

1 AN ACT relating to stray equines.

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

3 ➔Section 1. KRS 259.120 is amended to read as follows:

4 Stray equines and stray cattle shall be taken up and posted in the following manner:

- 5 (1) (a) Documentation of stray equines shall be taken before a county  
6 judge/executive of the district, who shall administer to the taker-up an oath, in  
7 substance, that the equine was taken up by him as a stray and that he has not  
8 defaced or altered the marks, brands, or other identifiers, including but not  
9 limited to microchips or freeze brands, of the equine.
- 10 (b) Documentation of stray cattle shall be taken before a county judge/executive  
11 of the district, who shall administer to the taker-up an oath, in substance that  
12 the cattle were taken by him as strays on his premises within the preceding ten  
13 (10) days and that he has not defaced or altered the marks or brands of the  
14 cattle.
- 15 (c) Duties of the county judge/executive pertaining to stray equines shall be to:
- 16 1. Contract with a licensed veterinarian, who shall document the stray  
17 equine's breed, color, sex, marks, brands, scars, and other distinguishing  
18 features, perform a microchip scan, and identify the existence of lip  
19 tattoos, freeze brands, or microchips;
- 20 2. Record the veterinarian's findings, the name and residence of the taker-  
21 up, and the location of the stray equine in a book to be kept by him for  
22 that purpose;
- 23 3. Maintain documentation in electronic and paper format; and
- 24 4. Send a copy of the documentation of the stray equine to the Office of  
25 ~~the~~ State Veterinarian, who shall post notification on the Office of ~~the~~  
26 State Veterinarian's website ~~[Web site]~~. The Office of ~~the~~ State  
27 Veterinarian shall post one (1) photograph of the stray equine's front

view, including its head and feet, and one (1) photograph of the stray equine's side view from muzzle to tail.

**(d) The county judge/executive:**

- 1. May contract, subject to approval by the county fiscal court, with a person or organization that provides animal sheltering services to perform those duties listed under this subsection and subsection (2) of this section in lieu of the county judge/executive; and**
- 2. Shall be immune from criminal and civil liability under KRS 259.140 for any act related to the taking up and posting of stray equines;**

(2) The county judge/executive shall give to the taker-up a copy of the documentation for the record and immediately deliver to the county clerk a certified copy of the same record;

(3) The clerk shall immediately record the stray certificate of the county judge/executive as provided by the taker-up in a book to be kept by him for that purpose;

(4) The taker-up shall immediately post a copy of the county judge/executive's certificate in the sheriff's office with jurisdiction over the area where the stray cattle or stray equine was taken up after he has posted the stray. Hold time for stray equines shall begin after all documentation has been properly filed and posted by the county judge/executive and taker-up; and

(5) (a) If ownership is found from identifiers of the stray equine such as lip tattoos, freeze brands, or microchips, efforts shall be made by the county/judge executive or his designee to ascertain the owner by investigatory due diligence in locating the owner and providing notice before holding time expires. The owner/claimants of the stray equine shall reimburse the county

1 judge/executive for the cost of the veterinarian's assessment per the contracted  
2 agreement.

3 (b) The taker-up shall be paid by the owner of the stray, if and when he claims the  
4 stray or its value, the actual itemized costs incurred by the taker-up for  
5 keeping the stray equine or cattle. In the event that a dispute arises relating to  
6 ownership, adverse claimants, third-party claims or liens, value of the equine,  
7 or actual itemized expenses incurred, the parties may file an action in a court  
8 of competent jurisdiction of the county in which the stray equine was taken  
9 up. The filing of an action under this paragraph shall toll holding time as to  
10 vesting of ownership interests.

11 (c) The taker-up may have the stray equine sterilized only after the fifteen (15)  
12 day holding period has expired and ownership vested pursuant to KRS  
13 259.130, and any pending court cases pertaining to the stray equine have been  
14 resolved.