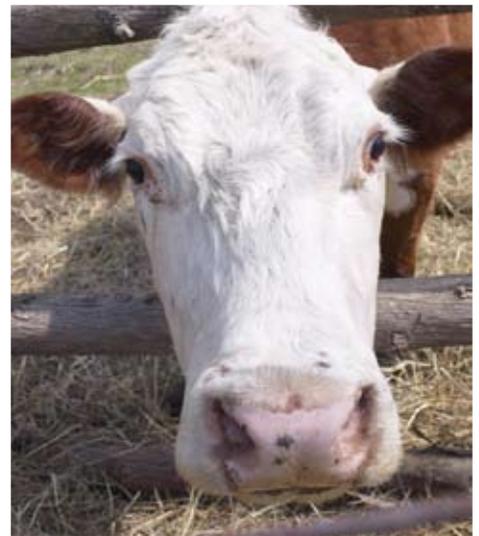


ANIMAL PROTECTION LAWS OF THE UNITED STATES OF AMERICA & CANADA

Stephan K. Otto • Sixth Edition



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PREFACE

This is the sixth edition of the ANIMAL PROTECTION LAWS compendium. The compendium contains the general animal protection and related statutes for all of the states, principal districts and territories of the United States of America, and for all of Canada. In Canada, the federal government enacts all criminal laws, which are applicable throughout the country. The provinces and territories of Canada may enact quasi-criminal offenses and laws in other subject areas, and have jurisdiction over most criminal and civil matters.

The compendium is organized into separate chapters for each jurisdiction. Chapters begin with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories. Within the first thirteen of these categories, the relevant part of each statute is italicized. The last category provides a non-italicized version of each of the previously referenced statutes, in numerical order. The penalties and related provisions for categories 12 and 13 are generally located within each of those respective sections. Embedded hyperlinks are utilized throughout the compendium to assist with navigation.

Some jurisdictions may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect.

Because the law is continually evolving, always review an official source for the most current language of any statute.

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ANIMAL PROTECTION LAWS OF KENTUCKY

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1. GENERAL PROHIBITIONS
2. PENALTIES
3. EXEMPTIONS
4. COUNSELING / EVALUATIONS
5. PROTECTIVE ORDERS
6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS
7. SEIZURE / ON-SITE SUPERVISION
8. FORFEITURE / POSSESSION
9. CROSS ENFORCEMENT / REPORTING
10. VETERINARIAN REPORTING / IMMUNITY
11. LAW ENFORCEMENT POLICIES
12. SEXUAL ASSAULT
13. FIGHTING
14. REFERENCED STATUTES

This chapter contains Kentucky's general animal protection and related statutes enacted prior to November 2010. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories. Within the first thirteen of these categories, the relevant part of each statute is italicized. Category 14 provides a non-italicized version of each of the previously referenced statutes, in numerical order. The penalties and related provisions for categories 12 and 13 are generally located within each of those respective sections.

Kentucky may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

KENTUCKY

1. GENERAL PROHIBITIONS *	(1) Cruelty to animals KY. REV. STAT. ANN. § 525.130 (2) Torture of dog or cat KY. REV. STAT. ANN. § 525.135
<i>Animals Covered in Definition</i>	“[E]very warm-blooded living creature except a human being” KY. REV. STAT. ANN. § 446.010
<i>Classification of Crimes</i>	(1) Class A misdemeanor (2) [1 st offense]: Class A misdemeanor [1 st offense if serious physical injury or death & all subsequent offenses]: Class D felony

KENTUCKY *continued*

<p>2. MAXIMUM PENALTIES **</p>	<p>(1) 1 year imprisonment KY. REV. STAT. ANN. § 532.090(1) <i>and/or</i> \$500 fine KY. REV. STAT. ANN. § 534.040(2)(a)</p> <p>(2) [1st offense]: 1 year imprisonment KY. REV. STAT. ANN. § 532.090(1) <i>and/or</i> \$500 fine KY. REV. STAT. ANN. § 534.040(2)(a)</p> <p>[1st offense if serious physical injury or death & all subsequent offenses]: 5 years imprisonment KY. REV. STAT. ANN. § 532.060(2)(d) <i>and</i> \$10,000 fine KY. REV. STAT. ANN. § 534.030(1)</p>
<p>3. EXEMPTIONS ***</p>	<p>1, 2, 3, 4, 5, 6, 8, 9 KY. REV. STAT. ANN. §§ 525.130(2),(3) KY. REV. STAT. ANN. §§ 525.135(4),(5)</p>
<p>4. COUNSELING / EVALUATIONS †</p>	<p>-----</p>
<p>5. PROTECTIVE ORDERS †</p>	<p>-----</p>
<p>6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS †</p>	<p>-----</p>

