

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963

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ENROLLED

SENATE BILL NO. 160

(By Mr. Moreland)

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PASSED March 9 1963

In Effect From Passage



Filed in Office of the Secretary of State  
of West Virginia 3-15-63  
JOE F. BURDETT  
SECRETARY OF STATE

#160

**ENROLLED**

**Senate Bill No. 160**

(By MR. MORELAND)

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[Passed March 9, 1963; in effect from passage.]

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AN ACT to amend and reenact section fifteen, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the crime of rape; age of consent; carnal knowledge of male person and penalties.

*Be it enacted by the Legislature of West Virginia:*

That section fifteen, article two, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**Section 15. Rape; Age of Consent; Carnal Knowledge of Male Person; Penalties.**—If any male person carnally  
2 knows a female person, not his wife, against her will by  
3 force, or if any male person over the age of sixteen years  
4 carnally knows a female person of previous chaste char-  
5 acter, not his wife, under that age, he shall be guilty of a  
6

7 felony, and upon conviction, shall be punished with death  
8 or with confinement in the penitentiary for life, in the  
9 discretion of the court, or, if the jury add to its verdict a  
10 recommendation for mercy, with confinement in the peni-  
11 tentiary for not less than five nor more than twenty  
12 years, or if any male person over the age of sixteen years  
13 carnally knows a female person, not his wife, under the  
14 age of ten years, he shall be guilty of a felony and,  
15 upon conviction, shall be punished with death or with  
16 confinement in the penitentiary for life, in the discretion  
17 of the court, or, if the jury add to its verdict a recom-  
18 mendation for mercy, with confinement in the peniten-  
19 tiary for not less than five nor more than twenty years:  
20 *Provided*, That this section shall not apply to any male  
21 person under sixteen years of age who carnally knows a  
22 female over twelve years of age with her free consent.  
23 Any female person over the age of sixteen years who shall  
24 carnally know any male person, not her husband, under  
25 that age shall be guilty of misdemeanor, and, upon con-  
26 viction, shall be confined in the county jail not less than  
27 two nor more than six months.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*C. Ray Parker*  
Chairman Senate Committee

*Ethel L. Randall*  
Chairman House Committee

Originated in the Senate.

Takes effect From passage.

*Howard Thayer*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*Howard W. Carson*  
President of the Senate

*Julius W. Singleton Jr.*  
Speaker House of Delegates

The within approved this the 14<sup>th</sup>  
day of March, 1963.

*W. M. Bann*  
Governor