

H. B. 4300

(By Delegates Manypenny, Barrett,
Sponaugle, Ferro and Walker)

[Introduced January 24, 2014; referred to the
Committee on Agriculture and Natural Resources then the
Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §15-14-1, §15-14-2,
§15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8,
§15-14-9, §15-14-10 and §15-14-11, all relating to creating a
State Animal Abuse Registry; defining terms; creating a
registry of all persons convicted of animal abuse; requiring
all persons convicted of animal abuse to register; setting
forth the information to be provided when registering;
requiring a registrant to pay a fee; creating the Central
Abuse Registry Fund; determining how the money in the fund
will be used; requiring the registry information to be public;
providing an exception from being required to register;
setting forth duties of animal breeders, animal shelters and
pet stores; and providing criminal penalties.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended

1 by adding thereto a new article, designated §15-14-1, §15-14-2,
2 §15-14-3, §15-14-4, §15-14-5, §15-14-6, §15-14-7, §15-14-8,
3 §15-14-9, §15-14-10 and §15-14-11, all to read as follows:

4 **ARTICLE 14. ANIMAL ABUSE REGISTRY.**

5 **§15-14-1. Definitions.**

6 As used in this article, unless the context otherwise
7 requires:

8 "Animal abuse crime" means a violation of any animal
9 protection statute in this code, including section nineteen,
10 nineteen-a or twenty of article eight, chapter sixty-one of this
11 code or of section twenty-seven, article three of that chapter, or
12 a violation of any comparable animal protection statute of another
13 state; an attempt to commit an offense listed in this subdivision;
14 or a crime committed in a federal, state, or foreign jurisdiction
15 that, if committed in this state, would constitute one of the
16 crimes listed in this subdivision.

17 "Animal breeder" means an entity engaged in the practice of
18 facilitating the reproduction of animals for the purpose of
19 distributing the resulting offspring to one or more other
20 individuals or entities.

21 "Animal shelter" means a public animal control facility or any
22 other facility that is operated by an organization or individual
23 for the purpose of protecting animals from cruelty, neglect or
24 abuse.

1 "Fund" means the Central Abuse Registry Fund established under
2 this article.

3 "Offender" means a person required to register under section
4 four of this article.

5 "Pet store" means a place or premises where birds, mammals, or
6 reptiles are kept for the purpose of sale, at either wholesale or
7 retail, import, export, barter, exchange or gift.

8 **§15-14-2. When convicted.**

9 For the purpose of this article, a person is convicted when
10 the person:

11 (1) Is found guilty of a crime by a jury or judicial officer;

12 (2) Enters a plea of guilty or nolo contendere;

13 (3) Is granted probation before judgment after a finding of
14 guilt for a crime if the court, as a condition of probation, orders
15 compliance with the requirements of this article; or

16 (4) Is found to have committed a criminal act but is found not
17 criminally responsible for the act.

18 **§15-14-3. West Virginia Animal Abuse Registry.**

19 (a) The West Virginia State Police shall establish and
20 maintain a central computerized registry of all persons convicted
21 of an animal abuse crime who are required to register in accordance
22 with section four of this article, to be known as the West Virginia
23 Animal Abuse Registry.

24 (b) The registry shall be updated based on information made

1 available to the State Police, including information acquired in
2 accordance with the registration provisions of section five of this
3 article.

4 (c) The registry shall include the offender's name, the
5 offender's residential address, the date and a description of the
6 crime for which registration is required, and a photograph of the
7 offender's head and shoulders from the front.

8 **§15-14-4. Persons required to register; when registration**
9 **required.**

10 A person convicted of an animal abuse crime shall register
11 with the State Police within ten days after the conviction.

12 **§15-14-5. Information to be supplied to the State Police; State**
13 **Police to obtain photograph; updates to information**
14 **required.**

15 (a) A registrant shall provide the State Police with the
16 registrant's legal name, the registrant's current address or
17 location, the crime of which the registrant was convicted, and the
18 date and location of the crime.

19 (b) The State Police shall obtain a photograph of the
20 registrant's head and shoulders from the front.

21 (c) A person required to register under this article shall
22 update the information and reflect any change in name or address
23 within ten days of the change.

