

910.564

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED

SENATE BILL NO. 564

(By Senator Fultz)



PASSED April 5, 1989

In Effect from Passage

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OFFICE OF THE
SECRETARY OF STATE

ENROLLED
Senate Bill No. 564
(By SENATOR LUCHT)

[Passed April 5, 1989; in effect from passage.]

AN ACT to amend article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-three; to amend and reenact section five, article ten, chapter seven of said code; and to amend and reenact section nineteen-a, article eight, chapter sixty-one of said code, all relating to removal of dog or cat from owner charged with cruelty; relating to the sale of impounded dogs or cats only for adoption as pets; sale or transfer of dogs or cats prohibited to any person or entity for use in education or scientific activities; humane disposition of dogs and cats; and effective date.

Be it enacted by the Legislature of West Virginia:

That article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-three; that section five, article ten, chapter seven of said code be amended and reenacted; and that section nineteen-a, article eight, chapter sixty-one of said code be amended and reenacted, all to read as follows:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 10. HUMANE OFFICERS.

§7-10-5. Destruction of animals.

1 Any such officer may lawfully destroy or cause to be
2 destroyed any animal in his charge, when in the
3 judgment of such humane officer, and by the written
4 certificate of a regularly licensed veterinary surgeon,
5 such animal appears to be injured, disabled, diseased
6 past recovery, or the animal is unclaimed.

CHAPTER 19. AGRICULTURE.

ARTICLE 20. DOGS AND CATS.

§19-20-23. Prohibition of the use of impounded dogs and cats.

1 On and after the first day of September, one thou-
2 sand nine hundred eighty-nine, any dog or cat
3 impounded under the provisions of this article may
4 not be sold, given, transferred or otherwise made
5 available directly or indirectly to any person, institu-
6 tion, corporation or other entity for use in educational
7 or scientific research or related activities. Disposition
8 of impounded dogs or cats may only be by adoption as
9 pets or humanely destroyed. Any person who violates
10 the provisions of this section is guilty of a misde-
11 meanor and, upon conviction thereof, shall be fined
12 not less than four hundred fifty dollars nor more than
13 two thousand dollars.

CHAPTER 61. CRIMES AND THEIR PUNISHMENT.

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-19a. Cruelty to dogs and cats prohibited; putting such animals in fights against each other prohibited; penalties.

1 If any person shall cruelly, or needlessly beat,
2 torture, torment, mutilate, kill or willfully deprive
3 necessary sustenance, to any dog or cat, irrespective of
4 whether any such dog or cat be his or her own or that
5 of another person, or if any such person shall impound

6 or confine any such dog or cat in any place unpro-
7 tected from the elements or fail to supply the same
8 with a sufficient quantity of food and water, or shall
9 abandon to die any maimed, sick, or diseased dog or
10 cat or shall be engaged in or employed at dogfighting,
11 or putting one dog or cat to fight against another dog
12 or cat or any similar cruelty to any dog or cat, or shall
13 receive money for the admission of any person, or
14 shall use, train or possess a dog or cat for the purpose
15 of seizing, detaining or mistreating any other dog or
16 cat, he or she shall be guilty of a misdemeanor, and,
17 upon conviction, shall be fined not less than one
18 hundred nor more than one thousand dollars, and in
19 addition thereto, in the discretion of the court or
20 magistrate, may be imprisoned in the county jail not
21 exceeding thirty days, and the county humane officer
22 may remove the dog or cat involved and place said
23 animal in the county pound, and said dog or cat shall
24 not be returned to owner (or perpetrator of act of
25 cruelty) but shall be put up for adoption to desirable
26 home or given over into the care of a humane society,
27 or upon the recommendation of a licensed veterinar-
28 ian shall be humanely destroyed.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Parker
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Joad C. Nichols
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Sam T. Tucker
.....
President of the Senate

W. H. ...
.....
Speaker House of Delegates

The within *is approved* this the *12th*
day of *April* 1989.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/3/89

Time 5:16