



**ANIMAL LEGAL
DEFENSE FUND** EST
1979

Compendium of U.S. Animal Protection Laws

Kentucky



SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

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This chapter contains Kentucky’s general animal protection and related statutes with an effective date on or before September 1, 2023. 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 with the relevant part of each statute italicized.

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.

ANIMAL PROTECTION LAWS OF KENTUCKY

| Kentucky Laws | |
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| SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS | |
| 1. Definition of "Animal" | "[E]very warm-blooded living creature except a human being." KY. REV. STAT. § 446.010 |
| 2. General Cruelty | <p>Definitions. KY. REV. STAT. § 446.010</p> <p>Cruelty to animals. KY. REV. STAT. § 525.130 <i>Class A misdemeanor</i></p> <p>Torture of dog or cat. KY. REV. STAT. § 525.135 <i>1st offense: Class A misdemeanor</i> <i>1st offense if serious injury/death: Class D felony</i> <i>Subsequent offenses: Class D felony</i></p> <p>Exemptions: Veterinary practices, research animals, lawful hunting, accepted farm animal husbandry practices, slaughter, pest control, zoos/circuses, other. KY. REV. STAT. § 525.125(3),(4) KY. REV. STAT. § 525.130(2),(3) KY. REV. STAT. § 525.135(4),(5) KY. REV. STAT. § 525.137(4)</p> |
| 3. Animal Fighting | <p>NOTE: Seizure statute specific to animal fighting is available in the seizure section of this document.</p> <p>Various animal fighting activities with dogs. KY. REV. STAT. § 525.125(2) <i>Class D felony</i></p> <p>Various (non-dog) animal fighting activities, including being a vendor or spectator at a fight with a 4-legged animal (Note, under the language of this statute, conducting a cockfight would be criminalized, but being a spectator/vendor at a cockfight would not). KY. REV. STAT. § 525.130(1)(a) <i>Class A misdemeanor</i></p> |

ANIMAL PROTECTION LAWS OF KENTUCKY

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| 4. Sexual Assault | <p>A person is guilty of sexual crimes against an animal if he or she engages in sexual contact with an animal; 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 causes, aids, or abets another person to engage in sexual contact with an animal.</p> <p>KY. REV. STAT. § 525.137 <i>Class D felony</i></p> |
| 5. Cruelty to Working Animals | <p>Definitions.</p> <p>KY. REV. STAT. § 525.010</p> <p>Assault on a service animal in first degree.</p> <p>KY. REV. STAT. § 525.200 <i>Class D felony</i></p> <p>Assault on a service animal in second degree.</p> <p>KY. REV. STAT. § 525.205 <i>Class B misdemeanor</i></p> |
| 6. Laws Specific to Farmed Animals | <p>Dyeing or selling dyed baby fowl or rabbits prohibited.</p> <p>KY. REV. STAT. § 436.600 <i>\$500 fine</i></p> |
| 7. Cruel Hunting, Trapping, and Fishing | <p>Taking wildlife by fire, explosives, electric devices, gas, smoke prohibited.</p> <p>KY. REV. STAT. § 150.365</p> <p>Certain steel traps must be approved by commissioner. Snares, deadfalls, wire cage, and box traps authorized, but may not be large enough to take deer, elk, or bear.</p> <p>KY. REV. STAT. § 150.400</p> <p>Traps must be tagged and must be visited at least once every 24 hours to remove wildlife.</p> <p>KY. REV. STAT. § 150.410</p> <p>Any traps set, used, or maintained in violation are subject to confiscation.</p> <p>KY. REV. STAT. § 150.399</p> <p>No person shall place or cause to be placed in any public waters any substance that might injure, interfere with, or cause the waters to be unfit for the support of wildlife. Fishing by electrical device prohibited.</p> <p>KY. REV. STAT. § 150.460</p> |

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| | <p>Hunting of wild elk, deer, wild turkey, or bear is prohibited. Hunting may be allowed if department determines: population allows limited hunting; animals pose a significant threat to agriculture or health and human safety. KY. REV. STAT. § 150.390</p> <p>Taking or disturbing of wild birds, nests, or eggs prohibited. English sparrows not protected. KY. REV. STAT. § 150.320</p> <p>No taking wildlife except by trapping, snaring, gig, crossbow, bow and arrow, hook and line, nets, gun, gun and dog, dog, falconry, or as expressly prescribed by regulation. Shotguns not larger than 10-gauge are permitted in some circumstances. KY. REV. STAT. § 150.360</p> |
| REPORTING LAWS | |
| 8. Cross Reporting | [None] |
| 9. Veterinary Reporting | <p>Veterinarians may report suspected animal cruelty or fighting without a court order, subpoena or client waiver, and are not liable for any action resulting from the disclosure. KY. REV. STAT. § 321.185 KY. REV. STAT. § 321.188</p> |
| 10. “Ag-Gag” Laws | [None] |
| CIVIL AND CIVILIAN INTERVENTION | |
| 11. Emergency Rescue and Relief | [None] |
| 12. Civil Enforcement | [None] |
| 13. Domestic Violence and Protection Orders | <p>Definitions; Cruelty to animals constitutes domestic/dating violence and abuse. KY. REV. STAT. §§ 403.720, 456.010</p> <p>Court may award possession of any shared domestic animal to petitioner. KY. REV. STAT. §§ 403.740, 456.060</p> |
| CRIMINAL JUSTICE INTERVENTION | |
| 14. Maximum Penalties and Statute of | <p>Class B misdemeanor. <i>90 days imprisonment and \$250 fine</i></p> |

