

WEST VIRGINIA CODE: §61-5-30

§61-5-30. Causing death or injury to public safety animals; criminal penalties; right of self-defense; exception; and restitution.

(a) As used in this section:

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

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

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

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

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

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

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

(e) The right of self-defense may be exercised by a person charged with a criminal violation

of this section.

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

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