

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

**Introduced**

### **House Bill 2827**

**FISCAL  
NOTE**

BY DELEGATE HOLSTEIN

[Introduced March 02, 2021; 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 §61-8-32, relating to creating the felony offense of sexual crimes against  
3 animals; providing criminal penalties and exceptions to the offense; and ordering  
4 relinquishment of possession of animals.

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

## **ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.**

### **§61-8-32. Sexual crimes against an animal; penalties.**

1 (a) As used in this section:

2 “Animal” means any nonhuman creature; and

3 “Sexual contact” means any act committed between a person and an animal for the  
4 purpose of sexual arousal, sexual gratification, abuse, or financial gain involving:

5 (1) Sexual Contact between the sex organs or anus of one and the mouth, sex organs, or  
6 anus of another;

7 (2) The insertion of any part of the animal’s body into the vaginal or anal opening of the  
8 person; or

9 (3) The insertion of any part of the body of a person or any object into the vaginal or anal  
10 opening of an animal without a bona fide veterinary or animal husbandry purpose.

11 (b) A person is guilty of sexual crimes against an animal if he or she:

12 (1) Engages in sexual contact with an animal;

13 (2) Advertises, solicits, offers, or accepts the offer of an animal, or possesses, purchases,  
14 or otherwise obtains an animal, with the intent that the animal be subject to sexual contact; or

15 (3) Causes or forces another person to engage in sexual relations with an animal.

16 (c) Nothing in this section may apply to:

17 (1) Accepted veterinary practices;

18 (2) Artificial insemination of an animal for reproductive purposes;

19 (3) Accepted animal husbandry practices, including grooming, raising, breeding, or

20 assisting with the birthing process of animals or any other procedure that provides care for an  
21 animal; or

22 (4) Generally accepted practices related to the judging of breed conformation.

23 (5) Generally accepted affection towards a pet such as petting, hugging, or kissing in a  
24 non-sexual manner.

25 (d) Sexual crimes against an animal is a felony. Any person who violates this section is  
26 guilty of a felony and, upon conviction thereof, shall be fined not more than \$10,000 or imprisoned  
27 in a state correctional facility for not less than one year nor more than five years, or both fined  
28 and imprisoned.

29 (e) In addition to the penalty imposed in this section, the court shall order a person  
30 convicted of violating this section to:

31 (1) Relinquish custody of all animals under the person’s control. If the person convicted of  
32 violating this section is not the owner of the animal that was the subject of the violation, then the  
33 animal shall be returned to the owner of the animal. An animal returned to an owner under this  
34 section shall not be spayed or neutered prior to being returned;

35 (2) Not harbor, own, possess, or exercise control over any animal, reside in any household  
36 where animals are present, or work or volunteer in a place where the person has unsupervised  
37 access to animals for a minimum of 10 years after completion of the imposed sentence; attend  
38 an appropriate treatment program or obtain psychiatric or psychological counseling, at the  
39 person’s expense; and reimburse the agency caring for the animal for reasonable costs incurred  
40 for the care and treatment of the animal from the date of impoundment until the disposition of the  
41 criminal proceeding.

NOTE: The purpose of this bill is to create the felony offense of sexual crimes against animals.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.