

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5687**

By Delegate Warner

[Introduced February 13, 2024; Referred to the  
Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §18-10R-1, §18-10R-2, §18-10R-3, §18-10R-4, §18-10R-5, §18-10R-6, and  
 3 §18-10R-7; and to amend and reenact §19-20-10 of said code, as amended, all relating to  
 4 establishing the West Virginia School Patrol Canine Program, provide definitions, and to  
 5 provide for the funding and use of patrol dogs in state schools for security and drug  
 6 detection purposes, provide an evaluation and reporting requirement, require insurance,  
 7 and establish severability.

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

**ARTICLE 10R. WEST VIRGINIA SCHOOL PATROL CANINE PROGRAM ACT.**

**§18-10R-1. Establishment of the West Virginia School Patrol Canine Program.**

1 The West Virginia School Patrol Canine Program is hereby established within the  
 2 Department of Education, in collaboration with local law enforcement agencies, for the purpose of  
 3 placing patrol dogs in state schools to enhance security and aid in drug detection.

**§18-10R-2. Definitions.**

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

2 (1) "Patrol dog" means a dog that is trained to assist law enforcement in the activities of  
 3 crime prevention, including but not limited to drug detection, and maintaining the safety and  
 4 security of the school environment.

5 (2) "School" refers to any public or private educational institution serving grades K-12  
 6 within the state of West Virginia.

7 (3) "Program" refers to the West Virginia School Patrol Canine Program established by this  
 8 Act.

**§18-10R-3. Funding.**

1 (a) The program shall be funded on the county level through the Dog and Kennel Fund for  
 2 that county as outlined in §19-20-10 of this code, with additional appropriations as necessary from  
 3 the state budget.

4 (b) The program may also accept grants, donations, and other forms of funding from public  
5 and private sources.

6 (c) The program may also be funded by individual county boards of education for use in the  
7 schools in that county.

8 (d) County boards of education may participate in this program, but are not required to  
9 participate. In order to participate, the Superintendent of the county must contact the State Board  
10 of Education with this request.

**§18-10R-4. Implementation.**

1 (a) The West Virginia State Board of Education, in consultation with law enforcement  
2 agencies and relevant stakeholders, shall develop guidelines for the selection, training, and  
3 deployment of retired and currently working patrol dogs in schools.

4 (b) The program shall ensure that patrol dogs are handled by trained professionals and  
5 that their presence in schools complies with all applicable laws and respects the rights and safety  
6 of students and staff.

7 (c) The program shall provide for the ongoing training and certification of patrol dogs and  
8 their handlers, in line with best practices and standards such as those provided by West Virginia  
9 State Police Academy. The training program for patrol dogs shall include recognition of weapons,  
10 such as handguns, automatic rifles, knives, and procedures for attacking, subduing potential  
11 threats, and drug locating.

12 (d) Retired patrol dogs used part- or full-time in schools shall be cared for and kept by their  
13 handlers with policies regarding this to be established by the individual county boards of  
14 education.

**§18-10R-5. Evaluation and reporting.**

1 The Department of Education shall annually evaluate the effectiveness of the program and  
2 report its findings to the Legislative Oversight Committee on Education, including any  
3 recommendations for improvements on or before November 11 of each year.

**§18-10R-6. Liability Insurance.**

1 The state shall indemnify and hold harmless any school or individual acting within the  
2 scope of his or her duties under this program from any liability arising from the use of patrol dogs,  
3 provided that such use was in accordance with program and county guidelines and training.

**§18-10R-7. Severability.**

1 If any part of this article is declared invalid or unconstitutional, such declaration shall not  
2 affect the parts which remain.

**CHAPTER 19. AGRICULTURE.**

**ARTICLE 20. DOGS AND CATS.**  
**§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 as provided in this article, and collected thereunder, shall be paid into the county treasury where  
3 they shall constitute and be set aside as a special fund to be designated the "dog and kennel fund."

4 The county commission shall expend such fund, and issue drafts payable therefrom, for  
5 the following purposes, and no others: To pay the actual expenses incurred by the county  
6 commission, the county assessor, and the sheriff in carrying out the provisions of this article; to  
7 pay for the services of the dog warden, his or her deputies, poundkeepers, and such other persons  
8 as may be employed, if any, or may render services, in actually carrying out the provisions of this  
9 article; to pay in its discretion to the dog warden and his or her deputies mileage at the rate up to  
10 ~~45¢~~ 15 cents per mile for the use of their privately owned vehicles actually used in carrying out the  
11 provisions of this article; to pay for the purchase, procurement, rental, construction, operation,  
12 maintenance and repair of any property, devices or facilities reasonably necessary and required to  
13 carry out the provisions of this article; to compensate any department of the state government or  
14 any local board of health for any necessary service rendered in connection with this article; to pay  
15 the costs of any rabies control project or program authorized by law; to compensate any persons

16 who have suffered loss or damage on account of the destruction, loss, or injury by dogs of any  
17 sheep, lamb, goat, kid or poultry, when such claims have been proved and allowed as provided in  
18 this article; and to provide for the West Virginia School Patrol Canine Program Act in that county:  
19 *Provided, however,* That such compensation authorized by the county commission shall not  
20 exceed an amount double the assessed value of the destroyed or injured animals or poultry as  
21 shown on the assessor's records, and in the event such animals are not assessed, then  
22 compensation authorized by said court shall not exceed the average assessed value of like  
23 animals or poultry, or if no like animal or poultry is assessed, then not to exceed the fair market  
24 value as determined by the county commission.

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

NOTE: The purpose of this bill is to establish the West Virginia School Patrol Canine Program.

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