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| Limitations | <p>KY. REV. STAT. § 532.090 KY. REV. STAT. § 534.040</p> <p>Class A misdemeanor. <i>1 year imprisonment and/or \$500 fine</i> KY. REV. STAT. § 532.090(1) KY. REV. STAT. § 534.040(2)(a)</p> <p>Class D felony. <i>5 years imprisonment and \$10,000 fine</i> KY. REV. STAT. § 532.060(2)(d) KY. REV. STAT. § 534.030(1)</p> <p>Statute of Limitations. <i>Misdemeanor: 1 year</i> Ky. Rev. Stat. § 500.050(2) <i>Felony: none</i> Ky. Rev. Stat. § 500.050(1)</p> |
| 15. Law Enforcement Policies | <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. § 436.605</p> |
| 16. Seizure | <p>Dog wardens, peace officers and humane officers shall be issued search warrants for reasonable cause. KY. REV. STAT. § 436.605(2)</p> <p>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. § 436.610</p> |
| 17. Courtroom Animal Advocate Program | <p>[None]</p> |
| 18. Restitution | <p>Court may order restitution for conviction arising from treatment of equine. KY. REV. STAT. § 525.130(5)(a)</p> <p>The court shall order a person convicted of sexual crimes against an animal to</p> |

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| | <p>reimburse the agency caring for the animal for reasonable costs incurred. KY. REV. STAT. § 525.137(5)(d)</p> <p>Court may order restitution for conviction of assaulting a service animal. KY. REV. STAT. § 525.215</p> |
| 19. Forfeiture and Possession Bans | <p>Court may order forfeiture of equine that was subject of conviction. KY. REV. STAT. § 525.130(5)(b)</p> <p>The court shall order a person convicted of sexual crimes against an animal to relinquish custody or all animals under the person's control; and to 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 animal for a minimum of five (5) years after completion of the imposed sentence. KY. REV. STAT. § 525.137(5)(a), (b)</p> |
| 20. Rehabilitative Sentencing | <p>The court shall order a person convicted of sexual crimes against an animal to attend an appropriate treatment program or obtain a psychiatric or psychological counseling, at the person's expense. KY. REV. STAT. § 525.137(5)(c)</p> |

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1. DEFINITION OF “ANIMAL”

KY. REV. STAT. § 446.010. 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) “Business trust” includes, except when utilized in KRS Chapter 386, a “statutory trust” as organized under KRS Chapter 386A;
- (7) “Case plan” means an individualized accountability and behavior change strategy for supervised individuals that:
 - (a) Targets and prioritizes the specific criminal risk factors of the individual based upon his or her assessment results;
 - (b) Matches the type and intensity of supervision and treatment conditions to the individual’s level of risk, criminal risk factors, and individual characteristics, such as gender, culture, motivational stage, developmental stage, and learning style;
 - (c) Establishes a timetable for achieving specific behavioral goals, including a schedule for payment of victim restitution, child support, and other financial obligations; and
 - (d) Specifies positive and negative actions that will be taken in response to the supervised individual’s behaviors;
- (8) “Certified mail” means any method of governmental, commercial, or electronic delivery that allows a document or package to have proof of:
 - (a) Sending the document or package;
 - (b) The date the document or package was delivered or delivery was attempted; and
 - (c) The signature of the receipt of the document or package;
- (9) “Company” may extend and be applied to any corporation, company, person, partnership, joint stock company, or association;
- (10) “Corporation” may extend and be applied to any corporation, company, partnership, joint stock company, or association;
- (11) “Criminal risk factors” are characteristics and behaviors that, when addressed or changed, affect a person’s risk for committing crimes. The characteristics may include but are not limited to the following risk and criminogenic need factors: antisocial behavior; antisocial personality; criminal thinking; criminal associates; dysfunctional family; low levels of employment or education; poor use of leisure and recreation; and substance abuse;
- (12) “Cruelty” as applied to animals includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted;
- (13) “Directors,” when applied to corporations, includes managers or trustees;
- (14) “Domestic,” when applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state;
- (15) “Domestic animal” means any animal converted to domestic habitat;

