

SENATE BILL No. 87

By Senator Haley

1-28

AN ACT concerning crimes and punishment; relating to cruelty to animals; amending K.S.A. 2002 Supp. 21-4310 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2002 Supp. 21-4310 is hereby amended to read as follows: 21-4310. (a) Cruelty to animals is:

(1) Intentionally killing, ~~injuring~~, maiming, torturing, *burning* or mutilating *or causing serious physical injury to* any animal;

(2) abandoning or leaving any animal in any place without making provisions for its proper care;

(3) having physical custody of any animal and failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal; ~~or~~

(4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment;

(5) *causing any physical injury other than serious physical injury to any animal.*

(b) The provisions of this section shall not apply to:

(1) Normal or accepted veterinary practices;

(2) bona fide experiments carried on by commonly recognized research facilities;

(3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated;

(4) rodeo practices accepted by the rodeo cowboys' association;

(5) the humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or

1 pound, a local or state health officer or a licensed veterinarian three busi-
2 ness days following the receipt of any such animal at such society, shelter
3 or pound;

4 ~~(6) with respect to farm animals,~~ normal or accepted practices of
5 animal husbandry;

6 (7) the killing of any animal by any person at any time which may be
7 found outside of the owned or rented property of the owner or custodian
8 of such animal and which is found injuring or posing a threat to any
9 person, farm animal or property;

10 (8) an animal control officer trained by a licensed veterinarian in the
11 use of a tranquilizer gun, using such gun with the appropriate dosage for
12 the size of the animal, when such animal is vicious or could not be cap-
13 tured after reasonable attempts using other methods; or

14 (9) laying an equine down for medical or identification purposes.

15 (c) As used in this section, "equine" means a horse, pony, mule,
16 jenny, donkey or hinny.

17 (d) (1) *Cruelty to animals as described in subsection (a)(1) is a se-*
18 *verity level 9, nonperson felony.*

19 (2) *Cruelty to animals as described in subsections (a)(2), (a)(3), (a)(4)*
20 *and (a)(5) is a class A nonperson misdemeanor.*

21 Sec. 2. K.S.A. 2002 Supp. 21-4310 is hereby repealed.

22 Sec. 3. This act shall take effect and be in force from and after its
23 publication in the statute book.

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