

1 AN ACT relating to cruelty to equines.

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) For the purposes of this section:*

6 *(a) "Abuse" means the intentional or wanton:*

7 *1. Infliction of unnecessary pain, suffering, or contact; or*

8 *2. Neglect or abandonment, including the failure to provide adequate*  
9 *food, drink, space, or health care;*

10 *(b) "Body condition score" means a score attributed by a veterinarian based*  
11 *upon the Henneke Body Condition Scoring System; and*

12 *(c) "Equine" means any animal of the equine species.*

13 *(2) A person is guilty of cruelty to equines when an individual abuses an equine and*  
14 *the abuse results in:*

15 *(a) Serious physical injury or death;*

16 *(b) A body condition score of three (3) or less; or*

17 *(c) Sexual contact between the individual and an equine for the purpose of*  
18 *sexual arousal, sexual gratification, exercising power over the equine, or*  
19 *financial gain.*

20 *(3) Cruelty to equines is a Class D felony.*

21 *(4) If a person is convicted of or pleads guilty to an offense under subsection (2) of*  
22 *this section arising from the person's treatment of an equine, the court shall*  
23 *impose the following penalties against the person, in addition to fines and*  
24 *imprisonment:*

25 *(a) An order that the person pay restitution for damage to the property of others*  
26 *and for costs incurred by others, including reasonable costs, as determined*  
27 *by agreement or by the court after a hearing, incurred in feeding,*

1           sheltering, veterinary treatment, and incidental care of any equine that was  
2           the subject of the offense resulting in conviction; and

3           (b) An order terminating or imposing conditions on the person's right to  
4           possession, title, custody, or care of any equine that was the subject of the  
5           offense resulting in conviction.

6           If a person's ownership interest in an equine is terminated by a judicial order  
7           under paragraph (b) of this subsection, the court shall order the sale, conveyance,  
8           or other disposition of the equine that was the subject of the offense resulting in  
9           conviction.

10          (5) Nothing in this subsection shall constitute a violation of this section in regard to  
11          the care, killing, or injuring of an equine:

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

13          (b) For humane purposes;

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

15          (d) For purposes relating to sporting activities, including but not limited to  
16          horse racing at organized races and training for organized races, organized  
17          horse shows, or other animal shows;

18          (e) For bona fide animal research activities, using equines, of institutions of  
19          higher education, or of a business entity registered with the United States  
20          Department of Agriculture under the Animal Welfare Act or subject to  
21          other federal laws governing animal research;

22          (f) In defense of self or another person against an aggressive or diseased  
23          equine;

24          (g) In defense of another equine against an aggressive or diseased equine;

25          (h) For animal or pest control;

26          (i) Artificial insemination of an equine for reproductive purposes;

27          (j) Accepted animal husbandry practices, including grooming, raising,

1                   *breeding, or assisting with the birthing process of equines or any other*  
2                   *procedure that provides care for an equine; or*  
3                   *(k) For any other purpose authorized by law.*

4                   *(6) The acts specified in this section shall not constitute cruelty to animals under*  
5                   *KRS 525.130.*

6                   ➔Section 2. This Act shall be known and may be cited as Klair's Law.  
7                   ➔Section 3. The restrictions of KRS 6.945(1) shall not apply to Section 1 of this  
8 Act.