

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 4179

By Delegates Mallow and Heckert

[Originating in the Committee on the Judiciary;

Reported on February 4, 2026]

1 A BILL to repeal §19-20-24 of the Code of West Virginia, 1931, as amended relating to Causing
2 death or injury to animals used by law- enforcement officials or by fire prevention or
3 investigation officials; criminal penalties; and to amend and reenact §61-2-10b of the Code
4 of West Virginia, 1931, as amended, relating to the amend the criminal penalties for
5 governmental representatives, health care providers, utility workers, law-enforcement
6 officers, correctional employees and emergency medical service personnel; and to create
7 §61-5-30 of the Code of West Virginia, 1931, as amended relating to creating the criminal
8 penalties, fines, for the crime of Causing death or injury to animals used by law-
9 enforcement officials or by fire prevention or investigation officials; and relating to creating
10 the requirements and conditions for restitution and when it is owed when any trained dog or
11 horse used by law-enforcement officials, the Department of Homeland Security or by fire
12 prevention or investigation officials is harmed or killed including any veterinary bills, and
13 replacement costs of any disabled or killed animal.

Be it enacted by the Legislature of West Virginia:

CHAPTER 19. AGRICULTURE.

ARTICLE 20. DOGS AND CATS.

**§19-20-24. Causing death or injury to 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1 [Repealed.]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.

§61-2-10b. Malicious assault; unlawful assault; battery; and assault on governmental representatives, health care providers, utility workers, law-enforcement officers, correctional employees and emergency medical service personnel; definitions; penalties.

1 (a) For purposes of this section:

2 (1) "Government representative" means any officer or employee of the state or a political
3 subdivision thereof, or a person under contract with a state agency or political subdivision thereof.

4 (2) "Health care worker" means any nurse, nurse practitioner, physician, physician
5 assistant or technician practicing at, and all persons employed by or under contract to a hospital,
6 county or district health department, long-term care facility, physician's office, clinic or outpatient
7 treatment facility.

8 (3) "Emergency service personnel" means any paid or volunteer firefighter, emergency
9 medical technician, paramedic, or other emergency services personnel employed by or under
10 contract with an emergency medical service provider or a state agency or political subdivision
11 thereof.

12 (4) "Utility worker" means any individual employed by a public utility or electric cooperative
13 or under contract to a public utility, electric cooperative or interstate pipeline.

14 (5) "Law-enforcement officer" has the same definition as this term is defined in ~~W.Va. Code~~
15 §30-29-1 of this code, except for purposes of this section, "law-enforcement officer" shall
16 additionally include those individuals defined as "chief executive" in ~~W.Va. Code~~ §30-29-1 of this

17 code.

18 (6) "Correctional employee" means any individual employed by the West Virginia Division
19 of Corrections, the West Virginia Regional Jail Authority, and the West Virginia Division of Juvenile
20 Services and an employee of an entity providing services to incarcerated, detained or housed
21 persons pursuant to a contract with such agencies.

22 (b) *Malicious assault.* — Any person who maliciously shoots, stabs, cuts or wounds or by
23 any means causes bodily injury with intent to maim, disfigure, disable or kill a government
24 representative, health care worker, utility worker, emergency service personnel, correctional
25 employee or law-enforcement officer acting in his or her official capacity, and the person
26 committing the malicious assault knows or has reason to know that the victim is acting in his or her
27 official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a correctional
28 facility for not less than three nor more than fifteen years.

29 (c) *Unlawful assault.* — Any person who unlawfully but not maliciously shoots, stabs, cuts
30 or wounds or by any means causes a government representative, health care worker, utility
31 worker, emergency service personnel, correctional employee or law-enforcement officer acting in
32 his or her official capacity bodily injury with intent to maim, disfigure, disable or kill him or her and
33 the person committing the unlawful assault knows or has reason to know that the victim is acting in
34 his or her official capacity is guilty of a felony and, upon conviction thereof, shall be confined in a
35 correctional facility for not less than two nor more than five years.

