

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2894**

BY DELEGATES MALCOLM, D. JEFFRIES, GRAVES AND

SYPOLT

[Introduced February 7, 2019; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §61-6-26, relating to creating the offense of disturbing the peace by barking or  
 3 howling dogs; providing misdemeanor offense; and authorizing seizure of dog.

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

**ARTICLE 6. CRIMES AGAINST THE PEACE.**

**§61-6-26. Disturbing the peace; barking dog; penalty;**

1 (a) It is an unlawful disturbing of the peace, quiet and comfort of any neighborhood by  
 2 keeping, harboring or having custody within the State of West Virginia any dog which barks, howls,  
 3 or makes noises by day or night which disturbs the peace and quiet of any person or family within  
 4 the neighborhood.

5 (b) Any person who violates this section, is guilty of a misdemeanor and, upon conviction  
 6 thereof, shall be fined up to \$1,000 per occurrence, confined in jail not more than six months, or  
 7 both fined and confined. A person convicted of a third offense under this section shall be fined  
 8 \$2,000, confined in jail not more than one year, or both fined and confined and the dog or dogs  
 9 shall be seized according to procedures in §19-20-1 et seq. of this code.

10 (c) This section shall be enforced by all law-enforcement officers.

NOTE: The purpose of this bill is to create the offense of disturbing the peace by barking or howling dogs.

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