



[The KLJ Blog](#)

[Online Originals](#)

[Submissions](#)

[The Print Archive](#)

[Membership](#) ▾

[Symposium](#) ▾

[Subscriptions](#)

[About](#) ▾

[Home](#) » [Content](#) » [Featured](#) » [Kentucky – Legal Animal Abuse Or Weak Protection Laws?](#)

Kentucky – Legal Animal Abuse Or Weak Protection Laws?

May 8, 2018

Kentucky – Legal Animal Abuse Or Weak Protection Laws?

Article | 106 KY. L. J. ONLINE | May 8, 2018

Gabrielle J. Fulton^[1]

“Mankind’s true moral test, its fundamental test (which lies deeply buried from view), consists of its attitude towards those who are at its mercy: animals.”^[2]

I. Introduction: A Slap on the Wrist

Imagine discovering a critically mangled, grossly underweight eight-month-old dog on the side of the road. Envision the dog with multiple gunshot wounds to the face, left in this condition to die an excruciatingly tortuous death over six–seven days. This was the case with Lad, a border collie from Daviess County, Kentucky.^[3] Lad was shot in the mouth several times before finally running away from home.^[4] By the time he was found, approximately one week after he was intentionally mutilated, a massive infection had set in and most of his lower jaw had to be removed.^[5] After a grueling four-month recovery battle, Lad passed away.^[6] Matthew Wade Beauchamp, Lad’s owner, was charged with felony torture of a dog.^[7] However, a few days before Beauchamp’s trial was to begin, the Commonwealth’s Attorney for Daviess County accepted a plea agreement.^[8]

The prosecution did not believe they could secure a conviction in Beauchamp’s trial due to Kentucky’s problematic felony torture statute, Ky. Rev. Stat. Ann. § 525.135, which defines “torture” as “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.*”^[9] Kentucky prosecutors have highlighted the weakness of the statute because a conviction of torture should be attainable whenever an animal is subjected to extreme physical pain, injury, and suffering regardless of whether it was “motivated by an intent to increase or prolong the pain of the animal.”^[10] Matthew Beauchamp was responsible for the inhumane and unimaginable death of Lad and walked away with no jail time.^[11]

Unfortunately, this is a common occurrence in Kentucky. In another example, Larry Browning was charged with animal cruelty after forty-nine horses were found deceased on his property in Pendleton County.^[12] Like Beauchamp, Browning walked away with no jail time.^[13] In addition, the plea agreement raised doubt as to the effectiveness in preventing Browning from having other horses in his possession.^[14] These are just two examples of the inadequate protections afforded to the animals of Kentucky. Not



Contact Us

620 S. Limestone
40508 Lexington, Kentucky

editors@kentuckyjournal.org

(859) 257-1678



surprisingly, for the eleventh year in a row, Kentucky has ranked last in the Animal Legal Defense Fund's (ALDF) Animal Protection Laws Rankings.^[15]

This Note begins by recognizing the incongruence between society's declarations and commitment for its animals versus its actual treatment of animals. Section two addresses the need to shift towards more humane standards and examines the reasons animals receive abysmal protections in the legal system. Section two also addresses the need to recognize animals as more than mere "property" and explores the correlation between animal cruelty and human violence. Section three identifies Kentucky as having the weakest animal protection laws in the nation. Section three also introduces the ALDF's annual study. It compares and contrasts Kentucky's animal protection statutes with those of Illinois (the state with the highest ranking in the ALDF's study for the past decade). Section three outlines Illinois' definitions and standards of care for animals, its felony provisions, and its broad enforcement authority as compared to those of Kentucky. Section four seeks to ascertain the causes for the harsh treatment of animals in Kentucky. This Section addresses the state's legislative processes and procedures and explores how local governments may be sending the message that animal protection is unimportant in Kentucky. Finally, in Section five, this Note pleads for change in Kentucky's laws to improve overall animal welfare by strengthening current laws.

II. Shifting Society's Perception of Animal Protection

Americans love their animals. A majority of households contain at least one animal.^[16] Recent surveys demonstrate that 68 percent of United States households own a pet, equivalent to 84.6 million homes.^[17] In 2016, Americans spent an estimated \$66.75 billion dollars on their pets.^[18] One poll found that half of all American pet owners consider their pets as much a part of the family as any person in the household.^[19] In 2011, 51% of those polled said that they purchase holiday gifts for their pet, a relatively stable number.^[20]

We live in a society that appears to care deeply about animal welfare. However, our society's actual treatment of animals often stands in stark contrast to its declarations about our regard for their ethical status. As one scholar states, "[c]ruelty is incompatible with a caring, moral society where empathy is a venerable quality."^[21] Nonetheless, society has the potential to better animals' lives by enacting and enforcing higher standards for them.^[22]

II.A. Animals as Mere Property

One of the biggest hurdles in protecting animals in the legal system is that they have historically been considered personal property under the law.^[23] Animals are viewed as commodities that we own and have no value other than that which we, as property owners, assign to them.^[24] This means, among other things, that laws do not recognize an animal as a victim to a crime, and thus an animal's suffering or harm is not seen as being compensable.

Regarding domestic animals, a person may have "as absolute a dominion and property as over any other useful and valuable chattel."^[25] With respect to wild animals, property may be acquired by possession of the animal or by ownership of the land on which the animal is found.^[26] Thus, the property status of animals renders any balancing required under the humane treatment principle or animal welfare laws useless, because what is really being balanced are property owners' interests against the interests of their animal property.^[27] This balance will rarely, if ever, end in the animal's favor.^[28]

Gary Francione, a distinguished animal theorist, states that "[b]ecause animals are merely property, we are generally permitted to ignore their interests and to inflict the most horrendous pain and suffering or death on them when it is economically beneficial to us."^[29] For example, in Kentucky, it is legal and considered humane to terminate a dog's life by gunshot to the head. In *Ammon v. Welty*, the Ammons inhabited sixty-three acres of farmland, where they let their pet dog, Hair Bear, roam the property without restraint.^[30] An annoyed neighbor picked up Hair Bear and delivered him to the county dog warden, where Hair Bear was shot and killed.^[31] The warden testified he routinely destroyed impounded dogs by shooting them in the head.^[32] While the Ammons argued that Hair Bear was valued as a beloved and devoted pet, the court held that Hair Bear had no market value.^[33] In its holding, the court stated, "[t]he affection an owner has for, and receives from, a beloved dog is undeniable. It remains, however, that a dog is property, not a family member."^[34] Additionally, the court stated that "[a]lthough dogs are considered property, the protection afforded them under the law is uniquely limited."^[35]

Modern courts recognize that personal pets generally do not fit within the traditional property law principles.^[36] A pet fits somewhere between a person and a piece of personal property.^[37] For decades, animal activists have tried to chip away at this property status as a means of attaining some kind of rights for animals.^[38] It is up to legislatures to prescribe regulations abridging the recognition of animals as mere property. Recognizing animals as more than mere property and providing more protections to animals would not only benefit animals, but would promote a more caring, less violent society.

II.B. Link Between Animal Abuse and Human Violence

Several studies demonstrate enhanced animal protection laws could significantly impact society by decreasing human violence. As one scholar states, “[t]he [l]ink between violence to human and animal victims is undeniable.”^[39] Cruelty to animals has been associated directly or indirectly with violent crime, including sexual homicide, homicide, and rape.^[40] Large numbers of violent criminals begin as animal abusers.^[41] One study showed that 75% of prison inmates charged with violent crimes had an early record of animal cruelty.^[42] Additionally, adults who abuse animals commonly abuse their spouses and their children, as well as elderly people for whom they are caring.^[43] The FBI now officially recognizes a link between animal abuse and violent crime and has begun collecting data on animal abuse.^[44] John Thompson, deputy executive director of the National Sheriffs’ Association states, that “[i]f somebody is harming an animal, there is a good chance they also are hurting a human.”^[45] Thompson went on to say that “[i]f we see patterns of animal abuse, the odds are that something else is going on.”^[46] Putting an end to animal cruelty has the potential to drastically reduce the percentage of violent crime.

