WEST VIRGINIA CODE: §61-8B-3

§61-8B-3. Sexual assault in the first degree.

(a) A person is guilty of sexual assault in the first degree when:

(1) The person engages in sexual intercourse or sexual intrusion with another person and, in so doing:

(A) Inflicts serious bodily injury upon anyone;

(ii) (B) Employs a deadly weapon in the commission of the act.

(2) The person, being 14 years old or more, engages in sexual intercourse or sexual intrusion with another person who is younger than 12 years old.

(b) Any person violating the provisions of this section is guilty of a felony and, upon conviction thereof, shall be fined not less than $1,000 nor more than $10,000 and imprisoned in a state correctional facility not less than 15 nor more than 35 years.

(c) Notwithstanding the provisions of subsection (b) of this section, the penalty for any person violating the provisions of subsection (a) of this section who is 18 years of age or older and whose victim is younger than 12 years of age, shall be imprisonment in a state correctional facility for not less than 25 nor more than 100 years and a fine of not less than $5,000 nor more than $25,000.

WV Legislature