

States' Animal Cruelty Statutes: Kentucky

Current through the end of the 2020 Regular Session.

525.125 Cruelty to animals in the first degree

(1) As used in this section:

(a) "Dog" means a domesticated canid of the genus *canis lupus familiaris*; and

(b) "Dog fight" or "dog fighting" means any event that involves a fight conducted or to be conducted between at least two (2) dogs for purposes of sport, wagering, or entertainment, except that the term "dog fight" or "dog fighting" shall not be deemed to include any activity the purpose of which involves the use of one (1) or more dogs in hunting or taking another animal.

(2) The following persons are guilty of cruelty to animals in the first degree:

(a) Whenever a dog is knowingly caused to dog fight for pleasure or profit:

1. The owner of the dog;

2. The owner of the property on which the fight is conducted if the owner knows of the dog fight; and

3. Anyone who participates in the organization of the dog fight; and

(b) Any person who knowingly owns, possesses, keeps, trains, sells, or otherwise transfers a dog for the purpose of dog fighting.

(3) Activities of dogs engaged in hunting, field trials, dog training, and other activities authorized either by a hunting license or by the Department of Fish and Wildlife Resources shall not constitute a violation of this section.

(4) Activities of dogs engaged in working or guarding livestock shall not constitute a violation of this section.

(5) Cruelty to animals in the first degree is a Class D felony.

525.130 Cruelty to animals in the second degree; exemptions; offense involving equines

(1) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly:

(a) Subjects any animal to or causes cruel or injurious mistreatment through abandonment, participates other than as provided in KRS 525.125 in causing it to fight for pleasure or profit (including, but not limited to being a spectator or vendor at an event where a four (4) legged animal is caused to fight for pleasure or profit), mutilation, beating, torturing any animal other than a dog or cat, tormenting, failing to provide adequate food, drink, space, or health care, or by any other means;

- (b) Subjects any animal in his custody to cruel neglect; or
- (c) Kills any animal other than a domestic animal killed by poisoning. This paragraph shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

(2) Nothing in this section shall apply to the killing of animals:

- (a) Pursuant to a license to hunt, fish, or trap;
- (b) Incident to the processing as food or for other commercial purposes;
- (c) For humane purposes;
- (d) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;
- (e) For purposes relating to sporting activities, including but not limited to horse racing at organized races and training for organized races, organized horse shows, or other animal shows;
- (f) For bona fide animal research activities of institutions of higher education; or a business entity registered with the United States Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;
- (g) In defense of self or another person against an aggressive or diseased animal;
- (h) In defense of a domestic animal against an aggressive or diseased animal;
- (i) For animal or pest control; or
- (j) For any other purpose authorized by law.

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

(4) Cruelty to animals in the second degree is a Class A misdemeanor.

525.135 Torture of dog or cat

(1) As used in this section, unless the context otherwise requires, "torture" means the intentional infliction of or subjection to extreme physical pain or injury, motivated by an intent to increase or prolong the pain of the animal.

(2) A person is guilty of torture of a dog or cat when he or she without legal justification intentionally tortures a domestic dog or cat.

(3) Torture of a dog or cat is a Class A misdemeanor for the first offense, and a Class D felony for the second and subsequent offenses.

(4) Nothing in this section shall apply to the killing or injuring of a dog or cat:

- (a) In accordance with a license to hunt, fish, or trap;
- (b) For humane purposes;
- (c) For veterinary, agricultural, spaying or neutering, or cosmetic purposes;
- (d) For purposes relating to sporting activities including but not limited to training for organized dog or cat shows, or other animal shows in which a dog or a cat, or both, participate;
- (e) For bona fide animal research activities, using dogs or cats, of institutions of higher education; or a business entity registered with the United States Department of Agriculture under the Animal Welfare Act or subject to other federal laws governing animal research;
- (f) In defense of self or another person against an aggressive or diseased dog or cat;
- (g) In defense of a domestic animal against an aggressive or diseased dog or cat;
- (h) For animal or pest control; or
- (i) For any other purpose authorized by law.

