

H. B. 4645

(By Delegates Overington, DeLong and Andes)
[Introduced February 18, 2008; referred to the
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8-19c, relating to providing pastured racehorses with care that is the same or substantially similar to the care they received when being used for racing purposes.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-8-19c, to read as follows:

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.

§61-8-19c. Adequate shelter of pastured race horses.

(a) A person or entity, including, but not limited to racetracks, which does not maintain the same or a substantially similar standard of care for a racehorse once that racehorse is no longer used for racing, is guilty of a misdemeanor and, upon conviction thereof, is fined not less than three hundred dollars nor more than two thousand dollars or confined in jail not more than six months, or both.

(b) For purposes of this section "same or substantially similar standard of care" must include, but not be limited to the following:

(1) Adequate food, water and a shelter consisting of three sides and a roof that protects the horse from the weather; and

(2) Adequate medical treatment, which is necessary to sustain normal health for a racehorse.

(c) Any person or entity convicted of a violation of this section forfeits interest in any racehorse and all interest in the racehorse vests in the humane society of the county in which the conviction was rendered and the person or entity is, in addition to any fine imposed, liable for any costs incurred or to be incurred by the humane society as a result.

(d) In addition to any other penalty which can be imposed for a violation of this section, a court shall prohibit any person or entity so convicted from possessing or owning any racehorse for a period of five years following entry of a misdemeanor conviction.

NOTE: The purpose of this bill is to provide pastured racehorses with care that is the same or substantially similar to the care they received when being used for racing purposes.

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