Anthropologist Margaret Mead once noted, “[o]ne of the most dangerous things that can happen to a child is to kill or torture an animal and get away with it.”^[47] Take Andrew Golden for example. The 11-year-old ambushed and killed three kindergarten kids as well as two adults.^[48] Golden trained by shooting dogs.^[49] Kip Kinkle, a 15-year-old, killed both his parents and shot 24 children at his school, killing two.^[50] Kinkle tortured animals as a pastime.^[51] Michael Carneal, 14, killed three girls at a prayer meeting and shot five others.^[52] He threw cats into bonfires.^[53] Finally, Luke Woodham, 16, killed his mother and three children and shot seven more.^[54] He tortured his own dog to death.^[55] According to a 2014 study, 43-50% of school shooters started out by torturing animals.^[56]

Children are naturally born with a love for animals, but factors in the home environment play a major role in creating violent individuals.^[57] Domestic violence has been found to be closely associated with animal cruelty.^[58] As Dr. Harold Hovel notes in his article about animal abuse and human violence, “[d]omestic violence is the breeding ground for future violent and non-violent crimes.”^[59] Astonishingly, the connection between child abuse and animal abuse is 70-80%.^[60] Children that have been exposed to domestic violence at a young age are seven to nine times more likely to participate in animal cruelty, and are also more likely to abuse their own children in the future.^[61] Not surprisingly, some states have implemented statutes increasing penalties for abuse committed in front of a minor.^[62] As studies have repeatedly shown, children exposed to domestic violence resort to animal cruelty as an easy way of “getting back at the world.”^[63] Animal cruelty is one of the first reactions they have to their abuse experience.^[64] Fighting animal cruelty can save many lives, prevent human and animal suffering, help protect children and elders from domestic violence, and lead to far less human violence overall.^[65]

III. The Pinnacle of Animal Protection

On January 17, 2015, in Frankfort, Kentucky, multiple children were arrested for animal cruelty after a video surfaced of the suspects forcefully kicking an aged Italian Greyhound named Opal.^[66] One viewer watched, was appalled, and stated, “I mean, she went up in the air and just come [sic] down and . . . just her little legs.”^[67] Opal, who was nearly sixteen years at the time, did not offer a growl, bark, or even a sniff.^[68] In fact, she was loved by the community, and was known not to have a mean bone in her body.^[69] When Susan Malcomb watched the video online, she was disturbed by the joy she saw in the kids’ faces as they continued to brutally kick Opal.^[70] Although Franklin County Sheriff Pat Melton has announced that the juveniles in the video will be charged, he urged citizens who were outraged to use their passion and encourage Kentucky lawmakers to enact more effective animal cruelty laws.^[71] For Susan Malcomb, and others like her, the lack of swift prosecution is only the beginning of the systematic disappointment that she will experience. In the unlikely event the children are even convicted of animal cruelty, Kentucky’s appropriate criminal charge, the maximum penalty they will face is “one (1) year in jail and/or a fine not exceeding \$500” as a Class A misdemeanor.^[72]

Though the country as a whole could benefit from enhanced animal protection laws, the state of Kentucky arguably needs the most work in fostering animal welfare. According to a recent study conducted by the ALDF, Kentucky ranks last out of the 50 states for its animal protection laws, for the eleventh year in a row.^[73] Kentucky's sentencing policies and statutes reflect its deficiency as the worst ranked state for animal protection law. In response to the Frankfort incident, Sheriff Milton proclaimed, "I know we just ranked 50th in the nation with some of the worst animal cruelty laws. Let's use our passion and harness all the energy we've mustered for this and use it to change laws and make it easier to investigate and prosecute."^[74]

In order to devise its annual report, the ALDF comprehensively surveys animal protection laws of the United States and territories.^[75] The report assesses the strength of each jurisdiction's animal protection laws and assigns a score based on fifteen different categories of animal protection.^[76] These categories include: general prohibitions, penalties, exemptions, mental health evaluations and counseling, protective orders, cost mitigation and recovery, seizure/impoundment, forfeiture and post-conviction possession, non-animal agency reporting of suspected animal cruelty, veterinarian reporting of suspected animal cruelty, law enforcement policies, sexual assault, fighting, offender registration, and "ag gag"^[77] legislation.^[78]

For the past eleven years, ALDF has ranked Kentucky last out of the 50 states for its animal protection laws.^[79] This is for a number of reasons, including:

- Kentucky's only felony provisions are for cruelty and fighting, both against only select animals^[80];
- Kentucky does not have any felony provisions for neglect or abandonment^[81];
- the state's animal protection statutes contain inadequate definitions and standards of basic care^[82];
- there are no increased penalties when abuse is committed in the presence of a minor or involves multiple animals^[83];
- Kentucky does not require mental health evaluations or counseling for offenders^[84];
- there is no statutory authority to allow protective orders to include animals^[85];
- there is no cost mitigation or recovery provisions for impounded animals and there is no court ordered forfeiture provisions^[86];
- there are no restrictions on future ownership or possession of animals following a conviction^[87];
- there are no provisions for select non-animal-related agencies/professions to report suspected animal abuse^[88];
- veterinarians are prohibited from reporting suspected cruelty or fighting^[89]; humane officers lack broad law enforcement authority^[90];
- there are no provisions for sexual assault;^[91] and
- there are inadequate animal fighting provisions.^[92]

Illinois, in contrast, has earned the highest ranking in ALDF's report for ten consecutive years.^[93] Though the state still has room for improvement, Illinois' animals are protected by a full range of statutory protections, including, but not limited to: numerous felony provisions, increased penalties for repeat abusers, and mandatory health (psychiatric) evaluations.^[94] Illinois' Humane Care for Animals Act (the "Act") is found in Chapter 510, Act 70 of I.L.C.S.^[95] In identifying the weakness, loopholes and other shortfalls of the animal protection laws in Kentucky, one need look no further than their close neighbor Illinois to compare.

III.A.1 Illinois Statutes Provide Adequate Definitions/Standards of Care

One strength of Illinois' animal protection laws is the definitions and standards of care implemented in the Act.^[96] Further, Illinois' anti-animal cruelty laws provide protection for all animals, not just companion animals, such as cats and dogs. An "animal" is defined as "every living creature, domestic or wild, but does not include man."^[97]

The Act goes on to define owner's duties in 510 Ill. Comp. Stat. Ann. 70/3 and mandates each owner provide for his animals sufficient, good quality, wholesome food and water; adequate shelter and protection from the weather; veterinary care and humane care and treatment.^[98] Section three goes on further to define the proper tethering of a dog outdoors.^[99]

Additionally, the Act goes on to define humane euthanasia^[100], proper disposition of seized animals^[101], cruel treatment^[102], aggravated cruelty^[103], animal torture^[104], and many other aspects of animal cruelty. Providing clear definitions and standards of care supports the backbone of the animal protection laws in Illinois, however, the state takes the protections of animals even further.

