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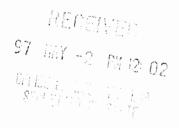
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# **WEST VIRGINIA LEGISLATURE**

**REGULAR SESSION, 1997** 

(By Senator Ocucació, ET AL)

PASSED APRIL 12, 1997
In Effect NINETY DAYS FROM Passage



## ENROLLED

## COMMITTEE SUBSTITUTE FOR

## Senate Bill No. 134

(SENATORS OLIVERIO, PREZIOSO, SHARPE, WHITE, MCKENZIE, BUCKALEW, HUNTER, MINEAR, BOWMAN, ANDERSON, HELMICK, KIMBLE, ROSS, SNYDER, SCHOONOVER, BALL, SPROUSE, DUGAN, CHAFIN, JACKSON, WOOTON, WALKER, DITTMAR, BAILEY AND TOMBLIN, MR. PRESIDENT, original sponsors)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend article eight-d, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section four-a, relating to child neglect; and creating a criminal offense for any parent, guardian or custodian whose neglect causes the death of a child.

Be it enacted by the Legislature of West Virginia:

That article eight-d, chapter sixty-one of the code of West

Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section four-a, to read as follows:

#### ARTICLE 8D. CHILD ABUSE.

### §61-8D-4a. Child neglect resulting in death; criminal penalties.

- (a) If any parent, guardian or custodian shall neglect a
- child under his or her care, custody or control and by such
- 3 neglect cause the death of said child, then such parent,
- guardian or custodian shall be guilty of a felony and, upon
- conviction thereof, shall be fined not less than one thou-
- sand dollars nor more than five thousand dollars or
- 7 committed to the custody of the division of corrections for
- not less than three nor more than fifteen years, or both
- such fine and imprisonment.
- (b) No child who in lieu of medical treatment was under 10
- treatment solely by spiritual means through prayer in 11
- accordance with a recognized method of religious healing 12
- with a reasonable proven record of success shall, for that 13
- reason alone, be considered to have been neglected within 14
- the provisions of this section. A method of religious 15
- 16 healing shall be presumed to be a recognized method of
- religious healing if fees and expenses incurred in connec-17
- tion with such treatment are permitted to be deducted 18
- from taxable income as "medical expenses" pursuant to 19
- regulations or rules promulgated by the United States 20
- internal revenue service. 21
- 22(c) A child whose parent, guardian or legal custodian has
- inhibited or interfered with the provision of medical 23
- treatment in accordance with a court order may be  $^{24}$
- 25 considered to have been neglected for the purposes of this
- 26 section.

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That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.
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Chairman Strate Committee
Man agreed Committee
Much Mantasia
Chairman House Committee
Originated in the Senate.
In effect ninety days from passage.
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Clerk of the Senate
Buyery & By
Clerk of the House of Delegates
alkan Tombler
President of the Senate
Speaker House of Delegates
The within is appeared this the Jul
day of May, 1997.
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( & Leuller en )
Governor

PRESENTED TO THE

GOVERNOR

Date

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