

1 AN ACT relating to the costs incurred by animal care organizations.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in Sections 1 to 5 of this Act:

6 (a) "Animal control officer" has the same meaning as in KRS 258.095;

7 (b) "Animal cruelty law" means any state, county, or municipal law or
8 ordinance enacted in Kentucky to prevent:

9 1. Cruelty to an animal;

10 2. Neglect of an animal;

11 3. Abandonment of an animal;

12 4. Sexual crimes against an animal; or

13 5. Animal fighting;

14 including but not limited to KRS 525.125, 525.130, 525.135, and 525.137;

15 (c) "Cost of care" means any reasonable expense incurred in the seizure or
16 treatment of any animal, including transportation, food, medicine,
17 boarding, shelter, and veterinary costs, including rabies vaccinations under
18 KRS 258.015;

19 (d) "Owner" means every person having a right of property in the animal;

20 (e) "Seizing agency" means the agency employing a peace officer or animal
21 control officer who seizes an animal; and

22 (f) "Seized animal" means any animal seized by a seizing agency and includes
23 any offspring born of a seized animal while under the care of the seizing
24 agency.

25 (2) For the purposes of Sections 1 to 5 of this Act, "animal" does not include
26 livestock or poultry, as defined in KRS 257.010.

27 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO

1 READ AS FOLLOWS:

- 2 (1) Any law enforcement agency or animal control office may seize any animal
3 whose owner is found in violation of any animal cruelty law.
- 4 (2) In addition to any penalty under any animal cruelty law and in addition to any
5 penalty established under Sections 1 to 5 of this Act, any person whose animal is
6 seized may be liable for the cost of care of the seized animal as established under
7 Section 4 of this Act.
- 8 (3) In lieu of proceeding under Section 4 of this Act, an owner of any seized animal
9 may voluntarily provide a payment mechanism as established by the seizing
10 agency or the animal care facility that has care, custody, and control of the seized
11 animal, or an owner may voluntarily relinquish or transfer ownership of the
12 seized animal to the seizing agency or an animal care facility that has care,
13 custody, and control of the animal.
- 14 (4) The seizing agency or its designee shall have the authority to determine whether
15 any animal seized under this chapter that is under its care, custody or control is
16 placed in a shelter, placed in foster care, or humanely euthanized, in accordance
17 with KRS 258.119(3)(b)2.

18 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
19 READ AS FOLLOWS:

- 20 When an animal is seized by a peace officer or animal control officer as part of the
21 enforcement of an animal cruelty law, the seizing agency shall, within twenty-four (24)
22 hours, serve notice of the seizure upon the owner of the animal in person or by affixing
23 the notice in a conspicuous place where the animal was found. The notice shall:
- 24 (1) Advise of the seizure of the animal;
25 (2) Provide a description of the animal;
26 (3) Provide the authority for and purpose of the seizure, including the date, time, and
27 place the animal was seized;

1 (4) Include the date the notice was served;

2 (5) Include a statement that the owner may be responsible for the reasonable cost of
3 caring for the seized animal during the pendency of the criminal case, or until
4 the animal is relinquished, forfeited, or returned, whichever occurs first; and

5 (6) Include a declaration of ownership form which shall:

6 (a) Include the contact information of the seizing agency;

7 (b) Provide for a declaration of ownership of the seized animal;

8 (c) Provide for an affirmation of intent to reclaim the animal or affirmation of
9 intent to voluntarily relinquish ownership of the animal to the seizing
10 agency;

11 (d) Collect the contact information of the owner, including name, address, e-
12 mail address, and phone number;

13 (e) Include a statement that the owner may be responsible for the reasonable
14 cost of caring for the seized animal during the pendency of the criminal
15 case, or until the animal is relinquished, forfeited, or returned, whichever
16 occurs first;

17 (f) Include a statement that the form must be returned to the seizing agency
18 within ten (10) days after the date of the notice, or the seized animal shall be
19 deemed abandoned and shall be forfeited to the seizing agency;

20 (g) Include information explaining the methods by which the form may be
21 returned to the seizing agency; and

22 (h) Include a signature and date line for acknowledgement of receipt of the
23 declaration of ownership and understanding of the statements contained in
24 the declaration.

