

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 187

By Senators Clements, Woelfel, Roberts, Stuart,

Plymale, Hunt, Rucker, and Deeds

[Originating in the Committee on Education; reported

on January 17, 2023]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §61-8B-11b, relating to making it a felony offense for any school employee to
3 engage in sexual intercourse, sexual intrusion, or sexual contact with any enrolled student
4 regardless of age; and specifying the penalties for this offense.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8B. SEXUAL OFFENSES

**§61-8B-11b. Prohibiting sexual contact, intercourse, or intrusion against students by
school employees.**

1 (a) It shall be a felony offense for any teacher, principal, counselor, coach, or other
2 employee of any private or public elementary or secondary school to engage in sexual intercourse,
3 sexual intrusion, or sexual contact as defined by §61-8B-1 of this code with any student enrolled in
4 such school regardless of the age of said student. The fact that said student consented to such an
5 act or that the act did not occur on school property or during a school function is not a defense. For
6 the purposes of this section:

7 (1) A private elementary or secondary school means any school enrolling students who are
8 exempt from compulsory school attendance under either §18-8-1(b) of this code or §18-8-1 (k) of
9 this code; and

10 (2) A public elementary or secondary school means any school under the general
11 supervision of the West Virginia Board of Education pursuant to section two, article XII of the West
12 Virginia Constitution.

13 (b) This is a separate and distinct criminal offense from any other applicable offense under
14 this code. The penalties set forth herein are in addition to any other penalties for any other
15 applicable offense. The penalty for anyone convicted of this offense shall be not less than 1 nor
16 more than 5 years in prison, and/or a fine of up to \$5,000, and shall include the permanent
17 forfeiture of any teaching or other certificate issued pursuant to §18A-3-2a of this code.