

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 867

By Senator Chapman

[Introduced February 9, 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 to
 2 strengthening the definition of shelter for animals exposed to extreme weather; clarifying
 3 the minimum requirements for what constitutes a shelter; and clarifying what does not
 4 amount to a shelter.

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 for a tethered dog or a dog roaming
 7 free shall consist of a four-sided structure, with a roof and one opening only wide enough for the
 8 dog to enter into the structure unimpeded, and it shall be a suitable size to accommodate the dog
 9 in both standing and lying positions. The shelter shall be moisture-proof, windproof, and
 10 ventilated. The shelter shall promote the retention of body heat, and be made of solid, durable
 11 material with a solid, moisture-proof floor raised at least two inches from the ground. The shelter
 12 shall have a sufficient quantity of suitable clean bedding material consisting of hay, straw, cedar
 13 shavings, or the equivalent to provide insulation and protection against cold and dampness.
 14 Blankets that can retain moisture and freeze are not considered an acceptable bedding. The
 15 structure and the surrounding area shall be free from excessive waste, dirt, and trash. Each dog
 16 tethered or roaming free shall have their own individual shelter. For the dog in a confinement area
 17 (including, but not limited to, outdoor pens or any other area used to house a dog), the shelter shall
 18 be approximately 100 square feet of floor space in such area for each dog over four months of age
 19 kept in the area. The same requirements for shelter apply for tethered or roaming free animals.

20 Examples of inadequate shelters include, but are not limited to, lean-tos, metal drums, plastic
21 drums, cardboard or other disposable boxes, vehicles, or the area on or beneath exposed porches
22 or exposed decks. No dog shall be tethered, maintained, or kept outside for any longer than 30
23 minutes during any extreme weather events, including but not limited to "extreme heat", defined as
24 85 degrees Fahrenheit and above, "freezing temperatures", defined as 32 degrees Fahrenheit or
25 below, and/or during severe weather conditions, including but not limited to thunderstorms, hail,
26 extreme wind, ice, snowstorms, tornados, or floods. This provision does not apply to working dogs;
27 with the exception that an animal control officer/dog warden or humane officer employed by the
28 governing body has inspected or can inspect a dog's individual circumstances and determine it to
29 be safe from predators, and well suited and equipped to tolerate its environment when not
30 working, training, or in the field; or

31 (iii) Medical treatment, necessary to sustain normal health and fitness or to end the
32 suffering of any animal;

33 (D) Abandon an animal to die;

34 (E) Leave an animal unattended and confined in a motor vehicle when physical injury to or
35 death of the animal is likely to result;

36 (F) Ride an animal when it is physically unfit;

37 (G) Bait or harass an animal for the purpose of making it perform for a person's
38 amusement;

39 (H) Cruelly chain or tether an animal; or

40 (I) Use, train, or possess a domesticated animal for the purpose of seizing, detaining, or
41 maltreating any other domesticated animal.

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

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

51 (c) A person, other than a licensed veterinarian or a person acting under the direction or
52 with the approval of a licensed veterinarian, who knowingly and willfully administers or causes to
53 be administered to any animal participating in any contest any controlled substance or any other
54 drug for the purpose of altering or otherwise affecting said animal's performance is guilty of a
55 misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than
56 \$2,000.

57 (d) Any person convicted of a violation of this section forfeits his or her interest in any
58 animal and all interest in the animal vests in the humane society or county pound of the county in
59 which the conviction was rendered and the person is, in addition to any fine imposed, liable for any
60 costs incurred or to be incurred by the humane society or county pound as a result.

61 (e) For the purpose of this section, the term "controlled substance" has the same meaning
62 ascribed to it by subsection (d), section one hundred one, article one, chapter sixty-a of this code.

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

70 (g) Notwithstanding the provisions of subsection (a) of this section, any person convicted
71 of a second or subsequent violation of subsection (a) is guilty of a misdemeanor and, shall be
72 confined in jail for a period of not less than 90 days nor more than one year, fined not less than
73 \$500 nor more than \$3,000, or both. The incarceration set forth in this subsection is mandatory
74 unless the provisions of subsection (h) of this section are complied with.

75 (h)(1) Notwithstanding any provision of this code to the contrary, no person who has been
76 convicted of a violation of the provisions of subsection (a) or (b) of this section may be granted
77 probation until the defendant has undergone a complete psychiatric or psychological evaluation
78 and the court has reviewed the evaluation. Unless the defendant is determined by the court to be
79 indigent, he or she is responsible for the cost of the evaluation.

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

85 (i) In addition to any other penalty which can be imposed for a violation of this section, a
86 court shall prohibit any person so convicted from possessing, owning, or residing with any animal
87 or type of animal for a period of five years following entry of a misdemeanor conviction and 15
88 years following entry of a felony conviction. A violation under this subsection is a misdemeanor
89 punishable by a fine not exceeding \$2,000 and forfeiture of the animal.

NOTE: This bill shall be known as the West Virginia Safe Outdoor Dogs Act. The purpose of this bill is to provide added protection for animals exposed to extreme weather.

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