

HOUSE BILL No. 2621

By Committee on Agriculture

1-28

10 AN ACT concerning *[crimes and punishment;]* inflicting harm, disa-
11 bility or death to certain dogs; *[cruelty to animals;]* amending K.S.A.
12 2003 Supp. *[21-4310 and]* 21-4318 and repealing the existing section
13 *[sections]*.

14

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

16 Section 1. K.S.A. 2003 Supp. 21-4318 is hereby amended to read as
17 follows: 21-4318. (a) Inflicting harm, disability or death to a police dog,
18 arson dog, assistance dog, *game warden dog* or search and rescue dog is
19 knowingly and intentionally, and without lawful cause or justification poi-
20 soning, inflicting great bodily harm, permanent disability or death, upon
21 a police dog, arson dog, assistance dog, *game warden dog* or search and
22 rescue dog.

23 (b) As used in this section:

24 (1) "Arson dog" means any dog which is owned, or the service of
25 which is employed, by the state fire marshal or a fire department for the
26 principal purpose of aiding in the detection of liquid accelerants in the
27 investigation of fires.

28 (2) "Assistance dog" has the meaning provided by K.S.A. 2003 Supp.
29 39-1113, and amendments thereto.

30 (3) "Fire department" means a public fire department under the con-
31 trol of the governing body of a city, township, county, fire district or
32 benefit district or a private fire department operated by a nonprofit cor-
33 poration providing fire protection services for a city, township, county,
34 fire district or benefit district under contract with the governing body of
35 the city, township, county or district.

36 (4) "*Game warden dog*" means any dog which is owned, or the service
37 of which is employed, by the department of wildlife and parks for the
38 purpose of aiding in detection of criminal activity, enforcement of laws,
39 apprehension of offenders or location of persons or wildlife.

40 (5) "Police dog" means any dog which is owned, or the service of
41 which is employed, by a law enforcement agency for the principal purpose
42 of aiding in the detection of criminal activity, enforcement of laws or
43 apprehension of offenders.

1 ~~(5)~~ (6) “Search and rescue dog” means any dog which is owned or
2 the service of which is employed, by a law enforcement or emergency
3 response agency for the purpose of aiding in the location of persons miss-
4 ing in disasters or other times of need.

5 (c) Inflicting harm, disability or death to a police dog, arson dog,
6 assistance dog, *game warden dog* or search and rescue dog is a class A
7 nonperson misdemeanor.

8 (d) This section shall be part of and supplemental to the Kansas crim-
9 inal code.

10 ***[Sec. 2. K.S.A. 2003 Supp. 21-4310 is hereby amended to read***
11 ***as follows: 21-4310. (a) Cruelty to animals is:***

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

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

16 ***[(3) having physical custody of any animal and failing to pro-***
17 ***vide such food, potable water, protection from the elements, oppor-***
18 ***tunity for exercise and other care as is needed for the health or well-***
19 ***being of such kind of animal; ~~or~~***

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

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

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

26 ***[(1) Normal or accepted veterinary practices;***

27 ***[(2) bona fide experiments carried on by commonly recognized***
28 ***research facilities;***

29 ***[(3) killing, attempting to kill, trapping, catching or taking of***
30 ***any animal in accordance with the provisions of chapter 32 or chap-***
31 ***ter 47 of the Kansas Statutes Annotated;***

32 ***[(4) rodeo practices accepted by the rodeo cowboys’***
33 ***association;***

34 ***[(5) the humane killing of an animal which is diseased or disa-***
35 ***bled beyond recovery for any useful purpose, or the humane killing***
36 ***of animals for population control, by the owner thereof or the agent***
37 ***of such owner residing outside of a city or the owner thereof within***
38 ***a city if no animal shelter, pound or licensed veterinarian is within***
39 ***the city, or by a licensed veterinarian at the request of the owner***
40 ***thereof, or by any officer or agent of an incorporated humane so-***
41 ***ciety, the operator of an animal shelter or pound, a local or state***
42 ***health officer or a licensed veterinarian three business days follow-***
43 ***ing the receipt of any such animal at such society, shelter or pound;***

1 ~~[(6) with respect to farm animals,~~ ***normal or accepted practices of***
2 ***animal husbandry;***

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

7 ***[(8) an animal control officer trained by a licensed veterinarian***
8 ***in the use of a tranquilizer gun, using such gun with the appropriate***
9 ***dosage for the size of the animal, when such animal is vicious or***
10 ***could not be captured after reasonable attempts using other meth-***
11 ***ods; or***

12 ***[(9) laying an equine down for medical or identification***
13 ***purposes.***

14 ***[(c) As used in this section, “equine” means a horse, pony, mule,***
15 ***jenny, donkey or hinny.***

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

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

20 ~~Sec. 3 [3.]~~ K.S.A. 2003 Supp. [~~21-4310 and~~] 21-4318 ~~is~~ ***[are]***
21 hereby repealed.

22 ~~Sec. 3 [4.]~~ This act shall take effect and be in force from and after
23 its publication in the statute book.