

258.235 Authority to kill or seize dog -- Return by court to owner of vicious dog -- Liability for damage -- Proceeding by person attacked by dog -- Disposition of dog after seizure -- Powers of animal control officer -- Vicious dog not to run at large.

- (1) Any person, without liability, may kill or seize any dog which is observed attacking any person.
- (2) Any livestock owner or his agent, without liability, may kill any dog trespassing on that owner's property and observed in the act of pursuing or wounding his livestock.
- (3) Any dog determined to be vicious by a court and allowed to be returned to an owner shall be confined in a locked enclosure at least seven (7) feet high or a locked kennel run with a secured top. The dog may leave the enclosure only to visit the veterinarian or to be turned in to an animal shelter. The dog shall be muzzled if leaving the enclosure for either of these purposes.
- (4) Any owner whose dog is found to have caused damage to a person, livestock, or other property shall be responsible for that damage.
- (5)
 - (a) Any person who has been attacked by a dog, or anyone acting on behalf of that person, may make a complaint before the district court, charging the owner or keeper of the dog with harboring a vicious dog. A copy of the complaint shall be served upon the person so charged in the same manner and subject to the laws regulating the service of summons in civil actions directing him to appear for a hearing of the complaint at a time fixed in the complaint. If the person fails to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the court finds the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, the person shall be subject to the penalties set forth in KRS 258.990(3)(b), and the court shall further order the owner or keeper to keep the dog securely confined as provided by subsection (3) of this section, or the court may order the dog to be destroyed.
 - (b) The animal control officer shall act as an officer of the court for the enforcement of any orders of the court in his jurisdiction pertaining to this subsection.
- (6) For his services in the proceedings, a peace officer shall be entitled to the same fees to which he is entitled for performing similar services in civil cases. In all proceedings under this section, the court shall place the costs upon either party as it may determine.
- (7) It shall be unlawful for the owner or keeper of any vicious dog, after receiving an order under subsection (5) of this section, to permit the dog to run at large, or to appear in public except as provided in subsection (3) of this section. Any vicious dog found running at large may be killed by any animal control officer or peace officer without liability for damages for the killing.

Effective: July 13, 2004

History: Amended 2004 Ky. Acts ch. 189, sec. 18, effective July 13, 2004. -- Amended 1998 Ky. Acts ch. 440, sec. 5, effective July 15, 1998. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 223, effective January 2, 1978. -- Created 1954 Ky. Acts ch. 119, sec. 26, effective June 17, 1954.