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- (16) "Evidence-based practices" means policies, procedures, programs and practices proven by scientific research to reliably produce reductions in recidivism when implemented competently;
- (17) "Federal" refers to the United States;
- (18) "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;
- (19) "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;
- (20) "Graduated sanction" means any of a wide range of accountability measures and programs for supervised individuals, including but not limited to electronic monitoring; drug and alcohol testing or monitoring; day or evening reporting centers; restitution centers; disallowance of future earned compliance credits; rehabilitative interventions such as substance abuse or mental health treatment; reporting requirements to probation and parole officers; community service or work crews; secure or unsecure residential treatment facilities or halfway houses; and short-term or intermittent incarceration;
- (21) "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;
- (22) "Issue," as applied to the descent of real estate, includes all the lawful lineal descendants of the ancestors;
- (23) "Land" or "real estate" includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest;
- (24) "Legatee" and "devisee" convey the same idea;
- (25) "*Livestock*" means *cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;*
- (26) "May" is permissive;
- (27) "Month" means calendar month;
- (28) "Oath" includes "affirmation" in all cases in which an affirmation may be substituted for an oath;
- (29) "Owner" when applied to any animal, means any person having a property interest in such animal;
- (30) "Partnership" includes both general and limited partnerships;
- (31) "Peace officer" includes sheriffs, constables granted police powers, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests;
- (32) "Penitentiary" includes all of the state penal institutions except the houses of reform;
- (33) "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;
- (34) "Personal estate" includes chattels, real and other estate that passes to the personal representative upon the owner dying intestate;
- (35) "Pretrial risk assessment" means an objective, research based, validated assessment tool that measures a defendant's risk of flight and risk of anticipated criminal conduct while on pretrial release pending adjudication;
- (36) "Registered mail" means any governmental, commercial, or electronic method of delivery that allows a document or package to have:

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- (a) Its chain of custody recorded in a register to enable its location to be tracked;
- (b) Insurance available to cover its loss; and
- (c) The signature of the recipient of the document or package available to the sender;
- (37) “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;
- (38) “Risk and needs assessment” or “validated risk and needs assessment” means an actuarial tool scientifically proven to determine a person’s risk to reoffend and criminal risk factors, that when properly addressed, can reduce that person’s likelihood of committing future criminal behavior;
- (39) “Shall” is mandatory;
- (40) “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;
- (41) “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;
- (42) “Supervised individual” means an individual placed on probation by a court or serving a period of parole or post-release supervision from prison or jail;
- (43) “Sworn” includes “affirmed” in all cases in which an affirmation may be substituted for an oath;
- (44) “Treatment” when used in a criminal justice context, means targeted interventions that focus on criminal risk factors in order to reduce the likelihood of criminal behavior. Treatment options may include, but shall not be limited to, community-based programs that are consistent with evidence-based practices; cognitive-behavioral programs; faith-based programs; inpatient and outpatient substance abuse or mental health programs; and other available prevention and intervention programs that have been scientifically proven to produce reductions in recidivism when implemented competently. “Treatment” does not include medical services;
- (45) “United States” includes territories, outlying possessions, and the District of Columbia;
- (46) “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;
- (47) “Violate” includes failure to comply with;
- (48) “Will” includes codicils; “last will” means last will and testament;
- (49) “Year” means calendar year;
- (50) “City” includes town;
- (51) 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;

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- (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 a branch budget bill as provided for in KRS Chapter 48;
- (52) “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;
- (53) “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;
- (54) “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;
- (55) “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;
- (56) “Cooperative,” except in KRS Chapter 272, includes a limited cooperative association; and
- (57) “Unmanned Aircraft system” means an aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft, that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.

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2. GENERAL CRUELTY

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- (a) Its chain of custody recorded in a register to enable its location to be tracked;
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- (37) “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;
- (38) “Risk and needs assessment” or “validated risk and needs assessment” means an actuarial tool scientifically proven to determine a person’s risk to reoffend and criminal risk factors, that when properly addressed, can reduce that person’s likelihood of committing future criminal behavior;
- (39) “Shall” is mandatory;
- (40) “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;
- (41) “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;
- (42) “Supervised individual” means an individual placed on probation by a court or serving a period of parole or post-release supervision from prison or jail;
- (43) “Sworn” includes “affirmed” in all cases in which an affirmation may be substituted for an oath;
- (44) “Treatment” when used in a criminal justice context, means targeted interventions that focus on criminal risk factors in order to reduce the likelihood of criminal behavior. Treatment options may include, but shall not be limited to, community-based programs that are consistent with evidence-based practices; cognitive-behavioral programs; faith-based programs; inpatient and outpatient substance abuse or mental health programs; and other available prevention and intervention programs that have been scientifically proven to produce reductions in recidivism when implemented competently. “Treatment” does not include medical services;
- (45) “United States” includes territories, outlying possessions, and the District of Columbia;
- (46) “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;
- (47) “Violate” includes failure to comply with;
- (48) “Will” includes codicils; “last will” means last will and testament;
- (49) “Year” means calendar year;
- (50) “City” includes town;
- (51) 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

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- 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 a branch budget bill as provided for in KRS Chapter 48;
- (52) “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;
- (53) “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;
- (54) “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;
- (55) “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;
- (56) “Cooperative,” except in KRS Chapter 272, includes a limited cooperative association; and
- (57) “Unmanned Aircraft system” means an aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft, that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.

