

H. B. 3143

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

[Introduced February 15, 2011; referred to the
Committee on the Judiciary then Finance.]

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:

CHAPTER 19. AGRICULTURE.

ARTICLE 20. DOGS AND CATS.

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

Any person who, without justification, and with the unlawful
intent to inflict serious physical injury or death, causes the
death of any trained dog or horse used by law-enforcement
officials, the Department of Military Affairs and Public Safety or

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

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

14 Any person convicted of a violation of this section shall be
 15 ordered to make restitution to the law-enforcement agency, the
 16 Department of Military Affairs and Public Safety or to the State
 17 Fire Marshal or other fire prevention or investigation department
 18 or agency owning the animal for any veterinary bills, ~~and~~
 19 replacement costs of any disabled or killed animal and the salary
 20 of the officer assigned to the animal for any period of time the
 21 officer's services are lost to the officer's agency.

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

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

24 **§61-3E-6. Causing death or injury to an explosives detection**
 25 **animal; penalty.**

26 Any person who violates the provisions of this article which

1 violation causes death, serious or debilitating bodily injury to an
2 explosives detection animal owned or used by a law-enforcement
3 agency, shall be guilty of a felony and, upon conviction thereof,
4 be committed to the custody of the Division of Corrections for not
5 less than one year nor more than five years or fined not more than
6 \$5,000 or both. The person shall also be ordered to make
7 restitution to the law-enforcement agency, the Department of
8 Military Affairs and Public Safety or to the State Fire Marshal or
9 other fire prevention or investigation department costs of any
10 disabled or killed animal and the salary of the officer assigned to
11 the animal for any period of time the officer's services are lost
12 to the officer's agency.

NOTE: The purpose of this bill is to increase the fine and minimum penalty for causing death or injury to animals used by law enforcement agencies and in explosion explosive detection.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.