III.A.2 Illinois Contains Numerous Felony Provisions for Animal Cruelty

Another reason Illinois ranks so highly in ALDF's rankings is the state's multitude of felony provisions available for offenders.^[105] The Act contains felony provisions for cruelty, neglect, fighting, abandonment, and sexual assault.^[106] It also contains increased penalties for offenders with prior convictions of animal abuse or animal hoarding.^[107] The prohibitions are not limited to select species but apply to "every living creature, domestic or wild."^[108] The Act also includes provisions for psychological counseling, and even mandates it on certain occasions.^[109]

The requisite anti-cruelty provisions are listed at 510 Ill. Comp. Stat. Ann. 70/3.01, 3.02, and 3.03. Under Section 3.0 of the Act, a person convicted of aggravated cruelty is guilty of a Class 4 felony.^[110] A second or subsequent violation is a Class 3 felony.^[111] Under Section 3.03, a person convicted of animal torture is guilty of a Class 3 felony.^[112] Finally, a person who uses an animal in entertainment in violation of certain subsections of 70/4.01 is guilty of a Class 4 felony for the first offense, with subsequent offenses being a Class 3 felony.^[113]

Although it is not part of the Act, 720 Ill. Comp. Stat. Ann. 5/12-35 makes sexual conduct or sexual contact with an animal guilty of a Class 4 felony.^[114] If the offender violates this section in the presence of a person under 18 years old or causes the animal to suffer serious physical injury or death, the offender is guilty of a Class 3 felony.^[115] In addition, the court is permitted to order the defendant not to reside in any household where animals are present, forfeit all animals, and undergo a psychological evaluation or counseling.^[116]

Though a first offense for cruel treatment under Section 3.01 of the Act is a misdemeanor, courts take first offender violations seriously. For example, in *People v. Thornton*, the defendant was convicted under Section 3.01 as a first offense and sentenced to ten days incarceration, two years probation, 200 hours of community service, and restitution totaling \$3,572.83.^[117]

Under Illinois law, an offender who is found guilty of a misdemeanor on multiple occasions often faces enhanced punishment and may even be guilty of a felony for subsequent violations.^[118] For example, a first offense under Section 3.01 is a misdemeanor, however a second or subsequent conviction of cruel treatment to an animal rises to a Class 4 felony.^[119] Additionally, upon conviction for violating this Section and many others, the court may order a psychological or psychiatric evaluation and is even required to do so if the offender is a juvenile or a companion animal hoarder.^[120] Under Section 4, no person may sell, barter, or give away any rabbit, baby chick, duckling or other fowl which has been subject to artificial coloring.^[121] Baby chicks or ducklings may not be sold, given away as pets or novelties, or awarded as prizes.^[122] "A person convicted under this Section is guilty of a Class B misdemeanor"; however, "[a] second or subsequent violation is a Class 4 felony, with every day that a violation continues constituting a separate offense."^[123] The repeat offender provisions in the Illinois serve as a deterrent to future abuses.

One of Illinois' many strengths in its animal protection laws include its numerous options of felony provisions. Additionally, Illinois statutes are strong because they contain provisions enhancing the charges for repeat offenders, give courts the option, and sometimes require, psychological counseling for offenders. It is also important that the law is inclusive of prohibitions to all animals, not just companion animals. These are just a few examples of why Illinois ranks so highly with regard to its animal protection laws.

III.A.3 Illinois Has Broad Enforcement Authority

Illinois statutes provide for broad enforcement and wide-ranging authority to protect its animals. For example, law enforcement officials, state's attorneys, and animal control officials all have the authority to investigate humane care allegations.^[124] Pursuant to 510 Ill. Comp. Stat. Ann. 70/10:

Upon receiving a complaint of a suspected violation of this Act, a Department investigator, any law enforcement official, or an approved humane investigator may, for the purpose of investigating the allegations of the complaint, enter during normal business hours upon any premises where the animal or animals described in the complaint are housed or kept, provided such entry shall not be made into any building which is a person's residence, except by search warrant or court order.^[125]

Common complaints under this section may include violations for owner's duties, animal hoarding, cruel treatment, aggravated cruelty, animal torture, confinement in motor vehicle, and depiction of animal cruelty.^[126] Any law enforcement officer making an arrest under Sections 3.01–3.03 may lawfully take possession of some or all of the companion animals in the possession of the offender.^[127] Additionally, an officer may order security for companion animals and animals used for fighting purposes.^[128]

An example of an officer's broad authority is found in *Thornton*. In that case, officers responded to complaints of a dog that had been barking continuously inside of an apartment for several days.^[129] The apartment manager informed the police that she had been inside the apartment, where she found a dog inside of a cage so small that the dog could not stand up.^[130] She stated that the bottom of the cage was covered in urine and feces, there was no sign of food or water, the dog was very thin, had blood on its paws, and was shaking and continuously making whimpering and yelping sounds.^[131]

Based on this information, the officers immediately entered the defendant's apartment to "check on the well being of the dog."^[132] The defendant argued that the officers unlawfully entered his apartment without a warrant.^[133] The defendant argued that Section 10 of the Act specifically prohibits entry into a resident without a warrant to investigate a complaint regarding animal cruelty.^[134] The court held that the police were justified in entering the apartment without a warrant because of an emergency regarding the condition of the dog.^[135] The court stated that the language in Section 10 of the Act, which states that "entry shall not be made into any building which is a person's residence, except by search warrant or court order," is "plainly intended to make it clear that the extraordinary exception to the general warrant requirement for investigatory searches of nonresidential premises set out in Section 10 does not extend to residential premises."^[136] The court found nothing in Section 10, which suggests "that this language means that the few specifically established and well-delineated exceptions to the general warrant requirement for entry into residential premises are not applicable under the Act."^[137]

In addition, the court found that the emergency exception of the Fourth Amendment's prohibition against unreasonable searches and seizures applies to situations involving the mistreatment of animals.^[138] The court held that:

In this case, the totality of the circumstances known to the officers at the time of their entry into defendant's apartment was sufficient for the officers to reasonably believe that an emergency was at hand which required their immediate assistance. The tenant in the apartment above defendant's apartment told the officers that a dog had been yelping in defendant's apartment continuously for two or three days. Efforts by Nissen, the manager of the apartment complex, to contact defendant were unsuccessful. Thus, the officers knew that the yelping had persisted for several days, but did not know when, or if defendant might return to his apartment to tend to the distressed animal.^[139]

Another capacity in which law enforcement is delegated broad authority to act on animal cruelty is found under Section 7.1 of the Act. Under that Section, an animal control officer, law enforcement officer, or investigator who has probable cause to believe that any animal has been unlawfully confined in a motor vehicle has the authority to enter the vehicle by "any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible."^[140] Section 7.1 therefore is important because it allows officers to rescue animals who are trapped within automobiles.

III.B. The Worst of the Worst – Kentucky

As previously mentioned, Kentucky's deficiency in statutes and sentencing policies reflect its bottom-tier ranking in the ALDF's annual study. Kentucky's animal protection statutes are contained in Chapter 525 of the Kentucky Revised Statutes. Astonishingly, Chapter 525 is titled: "Riot, Disorderly Conduct, and Related Offenses."^[141] Chapter 525 includes offenses such as loitering, public intoxication, and unlawful assembly.^[142] The chapter associates the highest form of animal cruelty with "riot, disorderly conduct, and related offenses" as if animal cruelty in its highest form is simply disorderly conduct.

