

1 AN ACT relating to animal torture.

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, "torture" means the~~  
5 ~~intentional infliction of or subjection to extreme physical pain or injury, motivated~~  
6 ~~by an intent to increase or prolong the pain of the animal.~~

7 ~~(2) A person is guilty of torture of a dog or cat when he or she without legal~~  
8 ~~justification ***knowingly***~~[intentionally]~~ tortures a domestic dog or cat.~~

9 **(2) As used in this section, "torture" includes but is not limited to:**

10 **(a) Deliberate neglect that results in the death of or serious physical injury to a**  
11 **dog or cat, including abandonment or depriving a dog or cat of:**

12 **1. Food and water;**

13 **2. Needed shelter from temperature extremes; and**

14 **3. Needed medical attention; and**

15 **(b) Physical abuse that results in the death of or serious physical injury to a**  
16 **dog or cat.**

17 **(3) Torture of a dog or cat is:**

18 **(a) A Class D felony for the first offense. Except as provided in paragraph (b)**  
19 **of this subsection, if a first offense results in the death of or serious physical**  
20 **injury to a dog or cat, the mandatory minimum term of Class D felony**  
21 **imprisonment shall be five (5) years, which term shall not be suspended,**  
22 **probated, conditionally discharged, or subject to any other form of early**  
23 **release; and**

24 **(b) A Class C felony for a second or subsequent offense, or a first offense that**  
25 **is:**

26 **1. Described in subsection (2)(b) of this section and committed in the**  
27 **presence of a minor;**

1            2. Committed by an employee or agent of an animal shelter as defined in  
 2            KRS 258.095; or

3            3. Committed by an employee or agent of a business as defined in KRS  
 4            45A.030 that works with dogs or cats commercially;  
 5            with a mandatory minimum term of imprisonment of ten (10) years, which  
 6            term shall not be suspended, probated, conditionally discharged, or subject  
 7            to any other form of early release.

8            (4) An offender whose single course of conduct includes offenses against more than  
 9            one (1) animal shall be prosecuted for each individual offense against each  
 10           individual dog or cat. If an offender is convicted of more than one (1) offense of  
 11           torture of a dog or cat, the sentences shall run consecutively. ~~[(3) Torture of a~~  
 12           ~~dog or cat is a Class A misdemeanor for the first offense and a Class D felony for~~  
 13           ~~each subsequent offense if the dog or cat suffers physical injury as a result of the~~  
 14           ~~torture, and a Class D felony if the dog or cat suffers serious physical injury or death~~  
 15           ~~as a result of the torture.]~~

16           (5) Upon conviction, the court shall:

17           (a) Require the offender to forfeit any victim dog or cat; and

18           (b) Prohibit the offender from owning, possessing, or maintaining custody of a  
 19           dog or cat for five (5) years for a first offense and for life for a second or  
 20           subsequent offense.

21           (6) Forfeited dog or cats shall be offered to a nonprofit animal rescue organization  
 22           with a no-kill policy. If the nonprofit animal rescue organization declines to  
 23           accept the dog or cat, the dog or cat shall be given to a county animal shelter.  
 24           Dogs or cats that are received by a county animal shelter pursuant to this section  
 25           may not be euthanized unless they are deemed to be suffering past recovery by a  
 26           veterinarian.

27           ~~[(4)]~~ Nothing in this section shall apply to the killing or injuring of a dog or cat in

1 accordance with a license to legally hunt, fish, or trap.]

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

3 (b) ~~For humane purposes;~~

4 (c) ~~For veterinary, agricultural, spaying or neutering, or cosmetic purposes;~~

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

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

12 (f) ~~In defense of self or another person against an aggressive or diseased dog or~~  
13 ~~cat;~~

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

15 (h) ~~For animal or pest control; or~~

16 (i) ~~For any other purpose authorized by law.~~

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

21 (6) The acts specified in this section shall not constitute cruelty to animals under KRS  
22 525.125 or 525.130.