KENTUCKY *continued*

<p>7. SEIZURE / ON-SITE SUPERVISION</p>	<p>Dog wardens, peace officers and humane officers shall be issued search warrants for reasonable cause KY. REV. STAT. ANN. § 436.605</p>
<p>8. FORFEITURE / POSSESSION[†]</p>	<p>-----</p>
<p>9. CROSS ENFORCEMENT / REPORTING</p>	<p>-----</p>
<p>10. VETERINARIAN REPORTING / IMMUNITY</p>	<p>Veterinarians are prohibited from the voluntary reporting of suspected animal cruelty or fighting without a court order, subpoena or client waiver KY. REV. STAT. ANN. § 321.185</p>
<p>11. LAW ENFORCEMENT POLICIES</p>	<p>Qualified dog wardens and officers and agents of humane societies shall have the powers of peace officers (except for the power of arrest), and may be issued search warrants KY. REV. STAT. ANN. § 436.605</p>
<p>12. SEXUAL ASSAULT</p>	<p>-----</p>
<p>13. FIGHTING</p>	<p>All animals used for fighting shall be confiscated KY. REV. STAT. ANN. § 436.610</p> <p>Various animal fighting activities with four-legged animals are Class D felonies KY. REV. STAT. ANN. § 525.125</p> <p>Various non-four-legged animal fighting activities are Class A misdemeanors KY. REV. STAT. ANN. § 525.130</p> <p>Being a spectator or vendor at an animal fight with four-legged animals is a Class A misdemeanor KY. REV. STAT. ANN. § 525.130</p>

- * States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.
- ** Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.
- *** Exemptions: 1-veterinary practice, 2-research animals, 3-wildlife, 4-traditional farm animal husbandry practices, 5-slaughter, 6-pest control, 7-rodeo, 8-zoos/circuses, 9-other.
- † This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.
- ‡ This list is not exhaustive; states may authorize felony penalties for other crimes involving animals not included in this table.

1. GENERAL PROHIBITIONS

KY. REV. STAT. ANN. § 446.010 (2010). Definitions for statutes generally

As used in the statute laws of this state, unless the context requires otherwise:

- (1) "Action" includes all proceedings in any court of this state;
- (2) "*Animal*" includes every warm-blooded living creature except a human being;
- (3) "Attorney" means attorney-at-law;
- (4) "Bequeath" and "devise" mean the same thing;
- (5) "Bequest" and "legacy" mean the same thing, and embrace either real or personal estate, or both;
- (6) "*Cattle*" includes horse, mule, ass, cow, ox, sheep, hog, or goat of any age or sex;
- (7) "Company" may extend and be applied to any corporation, company, person, partnership, joint stock company, or association;
- (8) "Corporation" may extend and be applied to any corporation, company, partnership, joint stock company, or association;
- (9) "*Cruelty*" as applied to animals includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted;
- (10) "Directors," when applied to corporations, includes managers or trustees;
- (11) "Domestic," when applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state;
- (12) "*Domestic animal*" means any animal converted to domestic habitat;
- (13) "Federal" refers to the United States;
- (14) "Foreign," when applied to a corporation, partnership, business trust, or limited liability company, includes all those incorporated or formed by authority of any other state;

(15) "Generally accepted accounting principles" are those uniform minimum standards of and guidelines to financial accounting and reporting as adopted by the National Council on Governmental Accounting, under the auspices of the Municipal Finance Officers Association and by the Financial Accounting Standards Board, under the auspices of the American Institute of Certified Public Accountants;

(16) *"Humane society," "society," or "Society for the Prevention of Cruelty to Animals," means any nonprofit corporation, organized under the laws of this state and having as its primary purpose the prevention of cruelty to animals;*

(17) "Issue," as applied to the descent of real estate, includes all the lawful lineal descendants of the ancestors;

(18) "Land" or "real estate" includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest;

(19) "Legatee" and "devisee" convey the same idea;

(20) "May" is permissive;

(21) "Month" means calendar month;

(22) "Oath" includes "affirmation" in all cases in which an affirmation may be substituted for an oath;

(23) *"Owner" when applied to any animal, means any person having a property interest in such animal;*

(24) "Partnership" includes both general and limited partnerships;

(25) "Peace officer" includes sheriffs, constables, coroners, jailers, metropolitan and urban county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests;

(26) "Penitentiary" includes all of the state penal institutions except the houses of reform;

(27) "Person" may extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies, and limited liability companies;