III.B.1 Kentucky Lacks Adequate Definitions/Standards of Care

Kentucky's statutes require clearer definitions and currently fail to address the most basic aspects of animal suffering.^[143] For example, Ky. Rev. Stat. Ann. § 525.125 fails to include an express requirement that "shelter" must be provided for an animal.^[144] Although failure to provide adequate shelter in extreme temperatures might result in a charge of "cruel neglect," the case would be more difficult to prove.^[145] Additionally, it is imperative that "shelter" in cold weather is defined as to allow the animal to maintain its natural body temperature.^[146] In contrast, while the Illinois statute does not contain a fixed definition for "shelter," 510 Ill. Comp. Stat. Ann. 70/3 provides that shelter must be adequate to protect the animal from weather conditions.^[147] Because Kentucky law lacks basic care definitions, many counties have trouble prosecuting things as simple as the need to provide shelter for an animal.^[148]

"Animal", as defined under Ky. Rev. Stat. Ann. § 446.010, includes "every warm-blooded living creature except a human being."^[149] This definition leaves cold-blooded animals, such as reptiles, fish and amphibians completely unprotected. In November 2016, Lexington-Fayette Animal Care & Control (LFACC) worked on a case in which the owners of six snakes moved out and abandoned their pets inside the home.^[150] When LFACC investigated the premises, only four of the snakes were found alive.^[151] They were underweight and emaciated, had no water or heat source, and had all suffered from upper respiratory infections and mouth rot.^[152] LFACC was unable to bring charges against the previous owners of the snakes due to Ky. Rev. Stat. Ann. § 446.010's failure to identify reptiles as "animals."^[153]

III.B.2 Kentucky Lacks Adequate Felony Provisions

Kentucky limits felony penalties to cruelty and neglect in very exclusive circumstances. Penalties are further limited to specific species of animals.^[154] Any act of cruelty or abuse against an animal (with the exception of dog fighting and torture of a cat or dog resulting in serious physical injury or death), no matter how extreme, is a misdemeanor and cannot rise to the level of a felony until a subsequent offense is committed.^[155] Under Ky. Rev. Stat. Ann. § 525.125, cruelty to animals in the first degree is a Class D felony.^[156] However, this section is severely restricted and only applies "whenever a *dog* is knowingly caused to fight for pleasure or profit" or when "any person who knowingly owns, possesses, keeps, trains, sells, or otherwise transfers a dog for the purpose of dog fighting."^[157] In other words, this provision relates to only dogs and excludes all other animal fighting. Kentucky's torture statute is similarly restrictive. Torture of only a dog or cat is simply a misdemeanor and only rises to a Class D felony for subsequent offenses if "the dog or cat suffers physical injury as a result of the torture" or "if the dog or cat suffers serious physical injury or death as a result of the torture."^[158]

Cruelty to any animal other than a dog or cat is just a misdemeanor in Kentucky. A person is guilty of animal cruelty in the second degree if he or she intentionally or wantonly subjects an animal to mistreatment through abandonment; participates in causing it to fight for pleasure or profit; mutilates, beats, tortures an animal other than a dog or cat;^[159] torments, fails to provide adequate food, drink, space, or health care; or kills any animal other than a domestic animal killed by poisoning.^[160] The maximum sentence for cruelty to animals in the second degree is a mere twelve months in jail, and fines do not exceed \$500.^[161] Torture of a dog or cat is a Class A misdemeanor for first offenders 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.^[162]

Furthermore, offenders of animal cruelty laws face minimal punishment in Kentucky. For example, in *United States v. Chamness*, nine dogs died as a result of being abandoned in severely uninhabitable living conditions provided by the defendant.^[163] The carcasses of the dogs were found in various states of decomposition at the defendant's residence.^[164] Four of the dogs' remains were found sealed inside of a storage container containing air holes in the lid to facilitate breathing.^[165] Because of Kentucky's limited felony provision, the defendant did not face a single felony charge for any of the cold-hearted, inhumane deaths.^[166] The defendant was found guilty of nine counts of cruelty to animals in the second degree.^[167] However, the judge imposed a sentence of merely two years probation, demonstrating the sort of minor penalties that animal abusers face in Kentucky.^[168]

In contrast to Kentucky's sole felony provision, Illinois contains felony penalties for cruelty, neglect, fighting, abandonment and sexual assault.^[169] Astoundingly, Kentucky is one of nine states where

having sex with animals is not a crime.^[170] Unless a sexually assaulted animal is physically injured, the offender cannot be adequately prosecuted.^[171] Additionally, Illinois' principal statutory protections apply to most animals, compared to Kentucky's felony provision confined to solely dog fighting.^[172] Illinois is not the only state with superior felony provisions. Oregon, Maine, California and Rhode Island, ALDF's top ranking states, all contain principal protections applying to most animals.^[173] Kentucky should take note of these exceptional provisions, as Kentucky's felony provisions are only available for cruelty and fighting, both against only select animals.^[174]

III.B.3 Kentucky's Humane Officers Lack Broad Enforcement Authority

Pursuant to Ky. Rev. Stat. Ann. § 436.605, only animal control officers and agents of humane societies maintain the powers of peace officers, except for the power of arrest, "for the purpose of enforcing the provisions of the Kentucky Revised States relating to cruelty, mistreatment, or torture of animals, provided they possess the qualifications required under KRS 61.300."^[175] This statute provides that when an animal control officer or agent believes an act of cruelty, mistreatment, or torture of animals is being committed, after the officer makes an oath of such belief, the judge shall issue a search warrant to search the premises.^[176] Pursuant to the statute, "[i]f an animal control officer or an officer or agent of a society or association for the prevention of cruelty to animals finds that an act of cruelty, mistreatment, or torture of animals is being perpetrated, the officer or agent shall summon a peace officer to arrest the offender or offenders and bring them before the court for trial."^[177]

Moreover, many states place a statutory duty on veterinarians to report suspected cruelty.^[178] Fifteen states require veterinarians to report suspected abuse.^[179] Some states *allow* veterinarians to report suspected cruelty.^[180] Twenty-seven states provide immunity to veterinarians who report suspected animal abuse.^[181] However, in Kentucky, veterinarians are *prohibited* from the voluntary reporting of suspected animal cruelty or fighting without a waiver from the client, court order, or subpoena.^[182] Thus, a veterinarian is essentially required to be complicit in acts of animal abuse or neglect unless an investigation is somehow initiated.

Kentucky law contains no provisions requiring any non-animal-related agencies or professionals to report suspected animal cruelty, has insufficient humane agent provisions, and has no duty mandating peace officers to execute animal protection laws.

IV. Reasons Animals Are Unprotected In Kentucky

In order to begin the process of implementing change and enhancing the protections provided to Kentucky's animals, one must first ascertain the reasons for the state's inadequate laws. A number of Kentucky's legislators and humane officers have stated that Kentucky's legislative process and the inadequacy of local governments to dedicate resources to animal protection, among other things, significantly contribute to the state's poor stance on animal protection laws.^[183]

IV.A. Legislative Process

Animal welfare bills are extremely difficult to move through legislation.^[184] An average of 5-9 years is generally required to move animal bills through legislation.^[185] One reason for this is that animals are in competition with other critical human issues, which are pertinent in Kentucky.^[186]

Vicki Deisner, the Midwest Legislative Director for the ASPCA, believes that the poverty statistics in the state and the effort of Kentucky people to pursue better livelihoods, decent salaries and community services are the types of issues that animals are competing with.^[187] Animals have an increased opportunity of protection if animal bills are connected somehow with human issues, such as domestic violence.^[188] Furthermore, parts of Kentucky maintain the traditional view that animals are property to be "utilized."^[189] Some legislatures reflect these same views and may not view animals as important enough to protect beyond current laws written to protect property.^[190]

Additionally, Kentucky's legislative process itself plays an imperative role in the state's position on animal welfare. In Kentucky, the Generally Assembly meets annually.^[191] In even-numbered years, sessions may not exceed sixty legislative days.^[192] In odd-numbered years, session may not exceed thirty legislative days.^[193] In response to House Bill 143, which was recently introduced to ban the sexual assault of a pet dog or cat, Daisy Olivo, spokesman for former House Speaker Jeff Hoover, said that

although Hoover is against bestiality, he strongly believes that the short, 30-day legislative session should be reserved for “serious, economy-related bills.”^[194]

The length of Kentucky’s session is short compared to other states.^[195] For example, Ohio and Michigan have no limits on their session length.^[196] States that have no limit on the length of their legislative session, such as Ohio and Michigan, have an ample amount of time to realize priorities.^[197] These states have time to present bills and to hear out all interested parties.^[198] Thirty or sixty days, in contrast, is simply not enough time to get things accomplished.

