



Statement of Advocacy for the Confiscation of Abused and Neglected Horses

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Opportunities for Improved Conditions for Neglected and Abused Horses in Kentucky

Horses that are neglected or abused could be more quickly and efficiently removed from the care of their owner while charges are being filed and the court case is scheduled. Rehabilitation and recovery would occur under the watchful eye of the county animal control officer or agency. The cost of the animals' care during this time could be paid as restitution to the county after conviction, relieving the county of the financial burden of care, which often acts as a disincentive to confiscate the animals.

Background Facts

- Owners of neglected and starving horses are cited according to KRS 525.130 which does not provide for the confiscation of neglected animals
- Owners found guilty of cruelty to animals often maintain ownership and custody of those animals despite a guilty verdict
- Some counties have had success sentencing the owner to surrender animals when found guilty of cruelty to animals
- Currently some counties are impounding or confiscating starving and neglected horses under the rules of evidence citing the animals as personal property used in the commission of a crime
- There are no provisions for the care of confiscated animals under current Kentucky statute and each case is handled on a county by county basis
- Counties that confiscate horses as part of an investigation spend hundreds and sometimes thousands of dollars caring for and rehabilitating neglected horses
- Most counties do not have facilities or funding to care for confiscated livestock

Changes which would provide for the legal confiscation and care of neglected horses:

- Issue a citation and confiscate horses whose owners have violated KRS 525.130
- Horses and other livestock may be maintained in place by the owner, at the discretion of the court, and under the supervision of the animal control or law enforcement agency
- Confiscated animals should be maintained by the county, and restitution for their care and expenses should be reimbursed by the owner if found guilty
- When the owner is found guilty of violation of KRS 525.130, the animals should be legally forfeited to the county after the guilty verdict. Such animals could then be adopted, humanely euthanized, or dispersed under the direction of the animal control agency
- When the owner is found not guilty, the animals can be returned without collecting restitution.
- Identify or develop a continuous source of funding to support the care of animals that are confiscated and implement a grant funding system to provide facilities for large animal care