

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 893

By Senator Weld

[Introduced March 24, 2025; referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §61-3-27a, relating to establishing the offense of assault upon a service
 3 animal; and providing for penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CRIMES AGAINST PROPERTY.
§61-3-27a. Assault upon a service animal; penalties.

1 (a) No person shall knowingly cause, or attempt to cause, physical harm to a service
 2 animal, as defined on §5-15-3 of this code, in either of the following circumstances:

3 (1) The service animal, at the time the physical harm is caused or attempted, is assisting or
 4 serving a person who is blind, deaf, or hearing impaired or a person with a mobility impairment.

5 (2) The service animal, at the time the physical harm is caused or attempted, is not
 6 assisting or serving a person who is blind, deaf, or hearing impaired or a person with a mobility
 7 impairment, but the offender has actual knowledge that the animal is a service animal.

8 (b) No person shall recklessly do any of the following:

9 (1) Taunt, torment, or strike a service animal;

10 (2) Throw an object or substance at a service animal;

11 (3) Interfere with or obstruct a service animal, or interfere with or obstruct a person who is
 12 blind, deaf, or hearing impaired or a person with a mobility impairment who is being assisted or
 13 served by a service animal, in a manner that does any of the following:

14 (A) Inhibits or restricts the assisted or served person's control of the service animal;

15 (B) Deprives the assisted or served person of control of the service animal;

16 (C) Releases the service animal from its area of control;

17 (D) Enters the area of control of the service animal without the consent of the assisted or
 18 served person, including placing food or any other object or substance into that area;

19 (E) Inhibits or restricts the ability of the service animal to assist the assisted or served
 20 person.

21 (c) Whoever violates the provisions of subsection (a) or (b) of this section is guilty of a
22 misdemeanor, and upon conviction thereof, shall be confined in jail for not more than one year or
23 fined not more than \$500, or both fined and confined.

24 (d) In addition to any other sanction or penalty imposed for a violation of this section the
25 defendant shall also be responsible for the payment of any of the following:

26 (1) Any veterinary bill or bill for medical costs incurred as a result of the violation;

27 (2) The cost of any damaged equipment that results from the violation;

28 (3) If the violation did not result in the death of the service animal that was the subject of the
29 violation and if, as a result of that violation, the service animal needs further training or retraining to
30 be able to continue in the capacity of a service animal, the cost of any further training or retraining
31 of that service animal by the person who is blind, deaf, or hearing impaired or the person with a
32 mobility impairment assisted or served by the service animal;

33 (4) If the violation resulted in the death of the service animal that was the subject of the
34 violation or resulted in serious physical harm to the service animal that was the subject of the
35 violation to the extent that the service animal needs to be replaced on either a temporary or a
36 permanent basis, the cost of replacing that service animal and of any further training of a service
37 animal by the person who is blind, deaf, or hearing impaired or the person with a mobility
38 impairment assisted or served by the service animal, which replacement or training is required
39 because of the death of or the serious physical harm to the service animal that was the subject of
40 the violation.

41 (e) This section shall only apply to an offender who knows or should know at the time of the
42 violation that the service animal that is the subject of a violation under this section is a service
43 animal.

NOTE: The purpose of this bill is to create the offense of assault upon a service animal and establish 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.