

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 150

By Senator Weld

[Introduced February 12, 2025; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-8-19 of the Code of West Virginia, 1931, as amended, relating to
2 cruelty to animals; creating and defining the felony offense of cruelty to animals; modifying
3 and clarifying applicability of the section; defining terms; and creating criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-19. Cruelty to animals; offenses; defining terms; penalties; exclusions.

1 (a)(1) It is unlawful for any person to intentionally or knowingly: or recklessly
2 (A) Cause serious bodily injury or death to a domestic animal;
3 (B) Fail to provide proper care to end the suffering of any domestic animal;
4 (C) Abandon a domestic animal to die without appropriate veterinary care; or
5 (D) Leave a domestic animal unattended and confined in a motor vehicle resulting in the
6 death of the animal.

7 (2) Any person who violates subdivision (1), of this subsection is guilty of a felony and,
8 upon conviction, shall be fined not less than \$1,000 nor more than \$3,000 or imprisoned in a state
9 correctional facility, not less than one nor more than three years, or both fined and confined.

10 (b) A person who intentionally tortures, mutilates, maliciously kills an animal, or causes,
11 procures, or authorizes any other person to torture, mutilate, or maliciously kill an animal, is guilty
12 of a felony and, upon conviction, shall be imprisoned in a state correctional facility not less than
13 one nor more than five years and be fined not less than \$1,000 nor more than \$5,000.

14 (c) (1) It is unlawful for any person to recklessly:

15 (A) Mistreat an animal in cruel manner;
16 (B) Abandon an animal;
17 (C) Withhold:
18 (i) Proper sustenance, including food or water;
19 (ii) Shelter that protects from the elements of weather; or
20 (iii) Medical treatment, necessary to sustain normal health and fitness or to end the

suffering of any animal;

(D) Abandon an animal to die; or

(E) Leave an animal unattended and confined in a motor vehicle when physical injury to or death of the animal is likely to result.

(2) It is unlawful for any person to intentionally, knowingly, or recklessly:

~~(F)~~ (A) Ride an animal when it is physically unfit;

~~(G)~~ (B) Bait or harass an animal for the purpose of making it perform for a person's amusement;

~~(H)~~ (C) Cruelly chain or tether an animal; or

~~(I)~~ (D) Use, train, or possess a domesticated animal for the purpose of seizing, detaining, or maltreating any other domesticated animal.

~~(2)~~ (3) Any person in violation of ~~subdivision (1)~~ subdivisions (1) or (2) of this subsection is guilty of a misdemeanor and, upon conviction, ~~thereof~~ shall be fined not less than \$300 nor more than \$2,000 or confined in jail not more than six months, or both fined and confined.

~~(b) A person who intentionally tortures, or mutilates or maliciously kills an animal, or causes, procures or authorizes any other person to torture, mutilate or maliciously kill an animal, is guilty of a felony and, upon conviction thereof, shall be confined in a correctional facility not less than one nor more than five years and be fined not less than \$1,000 nor more than \$5,000. For the purposes of this subsection, "torture" means an action taken for the primary purpose of inflicting pain~~

~~(c)~~ (d) A person, other than a licensed veterinarian or a person acting under the direction or with the approval of a licensed veterinarian, who knowingly and willfully administers or causes to be administered to any animal participating in any contest any controlled substance or any other drug for the purpose of altering or otherwise affecting ~~said~~ the animal's performance is guilty of a misdemeanor and, upon conviction, ~~thereof~~ shall be fined not less than \$500 nor more than \$2,000.

47 ~~(d)~~ (e) Any person convicted of a violation of this section forfeits his or her interest in any
48 animal and all interest in the animal vests in the humane society or county pound of the county in
49 which the conviction was rendered and the person is, in addition to any fine imposed, liable for any
50 costs incurred or to be incurred by the humane society or county pound as a result.

51 (f) The provisions of this section do not apply to and have no force or effect as to:

52 (1) Lawful acts of hunting, fishing, trapping, or animal training; or farm livestock, poultry

53 (2) The production, marketing, transportation, exhibition, or slaughter of farm or
54 agricultural animals, non-traditional agricultural animals, captive cervids, farm livestock or poultry,
55 used for the production of food or fiber or for breeding, if kept and maintained according to usual
56 and accepted production, marketing, transportation, exhibition, or slaughter standards for farm
57 livestock or poultry;

58 (3) Gaming fowl or wildlife kept in private or licensed game farms if kept and maintained
59 according to usual and accepted standards of livestock, poultry, gaming fowl or wildlife or game
60 farm production and management; or

61 (4) Guard and herding animals used in the production or protection of farm livestock;

62 (5) Working livestock; or

63 (6) To The humane use of animals or activities regulated under and in conformity with the
64 provisions of 7 U.S.C. §2131, *et seq.*, and the regulations promulgated thereunder, as both
65 statutes and regulations are in effect on the effective date of this section.

66 (g) Notwithstanding ~~the provisions of~~ subsection ~~(a)~~ (c) of this section any person
67 convicted of a second or subsequent violation of that subsection ~~(a)~~ is guilty of a misdemeanor
68 and, shall be confined in jail for a period of not less than 90 days nor more than one year, fined not
69 less than \$500 nor more than \$3,000, or both confined and fined. The incarceration set forth in this
70 subsection is mandatory unless the provisions of subsection ~~(h)~~ (i) of this section are complied
71 with.

(h) (1) Notwithstanding any provision of this code to the contrary, ~~no~~ a person who has been convicted of a violation of ~~the provisions of~~ subsection (a) or (b) of this section may not be granted probation until the defendant has undergone a complete psychiatric or psychological evaluation and the court has reviewed the evaluation. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the evaluation.

(2) For any person convicted of a violation of subsection (a) or (b) of this section, the court may, in addition to the penalties provided in this section, impose a requirement that he or she complete a program of anger management intervention for perpetrators of animal cruelty. Unless the defendant is determined by the court to be indigent, he or she is responsible for the cost of the program.

(i) In addition to any other penalty which can be imposed for a violation of this section, a court ~~shall~~ may prohibit any person so convicted from possessing, owning, or residing with any animal or type of animal for a period of five years following entry of a misdemeanor conviction and 15 years following entry of a felony conviction. A violation under this subsection is a misdemeanor punishable by a fine not exceeding \$2,000 and forfeiture of the animal.

(j) As used in this section:

(1) "Animal" means mammals, fish, birds, reptiles, and amphibians;

(2) "Controlled substance" means a drug, substance, or immediate precursor or any drug or substance regulated by the provisions of chapter 60A of this code;

(3) "Domestic animal" means a dog, cat, or other animal ordinarily kept as a house pet;

(4) "Farm livestock" means cattle, sheep, horses, mules, donkeys, goats, rabbits, alpacas, llamas, and other domesticated animals ordinarily raised on a farm;

(5) "House pet" means a fully domesticated animal which typically lives indoors and is owned by a person for personal companionship;

(6) "Poultry" means domesticated fowl such as chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds, other than doves and pigeons, which are bred for the

98 primary purpose of producing eggs or meat;

99 (7) "Serious bodily injury" means bodily injury that causes a substantial risk of death,

100 extreme physical pain, obvious disfigurement, or permanent loss or impairment of the function of a

101 limb or organ;

102 (8) "Torture" means a deliberate action by a person intended to inflict pain on an animal;

103 and

104 (9) "Working livestock" means animals being used in the production of agricultural

105 products or farm livestock.

NOTE: The purpose of this bill relates to cruelty to animals. The bill creates and defines the felony offense of cruelty to animals; modifies and clarifies applicability of the section; defines terms; and creates criminal 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.