WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 2000

ENROLLED
Committee Substitute for
SENATE BILL NO. 157

(By Senator bove, et al)

PASSED March 10, 2000
In Effect ninety days from Passage
AN ACT to repeal section twenty-two, article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article eight-b, chapter sixty-one of said code by adding thereto a new section, designated section ten, relating to creating the felony criminal offenses of engaging in sexual intercourse or intrusion by persons employed at correctional institutions or as supervisory probation or parole officers; and penalties.

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that article eight-b, chapter sixty-
one of said code be amended by adding thereto a new section, designated section ten, to read as follows:

ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-10. Imposition of sexual intercourse or sexual intrusion on incarcerated persons; penalties.

(a) Any person employed by the division of corrections, any person working at a correctional facility managed by the commissioner of corrections pursuant to contract or as an employee of a state agency, any person working at a correctional facility managed by the division of juvenile services pursuant to contract or as an employee of a state agency, any person employed by a county jail or by the regional jail and correctional facility authority or any person working at a facility managed by the regional jail and correctional facility authority or a county jail who engages in sexual intercourse or sexual intrusion with a person who is incarcerated in this state is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility under the control of the commissioner of corrections for not less than one nor more than five years or fined not more than five thousand dollars.

(b) Any person employed by the division of corrections as a parole officer or by the West Virginia supreme court of appeals as an adult or juvenile probation officer who engages in sexual intercourse or sexual intrusion with a person said parole officer or probation officer is charged as part of his or her employment with supervising, is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility under the control of the commissioner of corrections for not less than one nor more than five years or fined not more than five thousand dollars, or both.
The 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... approved... this the... Day of..., 2004.

Governor