WEST VIRGINIA CODE: §61-2-29a

§61-2-29a. Death of an incapacitated adult.

(a) Any person who neglects an incapacitated adult causing death of the incapacitated adult is guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000 and be imprisoned in a state correctional facility for a definite term of not less than five nor more than 15 years.

(b) A caregiver of an incapacitated adult who causes the death of an incapacitated adult by knowingly allowing any other person to neglect the incapacitated adult is guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000 and be imprisoned in a state correctional facility for a definite term of not less than five nor more than 15 years.

(c) Any person who grossly neglects an incapacitated adult causing death of the incapacitated adult is guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000 and be imprisoned in a state correctional facility for a definite term of not less than five nor more than 25 years.

(d) Any caregiver of an incapacitated adult who causes the death of an incapacitated adult by knowingly allowing any other person to grossly neglect the incapacitated adult is guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000 and be imprisoned in a state correctional facility for a definite term of not less than five nor more than 25 years.

(e) Any person who abuses the incapacitated adult which causes the death of the incapacitated adult is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of not less than five nor more than 40 years.

(f) A caregiver of an incapacitated adult who causes the death of the incapacitated adult by knowingly allowing any other person to abuse the incapacitated adult is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a definite term of not less than five nor more than 40 years.

(g) The provisions of this section do not apply to any person, caregiver or health care provider who, without malice, fails or refuses, or allows another person to, without malice, fail or refuse to supply an incapacitated adult with necessary medical care when the medical care conflicts with the tenets and practices of a recognized religious denomination or order of which the incapacitated adult is an adherent member.

(h) An offense under this section is a separate and distinct offense in addition to any other offenses set forth in this code.

WV Legislature