ENROLLED

Committee Substitute for
SENATE BILL NO. 154

(By Mr. )

PASSED March 16, 1984

In Effect ninety (90) 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 as provided in this article or any dog, cat, other animal or any reptile which is owned, kept and maintained as a pet by any person, irrespective of age, shall be protected by law; and any person who shall intentionally and unlawfully kill, injure or poison any such dog, cat, other animal, or any reptile as specified above, or shall, in any other manner, intentionally and unlawfully cause the death or injury of any such dog, cat, other animal or any reptile shall be guilty of a misdemeanor, and, upon conviction thereof, shall be ordered to provide public service for not less than thirty nor more than ninety days, or fined not more than three hundred dollars, or both. Any person whose dog, cat, other animal or reptile as specified herein shall be killed or injured wrongfully or unlawfully by any other person shall have a right of action against the person who shall so kill or injure such dog, cat, animal or reptile but in no case involving a dog can recovery be had in excess of the assessed value of such dog.

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

Any person violating the provisions of this subsection shall, for the second or subsequent offense, be guilty of a misdemeanor, and, upon conviction thereof, shall be confined in the county jail for a period of not less than ninety
days nor more than six months, or shall be ordered to provide public service for not more than one year, and fined not less than five hundred nor more than one thousand dollars. In no case can any action or prosecution relating to a dog under the provisions of this section be maintained if the dog concerned shall not have been duly registered pursuant to the provisions of this article or owned and kept pursuant to the provisions of this section or owned and kept pursuant to the provisions of this section at the time the cause of action shall have arisen.

(c) The commissioner of agriculture is hereby authorized to designate such reasonable number of his present employees as may be necessary to investigate alleged incidents of the unlawful stealing of dogs, other domestic animals or reptiles, alleged incidents of cruelty to such animals or reptiles, and the alleged incidents of the unlawful stealing of such animals or reptiles for the purpose of sale to medical or other research companies. Such deputies shall make the results of their investigations known to any law-enforcement officers who have authority to enforce the provisions of this article.

(d) It shall be the duty of all members of the department of public safety, sheriffs and police officers to aid in the enforcement of the provisions of this article, and for services rendered in the enforcement thereof such persons shall be entitled to fees in the amounts set forth in section eight. Such fees shall be paid by the county commission from the dog and kennel fund.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

[Signature]
Chairman-Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

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

[Signature]
Governor