WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999

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ENROLLED

Committee Substitute for

SENATE BILL NO. 464

(By Senator LOVE, ET AL)

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PASSED March 13, 1999

In Effect NINETY DAYS FROM Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 466

(Senators Love, Helmick, Schoonover, Hunter, Ross and Snyder, original sponsors)

(Passed March 13, 1999; in effect ninety days from passage.)

AN ACT to amend article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two, relating to providing a criminal penalty for a division of corrections employee or contractor to engage in sexual intercourse or sexual intrusion with an incarcerated person; providing a criminal penalty for an incarcerated individual to engage in sexual intercourse or sexual intrusion with a division of corrections employee or contractor.

Be it enacted by the Legislature of West Virginia:

That article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be
amended by adding thereto a new section, designated section twenty-two, to read as follows:

ARTICLE 1. ORGANIZATION AND INSTITUTIONS.

§25-1-22. Imposition of sexual intercourse or sexual intrusion on inmate; penalty.

(a) Any person employed by the division of corrections or any person working at a correctional facility managed by the commissioner of corrections pursuant to contract, who engages in sexual intercourse or sexual intrusion with a person who is incarcerated in this state shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail not more than twelve months or fined not more than five hundred dollars, or both.

(b) Any individual incarcerated in this state who voluntarily engages in sexual intercourse or sexual intrusion with any person employed by the division of corrections or any person working at a correctional facility managed by the commissioner of corrections pursuant to contract shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in the county or regional jail not more than twelve months or fined not more than five hundred dollars, or both.

(c) As used in this section, the terms “sexual intercourse” and “sexual intrusion” shall have the same meaning as ascribed to those terms by the provisions of section one, article eight-b, chapter sixty-one of this code.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Originating 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... this the 25th Day of... 1998.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/23/89
Time 10:41 a.m.