(28) "Personal estate" includes chattels, real and other estate that passes to the personal representative upon the owner dying intestate;

(29) "Regular election" means the election in even-numbered years at which members of Congress are elected and the election in odd-numbered years at which state officers are elected;

(30) "Shall" is mandatory;

(31) "State" when applied to a part of the United States, includes territories, outlying possessions, and the District of Columbia; "any other state" includes any state, territory, outlying possession, the District of Columbia, and any foreign government or country;

(32) "State funds" or "public funds" means sums actually received in cash or negotiable instruments from all sources unless otherwise described by any state agency, state-owned corporation, university, department, cabinet, fiduciary for the benefit of any form of state organization, authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization whether or not the money has ever been paid into the Treasury and whether or not the money is still in the Treasury if the money is controlled by any form of state organization, except for those funds the management of which is to be reported to the Legislative Research Commission pursuant to KRS 42.600, 42.605, and 42.615;

(33) "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted for an oath;

(34) "United States" includes territories, outlying possessions, and the District of Columbia;

(35) "Vacancy in office," or any equivalent phrase, means such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county or district, or otherwise;

(36) "Violate" includes failure to comply with;

(37) "Will" includes codicils; "last will" means last will and testament;

(38) "Year" means calendar year;

(39) "City" includes town;

(40) Appropriation-related terms are defined as follows:

(a) "Appropriation" means an authorization by the General Assembly to expend, from public funds, a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure prescribed in KRS Chapter 48;

(b) "Appropriation provision" means a section of any enactment by the General Assembly which is not provided for by KRS Chapter 48 and which authorizes the expenditure of public funds other than by a general appropriation bill;

(c) "General appropriation bill" means an enactment by the General Assembly that authorizes the expenditure of public funds in an executive, judicial, or legislative branch budget bill as provided for in KRS Chapter 48;

(41) "Mediation" means a nonadversarial process in which a neutral third party encourages and helps disputing parties reach a mutually acceptable agreement. Recommendations by mediators are not binding on the parties unless the parties enter into a settlement agreement incorporating the recommendations; and

(42) "Biennium" means the two (2) year period commencing on July 1 in each even-numbered year and ending on June 30 in the ensuing even-numbered year; and

(43) "Branch budget bill" or "branch budget" means an enactment by the General Assembly which provides appropriations and establishes fiscal policies and conditions for the biennial financial plan for the judicial branch, the legislative branch, and the executive branch, which shall include a separate budget bill for the Transportation Cabinet; and

(44) "AVIS" means the automated vehicle information system established and maintained by the transportation cabinet to collect titling and registration information on vehicles and boats and information on holders of motor vehicle operator's licenses and personal identification cards.

KY. REV. STAT. ANN. § 525.130 (2010). Cruelty to animals in the second degree; exemptions

(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.*

KY. REV. STAT. ANN. § 525.135 (2010). 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 each subsequent offense if the dog or cat suffers physical injury as a result of the torture, and a Class D felony if the dog or cat suffers serious physical injury or death as a result of the torture.

(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.

2. PENALTIES

KY. REV. STAT. ANN. § 532.060 (2010). Sentence of imprisonment for felony

(1) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by subsection (2), and subject to modification by the trial judge pursuant to KRS 532.070.

(2) The authorized maximum terms of imprisonment for felonies are:

(a) For a Class A felony, not less than twenty (20) years nor more than fifty (50) years, or life imprisonment;

(b) For a Class B felony, not less than ten (10) years nor more than twenty (20) years;

(c) For a Class C felony, not less than five (5) years nor more than ten (10) years; and

(d) For a Class D felony, not less than one (1) year nor more than five (5) years.

(3) For any felony specified in KRS Chapter 510, KRS 530.020, 530.064(1)(a), or 531.310, the sentence shall include an additional five (5) year period of conditional discharge which shall be added to the maximum sentence rendered for the offense. During this period of conditional discharge, if a defendant violates the provisions of conditional discharge, the defendant may be reincarcerated for:

(a) The remaining period of his initial sentence, if any is remaining; and

(b) The entire period of conditional discharge, or if the initial sentence has been served, for the remaining period of conditional discharge.

(4) The actual time of release within the maximum established by subsection (1), or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.

KY. REV. STAT. ANN. § 532.090 (2010). Sentence of Imprisonment for Misdemeanor.

A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations:

(1) For a Class A misdemeanor, the term shall not exceed twelve (12) months; and

(2) For a Class B misdemeanor, the term shall not exceed ninety (90) days.