KY. REV. STAT. § 525.130. 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;

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- (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.*
- (5) If a person is convicted of or pleads guilty to an offense under subsection (1) of this section arising from the person's treatment of an equine, the court may impose one (1) or both of the following penalties against the person, in addition to fines and imprisonment:
- (a) An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; or
 - (b) An order terminating or imposing conditions on the person's right to possession, title, custody, or care of any equine that was the subject of the offense resulting in conviction.

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

KY. REV. STAT. § 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 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;

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- (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.

Exemptions include veterinary practices, research animals, lawful hunting, accepted farm animal husbandry practices, slaughter, pest control, zoos/circuses, other. *See* KY. REV. STAT. §§ 525.125(3),(4); 525.130(2),(3); 525.135(4),(5); 525.137(4).

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3. ANIMAL FIGHTING

NOTE: Seizure statute specific to animal fighting is available in the seizure section of this document.

KY. REV. STAT. § 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.*

KY. REV. STAT. § 525.130. 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*

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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.
- (5) If a person is convicted of or pleads guilty to an offense under subsection (1) of this section arising from the person's treatment of an equine, the court may impose one (1) or both of the following penalties against the person, in addition to fines and imprisonment:
 - (a) An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; or
 - (b) An order terminating or imposing conditions on the person's right to possession, title, custody, or care of any equine that was the subject of the offense resulting in conviction.

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

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4. SEXUAL ASSAULT

KY. REV. STAT. § 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.*

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5. CRUELTY TO WORKING ANIMALS

KY. REV. STAT. § 525.010. Definitions.

The following definitions apply in this chapter unless the context otherwise requires:

- (1) “Desecrate” means defacing, damaging, polluting, or otherwise physically mistreating in a way that the actor knows will outrage the sensibilities of persons likely to observe or discover his action.
- (2) “Public” means affecting or likely to affect a substantial group of persons.
- (3) “Public place” means a place to which the public or a substantial group of persons has access and includes but is not limited to highways, transportation facilities, schools, places of amusements, parks, places of business, playgrounds, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. An act is deemed to occur in a public place if it produces its offensive or proscribed consequences in a public place.
- (4) “Transportation facility” means any conveyance, premises, or place used for or in connection with public passenger transportation by air, railroad, motor vehicle, or any other method. It includes aircraft, watercraft, railroad cars, buses, and air, boat, railroad, and bus terminals and stations and all appurtenances thereto.
- (5) “Riot” means a public disturbance involving an assemblage of five (5) or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs law enforcement or other government function.
- (6) “Service animal” includes a:
 - (a) “Bomb detection dog,” which means a dog that is trained to locate bombs or explosives by scent;
 - (b) “Narcotic detection dog,” which means a dog that is trained to locate narcotics by scent;
 - (c) “Patrol dog,” which means a dog that is trained to protect a peace officer and to apprehend a person;
 - (d) “Tracking dog,” which means a dog that is trained to track and find a missing person, escaped inmate, or fleeing felon;
 - (e) “Search and rescue dog,” which means a dog that is trained to locate lost or missing persons, victims of natural or man-made disasters, and human bodies;
 - (f) “Accelerant detection dog,” which means a dog that is trained for accelerant detection, commonly referred to as arson canines;
 - (g) “Cadaver dog,” which means a dog that is trained to find human remains;
 - (h) “Assistance dog,” which means any dog that is trained to meet the requirements of KRS 258.500;
 - (i) Any dog that is trained in more than one (1) of the disciplines specified in paragraphs (a) to (h) of this subsection; or
 - (j) “Police horse,” which means any horse that is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in detection of criminal activity, enforcement of laws, and apprehension of offenders.

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KY. REV. STAT. § 525.200. Assault on a service animal in the first degree.

- (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 in KRS 525.010(6)(h).*
- (3) *Assault on a service animal in the first degree is a Class D felony.*

KY. REV. STAT. § 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.*

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6. LAWS SPECIFIC TO FARMED ANIMALS

Editor's Note: *This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.*

KY. REV. STAT. § 436.600. Dyeing or selling dyed baby fowl or rabbits.

No person shall sell, exchange, offer to sell or exchange, display, or possess living baby chicks, ducklings, or other fowl or rabbits which have been dyed or colored; nor dye or color any baby chicks, ducklings, or other fowl or rabbits; nor sell, exchange, offer to sell or exchange or to give away baby chicks, ducklings, or other fowl or rabbits, under two (2) months of age in any quantity less than six (6), except that any rabbit weighing three (3) pounds or more may be sold at an age of six (6) weeks. Any person who violates this section shall be fined not less than \$100 nor more than \$500.

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7. CRUEL HUNTING, TRAPPING, AND FISHING

Editor's Note: *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

KY. REV. STAT. § 150.365. Fire, explosives, electric devices, gas, smoke to take wildlife prohibited.

No wildlife may be taken as the result of a fire, or any type of explosive, or with the aid of any mechanical, electric or hand operated sonic recording devices, except as specified by regulation. No person shall use smoke or gas or in any other way molest or destroy the den, hole or nest of any wildlife, nor shall any person burn a field for the purpose of driving game, except employees or agents of the department in carrying out investigational, research or improvement projects.

