

ORDINANCE NO. _____, SERIES 2019

AN ORDINANCE AMENDING CHAPTER 91 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) TO CREATE AN ANIMAL ABUSE OFFENDER REGISTRY (AS AMENDED).

SPONSORED BY: COUNCIL MEMBER BRANDON COAN

WHEREAS, Louisville/Jefferson County Metro Government (“Louisville Metro”) finds that animal abuse is a serious problem in our city, state and country;

WHEREAS, according to the Animal Legal Defense Fund Annual Study, the Commonwealth of Kentucky consistently ranks among the worst, and most recently as the worst among the 50 states with respect to animal protection laws;

WHEREAS, the Commonwealth of Kentucky has criminalized the cruel treatment of animals, and yet the problem persists;

WHEREAS, studies have shown that people who have abused animals are likely to abuse animals again, and there is a recidivism rate near 100% for certain types of animal abuse;

WHEREAS, decades of research have shown a strong correlation linking people who abuse animals with incidents of interpersonal abuse such as domestic violence and child abuse;

WHEREAS, Louisville Metro recognizes that Jefferson County residents and their animals need protection, and that an online registry identifying animal abuse offenders is necessary for that purpose;

WHEREAS, Louisville Metro has determined that an online animal abuse offender registry will help prevent individuals convicted of criminal animal abuse from adopting, fostering, purchasing, possessing, or otherwise obtaining control over animals by any means; and

WHEREAS, Louisville Metro finds that creating this Animal Abuse Offender Registry Jefferson County will serve the public health, safety, and welfare of Jefferson County residents and their animals.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: The Council hereby amends LMCO § 91.001 to include the following definitions:

ANIMAL ABUSE OFFENDER REGISTRY. The registry for animal abuse established under 91. of this Chapter for registering any person residing in Jefferson County convicted of an Animal Abuse Offense or any person convicted of an Animal Abuse Offense in Jefferson County.

ANIMAL ABUSE OFFENSE. A violation of any of the offenses found in KRS 525.125, 525.130, 525.135, 525.200, or 525.205.

OFFENDER. Any person who has been convicted of or entered a guilty plea to an animal abuse offense.

OFFENDER INFORMATION. The offender's name, age, address, current photograph, a description of the crime or crimes committed, and other identifying information determined necessary by Louisville Metro Animal Services.

SECTION II: Amends LMCO Chapter § 91.023 to include a new subsection, LMCO § 91.023(D), to read as follows:

§ 91.023(D) Responsibilities of license and permit holders under this section:

(1) Persons or entities holding a permit or license in accordance with subsection (B) above are prohibited from the sale, exchange, or other transfer of ownership of any animal to an individual listed on the Animal Abuse Offender Registry or an individual

who resides at an address where an individual listed as an offender on the Animal Abuse Offender Registry also resides.

(2) Prior to the sale, exchange, or other transfer of ownership of any animal, any person or entity holding a permit or license in accordance with subsection (B) above is required to examine the Animal Abuse Offender Registry to confirm that the name of the potential owner of the animal is not listed, as well as confirm that the potential owner of the animal does not reside at an address where an individual listed as an offender on the Animal Abuse Offender Registry also resides.

(3) Any person or entity who sells, exchanges or transfers ownership of any animal in good-faith reliance on registrant information or lack of registrant information on the Animal Abuse Offender Registry shall not be subject to penalty under this section.

(34) This subsection shall not apply to the sale, exchange, or transfer of an Assistance Dog unless there is an enjoinder order and/or an abuse offense pertaining directly to an Assistance Dog.

SECTION III: The Council hereby creates a new subsection of LMCO § 91 as follows:

§ 91.XXX ANIMAL ABUSE OFFENDER REGISTRY.

(A) Louisville Metro Animal Services (“MAS”) shall develop and operate an animal abuse offender registry for offenders.

(B) Upon conviction, an offender shall be required to register with MAS. The period of time for said persons to remain on the animal abuse offender registry will be two (2) years from the first day of release of confinement, or the beginning date of probation or conditional discharge.