Furthermore, animal welfare may be viewed as a progressive movement within the broader social sector. Lobbying groups in Kentucky have had a significant impact on animal protection legislation. Certain groups, including hunting, farming, and dog breeding groups, lobby extensively against animal welfare legislation.^[199] According to some legislators, these groups fear a potential “slippery slope” if animal welfare laws are passed.^[200] In other words, these groups are concerned about possible limitations on their activities. Hunting groups have opposed animal welfare bills for fear they could lead to a ban on hunting, while farmers have expressed concern they could run afoul of bestiality laws while artificially inseminating livestock.^[201]

Gender differences may also contribute to the lack of animal protection laws getting moved through legislation. Although the role gender plays in enacting legislation would greatly benefit from further research, it is important to note its impact. As Katie Brophy argues, “male legislators by [and] large have little interest whatsoever in animal protection issues.”^[202]

“Anecdotal evidence suggests that men are a harder sell when it comes to promoting awareness of animal welfare issues.”^[203] Studies demonstrate that women are more sympathetic than men towards animal welfare and are less supportive of animal research.^[204] Additionally, studies have shown that significantly more women than men contribute their work to animal welfare organizations and to work in animal law.^[205]

Because women are arguably more progressive when it comes to animal welfare issues, the number of men in the Kentucky legislature may be concerning. For example, in 2016 only 15.9% of Kentucky’s legislature consisted of women.^[206] This number is down from 2015, in which 16.7% of the seats consisted of women.^[207] The number of women on the Kentucky legislature has been consistently declining since 2012.^[208]

In improving Kentucky’s stance on animal welfare, amending the legislative process and procedures and contributing more energy to animal law is a crucial step in the progression.

IV.B. Local Governments Send Message Animal Protection is Unimportant

By failing to adequately implement and address local animal laws, local governments are also sending the message that animal welfare is not an important issue. Many animal welfare advocates agree that Kentucky’s animal shelter situation is a starting point for addressing the state’s inadequate animal protections. Over 50% of Kentucky’s animal shelters are not in compliance with animal shelter laws.^[209] In one-third of Kentucky’s animal shelters, it is debatable whether or not they are even in compliance with animal cruelty laws.^[210]

Many local governments are unwilling to spend money on appropriate shelters. In a recent study conducted by veterinarian students from Lincoln Memorial University College of Veterinary Medicine, the students found that personnel at over 90% of Kentucky shelters identified the lack of funding from county governments to be a major problem in adequately operating shelters.^[211] A number of issues arise from the lack of funding by local governments.

Without proper funding, shelters are unable to provide adequate staff to manage their operations.^[212] Employees lack the basic training required to adequately care for the animals.^[213] Employees are unable to attend training because the cost of travel to receive training is prohibitive.^[214] For these reasons, many shelters rely on volunteers or inmates to care for the animals.^[215] Such lack of permanent well trained employees results in inconsistent and undependable staff to care for the animals.^[216]

Additionally, without adequate funding, local shelters do not have the resources to conduct research, write proposed changes, and lobby legislation. In an interview with Susan Malcomb, President of the Lexington Humane Society, Malcomb stated that if the biggest adoption agency in central Kentucky, the Lexington Humane Society, cannot free up people to lobby legislation, no one else likely has the ability to participate in legislation either.^[217]

The state's animal overpopulation problem could easily be addressed with proper funding. With adequate funds, shelters could implement efficient spay and neuter programs and decrease the number of animals that wind up in shelters. Numerous studies have shown that successful spay/neuter programs result in fewer animals ending up in shelters "leading to a significant reduction in the overall cost of sheltering unwanted or stray animals and improvement in overall public health and safety."^[218]

Furthermore, local governments do not provide adequate enforcement in promoting animal welfare. Most county attorneys utilize part-time positions on top of running their own private practice.^[219] This essentially means that county attorneys will take care of the required business that relates to the county, and will put off matters relating to animal cruelty, investigation, or prosecution.^[220]

Studies show that self-regulation by counties concerning compliance with shelter laws is insufficient "and that additional enforcement provisions are necessary to ensure compliance cross [sic] the state."^[221] In order to address the statewide animal welfare issue, it is imperative that counties address animal welfare issues. By not taking animal welfare issues seriously, local governments are sending the message that animal protection laws are insignificant and unimportant. If local county governments are unwilling to implement adequate animal welfare regulations, then trying to effect change on a statewide level is virtually impossible.^[222]

V. Conclusion: A Slippery Slope

Recognition of the correlation between animal abuse and the resulting tendency for disregarding human suffering must be recognized in Kentucky. A failure of laws to protect animals from abuse and neglect allows this depraved behavior to go unchecked. As previously mentioned, there is a distinct correlation between those who abuse animals and those who pose a threat to other humans. Punishing animal offenders protects humans from violence. In order to catch up to society's values, Kentucky must provide more adequate protections to animals. The top tier states in ALDF's rankings, among others, have felony provisions for cruelty, neglect, fighting, sexual assault, and abandonment, while Kentucky law contains only a single animal abuse felony for dog fighting.^[223]

In the rare circumstance an offender is convicted, Kentucky courts are not required to seize the animal from the abuser.^[224] Courts are not required to restrict future ownership of animals after a conviction.^[225] Moreover, courts do not mandate mental health evaluations for animal abusers.^[226] In contrast to Kentucky, Illinois' animal cruelty statute allows courts to order a convicted person to forfeit the animal.^[227] A court may also order that the convicted person not own any other animals for a reasonable period of time.^[228] Other Illinois statutes provide that courts may order convicted persons to undergo psychological or psychiatrist evaluations.^[229] Illinois' torture statute mandates such evaluations.^[230]

The top ranked states' statutes in ALDF's study provide for adequate definitions and standards of care, higher penalties for repeat abusers, forfeiture of abused animals, mandatory reporting of suspected cruelty, and many more provisions that Kentucky lacks. Kentucky does not have any felony provisions for neglect or abandonment. Kentucky's statutes contain inadequate definitions and standards of basic care.^[231] Kentucky has no law that increases penalties when abuse is committed in the presence of a minor or involves multiple animals.^[232] Kentucky law does not require mental health evaluations or counseling for offenders.^[233] There is no statutory authority to allow protective orders to include animals.^[234] There are no cost mitigation or recovery provisions for impounded animals.^[235] Court-ordered forfeiture provisions are limited to certain species.^[236] There are no restrictions on future ownership or possession of animals following an offender's conviction.^[237] There are no provisions granting agencies/professions immunity from reported suspected animal abuse, and in fact veterinarians are prohibited from reporting suspected animal cruelty.^[238] Finally, humane officers lack broad law enforcement authority.^[239]

Kentucky's current statutory stance on animal protection is unacceptable. The state's animal protection laws could be strengthened by increasing available felony provisions, providing adequate definitions of

standards of care, allow veterinarians and other professions to report suspected animal abuse, mandating mental health evaluations for offenders, among many other statutory implementations.