KY. REV. STAT. § 150.400. Traps; approval; prohibition; new design.

- (1) No person shall set, use or maintain, for the purpose of taking wildlife, any steel trap unless the size and type of the trap has been approved by the commissioner and the commission by regulation.
- (2) The commissioner may approve, by regulation, any commercially manufactured trap which is designed to take wildlife alive and unhurt or to kill instantly.
- (3) Subject to the provisions of KRS 150.410 it shall be lawful to use snares, deadfalls, wire cage or box traps, but no person shall set, use or maintain a snare large enough to take deer, elk or bear.
- (4) Any manufacturer designing a new trap may send a sample to the commissioner for approval or disapproval.

KY. REV. STAT. § 150.410. Tagging of traps; visiting trap line; protection of domestic animals.

- (1) No person shall set, use, or maintain a trap for the purpose of taking wildlife unless there is attached thereto a metal tag giving either the name and address of, or the wildlife identification number as prescribed in administrative regulation that corresponds to, the person setting, using, or maintaining the trap.
- (2) *Each person who sets a trap for the purpose of taking wildlife shall visit the same at least once every twenty-four (24) hours and remove any wildlife found therein.*
- (3) *No person shall set a trap in such manner as unreasonably to endanger the life or safety of any domestic animal.*

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KY. REV. STAT. § 150.399. Traps illegally set or used; seizure or treatment as contraband.

Any trap set, used, or maintained in violation of the provisions of KRS 150.400 or 150.410 shall be subject to confiscation as contraband under the provisions of KRS 150.120, except that any trap set, used, or maintained without the tag required by subsection (1) of KRS 150.410 is hereby declared contraband and shall be so treated without any order of court so declaring.

KY. REV. STAT. § 150.460. Use of certain substances and devices in public waters prohibited; use of explosives and firearms prohibited.

- (1) *No person, firm or corporation, whether acting in a private or public capacity, shall place or cause to be placed in any public waters any substance that might injure, interfere with, or cause the waters to be unfit for the support of wildlife.* When any employee of a person, firm or corporation, in the course of his employment, places or causes to be placed any such substance in any public waters, his act shall be prima facie evidence of the guilt of both the employee and the employer, and either one (1) or both may be punished as provided in subsection (7) of KRS 150.990. Each day that this section is violated shall constitute a separate offense. This section does not apply to employees or agents of the department acting in an official capacity.
- (2) *No person shall use, or attempt to use any electrical device, fish-finding devices excepted, of any type, such as telephone, or electrical leads from a magneto, or battery, or motor, or any other type of electrical equipment, in any stream or body of water.* This does not prevent the authorized employees or agents of the department from using this or any devices in research or investigational work.
- (3) *No person, except employees or agents of the department, shall willfully place or attempt to place in any of the public waters of the state any substance which has a poisonous or intoxicating effect upon wildlife.*
- (4) *No person shall kill, injure, shock, or stun or attempt to kill, injure, shock, or stun any fishes by any explosive agent, firearm, or other device.* This provision shall not apply to employees or agents of the department acting in an official capacity.

KY. REV. STAT. § 150.390. Restrictions on hunting wild elk, deer, wild turkey, or bear; depredation permits; administrative regulations; methods to reduce deer and elk populations that threaten agriculture or health and human safety.

- (1) *No person shall possess, take, pursue, or attempt to take or pursue or otherwise molest any wild elk, deer, wild turkey, or bear in any manner contrary to any provisions of this chapter or its regulations.*
- (2) *No person shall use a dog to chase or molest wild elk or deer in any manner, at any time, or at any place. Any conservation officer, peace officer, sheriff, or constable may take necessary steps to stop, prevent, or bring under control any dog or dogs found chasing or molesting wild elk or deer at any time.*
- (3) The department shall establish by administrative regulation the conditions under which depredation permits may be issued without cost to persons suffering damage from wild elk to allow the taking of wild elk.
- (4) If Kentucky's wild elk population reaches a level that will sustain limited hunting, the department may

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establish by administrative regulations the conditions and permits that would allow the controlled taking of wild elk.

- (5) The department shall identify areas where deer and elk pose a significant threat to agriculture or to health and human safety from automobile accidents and may take necessary steps to reduce the deer and elk population in those areas. Methods to reduce the deer and elk population may include but are not limited to the following:
 - (a) Special hunts;
 - (b) Increasing the doe harvest; and
 - (c) Working with the Transportation Cabinet to make vegetation along highways unpalatable to deer and elk.

KY. REV. STAT. § 150.320. Birds not protected; nests and eggs.

- (1) No person shall take any wild bird except game birds or live raptors for which there is an open season, either under the laws of Kentucky and the regulations of the department or the laws of the United States, except those birds mentioned in subsection (2) of this section.
- (2) This chapter does not protect or in any way limit the taking of the starling or the English sparrow, but any persons taking any of them must have a hunting license.
- (3) *No person shall take, disturb, or destroy the nest or eggs of any wild birds except for raptors as prescribed by regulation.*

KY. REV. STAT. § 150.360. Restrictions on taking of wildlife; discharge of weapon across public roadway prohibited.

