

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2007

ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 2206

(By Delegates Talbott, Stemple, Eldridge,
Hamilton, M. Poling and Argento)

Passed March 10, 2007

In Effect Ninety Days from Passage

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COMMITTEE SUBSTITUTE OFFICE WEST VIRGINIA
FOR SECRETARY OF STATE

H. B. 2206

(BY DELEGATES TALBOTT, STEMPLER, ELDRIDGE,
HAMILTON, M. POLING AND ARGENTO)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §19-20-12 of the Code of West Virginia, 1931, as amended, relating to protection of registered dogs; prohibiting a person not the owner of a registered dog from removing tags, collars or apparel from a registered dog, or turning off a radio transmitting collar without the permission of the owner; providing for limited exceptions thereto; and establishing related penalties.

Be it enacted by the Legislature of West Virginia:

That §19-20-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 20. DOGS AND CATS.

§19-20-12. Dogs, other animals and reptiles protected by law; unlawful killing thereof; aggrieved owner's remedy; penalties; penalties for unlawful stealing of companion animals.

1 (a) Any dog which is registered, kept and controlled as
2 provided in this article or any dog, cat or other animal or any
3 reptile which is owned, kept and maintained as a companion
4 animal by any person, irrespective of age, is protected by
5 law; and, except as otherwise authorized by law, any person
6 who shall intentionally, knowingly or recklessly kill, injure,
7 poison or in any other manner, cause the death or injury of
8 any dog, cat, other animal or any reptile is guilty of a
9 misdemeanor and, upon conviction thereof, shall be ordered
10 to provide public service for not less than thirty nor more
11 than ninety days or fined not less than three hundred dollars
12 nor more than five hundred dollars, or both. However, this
13 section does not apply to a dog who is killed while attacking
14 a person, a companion animal or livestock. Any person
15 whose dog, cat, other animal or reptile as specified herein is
16 killed or injured wrongfully or unlawfully by any other
17 person shall have a right of action against the person who
18 shall so kill or injure any dog, cat, animal or reptile.

19 (b) Any person who shall intentionally and unlawfully
20 steal a dog, cat, other animal or reptile as specified in
21 subsection (a) of this section is guilty of a misdemeanor and,
22 upon conviction thereof, shall be ordered to provide public
23 service for not less than thirty nor more than ninety days or
24 fined not less than three hundred nor more than five hundred
25 dollars, or both. Any person violating the provisions of this
26 subsection, for second or subsequent offense, is guilty of a
27 misdemeanor and, upon conviction thereof, shall be confined
28 in jail for a period of not less than ninety days nor more than
29 six months, or shall be ordered to provide public service for
30 not more than one year, and fined not less than one thousand
31 dollars. In no case can any action or prosecution relating to
32 a dog under the provisions of this section be maintained if the
33 dog concerned has not been duly registered pursuant to the
34 provisions of this article or owned and kept pursuant to the
35 provisions of this section or owned and kept pursuant to the
36 provisions of this section at the time the cause of action shall
37 have arisen.

38 (c) No person other than the owner of a registered dog
39 may remove a tag, collar or other identifying apparel from

40 the registered dog, nor remove or turn off a radio transmitting
41 collar on the registered dog, without the permission of the
42 owner, unless removal of the tag, collar or apparel is
43 necessary to prevent or treat an injury to the dog or is done
44 by a law-enforcement officer for a legitimate law-
45 enforcement purpose. Any person who intentionally removes
46 a tag, collar or other apparel from a registered dog in
47 violation of the provisions of this subsection is guilty of a
48 misdemeanor and, upon conviction thereof, shall be ordered
49 to provide community service for not less than eight hours
50 nor more than forty hours or fined not less than fifty dollars
51 nor more than one hundred fifty dollars, or both.

52 (d) The Commissioner of Agriculture is hereby
53 authorized to designate a reasonable number of his or
54 her present employees as may be necessary to investigate
55 alleged incidents of the unlawful stealing of dogs, other
56 domestic animals or reptiles, alleged incidents of cruelty to
57 animals or reptiles and the alleged incidents of the unlawful
58 stealing of animals or reptiles for the purpose of sale to
59 medical or other research companies. The deputies shall
60 make the results of their investigations known to any
61 law-enforcement officers who have authority to enforce the
62 provisions of this article.

63 (e) It shall be the duty of all members of the West
64 Virginia State Police, sheriffs and police officers to aid in the
65 enforcement of the provisions of this article and, for services
66 rendered in the enforcement thereof, those persons shall be
67 entitled to fees in the amounts set forth in section eight of this
68 article. The fees shall be paid by the county commission
69 from the dog and kennel fund.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



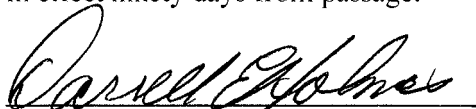
Chairman Senate Committee



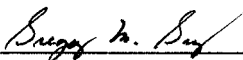
Chairman House Committee

Originating in the House.

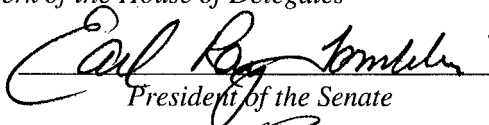
In effect ninety days from passage.



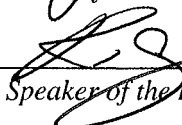
Clerk of the Senate



Clerk of the House of Delegates

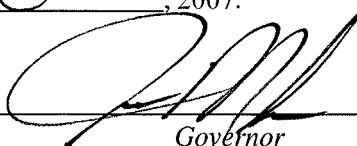


President of the Senate



Speaker of the House of Delegates

The within is approved this the 22nd
day of April, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 18 2007

Time 2:01 pm