1 **§15-14-6. Registrant to pay fee; fees remitted to State Treasurer.**

2 (a) In addition to any fine, fee, or penalty levied or imposed
3 as provided by law, each registrant shall pay an annual
4 registration fee of \$50.

5 (b) The State Police shall collect and remit the annual
6 registration fees required under subsection (a) of this section to
7 the State Treasurer for deposit into the fund.

8 **§15-14-7. Central Abuse Registry Fund created.**

9 (a) There is hereby created in the State Treasury a special
10 revenue account designated the Central Abuse Registry Fund which
11 shall consist of money deposited into the fund from annual
12 registration fees collected under section six of this article, fees
13 collected by other abuse registries and moneys appropriated by the
14 Legislature. Additional financial support may come from gifts,
15 grants, contributions, bequests and endowment either public or
16 private.

17 (b) Funds appropriated to the fund in accordance with this
18 section that remain unallocated or unexpended at the end of a
19 fiscal year do not expire, but remain in the line item to which
20 they were originally appropriated and are available in the next
21 fiscal year to be used for the purposes of operating and
22 maintaining the Animal Abuse Registry authorized by this article
23 and other abuse registries operated by the State Police.

24 (c) Expenditures from the fund may be made from collections

1 and may only be used to pay for expenses of administering the
2 Animal Abuse Registry as provided in this article and other abuse
3 registries operated by the State Police.

4 **§15-14-8. Registry information to be made public.**

5 The State Police shall make information contained in the West
6 Virginia Animal Abuse Registry available to the public through the
7 Internet, by telephone, by written access and in person.

8 **§15-14-9. Appeal of level of danger; court-ordered removal of**
9 **registration upon certain finding.**

10 (a) A person convicted of an animal abuse crime who would
11 otherwise be required to register under section four of this
12 article may appeal to the circuit court for a determination of the
13 level of danger posed by the offender.

14 (b) The circuit court may make a finding that the
15 circumstances of the crime, in conjunction with the offender's
16 criminal history, do not indicate a risk of reoffending by the
17 offender or that the offender is a danger to the public. The
18 circuit court shall specify in writing the reasons for its finding.
19 On making its finding as described herein, the circuit court shall
20 notify the offender and, if the finding is in the offender's favor,
21 order the State Police to remove the offender's registration
22 information from the registry.

23 **§15-14-10. Acts required by a person subject to registration;**

1 **penalties.**

2 (a) A person who is subject to registration under section four
3 of this article may not knowingly fail to:

4 (1) Register with the State Police; or

5 (2) Provide accurate information when registering under
6 section five of this article.

7 (b) A person who violates this section:

8 (1) For a first offense, is guilty of a misdemeanor and, upon
9 conviction, shall be fined not more than \$1,000 or confined in jail
10 not more than six months, or both fined and confined; and

11 (2) For a second or subsequent offense, is guilty of a
12 misdemeanor and, upon conviction, shall be fined not more than
13 \$5,000 or confined in jail not more than one year, or both fined
14 and confined.

15 **§15-14-11. Duties of animal breeders and owners or managers of**
16 **animal shelters or pet stores; penalties.**

17 (a) Animal breeders and owners or managers of animal shelters
18 and pet stores in this state shall determine whether the name and
19 address of a person seeking to purchase or adopt an animal appears
20 on the registry.

21 (b) An animal breeder, or owner or manager responsible for an
22 animal shelter or a pet store may not knowingly offer, sell,
23 deliver, give or provide an animal to a person registered on the
24 registry.

1 (c) A person violating provisions of this section is guilty of
2 a misdemeanor and, upon conviction, is subject to:

3 (1) For a first offense, a fine not exceeding \$1,000; or

4 (2) For a second or subsequent offense, a fine not exceeding
5 \$10,000.

NOTE: The purpose of this bill is to establish a West Virginia Animal Abuse Registry requiring registration of persons convicted of certain crimes of animal abuse. The bill defines terms, creates a registry of all persons convicted of animal abuse, requires all persons convicted of an abuse to register, sets forth the information to be provided when registering, requires a registrant to pay a fee, creates the Central Abuse Registry Fund, determines how the money in the fund will be used, requires the registry information to be public, provides an exception from the registration requirement, provides criminal penalties, and sets forth duties of animal breeders, animal shelters and pet stores.

This article is new; therefore, it has been completely underscored.