- (1) *No person shall take any wildlife, whether protected by this chapter or not, except by trapping, snaring, gig, crossbow, bow and arrow, hook and line, nets, gun, gun and dog, dog, falconry, or as expressly prescribed by regulation.*
- (2) Shotguns used in the taking of wildlife, protected or unprotected, shall not be larger than 10-gauge and shall be fired from the shoulder. No wildlife, except deer or light geese during a light geese conservation order, protected or unprotected, shall be taken with or by means of any automatic loading or hand-operated repeating shotgun capable of holding more than three (3) shells, the magazine of which has not been cut off or plugged with a one (1) piece filler incapable of removal through the loading end, in such manner as to reduce the capacity of the gun to not more than three (3) shells at one (1) time in the magazine and chamber combined.
- (3) No person shall take or attempt to take any wildlife, protected or unprotected, from an automobile, or other vehicle, unless prescribed by regulation. Boats may be used except as prohibited by state or federal regulation.
- (4) No person shall discharge any firearm, bow and arrow, crossbow or other similar device, upon, over, or across any public roadway.
- (5) No person shall take wildlife, except opossum, raccoon, fishes and frogs, with lights or other means designed to make wildlife visible at night.

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- (6) Coyotes may be taken at night with or without the use of lights or other means designed to make wildlife visible at night, as established by administrative regulation.

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8. CROSS REPORTING

[None]

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9. VETERINARY REPORTING

KY. REV. STAT. § 321.185. 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. The veterinarian-client-patient relationship or VCPR is the basis for veterinary care and means that:
 - (a) The veterinarian and the client or other caretaker of the patient both agree for the veterinarian to assume responsibility for making medical judgments regarding the health of the animal;
 - (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 within the previous twelve (12) months the veterinarian either physically examined the animal or made a medically appropriate in-person visit to the premises where the animal is kept; and
 - (c) The veterinarian has assumed responsibility for providing follow-up care and continuation of care to the patient, except in cases where the veterinarian has:
 1. Arranged for or contracted for emergency care or urgent care coverage by another veterinarian who can provide reasonable and appropriate medical care and has notified the client how to access emergency care; or
 2. Notified the client of an available registered facility that can provide reasonable and appropriate medical care.
- (2) The VCPR may extend to another veterinarian employed in the same registered facility who is licensed to practice veterinary medicine within the Commonwealth, so long as the other Kentucky-licensed veterinarian has sufficient knowledge in the medical record to make a decision.
- (3) The veterinarian shall maintain records that document patient visits, diagnosis, treatment, and other relevant information, as required by KRS 321.187.
- (4)
 - (a) A veterinarian shall not violate the confidential relationship between the veterinarian and the veterinarian's client. Consultation by the veterinarian with another veterinarian or professional expert for the benefit of the patient shall not constitute a violation of confidentiality.
 - (b) A veterinarian shall not release information concerning a client or care of a client's animal, except:
 1. On the veterinarian's receipt of:
 - a. A written authorization or other form of waiver executed by the client; or
 - b. An appropriate court order or subpoena;
 2. In cases of animal abuse, pursuant to KRS 321.188;
 3. In cases of reportable diseases as they relate to public or animal health pursuant to KRS 257.080 and 258.065 and the administrative regulations promulgated under the authority of those statutes;
 4. Other exceptions established in KRS 321.187 and 321.200; or
 5. Upon request from the board.
 - (c) A veterinarian who releases information 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

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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 state or federal law applicable to the regulation of horse racing in the Commonwealth.

- (5) Veterinarians providing copies of records under this section may charge no more than the actual cost of copying, including reasonable staff time.
- (6) A licensed veterinarian who in good faith engages in the practice of veterinary medicine by rendering or attempting to render emergency care or urgent care to an animal when a client cannot be identified shall not be subject to penalty based solely on the veterinarian's inability to establish a VCPR with an owner or the owner's representative.
- (7) A VCPR shall not be established solely by telehealth means. In the absence of a VCPR, any advice provided through telehealth shall be general and not specific to a patient, diagnosis, or treatment. Veterinary telemedicine shall only be conducted within an existing VCPR, with the exception for advice given in an emergency care situation until that patient can be seen in person by a licensed veterinarian.

KY. REV. STAT. § 321.188. Reporting of animal abuse.

If a veterinarian finds that an animal with which he or she has a veterinarian-client-patient relationship has been abused in violation of KRS 525.125, 525.130, 525.135, or 525.137, the veterinarian may make a report to:

- (1) The Office of the State Veterinarian for any animal for which an on-farm livestock or poultry care standard has been promulgated under KRS 257.196; or*
- (2) Law enforcement for any other animal.*

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3. “AG-GAG” LAWS

[None]

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4. EMERGENCY RESCUE AND RELIEF

[None]

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5. CIVIL ENFORCEMENT

[None]

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6. DOMESTIC VIOLENCE AND PROTECTION ORDERS

KY. REV. STAT. § 403.720. Definitions for KY. REV. STAT. 403.715 to 403.785.