KY. REV. STAT. ANN. § 534.030 (2010). Fines for felonies

(1) *Except as otherwise provided for an offense defined outside this code, a person who has been convicted of any felony shall, in addition to any other punishment imposed upon him, be sentenced to pay a fine in an amount not less than one thousand dollars (\$1,000) and not greater than ten thousand dollars (\$10,000) or double his gain from commission of the offense, whichever is the greater.*

(2) *In determining the amount and method of paying a fine for commission of a felony, the court shall consider, among others, the following factors:*

(a) *The defendant's ability to pay the amount of the fine;*

(b) *The hardship likely to be imposed on the defendant's dependents by the amount of the fine and the time and method of paying it;*

(c) *The impact the amount of the fine will have on the defendant's ability to make reparation or restitution to the victim; and*

(d) *The amount of the defendant's gain, if any, derived from the commission of the offense.*

(3) *When a defendant is convicted of two (2) or more felonies committed through a single act and is sentenced to fines pursuant to subsection (1), the aggregate amount of the fines shall not exceed ten thousand dollars (\$10,000) or double the amount of the defendant's gain from commission of the offenses, whichever is the greater.*

(4) *Fines required by this section shall not be imposed upon any person determined by the court to be indigent pursuant to KRS Chapter 31.*

(5) *This section shall not apply to a corporation.*

KY. REV. STAT. ANN. § 534.040 (2010). Fines for Misdemeanors and Violations.

(1) *Fines and imprisonment for misdemeanors shall not be mutually exclusive. In any case where imprisonment is authorized, a fine may be levied in addition to the imprisonment, or a fine may be levied as an alternative to imprisonment. Similarly, a fine may be levied in lieu of imprisonment. Whether the fine is to be levied as the sole penalty or as an additional or alternative penalty shall be in the discretion of the judge or jury as the case may be. If the trial is by jury, the jury shall have the discretion. This rule shall apply in all cases where a fine is not the exclusive penalty authorized by law.*

(2) *Except as otherwise provided for an offense defined outside this code, a person who has been convicted of any offense other than a felony shall be sentenced, in addition to any other punishment imposed upon him, to pay a fine in an amount not to exceed:*

(a) *For a Class A misdemeanor, five hundred dollars (\$500); or*

(b) For a Class B misdemeanor, two hundred fifty dollars (\$250); or

(c) For a violation, two hundred fifty dollars (\$250).

(3) This section shall not apply to a corporation.

(4) Fines required by this section shall not be imposed upon any person determined by the court to be indigent pursuant to KRS Chapter 31.

3. EXEMPTIONS

KY. REV. STAT. ANN. § 525.130 (2010). Cruelty to animals in the second degree; exemptions

(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.

KY. REV. STAT. ANN. § 525.135 (2010). 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 each subsequent offense if the dog or cat suffers physical injury as a result of the torture, and a Class D felony if the dog or cat suffers serious physical injury or death as a result of the torture.

(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.

4. COUNSELING / EVALUATIONS

5. PROTECTIVE ORDERS

6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS

7. SEIZURE / ON-SITE SUPERVISION

KY. REV. STAT. ANN. § 436.605 (2010). Animal control officers and humane agents have powers of peace officers except power of arrest; search warrants; execution of search warrants; arrest by peace officer

(1) Animal control officers and officers and agents of humane societies who are employed by, appointed by, or have contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services shall have the powers of peace officers, except for the power of arrest, for the purpose of enforcing the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, or torture of animals, provided they possess the qualifications required under KRS 61.300.

(2) When any peace officer, animal control officer, or any officer or agent of any society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth who is employed by, appointed by, or has contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services makes an oath before any judge of a District Court that he has reasons to believe or does believe that an act of cruelty, mistreatment, or torture of animals is being committed in a building, barn, or other enclosure, the judge shall issue a search warrant directed to the peace officer, animal control officer, or officer or agent of the society or association for the prevention of cruelty to animals to search the premises. If a peace officer finds that an act of cruelty, mistreatment, or torture of animals is being perpetrated, the offender or offenders shall be immediately arrested by the peace officer and brought before the court for trial. If an animal control officer or an officer or agent of a society or association for the prevention of cruelty to animals finds that an act of cruelty, mistreatment, or torture of animals is being perpetrated, the officer or agent shall summon a peace officer to arrest the offender or offenders and bring them before the court for trial.

8. FORFEITURE / POSSESSION

9. CROSS ENFORCEMENT / REPORTING

10. VETERINARIAN REPORTING / IMMUNITY

KY. REV. STAT. ANN. § 321.185 (2010). Veterinarian-client-patient relationship.

