

1 AN ACT relating to sexual assault against animals.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

6 (a) "Animal" means every nonhuman mammal, bird, reptile, or amphibian,
7 either alive or dead; and

8 (b) "Sexual contact" means:

9 1. Any act, done between a person and animal, involving contact of the
10 penis and the vulva, the penis and the penis, the penis and the anus,
11 the mouth and the penis, the mouth and the anus, the vulva and the
12 vulva, or the mouth and the vulva; or

13 2. Without a bona fide veterinary or animal husbandry purpose:

14 a. Any touching or fondling by a person, either directly or through
15 clothing, of the sex organs or anus of an animal;

16 b. Any transfer or transmission of semen by the person upon any
17 part of the animal; or

18 c. The insertion, however slight, of any part of a person's body or
19 any instrument, apparatus, or other object into the vaginal or
20 anal opening of an animal.

21 (2) A person is guilty of sexual assault against an animal when he or she knowingly:

22 (a) Engages in sexual contact with an animal;

23 (b) Possesses, sells, transfers, or purchases or otherwise obtains an animal with
24 the intent that it be subject to sexual contact;

25 (c) Organizes, promotes, conducts, aids, abets, or participates in as an observer,
26 an act involving any sexual contact with an animal;

27 (d) Causes, aids, or abets another person to engage in sexual contact with an

1 animal;

2 (e) Permits sexual contact with an animal to be conducted on any premises
3 under his or her charge or control;

4 (f) Advertises, offers, or accepts the offer of an animal with the intent that it be
5 used for sexual contact in this state; or

6 (g) Forces a minor to engage in sexual contact with an animal or engages in
7 sexual contact with an animal in the presence of a minor.

8 (3) (a) For offenses under subsection (2)(a) to (f) of this section, sexual assault
9 against an animal is a Class A misdemeanor, unless the animal suffers
10 death or serious physical injury, in which case it is a Class D felony.

11 (b) For offenses under subsection (2)(g) of this section, the penalties
12 established in KRS 530.064 apply.

13 (4) In addition to the penalties specified in subsection (3) of this section, the court
14 may order a person convicted of violating this section to:

15 (a) Relinquish custody of all animals;

16 (b) Not harbor, own, possess, or exercise control over any animal, or reside in
17 any household where animals are present, for any period of time;

18 (c) Attend an appropriate treatment program or obtain psychiatric or
19 psychological counseling, at the defendant's expense; or

20 (d) Reimburse the agency caring for the animal for reasonable costs incurred
21 for the care and treatment of the animal from the date of impoundment
22 until the disposition of the criminal proceeding.

23 (5) Any peace officer or animal control officer, as defined in KRS 258.005, may seize
24 an animal if there is probable cause to believe there has been a violation of this
25 section.

26 (6) This section shall not apply to:

27 (a) Accepted veterinary medical practices;

- 1 *(b) Insemination of animals for the purpose of procreation; or*
- 2 *(c) Accepted animal husbandry practices that provide care for animals.*