25 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
26 READ AS FOLLOWS:

27 (1) (a) A seizing agency may petition a court of competent jurisdiction to require

1 the owner of the seized animal to pay into court funds in an amount
2 sufficient to secure payment of all reasonably anticipated costs related to the
3 seizure and care of the animal if an owner has affirmed his or her intent to
4 reclaim the seized animal by timely returning the declaration of ownership
5 form as provided in Section 3 of this Act.

6 (b) Every petition filed under paragraph (a) of this subsection shall contain a
7 description of the date, time, and place of the seizure, the legal authority for
8 the seizure, and the name and address of the owner of the seized animal.
9 The petition shall include proof of service of a seizure notice and a signed
10 declaration of ownership form as provided in Section 3 of this Act.

11 (c) Notice of the petition shall be served upon the owner in accordance with the
12 Kentucky Rules of Civil Procedure.

13 (2) (a) After notice of the petition is served, the court shall set a hearing on the
14 petition to determine the need to care and provide for the seized animal
15 pending the final disposition of the custody of the animal. The hearing shall
16 be conducted no less than ten (10) and no more than fifteen (15) days after
17 notice of the hearing is served upon the owner. In lieu of a hearing under
18 this paragraph, the owner of the seized animal shall have the option of
19 voluntarily surrendering ownership of the animal to the seizing agency.

20 (b) At the hearing, the seizing agency shall have the burden of establishing
21 probable cause that the seized animal was subjected to cruelty, neglect,
22 abandonment, sexual contact, or animal fighting as defined by the relevant
23 animal cruelty law providing the basis for the seizure.

24 (c) 1. The owner may be represented by counsel, present evidence, and
25 cross-examine witnesses. No evidence or statements from the owner
26 submitted in the civil hearing shall be admissible in the criminal
27 proceeding except for purposes of impeachment; and

1 2. Voluntary forfeiture of an animal, or an order of forfeiture by the
2 court in the civil hearing shall not be admissible in the criminal
3 proceeding except for purposes of sentencing upon conviction.

4 (d) Upon a showing of cruelty, neglect, abandonment, sexual contact, or
5 animal fighting as required under paragraph (b) of this subsection, the
6 court shall determine the cost of care for the seized animal. In determining
7 the cost of care that is the responsibility of the owner, in no case shall the
8 court consider the owner's ability to pay.

9 (e) Upon a determination of the cost of care for the seized animal, the court
10 shall enter an order requiring payment into court through the pendency of
11 the criminal proceeding, or until forfeiture or voluntary relinquishment
12 occurs. The first payment shall be due no later than ten (10) days after the
13 petition hearing occurs and shall encompass all cost of care expenses
14 incurred up to and including the date of the order. Future payments shall
15 be due as ordered by the court, not to exceed payments in excess of thirty
16 (30) day increments, and shall continue unless altered by the court by
17 subsequent order or until the earlier of:

18 1. An order of forfeiture is final and not appealable; or

19 2. Voluntary relinquishment of the seized animal or animals.

20 (f) If the seizing agency fails to meet its burden, the seized animal shall be
21 returned to the owner, and the owner shall not be required to pay for the
22 animal's cost of care for the period of time the animal was in the custody of
23 the seizing agency or its designee.

24 (g) The seizing agency, or its designee, shall be eligible to draw funds paid into
25 court to reimburse its actual costs incurred for caring for the seized animal
26 upon submission of a request to the clerk of the court.

27 (h) If actual costs exceed the amount deposited into court, the seizing agency

1 may petition the court to require the owner to pay additional funds into
2 court.

3 (i) If unused funds remain after the final disposition of the custody of the
4 animal, the unused funds shall be returned to the owner.

5 (j) The court may request an accounting from the seizing agency or its
6 designee at any time.

7 (k) If an owner of a seized animal fails to appear at any hearing or to make a
8 payment pursuant to the court's order under this subsection, the animal
9 shall be forfeited to the seizing agency as a matter of law.

10 (3) If an owner of a seized animal is found not guilty of the alleged charges, or if the
11 case is dismissed by the court, the owner of the seized animal shall not be
12 required to pay for the animal's cost of care for the period of time the animal was
13 in the custody of the seizing agency or its designee, and the court may order the
14 seizing authority to reimburse the owner of the seized animal for any costs the
15 owner has paid.

