, or*  
17 *death intentionally caused by fractures, cuts, burns, punctures, bruises*  
18 *due to crushing, burning, drowning, beating, poisoning, suffocating,*  
19 *hanging, impaling or skinning alive, physical disfigurement, loss of*  
20 *function of a limb or body organ or other wounds or illnesses*  
21 *produced by violence or a thermal or chemical agent while*  
22 *intentionally restrained with the intent to cause or the wanton*  
23 *disregard for extreme physical pain, serious injury, or death; and*

24 *(b) "Torture" means the intentional infliction of or subjection to extreme*  
25 *physical pain or serious injury or death to a dog or cat, motivated by intent*  
26 *or wanton disregard that causes, increases, or prolongs the pain or*  
27 *suffering of the dog or cat, including serious physical injury or infirmity.*

- 1            *"Torture" shall include situations where the extreme physical pain, serious*  
 2            *physical injury or infirmity, or death results from restraint of the dog or cat,*  
 3            *which may include being:*  
 4            *1. Locked in a cage or kennel;*  
 5            *2. Sealed in a plastic bag or box;*  
 6            *3. Chained or tied down to restrict motion;*  
 7            *4. Pitched in a dumpster;*  
 8            *5. Abandoned in a building for three (3) days or more with no intention*  
 9            *of returning or having made provisions for the animal's care;*  
 10           *6. Physically restrained with tie wraps, rope, chains, or tape;*  
 11           *7. Intentionally injured to cause immobility so that the animal cannot*  
 12           *save itself from starvation, dehydration, physical impairment, serious*  
 13           *physical injury or infirmity, or death; or*  
 14           *8. Manually restrained.*

15           ~~["Torture" means the intentional infliction of or subjection to extreme physical pain~~  
 16           ~~or injury, motivated by an intent to increase or prolong the pain of the~~  
 17           ~~animal.]~~

- 18           (2) A person is guilty of torture of a dog or cat when he or she, without legal  
 19           justification, intentionally tortures a domestic dog or cat.  
 20           (3) Torture of a dog or cat is a ~~[Class A misdemeanor for the first offense and a ]Class~~  
 21           ~~D felony[ for each subsequent offense if the dog or cat suffers physical injury as a~~  
 22           ~~result of the torture, and a Class D felony if the dog or cat suffers serious physical~~  
 23           ~~injury or death as a result of the torture].~~  
 24           (4) *Each act of torture of a dog or cat may constitute a separate offense.*  
 25           (5) *Under recommendation of a veterinarian, a tortured dog or cat may be humanely*  
 26           *ethanized after it is seized if it is still alive but suffering from the intentional*  
 27           *torture that will lead to its death.*

- 1 **(6)** Nothing in this section shall apply to the killing or injuring of a dog or cat **without**  
2 **intent to cause, or without wanton disregard of, increasing or prolonging the**  
3 **pain, suffering, or death of the dog or cat:**
- 4 (a) In accordance with a license to hunt, fish, or trap;
  - 5 (b) For humane purposes;
  - 6 (c) For veterinary, agricultural, spaying or neutering, or cosmetic purposes **or**  
7 **breed-specific alterations such as cropping of ears, docking of tails, or**  
8 **declawing of a cat, all done by a veterinarian;**
  - 9 (d) For purposes relating to sporting activities including but not limited to  
10 training for organized dog or cat shows, or other animal shows in which a dog  
11 or a cat, or both, participate;
  - 12 (e) For bona fide animal research activities, using dogs or cats, of institutions of  
13 higher education; or a business entity registered with the United States  
14 Department of Agriculture under the Animal Welfare Act or subject to other  
15 federal laws governing animal research;
  - 16 (f) In defense of self or another person against an aggressive or diseased dog or  
17 cat;
  - 18 (g) In defense of a domestic animal against an aggressive or diseased dog or cat;
  - 19 (h) For animal or pest control; or
  - 20 (i) For any other purpose authorized by law.
- 21 ~~**(7)**~~~~**(5)**~~ Activities of animals engaged in hunting, field trials, dog training other than  
22 training a dog to fight for pleasure or profit, and other activities authorized either by  
23 a hunting license or by the Department of Fish and Wildlife Resources shall not  
24 constitute a violation of this section.
- 25 ~~**(8)**~~~~**(6)**~~ The acts specified in this section shall not constitute cruelty to animals under  
26 KRS 525.125 or 525.130.