As used in KRS 403.715 to 403.785:

- (1) *“Domestic animal” means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes;*
- (2) *“Domestic violence and abuse” means:*
 - (a) Physical injury, serious physical injury, stalking, sexual abuse, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault between family members or members of an unmarried couple; or
 - (b) *Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member or member of an unmarried couple who has a close bond of affection to the domestic animal;*
- (3) *“Family member” means a spouse, including a former spouse, a grandparent, a grandchild, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim;*
- (4) *“Foreign protective order” means any judgment, decree, or order of protection which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 that was issued on the basis of domestic violence and abuse;*
- (5) *“Global positioning monitoring system” means a system that electronically determines a person's location through a device worn by the person which does not invade his or her bodily integrity and which transmits the person's latitude and longitude data to a monitoring entity;*
- (6) *“Member of an unmarried couple” means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together;*
- (7) *“Order of protection” means an emergency protective order or a domestic violence order and includes a foreign protective order;*
- (8) *“Strangulation” refers to conduct prohibited by KRS 508.170 and 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of strangulation; and*
- (9) *“Substantial violation” means criminal conduct which involves actual or threatened harm to the person, family, or property, including a domestic animal, of an individual protected by an order of protection.*

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KY. REV. STAT. § 456.010. Definitions for chapter.

As used in this chapter:

- (1) "Dating relationship" means a relationship between individuals who have or have had a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context. The following factors may be considered in addition to any other relevant factors in determining whether the relationship is or was of a romantic or intimate nature:
 - (a) Declarations of romantic interest;
 - (b) The relationship was characterized by the expectation of affection;
 - (c) Attendance at social outings together as a couple;
 - (d) The frequency and type of interaction between the persons, including whether the persons have been involved together over time and on a continuous basis during the course of the relationship;
 - (e) The length and recency of the relationship; and
 - (f) Other indications of a substantial connection that would lead a reasonable person to understand that a dating relationship existed;
- (2) *Dating violence and abuse" means:*
 - (a) Physical injury, serious physical injury, stalking, sexual assault, strangulation, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault occurring between persons who are or have been in a dating relationship; or
 - (b) *Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the perpetrator is or has been in a dating relationship, when that person has a close bond of affection to the domestic animal;*
- (3) *"Domestic animal" means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes;*
- (4) "Foreign protective order" means any judgment, decree, or order of protection which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 which was not issued on the basis of domestic violence and abuse;
- (5) "Global positioning monitoring system" means a system that electronically determines a person's location through a device worn by the person which does not invade his or her bodily integrity and which transmits the person's latitude and longitude data to a monitoring entity;
- (6) "Order of protection" means any interpersonal protective order, including those issued on a temporary basis, and includes a foreign protective order;
- (7) "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy, or sexual abuse under KRS Chapter 510 or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, or sexual abuse, or incest under KRS 530.020;

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- (8) “Stalking” refers to conduct prohibited as stalking under KRS 508.140 or 508.150, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of stalking;
- (9) “Strangulation” refers to conduct prohibited by KRS 508.170 and 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of strangulation; and
- (10) “Substantial violation” means criminal conduct which involves actual or threatened harm to the person, family, or property, including a domestic animal, of an individual protected by an order of protection.

KY. REV. STAT. § 403.740. Domestic violence order; restrictions; temporary child support; expiration and reissuance.

- (1) Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order:
 - (a) Restraining the adverse party from:
 - 1. Committing further acts of domestic violence and abuse;
 - 2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
 - 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
 - 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
 - 5. Disposing of or damaging any of the property of the parties;
 - (b) Authorizing, at the request of the petitioner:
 - 1. Limited contact or communication between the parties that the court finds necessary; or
 - 2. The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court. Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;

Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;
 - (c) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, except that the court shall not order the petitioner to take any affirmative action;
 - (d) Directing that either or both of the parties receive counseling services available in the community in domestic violence and abuse cases; and
 - (e) Additionally, if applicable:
 - 1. Directing the adverse party to vacate a residence shared by the parties to the action;

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2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822, grant temporary custody, subject to KRS 403.315;
 3. Utilizing the criteria set forth in KRS 403.211, 403.212, 403.2121, and 403.213, award temporary child support; and
 4. *Awarding possession of any shared domestic animal to the petitioner.*
- (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:
- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
 - (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
 - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
 - (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) When temporary child support is granted under this section, the court shall enter an order detailing how the child support is to be paid and collected. Child support ordered under this section may be enforced utilizing the same procedures as any other child support order.
- (4) A domestic violence order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

KY. REV. STAT. § 456.060. Ruling on petition for interpersonal protective order; duration of order.