Kentucky's legislature must work to reverse the recognition of animals as mere property. In doing so, the legislature should take animal issues more seriously. More diversity should be encouraged in the legislature and women should be not only supported, but encouraged to take an active role in the political process. Local county governments must address inadequate shelters and provide proper funding. Spay/neuter funding could decrease the number of unwanted animals who end up in shelters, or on the streets posing a risk to public health and safety. Kentucky must improve local county governments and their policies toward animal welfare. In order for the state to improve as a whole, it is imperative that local governments begin enhancing their regulations, otherwise change will not transpire.

Kentucky has a long way to go in improving its ranking as the worst state for animal protection laws. Because of the state's "glaring lack of adequate animal protection laws, the Bluegrass State has had the unenviable distinction as 'best state in the country to be an animal abuser' for [ten] years in a row."^[240] As of now, Kentucky's laws make it difficult to seek justice. The good news is, Kentucky has nowhere to go but up.^[241]

[1] University of Kentucky College of Law, J.D. expected May 2018. I would like to thank my mom for instilling in me her love and appreciation for animals as well as Sable, Badger and Ruger for showing me the capacity animals have in showing love and appreciation for their rescuers. I would like to dedicate my note to all the animals that will never belong to a family and will have to face euthanasia while many more are bred to please a selfish society.

[2] Milan Kundera, *The Unbearable Lightness of Being* 289 (1999).

[3] Nina Golgowski, *Collie Shot in Face in Kentucky Dies Four Months After Jaw Removed, Owner Charged*, *New York Daily News* (Jun. 12, 2014, 4:15 PM), <http://www.nydailynews.com/news/national/collie-shot-face-kentucky-dies-months-jaw-removed-owner-charged-article-1.1827553>.

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *Source: Owner Charged in Shooting of Collie in Daviess Co., KY*, 14 WFIE news (last visited Mar. 17, 2017), <http://www.14news.com/story/25146393/indictment-in-shooting-of-collie-in-daviess-co-ky>.

[8] *Lad*, *The Arrow Fund: Targeting Animal Cruelty* (Aug. 25, 2014), <http://thearrowfund.org/lad/>.

[9] Ky. Rev. Stat. Ann. § 525.135 (West 2017) (emphasis added).

[10] Interview with Kathryn Callahan, Kentucky State Director (Feb. 28, 2017).

[11] *See Lad*, *supra* note 8; Daniel Hurst, *Pretrial Diversion in Kentucky*, Hurst & Hurst, Attorneys at Law (Mar. 4, 2014), <https://www.hurstandhurstlaw.com/pretrial-diversion-in-kentucky/>.

[12] *See* Interview with Kathryn Callahan, *supra* note 10.; *See 'Worst case of animal abuse' ends in probation*, *Cincinnati.com* (Jan. 29, 2015), <https://www.cincinnati.com/story/news/2015/01/28/pendleton-county-animal-cruelty/22483809/>.

[13] *Id.*

[14] *Id.*; Sara Celi, *49 Dead Horses Found on Pendleton Co. Farm*, *FOX19 Now* (last visited Mar. 17, 2017), <http://www.fox19.com/story/25185880/breaking-dead-horses-found-in-pendleton-county>.

[15] 2017 U.S. Animal Protection Laws Rankings, Animal Legal Defense Fund, http://aldf.org/wp-content/uploads/2018/01/Rankings-Report-2017_FINAL.pdf; See also *For 10th Year, KY Ranked Worst State in U.S. for Animal Protection Laws*, WTVQ San Francisco, (January 12, 2017) <https://www.wtvq.com/2017/01/12/10th-year-ky-ranked-worst-state-u-s-animal-protection-laws/>.

[16] 2017 U.S. Animal Protection Laws Rankings, Animal Legal Defense Fund, http://aldf.org/wp-content/uploads/2018/01/Rankings-Report-2017_FINAL.pdf.

[17] *Pet Industry Market Size & Ownership Statistics*, American Pet Products Association, http://www.americanpetproducts.org/press_industrytrends.asp (last visited Jan. 20, 2017).

[18] *Id.*

[19] *Poll: Americans Consider Pets Part of the Family*, Associated Press (updated June 23, 2009 at 10:50 AM), http://www.nbcnews.com/id/31505216/ns/health-pet_health/t/poll-americans-consider-pets-part-family/#.WHjqwbHMyu5.

[20] Sue Manning, *AP-Petside.com Poll: Many Pets Can Expect Holiday Gifts From Owners; Toys and Treats Lead List of Favorites*, Associated Press (Nov. 8, 2011), <http://ap-gfkpoll.com/featured/holiday-gifts-topline>.

[21] Dr. Harold Hovel, *The Connection Between Animal Abuse and Human Violence*, New York State Humane Association (2015), http://www.nyshumane.org/wp-content/uploads/2016/02/Connection_Animal_And_Human_Abuse.pdf.

[22] See Vicki Deisner, ASPCA, *Presentation Regarding Regional Legislation and National Trends for Animal Welfare* (2012).

[23] Penny Conly Ellison, *Can Courts Consider the Interests of Animals?* *The Legal Intelligencer* (Dec. 19, 2016), <http://www.thelegalintelligencer.com/home/id=1202775104873/Can-Courts-Consider-the-Interests-of-Animals?mcode=1202615324341&curindex=0&slreturn=20170011191238>.

[24] Gary L. Francione, *Introduction to Animal Rights: Your Child or the Dog?* xxiv (2000).

[25] 4 Am. Jur. 2d *Animals* § 3 (2017).

[26] *Id.*

[27] Francione, *supra* note 22.

[28] Francione, *supra* note 22 at xxiv-xxv.

[29] Francione, *supra* note 22 at xxv.

[30] *Ammon v. Welty*, 113 S.W.3d 185, 186 (Ky. Ct. App. 2002).

[31] *Id.*

[32] *Id.*

[33] *Id.* at 187.

[34] *Id.*

[35] *Id.*

[36] 4 Am. Jur. 2d *Animals* § 4 (2017).

[37] *Id.*

[38] See generally, Deisner, *supra* note 22.

[39] 2015 U.S. Animal Protection Laws Rankings, Animal Legal Defense Fund, <http://aldf.org/wp-content/uploads/2015/12/Rankings-Report-2015.pdf>.

[40] *Animal Abuse and Human Abuse: Partners in Crime*, PETA, <https://www.peta.org/issues/companion-animal-issues/companion-animals-factsheets/animal-abuse-human-abuse-partners-crime/>.

[41] *Id.*

[42] Belinda Abraham, *When Kids Kill*, LinkedIn (Sept. 26, 2017), <https://www.linkedin.com/pulse/when-kids-kill-belinda-abraham/>.

[43] Randall Lockwood, *Making the Connection Between Animal Cruelty and Abuse and Neglect of Vulnerable Adults*, The Latham Letter (2002), <http://nationallinkcoalition.org/wp-content/uploads/2013/01/ElderAbuse-Lockwood-.pdf>.

[44] *Tracking Animal Cruelty*, FBI (Feb. 1, 2016), <https://www.fbi.gov/news/stories/-tracking-animal-cruelty>.

[45] *Id.*

[46] *Id.*

[47] Hovel, *supra* note 21, at 14.

[48] *Id.* at 15.

[49] *Id.*

[50] *Id.*

[51] *Id.*

[52] *Id.*

[53] *Id.*

[54] *Id.*

[55] *Id.*

[56] *Id.* at 16.

