

### **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.

**Effective:** June 24, 2003

**History:** Amended 2003 Ky. Acts ch. 181, sec. 2, effective June 24, 2003. -- Amended 1992 Ky. Acts ch. 463, sec. 66, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 67, sec. 1, effective July 13, 1984. -- Created 1974 Ky. Acts ch. 406, sec. 223, effective January 1, 1975.

**Legislative Research Commission Note (3/30/90)** The definition of "animal" contained in KRS 446.010(2) does not reflect the amendatory language

contained in Senate Bill 263 of the 1980 Regular Session of the Kentucky General Assembly because the 1980 Senate Journal indicates that Senate Bill 263 was vetoed by Governor John Y. Brown, Jr., on April 9, 1980, and recommitted by action of the Senate to its Committee on Appropriations and Revenue on April 14, 1980. Senate Bill 263 proposed to change KRS 446.010(2) to read as follows: " 'Animal' includes every warmblooded living creature except birds and human beings;". By a letter dated March 16, 1990, the Attorney General has informally opined that Governor Brown's veto of Senate Bill 263 was not timely; that letter has exhibits showing that the bill was received by the Governor on March 28, 1980, and that his veto was received by the Senate Clerk on April 10, 1980.