

1 AN ACT relating to stray equines.

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

3 ➔Section 1. KRS 259.120 is amended to read as follows:

4 Stray equines and stray cattle shall be taken up and posted in the following manner:

- 5 (1) (a) Documentation of stray equines shall be taken before a county
6 judge/executive of the district, who shall administer to the taker-up an oath, in
7 substance, that the equine was taken up by him or her as a stray and that he or
8 she has not defaced or altered the marks, brands, or other identifiers,
9 including but not limited to microchips or freeze brands, of the equine.
- 10 (b) Documentation of stray cattle shall be taken before a county judge/executive
11 of the district, who shall administer to the taker-up an oath, in substance that
12 the cattle were taken by him or her as strays on his or her premises within the
13 preceding ten (10) days and that he or she has not defaced or altered the
14 marks or brands of the cattle.
- 15 (c) Duties of the county judge/executive pertaining to stray equines shall be to:
- 16 1. Contract with a licensed veterinarian, who shall document the stray
17 equine's breed, color, sex, marks, brands, scars, and other distinguishing
18 features, perform a microchip scan, and identify the existence of lip
19 tattoos, freeze brands, or microchips;
 - 20 2. Record the veterinarian's findings, the name and residence of the taker-
21 up, and the location of the stray equine in a book to be kept by him or
22 her for that purpose;
 - 23 3. Maintain documentation in electronic and paper format; and
 - 24 4. Send a copy of the documentation of the stray equine to the Office of
25 ~~the~~ State Veterinarian, who shall post notification on the Office of ~~the~~
26 ~~the~~ State Veterinarian's website~~[Web site]~~. The Office of ~~the~~ State
27 Veterinarian shall post one (1) photograph of the stray equine's front

1 view, including its head and feet, and one (1) photograph of the stray
2 equine's side view from muzzle to tail.

3 **(d) The county judge/executive:**

4 **1. May contract, subject to approval by the county fiscal court, with a**
5 **person or organization that provides animal sheltering services to**
6 **perform those duties listed under this subsection and subsection (2) of**
7 **this section in lieu of the county judge/executive; and**

8 **2. Shall be immune from criminal liability and civil liability under KRS**
9 **259.140 for any discretionary act related to the taking up and posting**
10 **of stray equines;**

11 (2) The county judge/executive shall give to the taker-up a copy of the documentation
12 for the record and immediately deliver to the county clerk a certified copy of the
13 same record;

14 (3) The clerk shall immediately record the stray certificate of the county
15 judge/executive as provided by the taker-up in a book to be kept by him **or her** for
16 that purpose;

17 (4) The taker-up shall immediately post a copy of the county judge/executive's
18 certificate in the sheriff's office with jurisdiction over the area where the stray cattle
19 or stray equine was taken up after he **or she** has posted the stray. Hold time for stray
20 equines shall begin after all documentation has been properly filed and posted by
21 the county judge/executive and taker-up; and

22 (5) (a) If ownership is found from identifiers of the stray equine such as lip tattoos,
23 freeze brands, or microchips, efforts shall be made by the county/judge
24 executive or his **or her** designee to ascertain the owner by investigatory due
25 diligence in locating the owner and providing notice before holding time
26 expires. The owner/claimants of the stray equine shall reimburse the county
27 judge/executive for the cost of the veterinarian's assessment per the contracted

1 agreement.

2 (b) The taker-up shall be paid by the owner of the stray, if and when he or she
3 claims the stray or its value, the actual itemized costs incurred by the taker-up
4 for keeping the stray equine or cattle. In the event that a dispute arises relating
5 to ownership, adverse claimants, third-party claims or liens, value of the
6 equine, or actual itemized expenses incurred, the parties may file an action in
7 a court of competent jurisdiction of the county in which the stray equine was
8 taken up. The filing of an action under this paragraph shall toll holding time
9 as to vesting of ownership interests.

10 (c) The taker-up may have the stray equine sterilized only after the fifteen (15)
11 day holding period has expired and ownership vested pursuant to KRS
12 259.130, and any pending court cases pertaining to the stray equine have been
13 resolved.