(C) It shall be the duty of MAS to inform any person required to register pursuant to subsection (B) above. The period of time for said persons to remain on the animal abuse offender registry will be two (2) years from the first day of release of confinement, or the beginning date of probation or conditional discharge.

(D) Any person required to register pursuant to subsection (B) above shall be required to pay an annual registration fee of one hundred dollars (\$100) to MAS. The fee shall be recorded by MAS into the Animal Abuse Offender Registry account. Pursuant to regulations promulgated by the Director, MAS may waive or reduce the annual registration fee for the offender due to financial hardship or on the basis of income level.

(E) A person who establishes residency in Jefferson County and who, in the last two (2) years, was convicted of an animal abuse offense in another Kentucky jurisdiction, or in another state with substantially similar animal abuse offense statutes, on or after the effective date of this ordinance, must, within ten (10) business days of establishing residency in Jefferson County, register with MAS. Said persons will be required to remain on the registry until two (2) years have lapsed since the first day of release of confinement, or the beginning date of probation or conditional discharge.

(F) MAS, with the assistance of the Department of Information Technology Services, shall establish the Animal Abuse Offender Registry website and make it available to the public. The website shall display offender information and shall be updated at least once every thirty (30) days.

(G) MAS shall promulgate administrative regulations to establish and operate the Animal Abuse Offender Registry, including but not limited to policies and procedures:

(1) For compiling, publishing, and maintaining offender information;

(2) For how an individual may be removed from the Registry; and

(3) To ensure compliance with all other local, state and federal laws.

(H) Any employee of MAS who disseminates, or does not disseminate, registrant information in good-faith compliance with the requirements of this subsection shall be immune from criminal and civil liability for the dissemination or lack thereof.

(I) Any person required to register under subsections (B) or (E) must, within ten (10) business days of change of residency amend his or her registration with MAS.

(J) Any person required to register under subsections (B) or (E) who fails to do so or who knowingly provides false, misleading, or incomplete information shall be subject to a civil penalty under § 91.999(B).

SECTION IV: The Council hereby amends LMCO § 91.027 to include the following:

(C) It shall be unlawful for any person to purchase, adopt, care for, or otherwise take possession of an animal if said person is listed as an offender on the animal abuse offender registry. Persons who violate this subsection shall be subject to a civil penalty under § 91.999(B).

(DG) It shall be unlawful for any person to purchase an animal which has been offered for sale, or sold, in violation of this section.

(ED) It shall be unlawful for any person to sell, offer to sell, or to advertise the sale of an animal, or for any person to purchase a dog which has been classified by the Director as a dangerous dog or a potentially dangerous dog without the written permission of the Director.

(~~FE~~) In addition to a citation issued to the owner, any animal sold or offered for sale in violation of this section may be impounded by MAS. The animal shall be released to the owner(s) only upon the obtaining of all required licenses or vaccinations, and the payment of all other redemption fees and costs provided under § 91.071.

(~~GF~~) The requirements of this section shall not apply to animals sold, offered for sale, or advertised for sale by, or in connection with, any activity conducted by the Louisville Zoo, or Churchill Downs.

(H) The requirements of this section shall not apply to livestock or assistance dogs unless there is an enjoinder order and/or an abuse offense pertaining directly to livestock or an assistance dog.

SECTION V: The Council hereby creates the following new subsection of LMCO § 91:

§ 91.XXX ANIMAL ABUSE OFFENDER REGISTRY PROGRAM.

(A) The Animal Abuse Offender Registry Program is established for purposes of collection of fees and administration of an online registry pursuant to § 91.XXX(D) and shall be used to develop and operate the Animal Abuse Offender Registry in accordance with § 91.XXX. MAS shall administer the program.

(B) Any moneys in the program shall not lapse but shall be carried forward to the next fiscal year.

SECTION VI: This Ordinance shall take effect 90 days from the date of its passage and approval.

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

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