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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

ENROLLED

COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 134

(By Senator OLIVERIO, ET AL)

PASSED APRIL 12, 1997

In Effect NINETY DAYS FROM Passage

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COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 134

(SENATORS OLIVERIO, PREZIOSO, SHARPE, WHITE, MCKENZIE,
BUCKALEW, HUNTER, MINEAR, BOWMAN, ANDERSON, HELMICK,
KIMBLE, ROSS, SNYDER, SCHOONOVER, BALL, SPROUSE, DUGAN,
CHAFIN, JACKSON, WOOTON, WALKER, DITTMAR, BAILEY AND
TOMBLIN, MR. PRESIDENT, *original sponsors*)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend article eight-d, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section four-a, relating to child neglect; and creating a criminal offense for any parent, guardian or custodian whose neglect causes the death of a child.

Be it enacted by the Legislature of West Virginia:

That article eight-d, chapter sixty-one of the code of West

Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section four-a, to read as follows:

ARTICLE 8D. CHILD ABUSE.

§61-8D-4a. Child neglect resulting in death; criminal penalties.

1 (a) If any parent, guardian or custodian shall neglect a
2 child under his or her care, custody or control and by such
3 neglect cause the death of said child, then such parent,
4 guardian or custodian shall be guilty of a felony and, upon
5 conviction thereof, shall be fined not less than one thou-
6 sand dollars nor more than five thousand dollars or
7 committed to the custody of the division of corrections for
8 not less than three nor more than fifteen years, or both
9 such fine and imprisonment.

10 (b) No child who in lieu of medical treatment was under
11 treatment solely by spiritual means through prayer in
12 accordance with a recognized method of religious healing
13 with a reasonable proven record of success shall, for that
14 reason alone, be considered to have been neglected within
15 the provisions of this section. A method of religious
16 healing shall be presumed to be a recognized method of
17 religious healing if fees and expenses incurred in connec-
18 tion with such treatment are permitted to be deducted
19 from taxable income as "medical expenses" pursuant to
20 regulations or rules promulgated by the United States
21 internal revenue service.

22 (c) A child whose parent, guardian or legal custodian has
23 inhibited or interfered with the provision of medical
24 treatment in accordance with a court order may be
25 considered to have been neglected for the purposes of this
26 section.

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

Randy Schomae
.....
Chairman Senate Committee

Kirk Trantasa
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrel E. Selms
.....
Clerk of the Senate

Bryony M. Boy
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Robert R. Pitt
.....
Speaker House of Delegates

The within *is approved* this the *2nd*
day of *May*, 1997.

Lee R. Westerman
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/97

Time 8:45 am