(1) In order for a veterinarian to practice veterinary medicine, a relationship among the veterinarian, the client, and the patient shall be established and maintained. "Veterinarian-client-patient relationship" means that:

(a) The veterinarian has assumed the responsibility for making judgments regarding the health of the animal and the need for veterinary treatment, and the client, whether owner or other caretaker, has agreed to follow the instructions of the veterinarian;

(b) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and

(c) The practicing veterinarian is readily available or shall provide medical service for follow-up in case of adverse reactions or failure of the regimen of therapy. A new regimen of therapy shall be contingent only upon cooperation of the client and availability of the subject animal.

(2) The veterinarian shall maintain records which document patient visits, diagnosis, treatment, and other relevant information.

(3)

(a) A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client.

(b) A veterinarian shall not release information concerning a client or care of a client's animal, except on the veterinarian's receipt of:

1. A written authorization or other form of waiver executed by the client; or

2. An appropriate court order or subpoena.

(c) A veterinarian who releases information as required under paragraph (b) of this subsection shall not be liable to any person, including the client, for an action resulting from the disclosure.

(d) The privilege provided by this subsection is waived by the client or the owner of an animal treated by the veterinarian to the extent the client or owner places at issue in a civil or criminal proceeding:

1. The nature and extent of the animal's injuries; or
2. The care and treatment of the animal provided by the veterinarian.

(e) This subsection shall not apply to:

1. An inspection or investigation conducted by the board or an agent of the board;
or
2. The veterinary reporting requirements and regulatory authority of the Kentucky Horse Racing Commission to inspect, investigate, and supervise horses and other participants in horse racing as provided by KRS Chapter 230 and the administrative regulations promulgated under KRS Chapter 230, or any other law applicable to the regulation of horse racing in the Commonwealth.

(4) Veterinarians providing copies of records under this section may charge no more than the actual cost of copying, including reasonable staff time.

11. LAW ENFORCEMENT POLICIES

KY. REV. STAT. ANN. § 436.605 (2010). Animal control officers and humane agents have powers of peace officers except power of arrest; search warrants; execution of search warrants; arrest by peace officer

(1) Animal control officers and officers and agents of humane societies who are employed by, appointed by, or have contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services shall have the powers of peace officers, except for the power of arrest, for the purpose of enforcing the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, or torture of animals, provided they possess the qualifications required under KRS 61.300.

*(2) When any peace officer, animal control officer, or any officer or agent of any society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth who is employed by, appointed by, or has contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services makes an oath before any judge of a District Court that he has reasons to believe or does believe that an act of cruelty, mistreatment, or torture of animals is being committed in a building, barn, or other enclosure, the judge shall issue a search warrant directed to the peace officer, animal control officer, or officer or agent of the society or association for the prevention of cruelty to animals to search the premises. *If a peace officer finds that an act of cruelty, mistreatment, or torture of animals is being perpetrated, the offender or offenders shall be immediately arrested by the peace officer and brought before the court for trial. If an animal control officer or an officer or agent of a society or association for the prevention of cruelty to animals finds that an act of cruelty, mistreatment, or torture of animals is being perpetrated, the officer or agent shall summon a peace officer to arrest the offender or offenders and bring them before the court for trial.**

12. SEXUAL ASSAULT

13. FIGHTING

KY. REV. STAT. ANN. § 436.610 (2010). Confiscation of animals on premises where violations of KRS 525.125 and 525.130 occur

All animals of the same species, which are on the property when an animal is caused to fight for pleasure or profit, in violation of the provisions of KRS 525.125 and 525.130, shall be confiscated and turned over to the county animal control officer employed, appointed, or contracted with as provided by KRS 258.195, if there are reasonable grounds to believe that the animals were on the property for the purpose of fighting.

KY. REV. STAT. ANN. § 525.125 (2010). Cruelty to animals in the first degree

(1) The following persons are guilty of cruelty to animals in the first degree whenever a four-legged animal is caused to fight for pleasure or profit:

(a) The owner of the animal;

(b) The owner of the property on which the fight is conducted if the owner knows of the fight;

(c) Anyone who participates in the organization of the fight.

(2) Activities of animals engaged in hunting, field trials, dog training, 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.

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

KY. REV. STAT. ANN. § 525.130 (2010). Cruelty to animals in the second degree; exemptions

(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.

14. REFERENCED STATUTES

KY. REV. STAT. ANN. § 321.185 (2010). Veterinarian-client-patient relationship.

