

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

### ENROLLED

### House Bill 4510

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 25 P 4:45

FILED

BY DELEGATES STEELE, CRISS, GRAVES, HOWELL, D. KELLY,

MILLER, SHOTT, N. BROWN, MAYNARD AND FAST

(BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

AND PUBLIC SAFETY)

[Passed March 3, 2020; in effect ninety days from

passage.]

HB 4510

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(BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

AND PUBLIC SAFETY)

[Passed March 3, 2020; in effect ninety days from

passage.]

1 AN ACT to amend and reenact §62-8-1 of the Code of West Virginia, 1931, as amended, relating  
2 to creating the offense of bodily intrusion by an inmate in the custody of the Commissioner  
3 of Corrections and Rehabilitation; defining terms; and establishing criminal penalties.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 8. CRIMES BY AND PROCEEDINGS AGAINST INMATES.**

**§62-8-1. Offenses by inmates; conspiracy.**

1 (a) A person imprisoned or otherwise in the custody of the Commissioner of Corrections  
2 and Rehabilitation is guilty of a felony if he or she kills, wounds, or inflicts other bodily injury upon  
3 any person at any correctional facility; or breaks, cuts, or injures, or sets fire to any building,  
4 fixture, or fastening of any correctional facility, or jail or any part thereof, for the purpose of  
5 escaping or aiding any other inmate to escape therefrom, or renders any correctional facility or  
6 jail less secure as a place of confinement; or makes, procures, secretes, or has in his or her  
7 possession, any instrument, tool, or other thing for such purpose, or with intent to kill, wound, or  
8 inflict bodily injury; or resists the lawful authority of an officer or guard of any correctional facility  
9 or jail for such purpose or with such intent. Any three or more inmates confined, or in custody,  
10 who conspire together to commit any offense mentioned in this section are each guilty of a felony.

11 (b) Any person in the custody of the Commissioner of Corrections and Rehabilitation who  
12 commits an act of bodily intrusion is guilty of a felony and, upon conviction thereof, shall be  
13 imprisoned for not less than one year nor more than five years. As used in this subsection "bodily  
14 intrusion" means penetration, however slight, of the anus of a male or female or the sex organ of  
15 a female without his or her consent by means of forcible compulsion and for reasons other than  
16 the sexual gratification of either person.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Noel Capito*  
.....  
Chairman, House Committee

*Mark H. Warner*  
.....  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

*Stew Harrison*  
.....  
Clerk of the House of Delegates

*Joe Lavin*  
.....  
Clerk of the Senate

*Les Hinkley*  
.....  
Speaker of the House of Delegates

*Walter B. Cunningham*  
.....  
President of the Senate

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

*James E. Justice*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 12 2020

Time 2:30 pm