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

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

525.137 Sexual crimes against an animal

(1) As used in this section:

- (a) "Animal" means any nonhuman creature; and
- (b) "Sexual contact" means any act committed between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain involving:
 1. Contact between the sex organs or anus of one and the mouth, sex organs, or anus of another;
 2. The insertion of any part of the animal's body into the vaginal or anal opening of the person; or
 3. The insertion of any part of the body of a person or any object into the vaginal or anal opening of an animal without a bona fide veterinary or animal husbandry purpose.

(2) A person is guilty of sexual crimes against an animal if he or she:

- (a) Engages in sexual contact with an animal;
- (b) Advertises, solicits, offers, or accepts the offer of an animal, or possesses, purchases, or otherwise obtains an animal, with the intent that the animal be subject to sexual contact; or
- (c) Causes, aids, or abets another person to engage in sexual contact with an animal.

(3) Sexual crimes against an animal is a Class D felony.

(4) Nothing in this section shall apply to:

- (a) Accepted veterinary practices;
- (b) Artificial insemination of an animal for reproductive purposes;
- (c) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal; or
- (d) Generally accepted practices related to the judging of breed conformation.

(5) In addition to the penalty imposed in subsection (3) of this section, the court shall order a person convicted of violating this section to:

- (a) Relinquish custody of all animals under the person's control. If the person convicted of violating this section is not the owner of the animal that was the subject of the violation, then the animal shall be returned to the owner of the animal. An animal returned to an owner under this section shall not be spayed or neutered prior to being returned;
- (b) Not harbor, own, possess, or exercise control over any animal, reside in any household where animals are present, or work or volunteer in a place where the person has unsupervised access to animals for a minimum of five (5) years after completion of the imposed sentence;
- (c) Attend an appropriate treatment program or obtain psychiatric or psychological counseling, at the person's expense; and
- (d) Reimburse the agency caring for the animal for reasonable costs incurred for the care and treatment of the animal from the date of impoundment until the disposition of the criminal proceeding.

525.200 Assault on service animal in the first degree; definition

(1) A person is guilty of assault on a service animal in the first degree when, without legal justification or lawful authority:

- (a) He or she intentionally kills or causes serious physical injury to a service animal;
- (b) He or she intentionally causes physical injury to a service animal by means of a deadly weapon or dangerous instrument; or

(c) He or she wantonly causes serious physical injury to a service animal by means of a deadly weapon or dangerous instrument.

(2) For the purposes of this section, "service animal" has the same meaning as in KRS 525.010, except that "service animal" does not include assistance dogs as defined in KRS 525.010(6)(h).

(3) Assault on a service animal in the first degree is a Class D felony.

525.205 Assault on a service animal in the second degree

(1) A person is guilty of assault on a service animal in the second degree when he intentionally and without legal justification or lawful authority causes physical injury to a service animal.

(2) Assault on a service animal in the second degree is a Class B misdemeanor.

525.215 Defendant's liability for damages upon conviction of assault on a service animal

In any case in which a defendant is convicted of a violation of the provisions of KRS 525.200 or 525.205, the defendant may be ordered to make restitution to the person or agency owning the animal for any veterinary bills, replacement costs of the animal if it is disabled or killed, and the salary of the animal handler for the period of time his services are lost to the agency or self-employment.

525.220 Bars and defenses to conviction of assault on a service animal

No person shall be convicted of assault on a service animal when:

(1) He has also been convicted of a violation of KRS 525.125, 525.130, 512.020, 512.030, or 512.040 arising out of the same incident; or

(2) He has destroyed or treated a service animal that is injured, diseased, or suffering or that constitutes a hazard to public safety if not destroyed; or

(3) He has used physical force against the service animal in protection of himself or a third person; or

(4) He has used physical force without knowledge that the animal was a service animal.