

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 3143**

4 (By Delegates Pasdon, Hall, Craig, R. Phillips,
5 Miley and Boggs)

6
7 (Originating in the Committee on the Judiciary)

8 [February 25, 2011]

9
10 A BILL to amend and reenact §19-20-24 of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §61-3E-6 of said
12 code; all relating to penalties for causing injury or death to
13 certain animals used by law enforcement or in law enforcement
14 duties.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §19-20-24 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted; and that §61-3E-6 of said code be amended
18 and reenacted, all to read as follows:

19 **CHAPTER 19. AGRICULTURE.**

20 **ARTICLE 20. DOGS AND CATS.**

21 **§19-20-24. Causing death or injury to animals used by law-**
22 **enforcement officials or by fire prevention or**
23 **investigation officials; criminal penalties.**

24 Any person who, without justification, and with the unlawful
25 intent to inflict serious physical injury or death, causes the
26 death of any trained dog or horse used by law-enforcement
27 officials, the Department of Military Affairs and Public Safety or
28 by fire prevention or investigation officials in the performance of

1 their official duties is guilty of a felony and, upon conviction
2 thereof, shall be fined not less than \$500 nor more than ~~one~~
3 ~~thousand dollars~~ \$5,000 and imprisoned in a correctional facility
4 ~~the penitentiary~~ for a definite term of not more than three years.

5 Any person who, without justification, willfully and
6 unlawfully causes physical injury to any trained dog or horse used
7 by law-enforcement officials, the Department of Military Affairs
8 and Public Safety or by fire prevention or investigation officials
9 in the performance of their official duties is guilty of a
10 misdemeanor and, upon conviction thereof, shall be fined not more
11 than \$500 or confined in the ~~county~~ jail not more than six months,
12 or both.

13 Any person convicted of a violation of this section shall be
14 ordered to make restitution to the law-enforcement agency, the
15 Department of Military Affairs and Public Safety or to the State
16 Fire Marshal or other fire prevention or investigation department
17 or agency owning the animal for any veterinary bills, and
18 replacement costs of any disabled or killed animal.

19 **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

20 **ARTICLE 3E. OFFENSES INVOLVING EXPLOSIVES.**

21 **§61-3E-6. Causing death or injury to an explosives detection**
22 **animal; penalty.**

23 Any person who violates the provisions of this article which
24 violation causes death, serious or debilitating bodily injury to an
25 explosives detection animal owned or used by a law-enforcement
26 agency, shall be guilty of a felony and, upon conviction thereof,
27 be committed to the custody of the Division of Corrections for not
28 less than one year nor more than five years or fined not more than

1 \$5,000 or both. Any person convicted of a violation of this section
2 shall be ordered to make restitution to the law-enforcement agency,
3 the Department of Military Affairs and Public Safety or to the
4 State Fire Marshal or other fire prevention or investigation
5 department or agency owning the animal for any veterinary bills,
6 and replacement costs of any disabled or killed animal.