WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

---

ENROLLED

Committee Substitute for Senate Bill No. 134

(By Senator Oliverio, 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
Enr. Com. Sub. for S. B. 134

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.

1 (a) If any parent, guardian or custodian shall neglect a child under his or her care, custody or control and by such 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 thousand dollars nor more than five thousand dollars or 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.

10 (b) No child who in lieu of medical treatment was under treatment solely by spiritual means through prayer in accordance with a recognized method of religious healing with a reasonable proven record of success shall, for that reason alone, be considered to have been neglected within the provisions of this section. A method of religious healing shall be presumed to be a recognized method of religious healing if fees and expenses incurred in connection with such treatment are permitted to be deducted from taxable income as “medical expenses” pursuant to regulations or rules promulgated by the United States internal revenue service.

22 (c) A child whose parent, guardian or legal custodian has inhibited or interfered with the provision of medical treatment in accordance with a court order may be considered to have been neglected for the purposes of this section.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the day of , 1997.

Governor