

HB 2458

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



# ENROLLED

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

HOUSE BILL No. 2458

(By Delegates Kallai, Rowe, Michaul,  
Everson, Given and Hubbard)



Passed March 9, 1996

In Effect Ninty Days From Passage

**ENROLLED**  
**H. B. 2458**

(BY DELEGATES KALLAI, ROWE, MICHAEL,  
EVERSON, GIVEN AND HUBBARD)

[Passed March 9, 1996; in effect ninety days from passage.]

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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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, relating to crime; child abuse resulting in injury; child abuse creating risk of injury; child neglect resulting in injury; child neglect creating risk of injury; and changing the criminal penalty.

*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 to read as follows:

**ARTICLE 8D. CHILD ABUSE.**

**§61-8D-3. Child abuse resulting in injury; child abuse or neglect creating risk of injury; criminal penalties.**

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

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

20 (c) Any person who abuses a child and by the abuse  
21 creates a substantial risk of serious bodily injury or of  
22 death to the child is guilty of a felony, and upon  
23 conviction thereof shall be fined not more than three  
24 thousand dollars and confined to the custody of the  
25 division of corrections for not less than one nor more than  
26 five years.

**§61-8D-4. Child neglect resulting in injury; child neglect  
creating risk of injury; criminal penalties.**

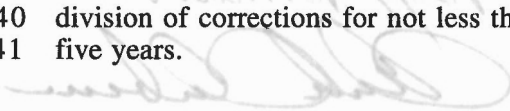
1 (a) If any parent, guardian or custodian shall neglect a  
2 child and by such neglect cause said child bodily injury,  
3 as such term is defined in section one, article eight-b of  
4 this chapter, then such parent, guardian or custodian shall  
5 be guilty of a felony, and, upon conviction thereof,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

12 (b) If any parent, guardian or custodian shall neglect a  
13 child and by such neglect 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 conviction  
17 thereof, shall be fined not less than three hundred nor  
18 more than three thousand dollars or committed to the  
19 custody of the division of corrections for not less than one  
20 nor more than ten years, or both such fine and imprison-  
21 ment.


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 such  
25 parent, guardian or custodian.

26 (d) The provisions of this section shall not apply to  
27 any 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, when  
31 such medical care conflicts with the tenets and practices of  
32 a recognized religious denomination or order of which  
33 such parent, guardian or custodian is an adherent or  
34 member.

35 (e) Any person who grossly neglects a child and by  
36 the gross neglect creates a substantial risk of serious  
37 bodily injury or of death to the child is guilty of a felony,  
38 and upon conviction thereof shall be fined not more than  
39 three thousand dollars and confined to the custody of the  
40 division of corrections for not less than one nor more than  
41 five years.



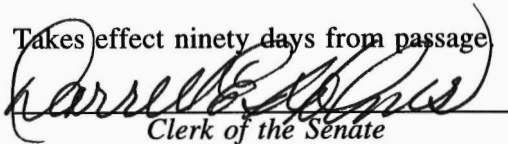
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

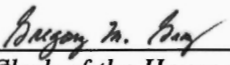
  
Chairman Senate Committee

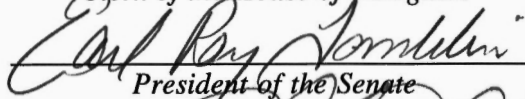
  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage

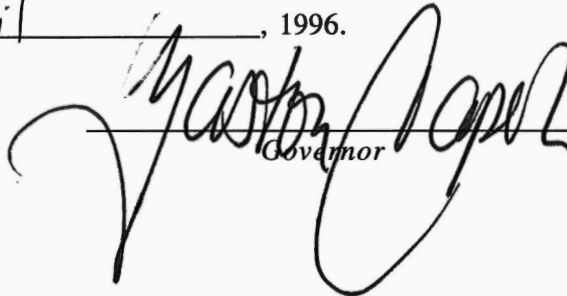
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 1st  
day of April, 1996.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/96

Time 4:10 pm