Committee Substitute

for

House Bill 4362

BY DELEGATES BIBBY, HARDY, KUMP, WAXMAN, ESPINOSA, HOUSEHOLDER, BARRETT, WILSON, BARNHART, S. BROWN AND HANNA

[Passed March 7, 2020; in effect ninety days from passage.]
Committee Substitute
for
House Bill 4362

By Delegates Bibby, Hardy, Kump, Waxman,
Espinosa, Householder, Barrett, Wilson,
Barnhart, S. Brown and Hanna

[Passed March 7, 2020; in effect ninety days from passage.]
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8D-5a, relating to creating the offense of verbal abuse of a noncommunicative child; setting forth elements of the offense; establishing criminal penalties; and defining terms.

Be it enacted by the Legislature of West Virginia:

§61-8D-5a. Verbal abuse of noncommunicative child; penalties.

The amendments made to this section during the 2020 Regular Session of the Legislature shall be known as “Adri’s, Owen’s, and Emma’s Law”.

(a) Any person, 18 years of age or older, who has supervisory responsibility over a noncommunicative minor child, who repeatedly engages in verbal conduct toward the child in an insulting, demeaning or threatening manner, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $500 nor more than $2,500 or confined in jail not more than six months, or both fined and confined.

(b) As used in section (a) of this section:

(1) “Noncommunicative child” means a child who, due to physical or developmental disabilities is unable to communicate verbally, in writing, or through a recognized sign language;

(2) “Repeatedly” means on two or more occasions;

(3) “Supervisory responsibility” means any situation where an adult has direct supervisory decision-making, oversight, instructive, academic, evaluative, or advisory responsibilities regarding the child. Supervisory responsibility can occur in a residence, in or out of a school setting, institutional setting, and in curricular, co-curricular, or extra-curricular settings.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 25th day of March, 2020.

Governor