16 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 525 IS CREATED TO
17 READ AS FOLLOWS:

18 (1) Except as provided in KRS 525.137, upon conviction for a violation of any felony
19 offense related to animal cruelty, the court, in addition to any other penalty,
20 shall:

21 (a) Order forfeiture of the seized animal or animals the conviction is based on,
22 with custody given to the seizing agency, or its designee;

23 (b) Order the defendant, if he or she has not already done so, to reimburse the
24 seizing agency, or its designee, for the cost of care for the seized animal or
25 animals from the date of seizure until the disposition of the criminal
26 proceeding;

27 (c) Order that the defendant shall be prohibited, for a minimum period of five

- 1 (5) years after completion of the imposed sentence, from:
- 2 1. Harboring;
- 3 2. Owning;
- 4 3. Possessing;
- 5 4. Exercising control over;
- 6 5. Residing in a household with; or
- 7 6. Working or volunteering in a place where he or she has unsupervised
- 8 access to any animal; and
- 9 (d) Impose any other reasonable restrictions on the defendant's custody,
- 10 control, or unsupervised access of animals as the court deems necessary for
- 11 the protection of the animals.
- 12 (2) Upon conviction for any misdemeanor offense related to animal cruelty, the
- 13 court, in addition to any other penalty, may order any of the conditions set forth
- 14 in subsection (1) of this section.
- 15 ➔ Section 6. KRS 258.215 is amended to read as follows:
- 16 (1) Peace officers or animal control officers shall seize and impound any dog which
- 17 does not bear a valid rabies tag or other legible identification which is found
- 18 running at large. Any dog which an officer or animal control officer seizes shall be
- 19 impounded in the designated animal shelter of the county and confined in a humane
- 20 manner. If, after a reasonable effort, the seizure of an unrestrained dog cannot be
- 21 made, or the dog presents a hazard to public safety or property or has an injury or
- 22 physical condition which causes the dog to suffer, the animal control officer or
- 23 peace officer may immediately destroy the dog by the most reasonable and humane
- 24 means then available.
- 25 (2) (a) Impounded dogs shall be kept for not less than five (5) days, unless reclaimed
- 26 by their owners. Dogs not reclaimed and those not placed in suitable new
- 27 homes may be humanely euthanized after the five (5) day holding period,

1 unless the dog has an injury or physical condition which causes it to suffer. In
2 those cases the animal shelter may immediately euthanize the dog, and if a
3 human being has been bitten by the dog, the dog shall be tested for rabies.

4 (b) If an owner is identified, the impounding agency shall immediately notify the
5 owner of the impoundment by the most expedient means available.

6 (c) Any animal shelter, public or private, which takes in stray animals and does
7 not have regular hours for public access, shall post semimonthly either in a
8 local newspaper or the newspaper with the highest circulation in the county,
9 the shelter location, hours of operation, the period that impounded animals
10 shall be held, and a contact number.

11 (3) Upon reclaiming an impounded dog, cat, or ferret, the owner shall show proof of a
12 valid rabies vaccination. If proof of the vaccination cannot be provided, the owner
13 shall purchase a vaccination voucher from the animal shelter. The voucher shall be
14 valid for ten (10) days from the date of issuance and shall be used in the prescribed
15 time period. The animal shelter shall reimburse the veterinarian for the amount of
16 the voucher upon presentation to the shelter by the administering veterinarian.

17 (4) (a) The owner of an impounded animal is responsible for all fees associated with
18 the impoundment of the animal. If the owner can be identified, the fees are
19 due even if the owner does not reclaim the animal.

20 **(b) The owner of an impounded animal is responsible for the cost of care as**
21 **defined under Section 1 of this Act. If the owner can be identified, the cost**
22 **of care shall be paid by the owner to the animal shelter, even if the owner**
23 **does not reclaim the animal.**

24 (5) Dogs, cats, or ferrets which have bitten a person shall be maintained in quarantine
25 by the owner for ten (10) days from the date of the bite. Owners who fail to properly
26 quarantine their animals shall be subject to a citation for violation of this subsection
27 and the dog, cat, or ferret shall be removed to the animal shelter for the remainder

1 of the quarantine period. The owner shall be responsible for all associated fees of
2 the quarantine and impoundment.

3 (6) A hound or other hunting dog which has been released from confinement for
4 hunting purposes shall be deemed to be under reasonable control of its owner or
5 handler while engaged in or returning from hunting, and, if a hunting dog becomes
6 temporarily lost from a pack or wanders from actual control or sight of its owner or
7 handler, the owner or handler shall not be deemed to be in violation of the
8 provisions of this section as a result of the dog's having become temporarily lost or
9 having wandered from immediate control or sight of the owner or handler.