

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

House Bill 4725

By Delegates Akers, Martin, Ferrell, Funkhouser, and

Kimble

[Introduced January 22, 2026; 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
2 to cruelty to animals; creating the felony offense of committing a sexual act with an
3 animal; creating definitions for the offense of committing a sexual act with an animal;
4 clarifying the disposition of an animal following a dismissal of criminal charges;
5 authorizing the court to make certain findings in ordering disposition based upon the
6 protection of the animal; clarifying the length a time persons convicted of offenses may
7 be subject to prohibitions on possessing animals; creating penalties; and creating civil
8 and 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; penalties; exclusions.

- 1 (a)(1) It is unlawful for any person to intentionally, knowingly or recklessly,
2 (A) Mistreat an animal in cruel manner;
3 (B) Abandon an animal;
4 (C) Withhold;
5 (i) Proper sustenance, including food or water;
6 (ii) Shelter that protects from the elements of weather; or
7 (iii) Medical treatment, necessary to sustain normal health and fitness or to end the
8 suffering of any animal;
9 (D) Abandon an animal to die;
10 (E) Leave an animal unattended and confined in a motor vehicle when physical injury to or
11 death of the animal is likely to result;
12 (F) Ride an animal when it is physically unfit;
13 (G) Bait or harass an animal for the purpose of making it perform for a person's
14 amusement;
15 (H) Cruelly chain or tether an animal; or

16 (l) Use, train or possess a domesticated animal for the purpose of seizing, detaining or
17 maltreating any other domesticated animal.

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

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

27 (2) A person who commits a sexual act with an animal is guilty of a felony and, upon
28 conviction thereof, shall be confined in a correctional facility not less than one nor more than five
29 years and be fined not less than \$1,000 nor more than \$5,000. For purposes of this subdivision,
30 "sexual act with an animal" means any act between a person and an animal involving direct
31 physical contact between the genitals of one and the mouth or anus of the other, or direct physical
32 contact between the genitals of one and the genitals of the other: *Provided*, That a sexual act with
33 an animal may be proved without evidence of penetration.

34 (c) A person, other than a licensed veterinarian or a person acting under the direction or
35 with the approval of a licensed veterinarian, who knowingly and willfully administers or causes to
36 be administered to any animal participating in any contest any controlled substance or any other
37 drug for the purpose of altering or otherwise affecting said animal's performance is guilty of a
38 misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than
39 \$2,000.

40 (d) Any person convicted of a violation of this section forfeits his or her interest in any
41 animal and all interest in the animal vests in the humane society or county pound of the county in

42 which the conviction was rendered and the person is, in addition to any fine imposed, liable for any
43 costs incurred or to be incurred by the humane society or county pound as a result. Upon dismissal
44 of a charge alleging a violation of this section, the court may order the animal be returned to the
45 owner or custodian upon such terms and conditions as the court deems necessary to protect the
46 animal. If return of the animal is not practicable, the court may order the animal given to an
47 appropriate place of custody, order the animal euthanized if the court decides that the best
48 interests of the animal or that the public health and safety would be best served by euthanizing the
49 animal based on the sworn testimony of a licensed veterinarian or animal control officer, or make
50 any other disposition the court deems appropriate.

51 (e) For the purpose of this section, the term "controlled substance" has the same meaning
52 ascribed to it by ~~subsection (d), section one hundred one, article one, chapter sixty-a~~ §60A-1-101
53 of this code.

54 (f) The provisions of this section do not apply to lawful acts of hunting, fishing, trapping or
55 animal training or farm livestock, poultry, gaming fowl or wildlife kept in private or licensed game
56 farms if kept and maintained according to usual and accepted standards of livestock, poultry,
57 gaming fowl or wildlife or game farm production and management, nor to humane use of animals
58 or activities regulated under and in conformity with the provisions of 7 U.S.C. §2131, *et seq.*, and
59 the regulations promulgated thereunder, as both statutes and regulations are in effect on the
60 effective date of this section.

61 (g) Notwithstanding the provisions of subsection (a) of this section, any person convicted
62 of a second or subsequent violation of subsection (a) is guilty of a misdemeanor and, shall be
63 confined in jail for a period of not less than ninety days nor more than one year, fined not less than
64 \$500 nor more than \$3,000, or both. The incarceration set forth in this subsection is mandatory
65 unless the provisions of subsection (h) of this section are complied with.

66 (h)(1) Notwithstanding any provision of this code to the contrary, no person who has been
67 convicted of a violation of the provisions of subsection (a) or (b) of this section may be granted

68 probation until the defendant has undergone a complete psychiatric or psychological evaluation
69 and the court has reviewed the evaluation. Unless the defendant is determined by the court to be
70 indigent, he or she is responsible for the cost of the evaluation.

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

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