WEST VIRGINIA CODE: §61-8B-10

§61-8B-10. Imposition of sexual acts on persons incarcerated, detained, or under supervision; penalties.

- (a) Any person employed by the Division of Corrections and Rehabilitation, any person working at a correctional or juvenile facility managed by the Commissioner of Corrections and Rehabilitation pursuant to contract, such as a vendor, or as an employee of a state agency or as a volunteer or any person employed by, or acting pursuant to, the authority of any sheriff, county commission, municipality, or court to ensure compliance with the provisions of §62-11B-1 et seq. of this code who engages in sexual intercourse, sexual intrusion, or sexual contact with a person who is incarcerated or detained in this state is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.
- (b) Any person employed by the Division of Corrections and Rehabilitation as a parole officer or by the West Virginia Supreme Court of Appeals as an adult or juvenile probation officer, who engages in sexual intercourse, sexual intrusion, or sexual contact with a person said parole officer or probation officer is charged as part of his or her employment with supervising, is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.
- (c) Any person working or volunteering in an alternative sentence program authorized by the provisions of §62-11C-1 *et seq.* of this code who, as part of his or her employment or volunteer duties, supervises program participants, and engages in sexual intercourse, sexual intrusion, or sexual contact with a program participant is guilty of a felony, and upon conviction thereof, shall be fined not more than \$5,000 or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.
- (d) The term "incarcerated or detained in this state" for purposes of this section includes, in addition to its usual meaning, adult offenders serving a sentence or a period of supervision under the provisions of §62-11B-1 et seq. of this code, and juvenile offenders detained, committed, or serving a period of supervision under the provisions of §62-11B-1 et seq. of this code.
- (e) An authorized pat-down, strip search, or other security-related task does not constitute sexual contact pursuant to this section.