

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 399

BY SENATORS WELD, DEEDS, GRADY, STUART, TAKUBO,

PHILLIPS, TAYLOR, BARRETT, RUCKER, AND HAMILTON

[Originating in the Committee on the Judiciary;

reported on January 18, 2024]

1 A BILL to repeal §19-20-24 of the Code of West Virginia, 1931, as amended; and to amend said
2 code by adding thereto a new section, designated §61-3-27a, relating to police dogs and
3 other public safety animals; creating offenses related to willfully causing physical injury,
4 serious physical injury, or death to public safety animals; providing an exemption; defining
5 terms; and establishing criminal penalties.

Be it enacted by the Legislature of West Virginia:

CHAPTER 19. AGRICULTURE.

ARTICLE 20. DOGS AND CATS.

**§19-20-24. Causing injury or death to police dogs and other public safety animals used by
law-enforcement officials or by fire prevention or investigation officials; criminal
penalties.**

1 [Repealed.]

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-27a Willfully causing the death or injury to public safety animals.

1 (a) As used in this section:

2 (1) "Public safety animal" means a dog and any other animal specifically trained to assist
3 public safety officers or persons working under the direction of, or in cooperation with, public
4 safety officers in the performance of their official duties.

5 (2) "Public safety officer" means a law-enforcement officer, fire prevention or investigation
6 officer, correctional officer, or emergency services officer.

7 (3) "Physical injury" means substantial physical pain or temporary impairment of the
8 animal's ability to physically function as a public service animal.

9 (4) "Serious physical injury" means bodily injury that causes serious or prolonged physical
10 injury or permanent impairment of the animal's ability to function as a public service animal.

11 (b) Any person who willfully causes physical injury to a public safety animal is guilty of a
12 misdemeanor and, upon conviction thereof, shall be fined not less than \$200 nor more than
13 \$1,000 or confined in jail for not more than one year, or both fined and confined.

14 (c) Notwithstanding the provisions of subsection (b) of this section, any person who willfully
15 causes serious physical injury to a public safety animal is guilty of a felony and, upon conviction
16 thereof, shall be fined not less than \$1,000 nor more than \$3,000 or imprisoned in a state
17 correctional facility for an indeterminate term of not less than one year nor more than five years,
18 or both fined and imprisoned.

19 (d) Notwithstanding the provisions of subsections (b) or (c) of this section, any person who
20 willfully causes the death of a public safety animal is guilty of a felony and, upon conviction thereof,
21 shall be fined not less than \$2,000 nor more than \$5,000 or imprisoned in a state correctional
22 facility for an indeterminate term of not less than two years nor more than 10 years, or both fined
23 and imprisoned.

24 (e) The provisions of this section do not apply to a person who euthanizes an injured, ill,
25 or infirm public safety animal as part of his or her official duties.

26 (f) The provisions of §61-11A-4 of this code relating to court-ordered restitution are
27 applicable to persons convicted of a violation of this section.