

WEST VIRGINIA CODE: §61-2-31

§61-2-31. Prohibiting violations of an individual's right to seek appropriate medical treatment or medical forensic care related to a sexual offense; coercion to have an illegal abortion; conspiracy; definitions.

(a) All persons within the boundaries of the State of West Virginia have the right to seek appropriate medical treatment permitted under West Virginia law or medical forensic care related to a sexual offense, without delay, in a private, age-appropriate, or developmentally appropriate space required to ensure the health, safety, and welfare of the victim of the sexual offense.

(b) If any person by force or threat of force willfully injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, or oppresses or threatens any other person in the free exercise of the right to seek appropriate medical treatment permitted under West Virginia law or medical forensic care to obtain biological evidence, as defined in §15-9B-1a of this code and consistent with §16-2R-1 *et seq.* of this code, related to a sexual offense, he or she is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not less than five years nor more than 15 years, or fined not more than \$50,000, or both fined and confined.

(c) Any person who knowingly and intentionally forces or coerces a victim of a sexual offense which results in the pregnancy of the victim to have an illegal abortion in violation of the provisions of §16-2R-1 *et seq.* of this code is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not less than five years nor more than 15 years, or fined not more than \$50,000, or both fined and confined.

(d) It is unlawful for two or more persons to conspire to commit an offense in violation of subsections (b) or (c) of this section. Any person who violates this section by conspiring to commit an offense in violation of subsections (b) or (c) of this section is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not less than five years nor more than 15 years, or fined not more than \$50,000, or both fined and confined. Nothing in this subsection shall be construed to impart criminal liability on the victim of the sexual offense.

(e) For purposes of this section:

(1) "Force or coercion" means committing, attempting to commit, or threatening to commit physical harm to a woman, the unborn child, or another individual where such conduct is intended to compel the woman to have an abortion against her will: *Provided*, That the provision of information, counseling, or assistance regarding alternatives to an abortion does not constitute either force or coercion.

(2) "Sexual offense" includes the listed offenses as that term is defined in §15-9B-1a of this

code and any violation of §61-14-1 *et seq.* of this code which includes an element of sexual servitude, commercial sexual activity, or other sexual exploitation.