WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

ENROLLED
Com. Sub. for
HOUSE BILL No. 2538

(By Delegate Gallaher)

Passed March 5, 1992
In Effect Immediately 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.


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

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


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

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

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

(d) The provisions of this section shall not apply to any
parent, guardian or custodian who fails or refuses, or
allows another person to fail or refuse, to supply a child
under the care, custody or control of such parent,
guardian or custodian with necessary medical care,
when such medical care conflicts with the tenets and
practices of a recognized religious denomination or
order of which such parent, guardian or custodian is an
adherent or member.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill was passed this the 29th day of March, 1992.

Governor