

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 4510

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.]

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.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor