

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 4667

FISCAL  
NOTE

BY DELEGATES GUTHRIE, ROWE, WESTFALL, MCCUSKEY,

B. WHITE, PUSHKIN, ATKINSON, BYRD, SKINNER AND

BATES

[Introduced February 22, 2016; Referred  
to the Committee on Agriculture and Natural  
Resources then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §15-14-1, 15-14-2, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-  
3 14-8, §15-14-9, §15-14-10 and §15-14-11; to amend and reenact §19-20-1, §19-20-2,  
4 §19-20-3, §19-20-5, §19-20-6, §19-20-7, §19-20-8, §19-20-8a, §19-20-9, §19-20-9a, §19-  
5 20-10, §19-20-11, §19-20-19a, §19-20-21, §19-20-22 and §19-20-23 of said code; to  
6 amend said code by adding thereto a new section, designated §19-20-27; to amend and  
7 reenact §61-8-19, §61-8-19a and §61-8-19b of said code; and to amend said code by  
8 adding thereto a new section, designated §61-8-19c, all relating to protecting animals and  
9 requiring their humane treatment; creating a State Animal Abuse Registry for identifying  
10 persons convicted of animal abuse; defining terms; requiring all persons convicted of  
11 animal abuse to register; declaring information to be provided when registering; requiring  
12 payment of annual fee; creating a Central Abuse Registry Fund; specifying how money in  
13 the fund will be used; requiring the registry information to be public; providing for exception  
14 from registration requirements and petition for relief from registration; setting forth duties  
15 of animal breeders, animal shelters and pet stores; requiring annual registration of all dogs  
16 and cats; setting fee for registration of dogs and cats; providing for certain dogs and cats  
17 to be adopted in lieu of other means of disposal; increasing fees for delinquent registration  
18 of cats and dogs, registration of kennels and for license to keep a vicious or dangerous  
19 dog; allowing a reasonable rate of reimbursement to animal control officers for use of a  
20 personal vehicle; dedicating all fines and fees for support and operations of humane  
21 society, animal shelter or animal control facility; prohibiting the hoarding of animals and  
22 establishing criminal penalties therefor; providing for forfeiture and disposition of hoarded  
23 animals; providing for examination and medical intervention for the hoarder; expanding  
24 the types of activities prohibited in connection with animal fighting ventures and  
25 attendance at animal fighting events; increasing the fines for participation in animal fighting  
26 ventures and attendance at animal fighting events; defining subsequent offenses as

27 felonies; prohibiting wagering at animal fighting ventures and setting criminal penalties  
28 therefor; and updating terms and language throughout.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 article, designated §15-14-1, 15-14-2, §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-  
3 14-8, §15-14-9, §15-14-10 and §15-14-11; that §19-20-1, §19-20-2, §19-20-3, §19-20-5, §19-20-  
4 6, §19-20-7, §19-20-8, §19-20-8a, §19-20-9, §19-20-9a, §19-20-10, §19-20-11, §19-20-19a, §19-  
5 20-21, §19-20-22 and §19-20-23 of said code be amended and reenacted; that said code be  
6 amended by adding thereto a new section, designated §19-20-27; that §61-8-19, §61-8-19a and  
7 §61-8-19b of said code be amended and reenacted; and that said code be amended by adding  
8 thereto a new section, designated §61-8-19c, all to read as follows:

**CHAPTER 15. PUBLIC SAFETY.**

**ARTICLE 14. ANIMAL ABUSE REGISTRY.**

**§15-14-1. Definitions.**

1 As used in this article, unless the context otherwise requires:

2 "Animal abuse crime" means a violation of any animal protection statute in this code,  
3 including, but not limited to, section twenty-seven, article three of chapter sixty-one of this code,  
4 or sections nineteen, nineteen-a, nineteen-b, nineteen-c or twenty of article eight, of that chapter;

5 "Animal breeder" means a person or business entity engaged in the practice of facilitating  
6 the reproduction of animals for the purpose of distributing the resulting offspring to one or more  
7 other individuals or entities;

8 "Animal shelter" means a public animal control facility or any other facility that is operated  
9 by an organization or individual for the purpose of protecting animals from cruelty, neglect or  
10 abuse;

11 "Fund" means the Central Abuse Registry Fund established under this article;

12 "Offender" means a person required to register under section four of this article; and

13 "Pet store" means a place or premises where birds, fish, mammals or reptiles are kept for

14 the purpose of sale, at either wholesale or retail, import, export, barter, exchange or gift.

**§15-14-2. When convicted.**

1 For the purpose of this article, a person is convicted when the person:

2 (1) Is found guilty of a crime by a jury or judicial officer;

3 (2) Enters a plea of guilty or nolo contendere;

4 (3) Is granted probation before judgment after a finding of guilt for a crime if the court, as

5 a condition of probation, orders compliance with the requirements of this article; or

6 (4) Is found to have committed a criminal act but is found not criminally responsible for the

7 act.

**§15-14-3. West Virginia Animal Abuse Registry.**

1 (a) The West Virginia State Police shall establish and maintain a central computerized

2 registry of all persons convicted of an animal abuse crime who are required to register in

3 accordance with section four of this article, to be known as the West Virginia Animal Abuse

4 Registry.

5 (b) The registry shall be updated based on information made available to the State Police,

6 including information acquired in accordance with the registration provisions of section five of this

7 article.

8 (c) The registry shall include the offender's name, the offender's residential address, the

9 date and a description of the crime for which registration is required, and a photograph of the

10 offender's head and shoulders from the front.

**§15-14-4. Persons required to register; when registration required.**

1 A person convicted of an animal abuse crime shall register with the State Police within ten

2 days after the conviction.

**§15-14-5. Information to be supplied to the State Police; State Police to obtain photograph;**

**updates to information required.**

1 (a) A registrant shall provide the State Police with the registrant's legal name, the  
2 registrant's current address or location, the crime of which the registrant was convicted, and the  
3 date and location of the crime.

4 (b) The State Police shall obtain a photograph of the registrant's head and shoulders from  
5 the front.

6 (c) A person required to register under this article shall update the information and reflect  
7 any change in name or address within ten days of the change.

**§15-14-6. Registrant to pay fee; fees remitted to State Treasurer.**

1 (a) In addition to any fine, fee, or penalty levied or imposed as provided by law, each  
2 registrant shall pay an annual registration fee of \$50.

3 (b) The State Police shall collect and remit the annual registration fees required under  
4 subsection (a) of this section to the State Treasurer for deposit into the Central Abuse Registry  
5 Fund.

**§15-14-7. Central Abuse Registry Fund created.**

1 (a) There is hereby created in the State Treasury a special revenue account designated  
2 the Central Abuse Registry Fund which shall consist of money deposited into the fund from annual  
3 registration fees collected under section six of this article, fees collected by other abuse registries  
4 and moneys appropriated by the Legislature. Additional revenue for deposit into the fund may  
5 come from gifts, grants, contributions, bequests and endowments, either public or private.

6 (b) Expenditures from the fund may be made from collections when necessary and may  
7 only be used to pay for expenses of administering the Animal Abuse Registry as provided in this  
8 article.

9 (c) If any moneys are appropriated to the fund from general revenue, the unspent balance  
10 of those moneys shall expire at the end of the fiscal year for which those moneys were  
11 appropriated, but the moneys received into the fund from all other sources do not expire and shall,

12 except as specified in the terms of the gift, grant or agreement providing the moneys, remain in  
13 the fund to be available in subsequent fiscal years to be used for the purposes of operating and  
14 maintaining the Animal Abuse Registry authorized by this article.

**§15-14-8. Registry information to be made public.**

1 The State Police shall make information contained in the West Virginia Animal Abuse  
2 Registry available to the public through the Internet, by telephone, by written access and in  
3 person.

**§15-14-9. Petition for determination of level of danger; court-ordered removal of**  
**registration upon certain finding.**

1 (a) A person convicted of an animal abuse crime who would otherwise be required to  
2 register under section four of this article may petition to the circuit court for a determination of the  
3 level of danger posed by the offender.

4 (b) The circuit court may make a finding that the circumstances of the crime, in conjunction  
5 with the offender's criminal history, do not indicate a risk of reoffending by the offender or that the  
6 offender is a danger to the public. The circuit court shall specify in writing the reasons for its  
7 finding. On making its finding as described herein, the circuit court shall notify the offender and, if  
8 the finding is in the offender's favor, order the State Police to remove the offender's registration  
9 information from the registry.

**§15-14-10. Acts required by a person subject to registration; penalties.**

1 (a) A person who is subject to registration under section four of this article may not  
2 knowingly fail to:

3 (1) Register with the State Police; or

4 (2) Provide accurate information when registering under section five of this article.

5 (b) A person who violates this section:

6 (1) For a first offense, is guilty of a misdemeanor and, upon conviction, shall be fined not  
7 more than \$1,000 or confined in jail not more than six months, or both fined and confined; and

8           (2) For a second or subsequent offense, is guilty of a misdemeanor and, upon conviction,  
 9 shall be fined not more than \$5,000 or confined in jail not more than one year, or both fined and  
 10 confined.

**§15-14-11. Duties of animal breeders and owners or managers of animal shelters or pet stores; penalties.**

1           (a) Animal breeders and owners or managers of animal shelters and pet stores in this  
 2 state shall determine whether the name and address of a person seeking to purchase or adopt  
 3 an animal appears on the registry.

4           (b) An animal breeder, or owner or manager responsible for an animal shelter or a pet  
 5 store may not knowingly offer, sell, deliver, give or provide an animal to a person registered on  
 6 the registry.

7           (c) A person violating provisions of this section is guilty of a misdemeanor and, upon  
 8 conviction, is subject to:

9           (1) For a first offense, a fine not exceeding \$1,000; or

10          (2) For a second or subsequent offense, a fine not exceeding \$10,000.

**CHAPTER 19. AGRICULTURE.**

**ARTICLE 20. DOGS AND CATS.**

**§19-20-1. Dogs ~~subject to taxation;~~ and cats declared to be personal property.**

1           Any dog or cat shall be and is hereby declared to be personal property within the meaning  
 2 and construction of the laws of this state. ~~and any dog above the age of six months shall be~~  
 3 ~~subject to taxation~~

**§19-20-2. ~~Collection of head tax on dogs~~ Registration of dogs and cats; registration fee;  
duties of assessor and sheriff; registration of dogs; disposition of head tax  
collection and disposition of fees; taxes on dogs not collected by assessor.**

1           Every dog or cat that is kept, domiciled or harbored at any home, farm or business located

2 within a county is subject to registration with the county assessor and, except as provided below,  
3 the owner, keeper or harbinger of the dog or cat shall pay an annual registration fee of \$3.00 for  
4 each animal. It shall be the duty of the county assessor and his or her deputies of each county  
5 within this state, at the time they are making assessment of the personal property within such  
6 county, to ~~assess and collect a head tax~~ the registration fee of \$3 on each dog and cat, male or  
7 female; and in addition to the above, the assessor and his or her deputies shall have the further  
8 duty of collecting any ~~such head tax~~ or registration fee on dogs and cats as may be levied by the  
9 ordinances of each and every municipality within the county. ~~However, no head tax~~ No registration  
10 fee may be levied charged against any guide or support dog especially trained for the purpose of  
11 serving as a guide, leader, listener or support for a blind person, deaf person or a person who is  
12 physically or mentally disabled because of any neurological, muscular, skeletal or psychological  
13 disorder that causes weakness or inability to perform any function, however, Guide guide or  
14 support dogs must be registered as provided by this section. In the event that the owner, keeper  
15 or person having in his or her possession or allowing to remain on any premises under his or her  
16 control any dog or cat above the age of six months, shall refuse or fail to pay ~~such tax~~ the  
17 registration fee, when the same is assessed or within fifteen days thereafter, to the assessor or  
18 deputy assessor, then such assessor or deputy assessor shall certify ~~such tax~~ the delinquency to  
19 the county ~~dog warden~~ animal control officer; if there be no county ~~dog warden~~ animal control  
20 officer he or she shall certify ~~such tax~~ the delinquency to the county sheriff, who shall take charge  
21 of the ~~dog~~ animal for which the ~~tax fee~~ is delinquent and impound the same for a period of fifteen  
22 days, for which service he or she shall be allowed a fee of ~~\$1.50~~ \$15.00 to be charged against  
23 such delinquent ~~taxpayer~~ owner in addition to the ~~taxes~~ registration and other fees herein provided  
24 for. In case the ~~tax and impounding charge herein provided for~~ fees shall not have been paid  
25 within the period of fifteen days, then the sheriff may sell the impounded dog and deduct the  
26 impounding charge and the ~~delinquent tax~~ registration fee from the amount received therefor, and  
27 return the balance, if any, to the ~~delinquent taxpayer~~ animal owner. Should the sheriff fail to sell



28 the dog or cat so impounded within the time specified herein, he or she shall kill ~~such dog~~ the  
29 animal and dispose of its body or release the animal to a local animal shelter or animal welfare  
30 organization for adoption of the animal.

31 At the same time as the ~~head tax~~ registration fee is assessed, the assessor and his or her  
32 deputies shall, on the forms prescribed under section four of this article, take down the age, sex,  
33 color, character of hair (long or short) and breed (if known) and the name and address of the  
34 owner, keeper or harbinger thereof. When the ~~head tax~~ registration fee, and extra charges, if any,  
35 are paid, the officer to whom payment is made shall issue a certificate of registration and a  
36 registration tag for ~~such dog~~ the animal.

37 In addition to the assessment and registration above provided for, whenever a dog or cat  
38 ~~either~~ is acquired or becomes six months of age after the assessment of the personal property of  
39 the owner, keeper or harbinger thereof, the said owner, keeper or harbinger of said dog or cat shall,  
40 within ten days after the acquisition or maturation, register the ~~animal~~ said dog with the assessor,  
41 and pay ~~the head tax thereon~~ registration fee therefor unless the prior owner, keeper or harbinger  
42 paid the ~~head tax~~ fee for that fiscal year.

43 All certificates of registration and registration tags issued pursuant to the provisions of this  
44 section shall be issued for the fiscal year and shall be valid from the date on which issued until  
45 June 30 of that fiscal year, or until reissued by the assessor or his or her deputy in the regular  
46 performance of his or her duties, but in no case shall previous registration tags be valid after  
47 September thirtieth of the next ensuing fiscal year.

48 The assessor collecting the ~~head tax~~ registration fee on dogs and cats shall be allowed a  
49 commission of ten percent upon all such ~~taxes~~ fees collected by him or her, and shall turn in to  
50 the county treasury ninety percent of ~~such taxes~~ the amount of the registration fees so collected,  
51 ~~as are levied by this section;~~ and the assessor shall turn over to the treasurer or other proper  
52 officer of each and every municipality within the county ninety percent of ~~such taxes~~ the amount  
53 of the registration fees levied by the ordinances of such municipality. All ~~such dog taxes~~ animal

54 registration fees, except those belonging to municipalities, shall be accredited to the dog and  
55 kennel fund provided for in section ten of this article. ~~Such dog taxes as~~ The registration fees that  
56 are collected for and turned over to municipalities shall be deposited by the proper officer of such  
57 municipalities to such fund and shall be expended in such manner as the law of such municipality  
58 may provide. ~~All taxes on dogs not collected by the assessor shall be collected by the regular tax~~  
59 ~~collecting officer of the county and placed to the credit of the dog and kennel fund.~~

**§19-20-3. Registration of dog kennels; application; fee; expiration of certificate of registration.**

1 Every owner or operator of a kennel, wherein dogs are bred, kept, boarded or sold as a  
2 commercial venture for profit shall annually, between July 1, and September 30, of each year, file  
3 with the assessor of the county in which such kennel is located, kept or maintained, an application  
4 for the registration of such kennel for the fiscal year. Such application shall state the location of  
5 the kennel, the name and address of the person actually in charge of and supervising it, and the  
6 name and address of the owner of the kennel. Upon the filing of such application, together with  
7 the payment to the assessor of a fee of ~~\$40~~ \$25.00 the assessor shall issue a certificate of  
8 registration for such kennel. The registration of a kennel, as herein provided, shall entitle the  
9 registrant to register and receive certificates and tags for not more than five dogs without the  
10 payment of a separate ~~head tax on such dogs~~ animal registration fee for each dog. The ~~head tax~~  
11 registration fee provided for in section two of this article shall, on such five or less dogs, be  
12 included in and charged against the kennel registration fee herein provided.

13 Every person upon becoming the owner or operator of a kennel of dogs as herein  
14 described after September 30, of any year shall, within three days after becoming such owner or  
15 operator, register such kennel for the remainder of the current fiscal year in the manner, and upon  
16 the payment of the registration fee, herein provided.

17 All certificates of registration issued pursuant to the provisions of this section shall be  
18 issued for the fiscal year, and shall be valid from the date on which issued until June 30 of that

19 fiscal year.

**§19-20-5. Wearing of registration tag by dog or cat.**

1 Every registered dog or cat shall at all times wear a valid registration tag issued as  
 2 provided in this article. The failure to have displayed or worn on any dog or cat, at any time, of  
 3 such valid tag shall be prima facie evidence that ~~such dog~~ the animal is not registered and such  
 4 dog shall be subject to be, and shall be, impounded, sold, or destroyed as hereinbefore or  
 5 hereinafter provided.

**§19-20-6. ~~County dog warden~~ animal control officer; rules and regulations for ~~dog~~ animal control; prosecution and penalties for violation of ordinances.**

1 (a) The county commission of each county may appoint and employ a ~~county dog warden~~  
 2 an animal control officer, and such number of deputies, for such time, and at such compensation,  
 3 as such county commission shall deem reasonable and necessary to enforce the provisions of  
 4 this code with respect to the control and registration of dogs and cats, the impounding, care and  
 5 destruction of ~~unlicensed unregistered dogs and cats~~. ~~Such county dog warden~~ The animal  
 6 control officer may be appointed a deputy assessor for the purpose of collecting ~~the dog tax and~~  
 7 animal registration fees, taking the ~~dog~~ registration and providing the tags authorized by this  
 8 article. The ~~county dog warden~~ animal control officer or any deputies may, in the discretion of the  
 9 county commission, be regularly employed officers or agents of any humane society or society  
 10 for the prevention of cruelty to animals, organized and operating under the laws of this state and  
 11 owning, controlling and operating a suitable place within the county for impounding and destroying  
 12 dogs. ~~In addition to the compensation provided for above, a bounty of 50¢ per dog shall be paid~~  
 13 ~~to the county dog warden animal control officer or deputy who captures an unregistered dog~~ Such  
 14 ~~county dog warden~~ animal control officer and deputy ~~wardens~~ officers shall each give bond in a  
 15 sum of not less than \$1,000 and not more than \$2,000 conditioned on the faithful performance of  
 16 their duties. Such bonds shall be filed with the county commission by which such persons are  
 17 appointed.

18           The county ~~dog warden~~ animal control officer and his or her deputies shall patrol the  
19 county in which they are appointed and shall seize on sight and impound any dog or cat more  
20 than six months of age found not wearing a valid registration tag, except dogs kept constantly  
21 confined in a registered dog kennel. They shall be responsible for the proper care and final  
22 disposition of all impounded ~~dogs~~ animals. The county ~~dog warden~~ animal control officer shall  
23 make a monthly report, in writing, to the county commission of his or her county. When any dog  
24 or cat shall have been seized and impounded, the ~~county dog warden~~ animal control officer shall  
25 forthwith give notice to the owner of ~~such dog~~ the animal, if such owner be known or identified to  
26 the ~~warden~~ officer, that ~~such dog~~ the owner's pet has been impounded and that it will be sold or  
27 destroyed if not redeemed within five days. If the owner of ~~such dog~~ the impounded animal be not  
28 known to the ~~dog warden~~ animal control officer, he or she shall post a notice in the county  
29 courthouse. The notice shall describe the dog animal and the place where seized and shall advise  
30 the unknown owner that ~~such dog~~ animal will be sold, offered for adoption or destroyed if not  
31 redeemed within five days.

32           (b) Any county commission may promulgate and enforce such ordinances, rules and  
33 regulations, not inconsistent with the provisions of this article, as it considers necessary or  
34 convenient for the control and management of all dogs and cats in the county, or any portion  
35 thereof, regardless of the age of ~~any such dog~~ the animal: *Provided*, That the county commissions  
36 may promulgate and enforce such ordinances, rules and regulations to the extent necessary for  
37 the implementation of the provisions contained in this article.

38           (c) The county commission of each county may provide in such ordinance for the arrest,  
39 conviction and punishment of any person who violates the provisions thereof. The county  
40 commission of each county may provide in any such ordinance that any person who violates the  
41 provisions of the ordinance is guilty of a misdemeanor and, upon conviction thereof, that such  
42 person is subject to a fine or fines. The amount of such fine for a single violation of any such  
43 ordinance may not exceed \$100. Magistrate courts and circuit courts shall have concurrent

44 jurisdiction with respect to such misdemeanors.

**§19-20-7. Dog pound and equipment to be provided by ~~county court~~ county commission; exception.**

1           The county ~~court~~ commission of each county, if the ~~court~~ commission appoints a ~~county~~  
 2 ~~dog warden~~ an animal control officer, shall provide the ~~dog warden~~ officer with nets and other  
 3 suitable devices for taking dogs and cats in a humane manner, and with facilities for transporting  
 4 any ~~dog to the dog pound~~ animal seized, a suitable place for impounding dogs and cats with  
 5 proper provisions for their feeding and care, and humane equipment, devices and methods for  
 6 destroying dogs and cats: *Provided*, That in any county in which there is a society for the  
 7 prevention of cruelty to animals or a humane society, incorporated and organized under the laws  
 8 of this state, and having one or more duly appointed agents, and maintaining an animal home or  
 9 shelter suitable for impounding dogs and cats and ~~possessing devices for humanely destroying~~  
 10 ~~dogs~~ providing services for the humane disposition of dogs and cats, the county ~~court~~ commission  
 11 shall not be required to provide a dog pound, but it may designate such animal home or shelter  
 12 as the county ~~dog pound~~ impoundment facility, and the ~~county dog warden~~ animal control officer  
 13 shall in such case deliver all ~~dogs~~ animals seized by him or her and his or her deputies to such  
 14 animal home or shelter for impounding and disposition in the manner provided by this article. The  
 15 county ~~court~~ commission shall provide for the payment of reasonable compensation, ~~not to~~  
 16 ~~exceed the fees and costs provided for in this article~~, to such society for the use of its facilities  
 17 and services in impounding and disposing of dogs and cats. Such compensation to such society  
 18 shall be paid from the fund provided ~~for~~ in this article.

**§19-20-8. Impounding and disposition of dogs and cats; costs and fees.**

1           (a) All dogs and cats seized and impounded as provided in this article, except dogs and  
 2 cats taken into custody under section two of this article, shall be kept housed and fed in the county  
 3 or municipal shelter for five days after notice of seizure and impounding has been given or posted  
 4 as required by this article, at the expiration of which time all ~~dogs~~ animals which have not

5 previously been redeemed by their owners as provided in this article, shall be sold, offered for  
6 adoption or humanely destroyed. No dog or cat sold or adopted from a shelter as provided in this  
7 section may be discharged from the county or municipal shelter until the ~~dog~~ animal has been  
8 registered and provided with a valid registration tag.

9 (b) (1) The term "humanely destroyed" as used in this section means:

10 (A) Humane euthanasia of an animal by hypodermic injection by a licensed veterinarian  
11 or by an animal euthanasia technician certified in accordance with the provisions of article ten-a,  
12 chapter thirty of this code; or

13 (B) Any other humane euthanasia procedure approved by the American Veterinary  
14 Medical Association, the Humane Society of the United States or the American Humane  
15 Association.

16 (2) The term "humanely destroyed" does not include euthanizing a dog or cat by means  
17 of a gas chamber: *Provided*, That any county which has a gas chamber in operation as of the  
18 effective date of this section may continue to operate the gas chamber subject to the following: (i)  
19 The gas chamber shall be operated by an animal euthanasia technician certified pursuant to  
20 article ten-a, chapter thirty of this code; and (ii) the gas chamber shall have been manufactured  
21 and installed by a person who regularly manufactures and installs gas chambers. The Board of  
22 Veterinary Medicine shall promulgate emergency rules regarding the inspection of gas chambers,  
23 pursuant to section fifteen, article three, chapter twenty-nine-a of this code.

24 (c) In an emergency or in a situation in which a dog cannot be humanely destroyed in an  
25 expeditious manner, a dog may be destroyed by shooting if:

26 (1) The shooting is performed by someone trained in the use of firearms with a weapon  
27 and ammunition of suitable caliber and other characteristics designed to produce instantaneous  
28 death by a single shot; and

29 (2) Maximum precaution is taken to minimize the dog's suffering and to protect other  
30 persons and animals.

31 (d) The owner, keeper or harbinger of any dog or cat seized and impounded under the  
 32 provisions of this article may, at any time prior to the expiration of five days from the time that  
 33 notice of the seizure and impounding of the dog or cat has been given or posted as required by  
 34 this article, redeem the ~~dog~~ animal by paying to the ~~dog warden~~ animal control officer or his or  
 35 her authorized agent or deputy all of the costs assessed against the ~~dog~~ animal and by providing  
 36 or obtaining a valid certificate of registration and registration tag for the ~~dog~~ animal.

37 (e) Reasonable costs and fees, in an amount to be determined, from time to time, by the  
 38 county commission, shall be assessed against every dog or cat seized and impounded under the  
 39 provisions of this article, except dogs taken into custody under section two of this article. The cost  
 40 shall be a valid claim in favor of the county against the owner, keeper or harbinger of any dog or  
 41 cat seized and impounded under the provisions of this article and not redeemed, offered for  
 42 adoption or sold as provided in this section and the costs shall be recovered by the sheriff in a  
 43 civil action against the owner, keeper or harbinger.

44 (f) A record of all dogs and cats impounded, the disposition of the ~~dogs~~ animals and a  
 45 statement of costs assessed against each dog or cat shall be kept by the ~~dog warden~~ animal  
 46 control officer and a transcript thereof shall be furnished to the sheriff quarterly.

47 (g) All persons or entities in the state performing euthanasia under this article shall register  
 48 with the board of Veterinary Medicine by December 31, 2009, in a manner to be prescribed by  
 49 the board. The Board of Veterinary Medicine shall promulgate emergency rules relating to the  
 50 registration of those performing animal euthanasia, pursuant to section fifteen, article three,  
 51 chapter twenty-nine-a of this code.

**§19-20-8a. Joint ownership, etc., by counties and municipalities of ~~dog pounds~~  
impoundment facility; joint employment of ~~dog wardens~~ animal control officers.**

1 The county ~~court~~ commission of any county may contract with any municipality within the  
 2 county for the joint ownership, leasing, operation and maintenance within the county of a ~~dog~~  
 3 ~~pound~~ impoundment facility and may jointly employ a ~~dog warden~~ or ~~dog wardens~~ an animal

4 control officer or officers.

