

700:154

RECEIVED

MAR 23 1 50 PM '84

OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Committee Substitute for
SENATE BILL NO. 154

(By Mr. *Fuecht*)



PASSED *March 16* 1984

In Effect *ninety days from* Passage



113

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 154
(Ms. LUCHT, *original sponsor*)

[Passed March 10, 1984; in effect ninety days from passage.]

AN ACT to amend and reenact section twelve, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to dogs, cats or other pets; establishing the protection by law of such dogs, cats or other pets; providing for the crimes of killing, injuring, poisoning or stealing such pets; setting forth criminal penalties; creating a right of action against a person who kills or injures such pets; limiting the recovery in any such action in the case of a dog to the assessed value of such dog; providing that no action or prosecution may be maintained in the case of a dog unless such dog shall have been duly registered; authorizing the commissioner of agriculture to designate certain employees to investigate certain activities; requiring that the results of any such investigations be made available to the appropriate law enforcement officers; providing for the enforcement of this article by certain law enforcement officers; permitting such officers to charge fees for services rendered; and providing that such fees shall be paid from the county's dog and kennel fund.

Be it enacted by the Legislature of West Virginia:

That section twelve, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 20. DOGS.

§19-20-12. Dogs, other animals and reptiles protected by law; unlawful killing thereof; aggrieved owner's remedy; penalties; penalties for unlawful stealing of pets.

1 (a) Any dog which is registered, kept and controlled
2 as provided in this article or any dog, cat, other animal
3 or any reptile which is owned, kept and maintained as a
4 pet by any person, irrespective of age, shall be protected
5 by law; and any person who shall intentionally and un-
6 lawfully kill, injure or poison any such dog, cat, other
7 animal, or any reptile as specified above, or shall, in any
8 other manner, intentionally and unlawfully cause the
9 death or injury of any such dog, cat, other animal or any
10 reptile shall be guilty of a misdemeanor, and, upon con-
11 viction thereof, shall be ordered to provide public service
12 for not less than thirty nor more than ninety days, or
13 fined not more than three hundred dollars, or both. Any
14 person whose dog, cat, other animal or reptile as specified
15 herein shall be killed or injured wrongfully or unlawfully
16 by any other person shall have a right of action against
17 the person who shall so kill or injure such dog, cat, ani-
18 mal or reptile but in no case involving a dog can recovery
19 be had in excess of the assessed value of such dog.

20 (b) Any person who shall intentionally and unlawfully
21 steal a dog, cat, other animal or reptile as specified in
22 subsection (a) of this section, shall be guilty of a misde-
23 meanor, and, upon conviction thereof, shall be ordered to
24 provide public service for not less than thirty nor more
25 than ninety days or fined not less than three hundred nor
26 more than five hundred dollars, or both.

27 Any person violating the provisions of this subsection
28 shall, for the second or subsequent offense, be guilty of a
29 misdemeanor, and, upon conviction thereof, shall be con-
30 fined in the county jail for a period of not less than ninety

31 days nor more than six months, or shall be ordered to
32 provide public service for not more than one year, and
33 fined not less than five hundred nor more than one thou-
34 sand dollars. In no case can any action or prosecution
35 relating to a dog under the provisions of this section be
36 maintained if the dog concerned shall not have been duly
37 registered pursuant to the provisions of this article or
38 owned and kept pursuant to the provisions of this section
39 or owned and kept pursuant to the provisions of this
40 section at the time the cause of action shall have arisen.

41 (c) The commissioner of agriculture is hereby author-
42 ized to designate such reasonable number of his present
43 employees as may be necessary to investigate alleged in-
44 cidents of the unlawful stealing of dogs, other domestic
45 animals or reptiles, alleged incidents of cruelty to such
46 animals or reptiles, and the alleged incidents of the un-
47 lawful stealing of such animals or reptiles for the purpose
48 of sale to medical or other research companies. Such
49 deputies shall make the results of their investigations
50 known to any law-enforcement officers who have author-
51 ity to enforce the provisions of this article.

52 (d) It shall be the duty of all members of the depart-
53 ment of public safety, sheriffs and police officers to aid
54 in the enforcement of the provisions of this article, and
55 for services rendered in the enforcement thereof such
56 persons shall be entitled to fees in the amounts set forth
57 in section eight. Such fees shall be paid by the county
58 commission from the dog and kennel fund.

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

Harriet E. Johnson
Chairman Senate Committee

Ronald Anello
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd C. Hule
Clerk of the Senate

Donald L. Hoyle
Clerk of the House of Delegates

Wanda M. Brown
President of the Senate

W. M. Lee, Jr.
Speaker House of Delegates

The within is approved this the 30
day of March, 1984.

John P. Rhymer
Governor



RECEIVED

84 APR 4 P12:04

OFFICE
SECY. OF STATE