[57] *Id.* at 5, 12, 14.

[58] *Id.* at 25-29.

[59] *Id.* at 20.

[60] *Id.* at 26.

[61] *Id.* at 26.

[62] *Child Witnesses to Domestic Violence*, Child Welfare Information Gateway, 1-2, (2016), <https://www.childwelfare.gov/pubPDFs/witnessdv.pdf>.

[63] Hovel, *supra* note 21, at 14.

[64] *Id.*

[65] *Id.* at 4.

[66] Gil Corsey, *Children Charged with Animal Cruelty After Viral Video Surfaces Showing Dog Kicked in Face*, WDRB (Jan. 13, 2017, 6:45 PM), <http://www.wdrb.com/story/34255262/children-charged-with-animal-cruelty-after-viral-video-surfaces-showing-dog-kicked-in-face>.

[67] *Id.*

[68] *Id.*

[69] *Id.*

[70] Telephone Interview with Susan Malcomb, President of Lexington Humane Society. (Jan. 16, 2017).

[71] *See 2 Juveniles Arrested in Connection to Video Showing Dog Being Kicked*, LEX18, (Jan. 13, 2017, 12:22 PM), <http://www.lex18.com/story/34241472/owner-upset-after-teen-kicks-dog>

[72] Ky. Rev. Stat. Ann. § 525.130 (West 2017); *Animal Cruelty Laws State by State*, Stray Pet Advocacy (2003), <http://www.straypetadvocacy.org/PDF/AnimalCrueltyLaws.pdf>.

[73] *Best and Worst States for Animal Protection Laws, 2017 Report Released*, Animal Legal Defense Fund (Jan. 18, 2018), <http://aldf.org/press-room/press-releases/best-worst-states-animal-protection-laws-2017-report-released/>.

[74] Corsey, *supra* note 66.

[75] ALDF Rankings, *supra* note 15, at 3.

[76] *Id.*

[77] "Ag-gag" legislation is designed to silence whistleblowers from revealing animal abusers on industrial farms by criminalizing acts related to investigating daily activities on industrial farms, such as "recording, possession or distribution of photos, video and/or audio at a farm." *What Is Ag-Gag Legislation?*, ASPCA, <http://www.asPCA.org/animal-cruelty/farm-animal-welfare/what-ag-gag-legislation> (last visited Feb. 24, 2017).

[78] ALDF Rankings, *supra* note 15, at 20.

[79] ALDF Rankings, *supra* note 73.

[80] ALDF Rankings, *supra* note 15, at 19.

[81] *Id.*

[82] *Id.*

[83] *Id.*

[84] *Id.*

[85] *Id.*

[86] *See id.* at 4, 12, 19 (explaining that Kentucky has court ordered forfeiture laws for only equine).

[87] *Id.* at 19.

[88] *Id.*

[89] *Id.*

[90] *Id.*

[91] *Id.*

[92] *Id.*

[93] *Best and Worst States for Animal Protection Laws*, 2017 Report Released, Animal Legal Defense Fund, (Jan. 18, 2018). <http://aldf.org/press-room/press-releases/best-worst-states-animal-protection-laws-2017-report-released/>.

[94] Animal Legal Defense Fund, *Supra* note 15.

[95] 510 Ill. Comp. Stat. Ann. 70/1 (West 2018).

[96] *See generally* 510 Ill. Comp. Stat. Ann. 70/2–2.10 (West 2018).

[97] 510 Ill. Comp. Stat. Ann. 70/2.01 (West 2018).

[98] 510 Ill. Comp. Stat. Ann. 70/3 (West 2018).

[99] *Id.*

[100] 510 Ill. Comp. Stat. Ann. 70/2.09 (West 2018).

[101] 510 Ill. Comp. Stat. Ann. 70/3.06 (West 2018).

[102] 510 Ill. Comp. Stat. Ann. 70/3.01 (West 2018).

[103] 510 Ill. Comp. Stat. Ann. 70/3.02 (West 2018).

[104] 510 Ill. Comp. Stat. Ann. 70/3.03 (West 2018).

[105] ALDF Rankings, *Supra* note 15, at 11.

[106] *Id.*

[107] *Id.*

[108] 510 Ill. Comp. Stat. Ann. 70/2.01 (West 2018).

[109] ALDF Rankings, *Supra* note 15, at 11.

[110] 510 Ill. Comp. Stat. Ann. 70/3.02 (West 2018).

[111] *Id.*

[112] 510 Ill. Comp. Stat. Ann. 70/3.03 (West 2018).

[113] 510 Ill. Comp. Stat. Ann. 70/4.01 (West 2018).

[114] 510 Ill. Comp. Stat. Ann. 5/12-35 (West 2018).

[115] *Id.*

[116] *Id.*

[117] *People v. Thornton*, 676 N.E.2d 1024, 1026 (1997).

[118] *See, e.g.*, 510 Ill. Comp. Stat. Ann. 70/3.01 (West 2018).

[119] *Id.*

[120] *Id.*

[121] 510 Ill. Comp. Stat. Ann. 70/4 (West 2018).

[122] *Id.*

[123] *Id.*

[124] *Animal Law Awareness for Law Enforcement and Other Governmental Agencies*, <https://agr.state.il.us/AnimalHW/LawEnforcementTraining.pdf>.

[125] 510 Ill. Comp. Stat. Ann. 70/10 (West 2018).

[126] *Supra* note 124.

[127] 510 Ill. Comp. Stat. Ann. 70/3.04 (West 2018).

[128] 510 Ill. Comp. Stat. Ann. 70/3.05 (West 2018).

[129] *Thornton*, 676 N.E.2d at 1026.

[130] *Id.*

[131] *Id.*

[132] *Id.* at 1027.

[133] *Id.*

[134] *Id.*

[135] *Id.*

[136] *Id.*

[137] *Id.* at 1027–28.

[138] *Id.* at 1028.

[139] *Id.*

[140] 510 Ill. Comp. Stat. Ann. 70/7.1 (West 2017).

[141] Ky. Rev. Stat. Ann. T. L, Ch. 525.

[142] *See id.*

[143] Callahan, *supra* note 10.

[144] *Id.*; Ky. Rev. Stat. Ann. § 525.125 (West 2017).

[145] Callahan, *supra* note 10.

[146] *Id.*

[147] 510 Ill. Comp. Stat. Ann. 70/3 (LexisNexis 2017).

[148] Callahan, *supra* note 10.

[149] Ky. Rev. Stat. Ann. § 446.010 (LexisNexis 2017).

[150] Malcomb, *supra* note 70. (referencing conversation with Jai Hamilton).

[151] *Id.*

[152] *Id.*

[153] *Id.*; Ky. Rev. Stat. Ann. § 446.010(2) (West 2017).

[154] Ky. Rev. Stat. Ann. § 446.010(2) (West 2017).

[155] *See* Ky. Rev. Stat. Ann. § 525.125 (West 2017); Ky. Rev. Stat. Ann. § 525.130 (West 2017); Ky. Rev. Stat. Ann. § 525.135 (West 2017).

[156] Ky. Rev. Stat. Ann. § 525.125 (West 2017).

[157] *Id.* (emphasis added).

[158] Ky. Rev. Stat. Ann. § 525.135 (West 2017).

[159] Torture of dogs and cats is covered by Ky. Rev. Stat. Ann. § 525.135 (West 2017).

[160] Ky. Rev. Stat. Ann. § 525.130 (West 2017).

[161] Ky. Rev. Stat. Ann. § 532.020 (LexisNexis 2017); Ky. Rev. Stat. Ann. § 534.040 (LexisNexis 2017).

[162] Ky. Rev. Stat. Ann. § 525.135 (West 2017).

[163] *United States v. Chamness*, No. 5:11-CR-00054-R, 2012 WL 3109494, at *1 (W.D. Ky. July 31, 2012).

[164] *Id.*

[165] *Id.*

[166] *See id.*; *see* Ky. Rev. Stat. Ann. § 525.125 (West 2017).

[167] *Chamness*, 2012 WL 3109494, at *1.

[168] *Id.*

[169] ALDF Rankings, *supra* note 15.

[170] Andrew Wolfson, *Bill would ban sex with pets, not other animals*, *courier-journal* (Jan. 10, 2017), <http://www.courier-journal.com/story/news/politics/ky-legislature/2017/01/09/bill-would-ban-sex-pets-not-other-animals/96262280/>.

[171] Callahan, *supra* note 10.

[172] ALDF Rankings, *supra* note 15.

[173] *Id.*

[174] *Id.*

[175] Ky. Rev. Stat. Ann. § 436.605 (West 2017).

[176] *Id.*

[177] *Id.*

[178] Rebecca F. Wisch, *Table of Veterinary Reporting Requirement and Immunity Laws*, Animal Legal & Historical Center (2015), <https://www.animallaw.info/topic/table-veterinary-reporting-requirement-and-immunity-laws>.

[179] Dr. Marty Becker, *It's against the law for a veterinarian to report animal abuse in Kentucky*, (Nov. 20, 2014), <https://www.drmarybecker.com/news/law-veterinarian-report-animal-abuse-kentucky/>.

[180] *Id.*

[181] *Id.*

[182] Ky. Rev. Stat. Ann. § 321.185 (West 2017) (this is in place to protect client confidentiality).

[183] Malcomb, *supra* note 70.

[184] Telephone Interview with Vicki Deisner, Midwest Legislative Director, ASPCA (2017, Jan. 16)..

[185] *Id.*

[186] *Id.*

[187] *Id.*

[188] *Id.*

[189] Callahan, *supra* note 10.

[190] *Id.*

[191] *Legislative Branch of Government*, Legislative Research Commission, <http://www.lrc.ky.gov/legproc/lbranch.htm> (last visited Feb. 19, 2018).

[192] *Id.*

[193] *Id.*

[194] Wolfson, *supra* note 170.

[195] *Legislative Session Length*, National Conference of State Legislatures (Dec. 2, 2010), <http://www.ncsl.org/research/about-state-legislatures/legislative-session-length.aspx>.

[196] *Id.*

[197] Deisner, *supra* note 184.

[198] *Id.*

[199] Callahan, *supra* note 10.

[200] *Id.*

[201] Wolfson, *supra* note 170.

[202] Telephone Interview with Katie Brophy, Former President, Animal Legal Defense Fund (Jan. 17, 2017).

[203] Lukey1, *Do Men Care Less About Animals Than Women?*, Vancouver Sun (Nov. 24, 2010 04:23 PM), <http://vancouversun.com/news/community-blogs/do-men-care-less-about-animals-than-women>.

[204] Harold A. Herzog, *Gender Differences in Human-Animal Interactions: A Review*, *Anthrozoos* (Feb. 13, 2007), <http://wpmedia.vancouversun.com/2010/11/gender.pdf>.

[205] Claire Sterling, *Is Animal Welfare "Women's Work"?*, ASPCA (Nov. 11, 2015), <http://www.aspcapro.org/blog/2015/11/10/animal-welfare-womens-work>.

[206] *Women in State Legislatures for 2016*, National Conference of State Legislatures (Sep. 20, 2016), <http://www.ncsl.org/legislators-staff/legislators/womens-legislative-network/women-in-state-legislatures-for-2016.aspx>.

[207] *Women in State Legislatures for 2015*, National Conference of State Legislatures (Sep. 4, 2015), <http://www.ncsl.org/legislators-staff/legislators/womens-legislative-network/women-in-state-legislatures-for-2015.aspx>.

[208] See *Women in State Legislatures for 2014*, National Conference of State Legislatures (Apr. 1, 2014), <http://www.ncsl.org/legislators-staff/legislators/womens-legislative-network/women-in-state-legislatures-for-2014.aspx>; *Women in State Legislatures: 2013 Legislative Session*, National Conference of State Legislatures (Nov. 8, 2013),

<http://www.ncsl.org/legislators-staff/legislators/womens-legislative-network/women-in-state-legislatures-for-2013.aspx>; *Women in State Legislatures: 2012 Legislative Session*, National Conference of State Legislatures (Sep. 17, 2012), <http://www.ncsl.org/legislators-staff/legislators/womens-legislative-network/women-in-state-legislatures-2012.aspx>.

[209] Cynthia L. Gaskill et al., 2016 Study of Current Conditions of Kentucky County Animal Shelters and Degree of Compliance with Kentucky Animal Shelter Laws 1 (2016).

[210] Malcomb, *supra* note 70.

[211] Gaskill, *supra* note 209, at 14.

[212] Malcomb, *supra* note 70.

[213] Gaskill, *supra* note 209, at 17.

[214] *Id.*

[215] *Id.* at 19.

[216] *Id.*

[217] Malcomb, *supra* note 70.

[218] Gaskill, *supra* note 209, at 17.

[219] Malcomb, *supra* note 70.

[220] *Id.*

[221] Gaskill, *supra* note 209, at 16.

[222] Malcomb, *supra* note 70.

[223] ALDF Rankings, *supra* note 15, at 11; Ky. Rev. Stat. Ann. § 525.125 (West 2017).

[224] Kristen Kennedy, *Realty Check: Why Kentucky is in the Dog House for Animal Abuse*, WKYT (Feb. 08, 2012), http://www.wkyt.com/home/headlines/Kentucky_worst_in_nation_at_fighting_animal_abuse_138760019.html.

[225] Samantha D. E. Tucker, *No Way to Treat Man's Best Friends: The Uncounted Injuries of Animal Cruelty Victims*, 19 Animal L. 151, 158 (2012) (describing laws on owning future pets after being convicted of animal abuse).

[226] *Id.*

[227] 510 Ill. Comp. Stat. Ann. 70/3.04 (West 2018) (a new version of this statute is effective June 1, 2018, however it does not change the provision allowing a court to order a convicted animal abuser to forfeit their animals).

[228] *Id.*

[229] See 510 Ill. Comp. Stat. Ann. 70/3.01, 70/3.02 (West 2018).

[230] 510 Ill. Comp. Stat. Ann. 70/3.03 (West 2018).

[231] ALDF Rankings, *supra* note 15, at 11.

[232] *Id.* at 12.

[233] *Id.*

[234] *Id.*

[235] *Id.*

[236] *Id.*

[237] *Id.*

[238] *Id.*

[239] *Id.*

[240] Stephan Otto, *Crime & Punishment in Kentucky*, Animal Legal Defense Fund (Oct. 26, 2009), <http://aldf.org/blog/crime-punishment-in-kentucky/>.

[241] Malcomb, *supra* note 70.

Tags: [Animal Abuse](#), [animal rights](#), [Gabrielle Fulton](#), [Kentucky](#)

Related Posts

The Commonwealth's
Response to Kentucky's
Pill Mill Problem

Law Enforcement's
Unfettered Use of Video
Technology Is Strangling
the Fourth Amendment's
Right to Privacy

Constitutional v.
Statutory Takings
Protections: Is One
Really Better Than the
Other?

About The Author



Online Content Manager