(1) In order for a veterinarian to practice veterinary medicine, a relationship among the veterinarian, the client, and the patient shall be established and maintained. "Veterinarian-client-patient relationship" means that:

(a) The veterinarian has assumed the responsibility for making judgments regarding the health of the animal and the need for veterinary treatment, and the client, whether owner or other caretaker, has agreed to follow the instructions of the veterinarian;

(b) There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and

(c) The practicing veterinarian is readily available or shall provide medical service for follow-up in case of adverse reactions or failure of the regimen of therapy. A new regimen of therapy shall be contingent only upon cooperation of the client and availability of the subject animal.

(2) The veterinarian shall maintain records which document patient visits, diagnosis, treatment, and other relevant information.

(3)

(a) A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client.

(b) A veterinarian shall not release information concerning a client or care of a client's animal, except on the veterinarian's receipt of:

1. A written authorization or other form of waiver executed by the client; or
2. An appropriate court order or subpoena.

(c) A veterinarian who releases information as required under paragraph (b) of this subsection shall not be liable to any person, including the client, for an action resulting from the disclosure.

(d) The privilege provided by this subsection is waived by the client or the owner of an animal treated by the veterinarian to the extent the client or owner places at issue in a civil or criminal proceeding:

1. The nature and extent of the animal's injuries; or
2. The care and treatment of the animal provided by the veterinarian.

(e) This subsection shall not apply to:

1. An inspection or investigation conducted by the board or an agent of the board;
or
2. The veterinary reporting requirements and regulatory authority of the Kentucky Horse Racing Commission to inspect, investigate, and supervise horses and other participants in horse racing as provided by KRS Chapter 230 and the administrative regulations promulgated under KRS Chapter 230, or any other law applicable to the regulation of horse racing in the Commonwealth.

(4) Veterinarians providing copies of records under this section may charge no more than the actual cost of copying, including reasonable staff time.

KY. REV. STAT. ANN. § 436.605 (2010). Animal control officers and humane agents have powers of peace officers except power of arrest; search warrants; execution of search warrants; arrest by peace officer

(1) Animal control officers and officers and agents of humane societies who are employed by, appointed by, or have contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services shall have the powers of peace officers, except for the power of arrest, for the purpose of enforcing the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, or torture of animals, provided they possess the qualifications required under KRS 61.300.

(2) When any peace officer, animal control officer, or any officer or agent of any society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth who is employed by, appointed by, or has contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services makes an oath before any judge of a District Court that he has reasons to believe or does believe that an act of cruelty, mistreatment, or torture of animals is being committed in a building, barn, or other enclosure, the judge shall issue a search warrant directed to the peace officer, animal control officer, or officer or agent of the society or association for the prevention of cruelty to animals to search the premises. If a peace officer finds that an act of cruelty, mistreatment, or torture of animals is being perpetrated, the offender or offenders shall be

immediately arrested by the peace officer and brought before the court for trial. If an animal control officer or an officer or agent of a society or association for the prevention of cruelty to animals finds that an act of cruelty, mistreatment, or torture of animals is being perpetrated, the officer or agent shall summon a peace officer to arrest the offender or offenders and bring them before the court for trial.

KY. REV. STAT. ANN. § 436.610 (2010). Confiscation of animals on premises where violations of KRS 525.125 and 525.130 occur

All animals of the same species, which are on the property when an animal is caused to fight for pleasure or profit, in violation of the provisions of KRS 525.125 and 525.130, shall be confiscated and turned over to the county animal control officer employed, appointed, or contracted with as provided by KRS 258.195, if there are reasonable grounds to believe that the animals were on the property for the purpose of fighting.

KY. REV. STAT. ANN. § 446.010 (2010). Definitions for statutes generally

As used in the statute laws of this state, unless the context requires otherwise:

- (1) "Action" includes all proceedings in any court of this state;
- (2) "Animal" includes every warm-blooded living creature except a human being;
- (3) "Attorney" means attorney-at-law;
- (4) "Bequeath" and "devise" mean the same thing;
- (5) "Bequest" and "legacy" mean the same thing, and embrace either real or personal estate, or both;
- (6) "Cattle" includes horse, mule, ass, cow, ox, sheep, hog, or goat of any age or sex;
- (7) "Company" may extend and be applied to any corporation, company, person, partnership, joint stock company, or association;
- (8) "Corporation" may extend and be applied to any corporation, company, partnership, joint stock company, or association;
- (9) "Cruelty" as applied to animals includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted;
- (10) "Directors," when applied to corporations, includes managers or trustees;