**§19-20-9. Failure to register dog, cat or kennel; alteration or forging of registration certificate or tag; penalties.**

1 Any person who owns, keeps, or harbors a dog or cat, or who owns or operates a kennel,  
2 subject to registration under the provisions of this article, and who fails, refuses, or neglects to  
3 register such ~~dog~~ animal or kennel, shall be guilty of a misdemeanor and, upon conviction thereof,  
4 shall be fined not less than ~~twenty-five~~ \$25 nor more than ~~\$100~~ \$200.

5 Any person who shall alter, or forge any certificate or tag, provided ~~for~~ in this article, or  
6 display, present, or utter such certificate as valid with knowledge that it has been altered or forged,  
7 or who knowingly causes or permits any dog or cat owned, kept or harbored by him or her to wear  
8 any fictitious, altered, or invalid registration tag in place of a valid tag as required under the  
9 provisions of this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be  
10 punished by imprisonment in ~~county~~ jail for not more than thirty days or by a fine of not less than  
11 \$100 nor more than \$500, by both such fine and imprisonment.

**§19-20-9a. Dogs, cats, etc.; rabies observation.**

1 (a) Any person who owns or harbors any dog, cat or other domesticated animal, whether  
2 licensed or unlicensed, which bites any person, shall forthwith confine and quarantine the animal  
3 for a period of ten days for rabies observation.

4 (b) If any unvaccinated domesticated animal is bitten by a rabid animal, the owner shall  
5 confine the bitten animal for a period of six months. The animal shall be vaccinated or  
6 revaccinated after five months.

7 (c) If the animal is not confined and quarantined as directed in subsections (a) and (b) of  
8 this section, the humane officer, ~~dog warden~~ animal control officer or sheriff may cause the animal  
9 to be placed in the custody and care of a licensed veterinarian for that purpose at the owner's  
10 expense. The penalty for any violation of this section is a fine of \$50 or confinement in jail for a  
11 period of no less than two nor more than three days.



**§19-20-10. Dog and kennel fund; disposition thereof.**

1 All registration fees, head taxes, and fees and costs for impounding and disposing of dogs  
2 and cats, as provided in this article, and collected thereunder, shall be paid into the county  
3 treasury where they shall constitute and be set aside as a special fund to be designated the "dog  
4 and kennel fund."

5 The county commission shall expend such fund, and issue drafts payable therefrom, for  
6 the following purposes, and no others: To pay the actual expenses incurred by the county  
7 commission, the county assessor, and the sheriff in carrying out the provisions of this article; to  
8 pay for the services of the ~~dog warden~~ animal control officer, his or her deputies, poundkeepers,  
9 and such other persons as may be employed, if any, or may render services, in actually carrying  
10 out the provisions of this article; to pay in its discretion to the ~~dog warden~~ animal control officer  
11 and his or her deputies mileage at ~~the rate up to 15¢~~ a reasonable rate per mile for the use of  
12 their privately owned vehicles actually used in carrying out the provisions of this article; to pay for  
13 the purchase, procurement, rental, construction, operation, maintenance and repair of any  
14 property, devices or facilities reasonably necessary and required to carry out the provisions of  
15 this article; to compensate any department of the state government or any local board of health  
16 for any necessary service rendered in connection with this article; to pay the costs of any rabies  
17 control project or program authorized by law; to compensate any persons who have suffered loss  
18 or damage on account of the destruction, loss, or injury by dogs of any sheep, lamb, goat, kid or  
19 poultry, when such claims have been proved and allowed as provided in this article: *Provided,*  
20 ~~however,~~ That such compensation authorized by the county commission shall not exceed an  
21 amount double the assessed value of the destroyed or injured animals or poultry as shown on the  
22 assessor's records, and in the event such animals are not assessed, then compensation  
23 authorized by said court shall not exceed the average assessed value of like animals or poultry,  
24 or if no like animal or poultry is assessed, then not to exceed the fair market value as determined  
25 by the county commission.

26 In the event that the dog and kennel fund shall in any year be insufficient to pay the several  
 27 items set forth in this section, then the county commission may be, and it is hereby, authorized  
 28 and empowered to pay such items out of the county general fund. Any surplus of the dog and  
 29 kennel fund remaining unexpended in the county treasury, and, in the opinion of the county  
 30 commission, not needed for the payment and satisfaction of claims and expenses as herein  
 31 provided, shall annually be paid into and credited to the county school fund, but the funds thus  
 32 used shall be in an amount deemed proper and safe in the judgment and discretion of the county  
 33 commission.

**§19-20-11. Assessment of dogs and cats as personal property.**

1 In addition to the ~~head tax on dogs~~ registration fee provided for in this article, the owner  
 2 of any dog or cat above the age of six months shall be permitted to place a value on ~~such dog~~ the  
 3 animal and have ~~such dog~~ it assessed as personal property in the same manner and at the same  
 4 rate as other personal property.

**§19-20-19a. ~~Dog warden~~ Animal control officer and deputy ~~dog warden~~ animal control  
officers; power to issue citations.**

1 The county commission may, at its discretion, empower county ~~dog warden~~ animal control  
 2 officers and deputy ~~dog warden~~ animal control officers to issue citations for violation of provisions  
 3 of this article.

