

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **ENROLLED**

#### **Committee Substitute**

**for**

#### **House Bill 4201**

BY DELEGATES OVERINGTON, HANSHAW, BLAIR, SHOTT,  
STATLER, SOBONYA, SUMMERS, WELD, KESSINGER, B.

WHITE AND FLEISCHAUER

[Passed March 12, 2016; in effect ninety days from  
passage.]

1 AN ACT 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; adding conducting, financing, managing, supervising, directing,  
5 or knowingly allowing property under one's control to be used for an animal fighting  
6 venture to types of prohibited conduct; making unlawful the possession of an animal for  
7 the purpose of engaging the animal in an animal fighting venture; providing for penalties;  
8 providing for divesting a convicted person of ownership of such animals and making a  
9 convicted person liable for all costs of the such animals care and maintenance; making it  
10 unlawful to knowingly cause an individual under the age of eighteen to attend an animal  
11 fighting venture; providing for penalties; providing penalties for third or subsequent  
12 offenses; providing that wagering at an animal fighting venture is a crime; providing for  
13 penalties; and providing increased penalties for third or subsequent offenses.

*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 lawful activity the primary  
4 purpose of which involves the use of one or more animals in racing or in hunting another animal:  
5 *Provided, however*, That "animal fighting venture" does not include the lawful use of livestock as  
6 such is defined in section two, article ten-b, chapter nineteen of this code or exotic species of

7 animals bred or possessed for exhibition purposes when such exhibition purposes do not include  
8 animal fighting or training therefor.

9 (b) It is unlawful for any person to conduct, finance, manage, supervise, direct, engage  
10 in, be employed at, or sell an admission to any animal fighting venture or to knowingly allow  
11 property under his care, custody or control to be so used.

12 (c) It is unlawful for any person to possess an animal with the intent to engage the animal  
13 in an animal fighting venture.

14 (d) Any person who violates the provisions of this section is guilty of a misdemeanor and,  
15 upon conviction thereof, shall be fined not less than \$300 and not more than \$2,000, or confined  
16 in the county jail not exceeding one year, or both so fined and confined: *Provided*, That if the  
17 animal is a wild animal, game animal or fur-bearing animal, as defined in section two, article one,  
18 chapter twenty of this code, or wildlife not indigenous to West Virginia, or of a canine, feline,  
19 porcine, bovine, or equine species whether wild or domesticated, the person who violates the  
20 provisions of this section is guilty of a felony and, upon conviction thereof, shall be fined not less  
21 than \$2,500 and not more than \$5,000, and imprisoned in a state correctional facility for not less  
22 than two nor more than five years, or both fined and imprisoned.

23 (e) Any person convicted of a violation of this section shall be divested of ownership and  
24 control of such animals and liable for all costs of their care and maintenance pursuant to section  
25 four, article ten, chapter seven of this code.

**§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 defined in 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 \$300 and not more than \$2,000, or confined  
6 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 third or subsequent violation of subsection (a) of this section is guilty of a felony and, shall be  
9 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) Any person who violates the provisions of this section is guilty of a misdemeanor and,  
4 upon conviction thereof, shall be fined not less than \$300 and not more than \$2,000, or confined  
5 in jail not more than one year, or both fined and imprisoned.

6 (c) Notwithstanding the provisions of subsection (b) of this section, any person who is  
7 convicted of a third or subsequent violation of this section is guilty of a felony and, upon conviction  
8 thereof, shall be fined not less than \$2,500 and not more than \$5,000, or imprisoned in a state  
9 correctional facility not less than one year nor more than five years, or both fined and imprisoned.