

COMMITTEE SUBSTITUTE

FOR

# **H. B. 3143**

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(BY DELEGATES PASDON, HALL, CRAIG, R. PHILLIPS,  
MILEY AND BOGGS)

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(Originating in the Committee on the Judiciary)  
[February 25, 2011]

A BILL to amend and reenact §19-20-24 of the Code of West Virginia, 1931, as amended; and to amend and reenact §61-3E-6 of said code; all relating to penalties for causing injury or death to certain animals used by law-enforcement or in law-enforcement duties.

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

That §19-20-24 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §61-3E-6 of said code be amended and reenacted, all to read as follows:

**CHAPTER 19. AGRICULTURE.**

**ARTICLE 20. DOGS AND CATS.**

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

1 Any person who, without justification, and with the  
2 unlawful intent to inflict serious physical injury or death,  
3 causes the death of any trained dog or horse used by law-  
4 enforcement officials, the Department of Military Affairs and  
5 Public Safety or by fire prevention or investigation officials  
6 in the performance of their official duties is guilty of a felony  
7 and, upon conviction thereof, shall be fined not less than  
8 \$500 nor more than ~~one thousand dollars~~ \$5,000 and  
9 imprisoned in a correctional facility ~~the penitentiary~~ for a  
10 definite term of not more than three years.

11 Any person who, without justification, willfully and  
12 unlawfully causes physical injury to any trained dog or horse  
13 used by law-enforcement officials, the Department of  
14 Military Affairs and Public Safety or by fire prevention or  
15 investigation officials in the performance of their official  
16 duties is guilty of a misdemeanor and, upon conviction  
17 thereof, shall be fined not more than \$500 or confined in the  
18 ~~county~~ jail not more than six months, or both.

19 Any person convicted of a violation of this section shall  
20 be ordered to make restitution to the law-enforcement  
21 agency, the Department of Military Affairs and Public Safety  
22 or to the State Fire Marshal or other fire prevention or  
23 investigation department or agency owning the animal for  
24 any veterinary bills, and replacement costs of any disabled or  
25 killed animal.

**CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

**ARTICLE 3E. OFFENSES INVOLVING EXPLOSIVES.**

**§61-3E-6. Causing death or injury to an explosives detection animal; penalty.**

1 Any person who violates the provisions of this article  
2 which violation causes death, serious or debilitating bodily  
3 injury to an explosives detection animal owned or used by a  
4 law-enforcement agency, shall be guilty of a felony and,  
5 upon conviction thereof, be committed to the custody of the  
6 Division of Corrections for not less than one year nor more  
7 than five years or fined not more than \$5,000 or both. Any  
8 person convicted of a violation of this section shall be  
9 ordered to make restitution to the law-enforcement agency,  
10 the Department of Military Affairs and Public Safety or to  
11 the State Fire Marshal or other fire prevention or

- 12 investigation department or agency owning the animal for
- 13 any veterinary bills, and replacement costs of any disabled or
- 14 killed animal.