**§19-20-21. License fee for keeping vicious or dangerous dog.**

1 Any person who keeps a dog which is generally considered to be vicious, for the purpose  
 2 of protection, shall acquire a special license therefor from the county assessor. The assessor shall  
 3 charge ~~\$40~~ \$50 for such license. Such license shall be required in addition to the ~~license~~  
 4 registration required under section two of this article. The keeper or owner shall properly secure  
 5 such dog in such a manner so as to prevent injury to a person who lawfully passes through or  
 6 enters upon the property of the keeper or owner. Nothing contained in this section shall constitute  
 7 a defense to any action for personal injury, wrongful death or damage to property.

**§19-20-22. Confinement of female dogs.**

1 Every person owning or harboring a female dog, whether licensed or unlicensed,  
2 registered or unregistered, shall keep such dog confined in a building or secure enclosure for  
3 twenty-five days during the period of estrus.

**§19-20-23. Prohibition of the use of impounded dogs and cats.**

1 On and after September 1, 1989, any dog or cat impounded under the provisions of this  
2 article may not be sold, given, transferred or otherwise made available directly or indirectly to any  
3 person, institution, corporation or other entity for use in educational or scientific research or  
4 related activities. Disposition of impounded dogs or cats may only be by adoption or sale as pets  
5 or humanely destroyed. Any person who violates the provisions of this section is guilty of a  
6 misdemeanor and, upon conviction thereof, shall be fined not less than \$450 or more than \$2,000.

**§19-20-27. Fines and fees to be used to support operations of local humane society, animal  
shelter or animal control facility.**

1 Any fee or civil or criminal fine provided under this article that is collected by the county,  
2 whether as a result of assessment, penalty or criminal conviction shall be dedicated to the  
3 financial support of any humane society, animal shelter or animal control facility with which the  
4 county has contracted for animal services pursuant to section six-a of this article: *Provided, That*  
5 at least thirty-three percent of the proceeds from the animal registration fee provided under  
6 section two of this article shall first be expended in accordance with the purposes set forth in  
7 section ten of this article, including compensation of animal control officers. The county  
8 commission shall, thereafter, determine what amount of the animal registration fee collected, if  
9 any, may be dedicated to the support of a humane society, animal shelter or animal control facility.

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

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

**§61-8-19. Cruelty to animals; penalties; exclusions.**

- 1 (a)(1) It is unlawful for any person to intentionally, knowingly or recklessly,  
2 (A) Mistreat an animal in cruel manner;  
3 (B) Abandon an animal;  
4 (C) Withhold;  
5 (i) Proper sustenance, including food or water;  
6 (ii) Shelter that protects from the elements of weather; or  
7 (iii) Medical treatment, necessary to sustain normal health and fitness or to end the  
8 suffering of any animal;  
9 (D) Abandon an animal to die;  
10 (E) Leave an animal unattended and confined in a motor vehicle when physical injury to  
11 or death of the animal is likely to result;  
12 (F) Ride an animal when it is physically unfit;  
13 (G) Bait or harass an animal for the purpose of making it perform for a person's  
14 amusement;  
15 (H) Cruelly chain or tether an animal; or  
16 (I) Use, train or possess a domesticated animal for the purpose of seizing, detaining or  
17 maltreating any other domesticated animal.
- 18 (2) Any person in violation of subdivision (1) of this subsection is guilty of a misdemeanor  
19 and, upon conviction thereof, shall be fined not less than \$300 nor more than \$2,000 or confined  
20 in jail not more than six months, or both.
- 21 (b) A person who intentionally tortures, or mutilates or maliciously kills an animal, or  
22 causes, procures or authorizes any other person to torture, mutilate or maliciously kill an animal,  
23 is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility not less  
24 than one nor more than five years and be fined not less than \$1,000 nor more than \$5,000. For  
25 the purposes of this subsection, "torture" means an action taken for the primary purpose of  
26 inflicting pain.

27 (c) A person, other than a licensed veterinarian or a person acting under the direction or  
28 with the approval of a licensed veterinarian, who knowingly and willfully administers or causes to  
29 be administered to any animal participating in any contest any controlled substance or any other  
30 drug for the purpose of altering or otherwise affecting said animal's performance is guilty of a  
31 misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than  
32 \$2,000. For the purpose of this section, the term "controlled substance" has the same meaning  
33 ascribed to it by subsection (d), section one hundred one, article one, chapter sixty-a of this code.

34 (d) Any person convicted of a violation of this section forfeits his or her interest in any  
35 animal and all interest in the animal vests in the humane society or county pound of the county in  
36 which the conviction was rendered and the person is, in addition to any fine imposed, liable for  
37 any costs incurred or to be incurred by the humane society or county pound as a result.

38 ~~(e) For the purpose of this section, the term "controlled substance" has the same meaning~~  
39 ~~ascribed to it by subsection (d), section one hundred one, article one, chapter sixty-a of this code.~~

40 (1)The hoarding of animals is unlawful and is prohibited. A person is guilty of hoarding  
41 animals when he or she possesses a large number of companion animals; fails to or is unable to  
42 provide food and water, adequate shelter and protection from weather, veterinary care, and  
43 humane care and treatment; and displays an inability to recognize or understand the nature of, or  
44 has a reckless disregard for, the conditions under which the companion animals are living and  
45 the deleterious impact they have on the companion animals and the owner's health and well-  
46 being. A person who is found to be hoarding animals is guilty of a misdemeanor and, upon  
47 conviction thereof, shall be fined not more than \$500 or confined in jail not more than thirty days  
48 or both fined and confined.

49 (2) Animals found to be living under the conditions outlined in this section shall be taken  
50 from the hoarder and turned over to an animal shelter for proper care and relocation.

