

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2338

FISCAL
NOTE

By Delegate Griffith

[Introduced January 11, 2023; 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 §61-8-19d, relating to the restraint of dogs.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-19d. Unlawful restraint of dogs.

1 (a) Definitions.-

2 "Adequate shelter" means a sturdy structure that provides the dog protection from
3 inclement weather and with dimensions that allow a dog while in the shelter to stand erect, sit, turn
4 around, and lie down in a normal position.

5 "Collar" means a band of material specifically designed to be placed around the neck of a
6 dog.

7 "Inclement weather" includes rain, hail, sleet, snow, high winds, near freezing
8 temperatures, and extreme high temperatures, tornados, thunderstorms, and floods.

9 "Owner" means the person who has custody or control of the dog.

10 "Properly fitted" means, with respect to a collar or harness, a collar or harness that is
11 appropriately sized for the dog based on weight and measurements, does not choke the dog, and
12 does not cause injury or pain.

13 "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to
14 a stationary object or trolley system.

15 (b) Unlawful restraint.-

16 (1) An owner may not leave a dog outside and unattended by use of a restraint unless the
17 owner provides the dog access to adequate shelter, an area that allows the dog to avoid standing
18 water and exposure to animal waste, shade from direct sunlight, and potable water.

19 (2) An owner may not restrain a dog outside and unattended by use of a chain with weights
20 attached that is shorter than five times the length of the dog as measured from the tip of the dog's
21 nose to the tip of the dog's tail, or at least 10 feet, and is attached to a collar or harness not properly

22 fitted.

23 (3) The dog must be properly fitted with and wearing a nonchoke collar or harness made of
24 leather, nylon, or similar material. Choke, prong, martingale, or greyhound collars shall not be
25 used.

26 (4) The chain must be attached to the dog's collar or harness, not directly to the dog's neck.

27 (5) The chain must be used in a manner so as to prevent injury, strangulation, or
28 entanglement.

29 (6) The dog may not be chained outside during inclement weather as defined in subsection
30 (a) of this section.

31 (7) The dog may not be chained within 15 feet from the edge of any public road or sidewalk.

32 (8) The dog must be six months or older.

33 (9) The dog must not be sick or injured.

34 (c) A person commits an offense if the person knowingly violates this section. The restraint
35 of each dog is a separate offense.

36 (d) An offense under this section is a misdemeanor punishable by a \$1,000 fine, unless the
37 person has been previously convicted, with each subsequent offense being a \$2,000 fine.

NOTE: The purpose of this bill is to prohibit unlawful restraint of 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.