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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

— ● —

ENROLLED

Com. Sub. For

HOUSE BILL No. *2538*

(By Delegate *Ballagher*)

— ● —

Passed *March 5,* 1992

In Effect *From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2538
(By DELEGATE GALLAGHER)

[Passed March 5, 1992; in effect from passage.]

AN ACT to amend and reenact sections three and four, article eight-d, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to criminal penalties for child abuse and child neglect causing injury.

Be it enacted by the Legislature of West Virginia:

That sections three and four, article eight-d, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 8D. CHILD ABUSE.

§61-8D-3. Child abuse resulting in injury; criminal penalties.

- 1 (a) If any parent, guardian or custodian shall abuse
- 2 a child and by such abuse cause such child bodily injury
- 3 as such term is defined in section one, article eight-b of
- 4 this chapter, then such parent, guardian or custodian
- 5 shall be guilty of a felony, and, upon conviction thereof,
- 6 shall be fined not less than one hundred nor more than
- 7 one thousand dollars or imprisoned in the penitentiary
- 8 not less than one nor more than five years, or in the
- 9 discretion of the court, be confined in the county jail for

10 not more than one year, or both such fine and im-
11 prisonment or confinement.

12 (b) If any parent, guardian or custodian shall abuse
13 a child and by such abuse cause said child serious bodily
14 injury as such term is defined in section one, article
15 eight-b of this chapter, then such parent, guardian or
16 custodian shall be guilty of a felony, and, upon convic-
17 tion thereof, shall be fined not less than one thousand
18 nor more than five thousand dollars or imprisoned in the
19 penitentiary not less than two nor more than ten years,
20 or both such fine and imprisonment.

§61-8D-4. Child neglect resulting in injuries; criminal penalties.

1 (a) If any parent, guardian or custodian shall neglect
2 a child and by such neglect cause said child bodily
3 injury, as such term is defined in section one, article
4 eight-b of this chapter, then such parent, guardian or
5 custodian shall be guilty of a felony, and, upon convic-
6 tion thereof, shall be fined not less than one hundred nor
7 more than one thousand dollars or imprisoned in the
8 penitentiary not less than one nor more than three years,
9 or in the discretion of the court, be confined in the
10 county jail for not more than one year, or both such fine
11 and confinement or imprisonment.

12 (b) If any parent, guardian or custodian shall neglect
13 a child and by such neglect cause said child serious
14 bodily injury, as such term is defined in section one,
15 article eight-b of this chapter, then such parent,
16 guardian or custodian shall be guilty of a felony, and
17 upon conviction thereof, shall be fined not less than
18 three hundred nor more than three thousand dollars or
19 imprisoned in the penitentiary not less than one nor
20 more than ten years, or both such fine and
21 imprisonment.

22 (c) The provisions of this section shall not apply if the
23 neglect by the parent, guardian or custodian is due
24 primarily to a lack of financial means on the part of
25 such parent, guardian or custodian.

26 (d) The provisions of this section shall not apply to any

27 parent, guardian or custodian who fails or refuses, or
28 allows another person to fail or refuse, to supply a child
29 under the care, custody or control of such parent,
30 guardian or custodian with necessary medical care,
31 when such medical care conflicts with the tenets and
32 practices of a recognized religious denomination or
33 order of which such parent, guardian or custodian is an
34 adherent or member.

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

Homer Fleck

Chairman Senate Committee

Ernest C. Nadie

Chairman House Committee

Originating in the House.

Takes effect from passage.

Harold Edgemoor

Clerk of the Senate

Donald L. Hogg

Clerk of the House of Delegates

Paul Fontette

President of the Senate

Robert C. C.

Speaker of the House of Delegates

The within *is approved* this the *27th*
day of *March*, 1992.

Gaston Caperton

Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/92

Time 2:45 pm