

H. B. 2450

(By Delegate Smith)

[Introduced January 13, 2011; referred to the
Committee on Agriculture then the Judiciary.]

A BILL to amend and reenact §19-20-14 and §19-20-16 of the Code of West Virginia, 1931, as amended, all relating to the protection of cats from injury by dogs through imposing liability on the dog owner and permitting a person to kill a dog under certain circumstances.

Be it enacted by the Legislature of West Virginia:

That §19-20-14 and §19-20-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 20. DOGS AND CATS.

§19-20-14. Dog killing, wounding or worrying livestock or poultry -- Recovery of damages.

If ~~any~~ a dog has killed or assisted in killing, wounding or worrying any sheep, lambs, goats, kids, calves, cattle, swine, show or breeding rabbits, horses, colts, cats or poultry out of the enclosure of the owner of the dog, the owner or keeper of the dog ~~shall be~~ is liable for the sheep, lambs, goats, kids, calves, cattle, swine, show or breeding rabbits, horses, colts, cats or

1 poultry in the amount of the damages sustained, to be recovered in
2 an action before any court or magistrate having jurisdiction of the
3 action. It ~~shall~~ is not ~~be~~ necessary to sustain the action to
4 prove that the owner of the dog knew the dog was accustomed to
5 worrying, killing or wounding. A recovery under this section ~~shall~~
6 ~~bar and preclude~~ bars the owner of the sheep, lambs, goats, kids,
7 calves, cattle, swine, show or breeding rabbits, horses, colts,
8 cats or poultry from obtaining compensation from the county
9 commission under the provisions of this article. If the person
10 suffering the loss or damage cannot ascertain the owner or keeper
11 of the dog, or if the owner or keeper is not financially
12 responsible, then the person suffering the loss or damage may file
13 his or her claim with and prove ~~the same~~ it before the county
14 commission of the county in which the loss or damage is sustained,
15 in the manner provided in this article, and the commission shall
16 pay the loss or damage out of the fund provided for such purposes
17 and according to the provisions of this article. When compensation
18 is ~~so~~ obtained from the county commission, the county commission is
19 authorized to sue under this section and recover as the owner of
20 the sheep, lambs, goats, kids, calves, cattle, swine, show or
21 breeding rabbits, horses, colts, cats or poultry. The amount ~~so~~
22 recovered shall be paid into the county treasury. A suit ~~shall be~~
23 may not be commenced unless authorized by the county commission.

24 **§19-20-16. Same -- When lawful to kill dog.**

25 A person may kill a dog that he ~~may see~~ or she sees chasing,
26 worrying, wounding or killing any sheep, lambs, goats, kids,

1 calves, cattle, swine, show or breeding rabbits, horses, colts,
2 cats or poultry outside of the enclosure of the owner of the dog,
3 unless the chasing or worrying ~~be~~ is done ~~by~~ at the direction of
4 the owner of the sheep, lambs, goats, kids, calves, cattle, swine,
5 show or breeding rabbits or horses and colts, cats or poultry.

NOTE: The purpose of this bill is to protect cats from injury by dogs who run loose by both imposing liability on the dog owner and by permitting a person to kill a dog when the dog is observed chasing, wounding, worrying or killing a cat.

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