- (1) Following a hearing ordered under KRS 456.040, if a court finds by a preponderance of the evidence that dating violence and abuse, sexual assault, or stalking has occurred and may again occur, the court may issue an interpersonal protective order:
- (a) Restraining the adverse party from:
 1. Committing further acts of dating violence and abuse, stalking, or sexual assault;
 2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
 5. Disposing of or damaging any of the property of the parties;
 - (b) Authorizing, at the request of the petitioner:
 1. Limited contact or communication between the parties that the court finds necessary;

or

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2. The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.

Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;

- (c) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of dating violence and abuse, stalking, or sexual assault, except that the court shall not order the petitioner to take any affirmative action;
 - (d) Directing that either or both of the parties receive counseling services available in the community in dating violence and abuse cases; and
 - (e) *Awarding possession of any shared domestic animal to the petitioner.*
- (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:
- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
 - (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
 - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
 - (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) An interpersonal protective order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

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7. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS

KY. REV. STAT. § 500.050. Time limitations.

- (1) *Except as otherwise expressly provided, the prosecution of a felony is not subject to a period of limitation and may be commenced at any time.*
- (2) *Except as otherwise expressly provided, the prosecution of an offense other than a felony must be commenced within one (1) year after it is committed.*
- (3)
 - (a) For a misdemeanor sex offense when the victim is a minor at the time of the offense, the prosecution of the offense shall be commenced within ten (10) years after the victim attains the age of eighteen (18) years.
 - (b) As used in paragraph (a) of this subsection, “misdemeanor sex offense” means a misdemeanor offense in:
 1. KRS Chapter 510;
 2. KRS Chapter 531 involving a minor or depiction of a minor; or
 3. KRS 506.010 or 506.030 for attempt to commit or solicitation to commit:
 - a. Any of the offenses described in subparagraphs 1. and 2. of this paragraph;
 - b. Promoting prostitution under KRS 529.040 when the defendant advances or profits from the prostitution of a minor;
 - c. Human trafficking involving commercial sexual activity under KRS 529.100;
 - d. Promoting human trafficking involving commercial sexual activity under KRS 529.110; or
 - e. Unlawful transaction with a minor in the first degree under KRS 530.064(1)(a).
- (4) For purposes of this section, an offense is committed either when every element occurs, or if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated.

KY. REV. STAT. § 532.060. 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) *Unless otherwise provided by law, 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 postincarceration supervision which shall be added to the

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maximum sentence rendered for the offense. During this period of postincarceration supervision, if a defendant violates the provisions of postincarceration supervision, the defendant may be reincarcerated for:

- (a) The remaining period of his initial sentence, if any is remaining; and
 - (b) The entire period of postincarceration supervision, or if the initial sentence has been served, for the remaining period of postincarceration supervision.
- (4) In addition to the penalties provided in this section, for any person subject to a period of postincarceration supervision pursuant to Section 35 of this Act his or her sentence shall include an additional one (1) year period of postincarceration supervision following release from incarceration upon expiration of sentence if the offender is not otherwise subject to another form of postincarceration supervision. During this period of postincarceration supervision, if an offender violates the provisions of supervision, the offender may be reincarcerated for the remaining period of his or her postincarceration supervision.
- (5) 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. § 532.090. 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. § 534.030. 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

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indigent pursuant to KRS Chapter 31.

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

KY. REV. STAT. § 534.040. 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.

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8. LAW ENFORCEMENT POLICIES

KY. REV. STAT. § 436.605. 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, sexual crimes against, 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, sexual crimes against, 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, sexual crimes against, 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, sexual crimes against, 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.*

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9. SEIZURE

KY. REV. STAT. § 436.605. 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, sexual crimes against, 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, sexual crimes against, 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, sexual crimes against, 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, sexual crimes against, 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. § 436.610. 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.

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10. COURTROOM ANIMAL ADVOCATE PROGRAM

[None]

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11. RESTITUTION

KY. REV. STAT. § 525.130. 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.
- (5) *If a person is convicted of or pleads guilty to an offense under subsection (1) of this section arising from the person's treatment of an equine, the court may impose one (1) or both of the following penalties against the person, in addition to fines and imprisonment:*
 - (a) *An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; or*
 - (b) *An order terminating or imposing conditions on the person's right to possession, title, custody, or care of any equine that was the subject of the offense resulting in conviction.*

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

KY. REV. STAT. § 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.*

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KY. REV. STAT. § 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.

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12. FORFEITURE AND POSSESSION BANS

KY. REV. STAT. § 525.130. 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.
- (5) *If a person is convicted of or pleads guilty to an offense under subsection (1) of this section arising from the person's treatment of an equine, the court may impose one (1) or both of the following penalties against the person, in addition to fines and imprisonment:*
 - (a) An order that the person pay restitution for damage to the property of others and for costs incurred by others, including reasonable costs, as determined by agreement or by the court after a hearing, incurred in feeding, sheltering, veterinary treatment, and incidental care of any equine that was the subject of the offense resulting in conviction; or
 - (b) *An order terminating or imposing conditions on the person's right to possession, title, custody,*

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or care of any equine that was the subject of the offense resulting in conviction.

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

KY. REV. STAT. § 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*

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proceeding.

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13. REHABILITATIVE SENTENCING

KY. REV. STAT. § 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.