

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

Senate Bill 200

BY SENATORS WELD, PHILLIPS, AND DEEDS

[Reported February 18, 2026, from the Committee on
the Judiciary]

1 A BILL to amend and reenact §61-2-10b of the Code of West Virginia, 1931 as amended; to
2 amend the code by adding a new section, designated §61-5-30; and to repeal §19-20-24,
3 relating to increasing the criminal penalties and fines for assault or battery of governmental
4 representatives, health care providers, utility workers, law-enforcement officers,
5 correctional employees, emergency medical service personnel, and animals used for law
6 enforcement; providing criminal penalties and fines for the crime of causing death or injury
7 to animals used by law-enforcement officials or by fire prevention or investigation officials;
8 defining terms; providing for the right to self-defense; providing an euthanasia exception;
9 and requiring restitution when a public safety animal is killed or injured.

Be it enacted by the Legislature of West Virginia:

CHAPTER 19. AGRICULTURE.

ARTICLE 20. DOGS AND CATS.

**§19-20-24. Causing injury or death to police dogs and other public safety 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1 [Repealed.]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 of this state.

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

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

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

15 (5) "Law-enforcement officer" has the same definition as this term is defined in ~~W.Va. Code~~
16 §30-29-1 of this code, except for purposes of this section, "law-enforcement officer" shall
17 additionally ~~include~~ includes those individuals defined as "chief executive" in ~~W.Va. Code~~ §30-29-
18 1 of this code.

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

23 (b) *Malicious assault.* — Any person who maliciously shoots, stabs, cuts, or wounds or by
24 any means causes bodily injury with intent to maim, disfigure, disable, or kill a government
25 representative, health care worker, utility worker, emergency service personnel, correctional
26 employee, or law-enforcement officer acting in his or her official capacity, and the person
27 committing the malicious assault knows or has reason to know that the victim is acting in his or

28 her official capacity is guilty of a felony and, upon conviction thereof, shall be ~~confined~~ imprisoned
29 in a state correctional facility for not less than three nor more than 15 years.

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

37 (d) *Battery.* — Any person who unlawfully, knowingly, and intentionally makes physical
38 contact of an insulting or provoking nature with a government representative, health care worker,
39 utility worker, emergency service personnel, correctional employee, or law-enforcement officer
40 acting in his or her official capacity and the person committing the battery knows or has reason to
41 know that the victim is acting in his or her official capacity, or unlawfully and intentionally causes
42 physical harm to that person acting in such capacity and the person committing the battery knows
43 or has reason to know that the victim is acting in his or her official capacity, is guilty of a
44 ~~misdemeanor~~ felony and, upon conviction thereof, shall be fined not more than \$500 or ~~confined~~
45 ~~in jail not less than one month nor more than twelve months~~ imprisoned in a state correctional
46 facility not less than one year nor more than three years, or both fined and ~~confined~~ imprisoned.
47 If any person commits a second such offense, he or she is guilty of a felony and, upon conviction
48 thereof, shall be fined not more than \$1,000 or imprisoned in a state correctional facility not less
49 than ~~one year~~ two years nor more than ~~three~~ five years, or both fined and imprisoned. Any person
50 who commits a third violation of this subsection is guilty of a felony and, upon conviction thereof,
51 shall be fined not more than \$2,000 or imprisoned in a state correctional facility not less than ~~two~~
52 five years nor more than ~~five~~ 10 years, or both fined and imprisoned.

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

64 (f) Any person convicted of any crime set forth in this section who is incarcerated in a
65 facility operated by the West Virginia Division of Corrections and Rehabilitation or the West
66 Virginia Regional Jail Authority, or is in the custody of the Division of Juvenile Services and is at
67 least 18 years of age or subject to prosecution as an adult, at the time of committing the offense
68 and whose victim is a correctional employee may not be sentenced in a manner by which the
69 sentence would run concurrent with any other sentence being served at the time the offense
70 giving rise to the 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 by law-enforcement officials or by fire prevention or investigation officials; criminal penalties; and restitution.

1 (a) As used in this section:

2 "Public safety animal" means a dog and any other animal specifically trained to assist
3 public safety officers or persons working under the direction of, or in cooperation with, public
4 safety officers in the performance of their official duties;

5 "Public safety officer" means a law-enforcement officer, fire prevention or investigation
6 officer, correctional officer, or emergency services officer;

7 "Physical injury" means substantial physical pain or temporary impairment of the animal's
8 ability to physically function as a public service animal; and

9 "Serious physical injury" means bodily injury that causes serious or prolonged physical
10 injury or permanent impairment of the animal's ability to function as a public service animal.

11 (b) Any person who willfully causes physical injury to a public safety animal under the
12 control of a public safety officer acting in his or her official capacity, and the person committing
13 the act knows or has reason to know that the public safety animal is acting in its official capacity
14 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$200 nor
15 more than \$1,000 or confined in jail for not more than one year, or both fined and confined.

16 (c) Notwithstanding the provisions of subsection (b) of this section, any person who willfully
17 causes serious physical injury to a public safety animal under the control of a public safety officer
18 acting in his or her official capacity, and the person committing the act knows or has reason to
19 know that the public safety animal is acting in its official capacity is guilty of a felony and, upon
20 conviction thereof, shall be fined not less than \$1,000 nor more than \$3,000 or imprisoned in a
21 state correctional facility for an indeterminate term of not less than one year nor more than five
22 years, or both fined and imprisoned.

23 (d) Notwithstanding the provisions of subsection (b) or (c) of this section, any person who
24 willfully causes the death of a public safety animal under the control of a public safety officer
25 acting in his or her official capacity, and the person committing the act knows or has reason to
26 know that the public safety animal is acting in its official capacity is guilty of a felony and, upon
27 conviction thereof, shall be fined not less than \$2,000 nor more than \$5,000 or imprisoned in a
28 state correctional facility for an indeterminate term of not less than two years nor more than 10
29 years, or both fined and imprisoned.

30 (e) The right of self-defense may be exercised by a person in defense of a public service
31 animal.

32 (f) The provisions of this section do not apply to a person who euthanizes an injured, ill,
33 or infirm public safety animal as part of his or her official duties.

34 (g) The provisions of §61-11A-4 of this code relating to court-ordered restitution are
35 applicable to persons convicted of a violation of this section.