

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 151

BY SENATOR WELD

[Reported February 18, 2025, from the Committee on
the Judiciary]

1 A BILL to amend and reenact §61-11-18 of the Code of West Virginia, 1931, as amended; to
2 amend the code by adding a new section, designated §61-2-10c; and to repeal §19-20-
3 24, relating to police dogs and other public safety animals; creating offenses related to
4 willfully causing physical injury, serious physical injury, or death to public safety animals;
5 allowing for defense of public service animals; providing an exemption; defining terms;
6 establishing criminal penalties; and specifying that the felony offenses set forth are
7 qualifying offenses for recidivist sentencing purposes.

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1 [Repealed.]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 2. CRIMES AGAINST THE PERSON.

**§61-2-10c. Willfully causing the death or injury to public safety animals; penalties; right of
self-defense on behalf of public safety animal.**

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; and

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 subsection (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 right of self-defense may be exercised by a person in defense of a public service
25 animal.

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

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

§61-11-18. Punishment for second or third offense of felony.

1 (a) For purposes of this section, "qualifying offense" means any offense or an attempt or
2 conspiracy to commit any of the offenses in the following provisions of this code:

- 3 (1) §60A-4-401(a)(i) and §60A-4-401(a)(ii);
- 4 (2) §60A-4-406;
- 5 (3) §60A-4-409(b)(1) and §60A-4-409 (b)(2);
- 6 (4) §60A-4-411;
- 7 (5) §60A-4-414;
- 8 (6) §60A-4-415;
- 9 (7) §60A-4-416(a);
- 10 (8) §61-2-1;
- 11 (9) §61-2-4;
- 12 (10) §61-2-7;
- 13 (11) §61-2-9(a);
- 14 (12) §61-2-9a(d) and §61-2-9a(e);
- 15 (13) §61-2-9b;
- 16 (14) §61-2-9c;
- 17 (15) §61-2-9d;
- 18 (16) §61-2-10;
- 19 (17) §61-2-10b(b) and §61-2-10b(c);
- 20 (18) Felony provisions of §61-2-10b(d);
- 21 (19) §61-2-12;
- 22 (20) Felony provisions of §61-2-13;
- 23 (21) §61-2-14;
- 24 (22) §61-2-14a(a) and §61-2-14a(d);
- 25 (23) §61-2-14c;
- 26 (24) §61-2-14d(a) and §61-2-14d(b);
- 27 (25) §61-2-14f;
- 28 (26) §61-2-14h(a), §61-2-14h(b), and §61-2-14h(c);

- 29 (27) §61-2-16a(a) and §61-2-16a(b);
- 30 (28) Felony provisions of §61-2-16a(c);
- 31 (29) §61-2-28(d);
- 32 (30) §61-2-29(d) and §61-2-29(e);
- 33 (31) §61-2-29a;
- 34 (32) §61-3-1;
- 35 (33) §61-3-2;
- 36 (34) §61-3-3;
- 37 (35) §61-3-4;
- 38 (36) §61-3-5;
- 39 (37) §61-3-6;
- 40 (38) §61-3-7;
- 41 (39) §61-3-11;
- 42 (40) Felony violation of 61-3-12;
- 43 (41) §61-3-13(a);
- 44 (42) Felony violation of §61-3-18;
- 45 (43) Felony violation of §61-3-19;
- 46 (44) Felony violation of §61-3-20;
- 47 (45) Felony violation of §61-3-20a;
- 48 (46) Felony violation of §61-3-21;
- 49 (47) §61-3-22;
- 50 (48) Felony violation of §61-3-24;
- 51 (49) Felony violation of §61-3-24a;
- 52 (50) §61-3-27;
- 53 (51) §61-3-54;
- 54 (52) §61-3C-14b;

55 (53) §61-3E-5;
56 (54) Felony violation of §61-5-10;
57 (55) §61-5-17(b), §61-5-17(f), §61-5-17(h), and §61-5-17(i);
58 (56) §61-5-27;
59 (57) §61-6-24;
60 (58) Felony provisions of §61-7-7;
61 (59) §61-7-12;
62 (60) §61-7-15;
63 (61) §61-7-15a;
64 (62) §61-8-12;
65 (63) §61-8-19(b);
66 (64) §61-8A-2;
67 (65) §61-8A-4;
68 (66) §61-8A-5;
69 (67) §61-8B-3;
70 (68) §61-8B-4;
71 (69) §61-8B-5;
72 (70) §61-8B-7;
73 (71) §61-8B-10;
74 (72) §61-8B-11b;
75 (73) §61-8C-2;
76 (74) §61-8C-3;
77 (75) §61-8C-3a;
78 (76) §61-8D-2;
79 (77) §61-8D-2a;
80 (78) §61-8D-3;

(79) §61-8D-3a;

(80) §61-8D-4;

(81) §61-8D-4a;

(82) §61-8D-5;

(83) §61-8D-6;

(84) §61-10-31;

(85) §61-11-8;

(86) §61-11-8a;

(87) §61-14-2; ~~and~~

(88) §17C-5-2(b), driving under the influence causing death-; and

(89) Felony provisions of §61-2-10c.

(b) Except as provided by subsection (c) of this section, when any person is convicted of a qualifying offense and is subject to imprisonment in a state correctional facility for the qualifying offender and it is determined, as provided in §61-11-19 of this code, that the person had been previously convicted in the United States of a crime punishable by imprisonment in a state or federal correctional facility, the court shall, if the sentence to be imposed is for a definite term of years, add five years to the time for which the person is or would be otherwise sentenced. Whenever in that case the court imposes an indeterminate sentence, the minimum term shall be twice the term of years otherwise provided for under the sentence.

(c) Notwithstanding any provision of this code to the contrary, when any person is convicted of first degree murder or second degree murder or a violation of §61-8B-3 of this code and it is determined, as provided in §61-11-19 of this code, that the person had been previously convicted in this state of first degree murder, second degree murder, or a violation of §61-8B-3 of this code, or has been so convicted under any law of the United States or any other state for an offense which has the same or substantially similar elements as any offense described in this

subsection, the person shall be punished by imprisonment in a state correctional facility for life and is not eligible for parole.

(d) When it is determined, as provided in §61-11-19 of this code, that the person has been twice previously convicted in the United States of a crime punishable by imprisonment in a state or federal correctional facility which has the same or substantially similar elements as a qualifying offense, the person shall be sentenced to imprisonment in a state correctional facility for life: *Provided*, That prior convictions arising from the same transaction or series of transactions shall be considered a single offense for purposes of this section: *Provided, however*, That the most recent previous qualifying offense which would otherwise constitute a qualifying offense for purposes of this subsection may not be considered if more than 20 years have elapsed between:

(1) The release of the person from his or her term of imprisonment or period of supervision resulting from the most recent qualifying offense or the expiration of a period of supervised release resulting from the offense; and (2) the conduct underlying the current charge.