- (11) "Domestic," when applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state;
- (12) "Domestic animal" means any animal converted to domestic habitat;
- (13) "Federal" refers to the United States;
- (14) "Foreign," when applied to a corporation, partnership, business trust, or limited liability company, includes all those incorporated or formed by authority of any other state;
- (15) "Generally accepted accounting principles" are those uniform minimum standards of and guidelines to financial accounting and reporting as adopted by the National Council on Governmental Accounting, under the auspices of the Municipal Finance Officers Association and by the Financial Accounting Standards Board, under the auspices of the American Institute of Certified Public Accountants;
- (16) "Humane society," "society," or "Society for the Prevention of Cruelty to Animals," means any nonprofit corporation, organized under the laws of this state and having as its primary purpose the prevention of cruelty to animals;
- (17) "Issue," as applied to the descent of real estate, includes all the lawful lineal descendants of the ancestors;
- (18) "Land" or "real estate" includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest;
- (19) "Legatee" and "devisee" convey the same idea;
- (20) "May" is permissive;
- (21) "Month" means calendar month;
- (22) "Oath" includes "affirmation" in all cases in which an affirmation may be substituted for an oath;
- (23) "Owner" when applied to any animal, means any person having a property interest in such animal;
- (24) "Partnership" includes both general and limited partnerships;
- (25) "Peace officer" includes sheriffs, constables, coroners, jailers, metropolitan and urban county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests;

- (26) "Penitentiary" includes all of the state penal institutions except the houses of reform;
- (27) "Person" may extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies, and limited liability companies;
- (28) "Personal estate" includes chattels, real and other estate that passes to the personal representative upon the owner dying intestate;
- (29) "Regular election" means the election in even-numbered years at which members of Congress are elected and the election in odd-numbered years at which state officers are elected;
- (30) "Shall" is mandatory;
- (31) "State" when applied to a part of the United States, includes territories, outlying possessions, and the District of Columbia; "any other state" includes any state, territory, outlying possession, the District of Columbia, and any foreign government or country;
- (32) "State funds" or "public funds" means sums actually received in cash or negotiable instruments from all sources unless otherwise described by any state agency, state-owned corporation, university, department, cabinet, fiduciary for the benefit of any form of state organization, authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization whether or not the money has ever been paid into the Treasury and whether or not the money is still in the Treasury if the money is controlled by any form of state organization, except for those funds the management of which is to be reported to the Legislative Research Commission pursuant to KRS 42.600, 42.605, and 42.615;
- (33) "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted for an oath;
- (34) "United States" includes territories, outlying possessions, and the District of Columbia;
- (35) "Vacancy in office," or any equivalent phrase, means such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county or district, or otherwise;
- (36) "Violate" includes failure to comply with;
- (37) "Will" includes codicils; "last will" means last will and testament;
- (38) "Year" means calendar year;

(39) "City" includes town;

(40) Appropriation-related terms are defined as follows:

(a) "Appropriation" means an authorization by the General Assembly to expend, from public funds, a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure prescribed in KRS Chapter 48;

(b) "Appropriation provision" means a section of any enactment by the General Assembly which is not provided for by KRS Chapter 48 and which authorizes the expenditure of public funds other than by a general appropriation bill;

(c) "General appropriation bill" means an enactment by the General Assembly that authorizes the expenditure of public funds in an executive, judicial, or legislative branch budget bill as provided for in KRS Chapter 48;

(41) "Mediation" means a nonadversarial process in which a neutral third party encourages and helps disputing parties reach a mutually acceptable agreement. Recommendations by mediators are not binding on the parties unless the parties enter into a settlement agreement incorporating the recommendations; and

(42) "Biennium" means the two (2) year period commencing on July 1 in each even-numbered year and ending on June 30 in the ensuing even-numbered year; and

(43) "Branch budget bill" or "branch budget" means an enactment by the General Assembly which provides appropriations and establishes fiscal policies and conditions for the biennial financial plan for the judicial branch, the legislative branch, and the executive branch, which shall include a separate budget bill for the Transportation Cabinet; and

(44) "AVIS" means the automated vehicle information system established and maintained by the transportation cabinet to collect titling and registration information on vehicles and boats and information on holders of motor vehicle operator's licenses and personal identification cards.

KY. REV. STAT. ANN. § 525.125 (2010). Cruelty to animals in the first degree

(1) The following persons are guilty of cruelty to animals in the first degree whenever a four-legged animal is caused to fight for pleasure or profit:

(a) The owner of the animal;

(b) The owner of the property on which the fight is conducted if the owner knows of the fight;

- (c) Anyone who participates in the organization of the fight.
- (2) Activities of animals engaged in hunting, field trials, dog training, 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.
- (3) Cruelty to animals in the first degree is a Class D felony.

