

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 399**

By Senators Weld, Deeds, Grady, Stuart, Takubo,

Phillips, Taylor, Barrett, Rucker, and Hamilton

[Introduced January 12, 2024; 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 §61-2-10c, relating to making it unlawful to harm, attempt to harm, or kill a  
 3 police dog that is under the control of a law-enforcement or corrections officer who is acting  
 4 in his or her official capacity; defining the term "police dog"; and setting forth penalties.

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

**ARTICLE 2. CRIMES AGAINST THE PERSON.**

**§61-2-10c. Malicious assault; unlawful assault; battery; and assault on police dogs; definitions; penalties.**

1 (a) For purposes of this section "police dog" means a dog used by a law enforcement or  
 2 corrections agency that is specially trained for law enforcement or corrections work in the areas of  
 3 including, but not limited to tracking, suspect apprehension, crowd control, or drug or explosives  
 4 detection.

5 (b) Malicious assault. -- Any person who maliciously shoots, stabs, cuts or wounds or by  
 6 any means causes bodily injury with intent to maim, disfigure, disable, or kill a police dog under the  
 7 control of a law-enforcement or corrections officer acting in the officer's official capacity, and the  
 8 person committing the malicious assault knows or has reason to know that the victim is acting in its  
 9 official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional  
 10 facility for not less than two nor more than ten years.

11 (c) Unlawful assault. -- Any person who unlawfully but not maliciously shoots, stabs, cuts,  
 12 or wounds or by any means causes a police dog under the control of a law-enforcement or  
 13 corrections officer acting in the officer's official capacity bodily injury with intent to maim, disfigure,  
 14 disable, or kill it, and the person committing the unlawful assault knows or has reason to know that  
 15 the victim is acting in its official capacity is guilty of a felony and, upon conviction thereof, shall be  
 16 confined in a correctional facility for not less than one nor more than five years.

17 (d) Battery. -- Any person who unlawfully, knowingly, and intentionally makes physical

18 contact with a police dog under the control of a law-enforcement or corrections officer acting in the  
19 officer's official capacity, and the person committing the battery knows or has reason to know that  
20 the victim is acting in its official capacity, or unlawfully and intentionally causes physical harm to  
21 that police dog acting in such capacity and the person committing the battery knows or has reason  
22 to know that the victim is acting in its official capacity, is guilty of a misdemeanor and, upon  
23 conviction thereof, shall be fined not more than \$500 or confined in jail not less than one month nor  
24 more than twelve months or both fined and confined. If any person commits a second such  
25 offense, he or she is guilty of a felony and, upon conviction thereof, shall be fined not more than  
26 \$1,000 or imprisoned in a state correctional facility not less than one year nor more than three  
27 years, or both fined and imprisoned. Any person who commits a third violation of this subsection is  
28 guilty of a felony and, upon conviction thereof, shall be fined not more than \$2,000 or imprisoned in  
29 a state correctional facility not less than two years nor more than five years, or both fined and  
30 imprisoned.

31 (e) Assault. -- Any person who unlawfully attempts to commit a violent injury to a police dog  
32 under the control of a law-enforcement or corrections officer acting in the officer's official capacity  
33 and the person committing the battery knows or has reason to know that the victim is acting in its  
34 official capacity, or unlawfully commits an act which places that police dog acting in its official  
35 capacity in reasonable apprehension of immediately receiving a violent injury and the person  
36 committing the battery knows or has reason to know that the victim is acting in its official capacity,  
37 is guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail for not less than  
38 twenty-four hours nor more than six months, fined not more than \$200, or both fined and confined.

39 (f) Any person who violates this section and such violation results in the death of a police  
40 dog is guilty of a felony and, upon conviction thereof, shall be confined in a correction facility for not  
41 less than three nor more than fifteen years.

NOTE: The purpose of this bill is to make it unlawful to harm, attempt to harm, or kill a police dog that is under the control of a law-enforcement or corrections officer who is acting in his or her official capacity. The bill also defines the term "police dog" and sets forth penalties.

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