

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **ENGROSSED**

#### **Committee Substitute**

**for**

#### **House Bill 4201**

(BY DELEGATES OVERINGTON, HANSHAW, BLAIR, SHOTT,

STATLER, SOBONYA, SUMMERS, WELD, KESSINGER,

B. WHITE AND FLEISCHAUER)

[Introduced January 21, 2016;

referred to the Committee on the Judiciary.]



1 A BILL to amend and reenact §61-8-19a and §61-8-19b of the Code of West Virginia, 1931, as  
2 amended; and to amend said code by adding thereto a new section, designated §61-8-  
3 19c, all relating to increasing the criminal penalties for participating in an animal fighting  
4 venture; defining terms; making unlawful the selling, buying, owning, possessing, keeping,  
5 training, transporting, delivering, or receiving an animal with the intent that the animal  
6 engage in an animal fighting venture; making unlawful knowingly causing an individual  
7 under the age of eighteen to attend an animal fighting venture; providing that wagering at  
8 an animal fighting venture is a crime; making unlawful knowingly conducting, financing,  
9 managing, supervising, directing, leasing, or owning all or a part of a business or premises  
10 involving wagering on an animal fighting venture; providing for penalties; and providing  
11 penalties for second or subsequent violations.

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

1 That §61-8-19a and §61-8-19b of the Code of West Virginia, 1931, as amended, be  
2 amended and reenacted; and that said code be amended by adding thereto a new section,  
3 designated §61-8-19c, all to read as follows:

**ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.**

**§61-8-19a. Animal fighting ventures prohibited.**

1 (a) For the purpose of this article, “animal fighting venture” means any event that involves  
2 a fight conducted or to be conducted between at least two animals for purposes of sport, wagering,  
3 or entertainment: *Provided*, That it shall not be deemed to include any activity the primary purpose  
4 of which involves the use of one or more animals in racing or in hunting another animal: *Provided*,  
5 however, That this does not include poultry owners who raise their fowl for breeding for the  
6 purpose of production of free range poultry, egg production or exhibition.

7 ~~(a)~~ (b) It is unlawful for any person to engage in, be employed at, or sell an admission to  
8 any animal fighting venture.

9           (c) It is unlawful for any person to sell, buy, own, possess, keep, train, transport, deliver,  
10 or receive an animal with the intent that the animal engage in an animal fighting venture.

11           ~~(b) Any person who violates the provisions of this section is guilty of a misdemeanor and,~~  
12 ~~upon conviction thereof, shall be fined not less than \$100 and not more than \$1,000, or confined~~  
13 ~~in the county jail not exceeding one year, or both so fined and confined, and may be divested of~~  
14 ~~ownership and control of such animals, and be liable for all costs for their care and maintenance:~~  
15 ~~Provided, That if the animal is a wild animal, game animal or fur-bearing animal, as defined in~~  
16 ~~section two, article one, chapter twenty of this code, or wildlife not indigenous to West Virginia, or~~  
17 ~~of a canine, feline, porcine, bovine, or equine species whether wild or domesticated, the person~~  
18 ~~who violates the provisions of this section is guilty of a felony and, upon conviction thereof, shall~~  
19 ~~be fined not less than \$1,000 and not more than \$5,000, and imprisoned in a state correctional~~  
20 ~~facility for not less than one nor more than five years, or both fined and imprisoned.~~

21           (d) Any person who violates the provisions of this section is guilty of a felony and, upon  
22 conviction thereof, shall be fined not less than \$2,500 and not more than \$5,000, and imprisoned  
23 in a state correctional facility for not less than one nor more than five years, or both fined and  
24 imprisoned, and shall be divested of ownership and control of such animals, and be liable for all  
25 costs for their care and maintenance.

**§61-8-19b. Attendance at animal fighting ventures prohibited; penalty.**

1           (a) It is unlawful for any person to knowingly attend or knowingly cause an individual who  
2 has not attained the age of eighteen to attend, an animal fighting venture involving animals as  
3 provided in ~~subsections (a) and (b),~~ section nineteen-a, article eight of this chapter.

4           (b) Any person who violates the provisions of this section is guilty of a misdemeanor and,  
5 upon conviction thereof, shall be fined not less than ~~\$400~~ \$300 and not more than ~~\$1,000~~ \$2,000,  
6 or confined in the county or regional jail not more than one year, or both fined and imprisoned.

7           (c) Notwithstanding the provisions of subsection (b) of this section, any person convicted  
8 of a second or subsequent violation of subsection (a) of this section is guilty of a felony and, shall

9 be fined not less than \$2,500 and not more than \$5,000, imprisoned in a state correctional facility  
10 not less than one year nor more than five years, or both fined and imprisoned.

**§61-8-19c. Wagering at animal fighting venture prohibited; penalty.**

1 (a) It is unlawful for any person to bet or wager money or any other thing of value in any  
2 location or place where an animal fighting venture occurs.

3 (b) It is unlawful for any person to knowingly conduct, finance, manage, supervise, direct,  
4 lease or own all or a part of a business or premises involving betting or wagering on an animal  
5 fighting venture.

6 (c) Any person who violates the provisions of this section is guilty of a misdemeanor and,  
7 upon conviction thereof, shall be fined not less than \$300 and not more than \$2,000, or confined  
8 in jail not more than one year, or both fined and imprisoned.

9 (d) Any person who is convicted of a second or subsequent violation of this section is  
10 guilty of a felony and, upon conviction thereof, shall be fined not less than \$1,000 and not more  
11 than \$5,000, or imprisoned in a state correctional facility not less than one year nor more than  
12 five years, or both fined and imprisoned.

NOTE: The purpose of this bill is to increase the penalties for participating in an animal fighting venture. It also provides criminal penalties for participating in wagering at an animal fighting venture.

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