KY. REV. STAT. ANN. § 525.130 (2010). Cruelty to animals in the second degree; exemptions

- (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.

KY. REV. STAT. ANN. § 525.135 (2010). 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 each subsequent offense if the dog or cat suffers physical injury as a result of the torture, and a Class D felony if the dog or cat suffers serious physical injury or death as a result of the torture.

(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.

KY. REV. STAT. ANN. § 532.060 (2010). Sentence of imprisonment for felony

(1) A sentence of imprisonment for a felony shall be an indeterminate sentence, the maximum of which shall be fixed within the limits provided by subsection (2), and subject to modification by the trial judge pursuant to KRS 532.070.

(2) The authorized maximum terms of imprisonment for felonies are:

(a) For a Class A felony, not less than twenty (20) years nor more than fifty (50) years, or life imprisonment;

(b) For a Class B felony, not less than ten (10) years nor more than twenty (20) years;

(c) For a Class C felony, not less than five (5) years nor more than ten (10) years; and

(d) For a Class D felony, not less than one (1) year nor more than five (5) years.

(3) For any felony specified in KRS Chapter 510, KRS 530.020, 530.064(1)(a), or 531.310, the sentence shall include an additional five (5) year period of conditional discharge which shall be added to the maximum sentence rendered for the offense. During this period of conditional discharge, if a defendant violates the provisions of conditional discharge, the defendant may be reincarcerated for:

(a) The remaining period of his initial sentence, if any is remaining; and

(b) The entire period of conditional discharge, or if the initial sentence has been served, for the remaining period of conditional discharge.

(4) The actual time of release within the maximum established by subsection (1), or as modified pursuant to KRS 532.070, shall be determined under procedures established elsewhere by law.

KY. REV. STAT. ANN. § 532.090 (2010). Sentence of Imprisonment for Misdemeanor.

A sentence of imprisonment for a misdemeanor shall be a definite term and shall be fixed within the following maximum limitations:

(1) For a Class A misdemeanor, the term shall not exceed twelve (12) months; and

(2) For a Class B misdemeanor, the term shall not exceed ninety (90) days.

KY. REV. STAT. ANN. § 534.030 (2010). Fines for felonies

(1) Except as otherwise provided for an offense defined outside this code, a person who has been convicted of any felony shall, in addition to any other punishment imposed upon him, be sentenced to pay a fine in an amount not less than one thousand dollars (\$1,000) and not greater than ten thousand dollars (\$10,000) or double his gain from commission of the offense, whichever is the greater.

(2) In determining the amount and method of paying a fine for commission of a felony, the court shall consider, among others, the following factors:

(a) The defendant's ability to pay the amount of the fine;

(b) The hardship likely to be imposed on the defendant's dependents by the amount of the fine and the time and method of paying it;

(c) The impact the amount of the fine will have on the defendant's ability to make reparation or restitution to the victim; and

(d) The amount of the defendant's gain, if any, derived from the commission of the offense.

(3) When a defendant is convicted of two (2) or more felonies committed through a single act and is sentenced to fines pursuant to subsection (1), the aggregate amount of the fines shall not exceed ten thousand dollars (\$10,000) or double the amount of the defendant's gain from commission of the offenses, whichever is the greater.

(4) Fines required by this section shall not be imposed upon any person determined by the court to be indigent pursuant to KRS Chapter 31.

(5) This section shall not apply to a corporation.

KY. REV. STAT. ANN. § 534.040 (2010). Fines for Misdemeanors and Violations.

(1) Fines and imprisonment for misdemeanors shall not be mutually exclusive. In any case where imprisonment is authorized, a fine may be levied in addition to the imprisonment, or a fine may be levied as an alternative to imprisonment. Similarly, a fine may be levied in lieu of imprisonment. Whether the fine is to be levied as the sole penalty or as an additional or alternative penalty shall be in the discretion of the judge or jury as the case may be. If the trial is by jury, the jury shall have the discretion. This rule shall apply in all cases where a fine is not the exclusive penalty authorized by law.

(2) Except as otherwise provided for an offense defined outside this code, a person who has been convicted of any offense other than a felony shall be sentenced, in addition to any other punishment imposed upon him, to pay a fine in an amount not to exceed:

(a) For a Class A misdemeanor, five hundred dollars (\$500); or

(b) For a Class B misdemeanor, two hundred fifty dollars (\$250); or

(c) For a violation, two hundred fifty dollars (\$250).

(3) This section shall not apply to a corporation.

(4) Fines required by this section shall not be imposed upon any person determined by the court to be indigent pursuant to KRS Chapter 31.