

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5488

By Delegate Campbell

[Introduced February 13, 2026; 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 crimes against a service animal; establishing the offense
 3 of assault upon or injury to a service animal; and creating criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. CRIMES AGAINST PROPERTY.

§61-3-27a. Assault upon or injury to a service animal; penalties.

1 (a) No person or that person's property, such as pets or other animals in their possession,
 2 may recklessly cause, or attempt to cause, physical harm to a service animal, as defined in §5-15-
 3 3 of this code, in either of the following circumstances:

4 (1) The service animal, at the time the physical harm is caused or attempted, is assisting or
 5 servicing a person who is blind, deaf, or hearing impaired or a person with a disability as defined by
 6 the ADA; or

7 (2) The service animal, at the time the physical harm is caused or attempted, is not actively
 8 assisting or servicing a person who is blind, deaf, or hearing impaired or a person with a disability as
 9 defined by the ADA, but the offender has actual knowledge that the animal is a service animal.

10 (b) No person or their property, such as pets or other animals in their possession, may
 11 recklessly do any of the following:

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

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

14 (3) Interfere with or obstruct a service animal, or interfere with or obstruct a person who is
 15 blind, deaf, or hearing impaired or a person with a disability as defined by the ADA who is being
 16 assisted by a service animal, in a manner that does any of the following:

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

18 (B) Deprives the assisted person of control of the service animal;

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

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

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

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

26 (d) In addition to any other sanction or penalty imposed for a violation of this section, the
27 defendant shall also make full restitution for all damages that arise out of or are related to the
28 offense, including incidental and consequential damages incurred by the handler of the service
29 animal. Restitution under this section shall include, but not be limited to:

30 (1) The value of the service animal;

31 (2) Replacement and training or retraining expenses for the service animal and the
32 handler;

33 (3) Veterinary and other medical and boarding expenses for the service animal;

34 (4) Medical expenses for the handler; and

35 (5) Lost wages or income incurred by the handler during any period that the handler is
36 without the services of the service animal.

NOTE: The purpose of this bill is to create the offense of assault upon or injury to 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.