36 (d) *Battery.* — Any person who unlawfully, knowingly and intentionally makes physical
37 contact of an insulting or provoking nature with a government representative, health care worker,
38 utility worker, emergency service personnel, correctional employee or law-enforcement officer
39 acting in his or her official capacity and the person committing the battery knows or has reason to
40 know that the victim is acting in his or her official capacity, or unlawfully and intentionally causes
41 physical harm to that person acting in such capacity and the person committing the battery knows

42 or has reason to know that the victim is acting in his or her official capacity, is guilty of a
43 ~~misdemeanor felony~~ and, upon conviction thereof, shall be fined not more than \$500 or ~~confined in~~
44 ~~jail not less than one month nor more than twelve months imprisoned in a state correctional facility~~
45 ~~not less than one year no more than three years~~, or both fined and ~~confined imprisoned~~. If any
46 person commits a second such offense, he or she is guilty of a felony and, upon conviction thereof,
47 shall be fined not more than \$1,000 or imprisoned in a state correctional facility not less than ~~one~~
48 ~~year two years~~ nor more than ~~three five~~ years, or both fined and imprisoned. Any person who
49 commits a third violation of this subsection is guilty of a felony and, upon conviction thereof, shall
50 be fined not more than \$2,000 or imprisoned in a state correctional facility not less than ~~two five~~
51 years nor more than ~~five ten~~ years, or both fined and imprisoned.

52 (e) *Assault.* — Any person who unlawfully attempts to commit a violent injury to the person
53 of a government representative, health care worker, utility worker, emergency service personnel,
54 correctional employee or law-enforcement officer, acting in his or her official capacity and the
55 person committing the battery knows or has reason to know that the victim is acting in his or her
56 official capacity, or unlawfully commits an act which places that person acting in his or her official
57 capacity in reasonable apprehension of immediately receiving a violent injury and the person
58 committing the battery knows or has reason to know that the victim is acting in his or her official
59 capacity, is guilty of a ~~misdemeanor felony~~ and, upon conviction thereof, shall be ~~confined in jail for~~
60 ~~not less than twenty-four hours nor more than six months, imprisoned in a state correctional~~
61 ~~facility not less than one year nor more than three years or fined not more than \$200, or both fined~~
62 ~~and confined imprisoned~~.

63 (f) Any person convicted of any crime set forth in this section who is incarcerated in a
64 facility operated by the West Virginia Division of Corrections or the West Virginia Regional Jail
65 Authority, or is in the custody of the Division of Juvenile Services and is at least eighteen years of
66 age or subject to prosecution as an adult, at the time of committing the offense and whose victim is

67 a correctional employee may not be sentenced in a manner by which the sentence would run
68 concurrent with any other sentence being served at the time the offense giving rise to the
69 conviction of a crime set forth in this section was committed.

ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.

§61-5-30. Causing death or injury to animals used by law- enforcement officials or by fire prevention or investigation officials; criminal penalties; and restitution.

1 (a) Any person who, without justification, and with the unlawful intent to inflict serious
2 physical injury or death, causes the death of any trained dog or horse used by law-enforcement
3 officials, the Department of Homeland Security or by fire prevention or investigation officials in the
4 performance of their official duties is guilty of a felony and, upon conviction thereof, shall be fined
5 not less than \$500 nor more than \$5,000 and imprisoned in a correctional facility for a definite term
6 of not less than one year nor more than three years.

7 (b) Any person who, without justification, willfully and unlawfully causes physical injury to
8 any trained dog or horse used by law-enforcement officials, the Department of Homeland Security
9 or by fire prevention or investigation officials in the performance of their official duties is guilty of a
10 misdemeanor and, upon conviction thereof, shall be fined not more than \$500 or confined in jail
11 not more than six months, or both.

12 (c) Any person convicted of a violation of this section shall be ordered to make restitution to
13 the law-enforcement agency, the Department of Homeland Security or to the State Fire Marshal or
14 other fire prevention or investigation department or agency owning the animal for any veterinary
15 bills, and replacement costs of any disabled or killed animal.

NOTE: The purpose of this bill is to amend penalties for any assault on a police officer or police dog and expand the potential criminal sentencing for certain crimes against governmental representatives, health care providers, utility workers, law-enforcement officers, correctional employees and emergency medical service personnel.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.