

HOUSE BILL No. 2229

By Committee on Judiciary

1-25

9 AN ACT concerning crimes, criminal procedure and punishment; relat-
10 ing to unlawful animal fighting; amending K.S.A. 21-4315 and K.S.A.
11 2006 Supp. 21-4316 and 21-4317 and repealing the existing sections;
12 also repealing K.S.A. 2006 Supp. 21-4319.
13

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

15 Section 1. K.S.A. 21-4315 is hereby amended to read as follows: 21-
16 4315. (a) Unlawful conduct of ~~dog~~ animal fighting is: (1) Causing, for
17 amusement or gain, any ~~dog~~ animal to fight with or injure another ~~dog~~
18 animal, (2) knowingly permitting such fighting or injuring on premises
19 under one's ownership, charge or control, or (3) training, owning, keep-
20 ing, transporting or selling any ~~dog~~ animal for the purpose or with the
21 intent of having it fight with or injure another ~~dog~~ animal.

22 (b) Unlawful conduct of ~~dog~~ animal fighting is a severity level 10,
23 nonperson felony.

24 (c) Attending the unlawful conduct of ~~dog~~ animal fighting is a class
25 B nonperson misdemeanor.

26 (d) This section and K.S.A. 21-4316 and 21-4317, and amendments
27 thereto, shall be part of and supplemental to the Kansas criminal code.

28 Sec. 2. K.S.A. 2006 Supp. 21-4316 is hereby amended to read as
29 follows: 21-4316. (a) When a person is arrested under K.S.A. 21-4315 and
30 amendments thereto, a law enforcement agency may take into custody
31 any ~~dog~~ animal on the premises where the ~~dog~~ animal fight is alleged to
32 have occurred and any ~~dog~~ animal owned or kept on the premises of any
33 person arrested for unlawful conduct of ~~dog~~ animal fighting or for at-
34 tending the unlawful conduct of ~~dog~~ animal fighting, under K.S.A. 21-
35 4315 and amendments thereto.

36 (b) When a law enforcement agency takes custody of ~~a dog~~ an animal
37 under this section, such agency may place the ~~dog~~ animal in the care of
38 a duly incorporated humane society or licensed veterinarian for boarding,
39 treatment or other care. If it appears to a licensed veterinarian that the
40 ~~dog~~ animal is diseased or disabled beyond recovery for any useful pur-
41 pose, such ~~dog~~ animal may be humanely killed. The ~~dog~~ animal may be
42 sedated, isolated or restrained if such officer, agent or veterinarian de-
43 termines it to be in the best interest of the ~~dog~~ animal, other animals at

1 the animal shelter or personnel of the animal shelter. If the ~~dog~~ *animal*
2 is placed in the care of an animal shelter, the board of county commis-
3 sioners in the county where the animal was taken into custody shall es-
4 tablish and approve procedures whereby the animal shelter may petition
5 the district court to be allowed to place the ~~dog~~ *animal* for adoption or
6 euthanize the ~~dog~~ *animal* at any time after 20 days after the ~~dog~~ *animal*
7 is taken into custody, unless the owner or custodian of the ~~dog~~ *animal*
8 files a renewable cash or performance bond with the county clerk of the
9 county where the ~~dog~~ *animal* is being held, in an amount equal to not
10 less than the cost of care and treatment of the ~~dog~~ *animal* for 30 days.
11 Upon receiving such petition, the court shall determine whether the ~~dog~~
12 *animal* may be placed for adoption or euthanized. The board of county
13 commissioners in the county where the animal was taken into custody
14 shall review the cost of care and treatment being charged by the animal
15 shelter maintaining the animal. Except as provided in subsection (c), if it
16 appears to the licensed veterinarian by physical examination that the ~~dog~~
17 *animal* has not been trained for aggressive conduct or is a type of ~~dog~~
18 *animal* that is not commonly bred or trained for aggressive conduct, the
19 district or county attorney shall order that the ~~dog~~ *animal* be returned to
20 its owner when the ~~dog~~ *animal* is not needed as evidence in a case filed
21 under K.S.A. 21-4315 or 21-4310, and amendments thereto. The owner
22 or keeper of a ~~dog~~ *an animal* placed for adoption or humanely killed under
23 this subsection (b) shall not be entitled to damages unless the owner or
24 keeper proves that such placement or killing was unwarranted.

25 (c) If a person is convicted of unlawful conduct of ~~dog~~ *animal* fighting
26 or attending the unlawful conduct of ~~dog~~ *animal* fighting under K.S.A.
27 21-4315 and amendments thereto, a ~~dog~~ *an animal* taken into custody
28 pursuant to subsection (a) shall not be returned to such person and the
29 court shall order the owner or keeper to pay to the animal shelter all
30 expenses incurred for the care, treatment and boarding of such ~~dog~~ *an-*
31 *imal*, including any damages caused by such ~~dog~~ *animal*, prior to convic-
32 tion of the owner or keeper. Disposition of such ~~dog~~ *animal* shall be in
33 accordance with K.S.A. 21-4311 and amendments thereto. If no such
34 conviction results, the ~~dog~~ *animal* shall be returned to the owner or
35 keeper and the court shall order the county where the ~~dog~~ *animal* was
36 taken into custody to pay to the animal shelter all expenses incurred by
37 the shelter for the care, treatment and boarding of such ~~dog~~ *animal*,
38 including any damages caused by such ~~dog~~ *animal*, prior to its return.

39 Sec. 3. K.S.A. 2006 Supp. 21-4317 is hereby amended to read as
40 follows: 21-4317. (a) Illegal ownership or keeping of an animal is owning
41 or keeping on one's premises an animal by a person convicted of unlawful
42 conduct of ~~dog~~ *animal* fighting under K.S.A. 21-4315, and amendments
43 thereto, or cruelty to animals as defined in subsection (a)(1) of K.S.A. 21-

1 4310, and amendments thereto, within five years of the date of such
2 conviction.

3 (b) Illegal ownership or keeping of an animal is a class B nonperson
4 misdemeanor.

5 Sec. 4. K.S.A. 21-4315 and K.S.A. 2006 Supp. 21-4316, 21-4317 and
6 21-4319 are hereby repealed.

7 Sec. 5. This act shall take effect and be in force from and after its
8 publication in the statute book.