51 (3) A person found in violation of this section shall be examined by a licensed psychologist  
52 or licensed psychiatrist, and if found to have a mental condition, defect or illness that has resulted

53 in, or contributed to, the detrimental hoarding of animals or their maintenance in unhealthy or  
54 inhumane conditions, the person shall be required to undergo treatment for their underlying  
55 mental condition.

56 (f) The provisions of this section do not apply to lawful acts of hunting, fishing, trapping or  
57 animal training or farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game  
58 farms if kept and maintained according to usual and accepted standards of livestock, poultry,  
59 gaming fowl or wildlife or game farm production and management, nor to humane use of animals  
60 or activities regulated under and in conformity with the provisions of 7 U.S.C. §2131, *et seq.*, and  
61 the regulations promulgated thereunder, as both statutes and regulations are in effect on the  
62 effective date of this section.

63 (g) Notwithstanding the provisions of subsection (a) of this section, any person convicted  
64 of a second or subsequent violation of subsection (a) is guilty of a misdemeanor and, shall be  
65 confined in jail for a period of not less than ninety days nor more than one year, fined not less  
66 than \$500 nor more than \$3,000, or both. The incarceration set forth in this subsection is  
67 mandatory unless the provisions of subsection (h) of this section are complied with.

68 (h)(1) Notwithstanding any provision of this code to the contrary, no person who has been  
69 convicted of a violation of the provisions of subsection (a), ~~or (b)~~ or (e) of this section may be  
70 granted probation until the defendant has undergone a complete psychiatric or psychological  
71 evaluation and the court has reviewed the evaluation. Unless the defendant is determined by the  
72 court to be indigent, he or she is responsible for the cost of the evaluation.

73 (2) For any person convicted of a violation of subsection (a) or (b) of this section, the court  
74 may, in addition to the penalties provided in this section, impose a requirement that he or she  
75 complete a program of anger management intervention for perpetrators of animal cruelty. Unless  
76 the defendant is determined by the court to be indigent, he or she is responsible for the cost of  
77 the program.

78 (i) In addition to any other penalty which can be imposed for a violation of this section, a

79 court shall prohibit any person so convicted from possessing, owning or residing with any animal  
 80 or type of animal for a period of five years following entry of a misdemeanor conviction and fifteen  
 81 years following entry of a felony conviction. A violation under this subsection is a misdemeanor  
 82 punishable by a fine not exceeding \$2,000 and forfeiture of the animal.

83 (i) In addition to any other penalty which can be imposed for a violation of this section, any  
 84 person convicted for a violation under this section, section nineteen-a, section nineteen-b or  
 85 section nineteen-c of this article is also guilty of an animal abuse offense and subject to the terms  
 86 of article fourteen, chapter fifteen of this code.

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

1 (a) It is unlawful for any person to engage in, be employed at, operate, organize or sell an  
 2 admission to any animal fighting venture, or to own, possess, keep or train an animal with the  
 3 intent that the animal engage in an animal fighting venture.

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 ~~\$100~~ \$300 and not more than ~~\$1,000~~ \$2,000,  
 6 or confined in ~~the county~~ jail not exceeding one year, or both ~~se~~ fined and confined, and may be  
 7 divested of ownership and control of such animals, and be liable for all costs for their care and  
 8 maintenance: *Provided*, That if the animal is a wild animal, game animal or fur-bearing animal, as  
 9 defined in section two, article one, chapter twenty of this code, or wildlife not indigenous to West  
 10 Virginia, or of a canine, feline, porcine, bovine, or equine species whether wild or domesticated,  
 11 the person who violates the provisions of this section is guilty of a felony and, upon conviction  
 12 thereof, shall be fined not less than ~~\$1,000~~ \$2,500 and not more than ~~\$5,000~~ \$10,000, and  
 13 imprisoned in a state correctional facility for not less than one nor more than five years, or both  
 14 fined and imprisoned.

**§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 \$100 and not more than \$1,000, or confined  
6 in ~~the county or regional~~ jail not more than one year, or both fined and ~~imprisoned~~ confined. Any  
7 person who violates the provisions of this section a second or subsequent time is guilty of a felony  
8 and, upon conviction thereof, shall be fined not less than \$2500 and not more than \$5000,  
9 imprisoned in a state correctional facility not less than one year nor more than five years, or both  
10 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 conduct, finance, manage, supervise, direct, lease or  
4 own all or a part of a business or premises involving betting or wagering on an animal fighting  
5 venture with the knowledge that the betting or wagering is occurring.

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 \$2000, or confined  
8 in jail not more than one year, or both fined and confined. Any person who violates the provisions  
9 of this section a second or subsequent time is guilty of a felony and, upon conviction thereof, shall  
10 be fined not less than \$1000 and not more than \$5000, or imprisoned in a state correctional facility  
11 not less than one year, or both fined and imprisoned.

NOTE: The purpose of this bill is to provide legal protections for, and update the legal processes relating to, the humane treatment of animals. The bill establishes an animal abuse registry for persons convicted of crimes of abuse of animals and provides a fund and a means of entering and sharing information with the registry. The bill removes the exemption of cats from registration and provides for an annual registration of cats as well as dogs. The additional proceeds from these registration fees will be used to support the animal shelter and humane society facilities used by the county. This bill also prohibits the hoarding of animals and provides for the disposition and care of maltreated animals as well as mental treatment for the hoarder when needed. In addition, the bill increases some penalties for abusing animals or using them to fight.



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