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# PROPOSED DOGFIGHTING LAWS IN KENTUCKY: EXPANDING THE SCOPE OF THE LAW CREATES CONTROVERSY

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Kentucky Legislators are attempting to live “in the arms of an angel” [i] by proposing more stringent laws regarding the brutal and inhumane activity of dogfighting. The current law provides that a person is guilty of cruelty to animals in the first degree if he or she causes a four-legged animal to fight for pleasure or profit, and the person owns the dog, owns the property on which the fight is held, or assists in organizing the fight.[ii] Commonwealth Lawmakers are proposing an additional provision stating, “Any person who knowingly owns, possesses, keeps, breeds, trains, sells, or otherwise transfers a dog for the purpose of that dog being used to fight another dog for pleasure or profit.”[iii] Cruelty to animals in the first degree is a felony.[iv]

The proposed provision is an effort to allow police officers to easily distinguish a “Cujo” from a “Scooby Doo.” Successful prosecution of suspected dogfighting participants is more elusive than Michael Vick on his 46-yard touchdown run to push the Falcons past the Vikings in an incredible 2002 overtime victory.[v] Even during a raid, when enforcement officers approach a dogfight taking place, observers and participants step away, and say that they do not own the dogs in the fight.[vi] Because the current law does not include dogfighting participants or observers as being subject to criminal penalties, officers are not able to identify and effectively eliminate dogfighting in the Commonwealth.[vii]



This provision, however, has received criticism from animal activists, hunters, and farmers alike. Animal activists claim that the law creates a loophole for dogfighting rings, allowing them to train their dogs under the impression that they are hunting dogs or guard dogs.<sup>[viii]</sup> Hunters and farmers argue that they could be wrongly accused of training a dog for fighting when the dog will be used for hunting or guarding crops and livestock.<sup>[ix]</sup> In response to farmers' outcries, lawmakers entered a provision stating, "Activities of animals engaged in guarding livestock shall not constitute a violation of this section."<sup>[x]</sup> While this provision ensures the protection of farmers from the law, the Commonwealth General Assembly is confident that these new provisions will provide law enforcement the tools they need to identify and apprehend suspected dogfighting participants.<sup>[xi]</sup>

[i] Sarah McLachlan, *Angel*, on Surfacing (Arista Records 1997).

[ii] Ky. Rev. Stat. Ann. § 525.125 (West 1992).

[iii] H.B. 428, 2016 Reg. Sess. (Ky. 2016).

[iv] Ky. Rev. Stat. Ann. § 525.125.

[v] Ryland Barton, *Anti-Dogfighting Bill May Make Dogfighting Easier in Kentucky*, WFPL.org (March 1, 2016), <http://wfpl.org/anti-dogfighting-bill-may-make-dogfighting-easier-in-kentucky/>; Vick, *Falcons scramble past Vikings in OT*, Savannah Morning News (Dec. 2, 2002), <http://savannahnow.com/stories/120202/SPTfalconslede.shtml#.Vc3HQMcSrbA>.

[vi] Barton, *supra* note v.

[vii] Ky. Rev. Stat. Ann. § 525.125.

[viii] *Id.*

[ix] John Cheves, *Bill would make it easier to prosecute dog fighting in Kentucky*, Lexington Herald-Leader (Feb. 23, 2016, 3:58 PM), <http://www.kentucky.com/news/politics-government/article62005547.html>.

[x] H.B. 428, 2016 Reg. Sess. (Ky. 2016).

[xi] Cheves, *supra* note ix.

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