

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 72

By Senators Weld, Woelfel, Jeffries, and Caputo

[Introduced January 11, 2023; referred to
the Committee on the Judiciary]

21 unable to communicate unwillingness to an act.

22 (6) "Sexual contact" means any intentional touching, either directly or through clothing, of
23 the breasts, buttocks, anus, or any part of the sex organs of another person, or intentional touching
24 of any part of another person's body by the actor's sex organs ~~where the victim is not married to~~
25 ~~the actor~~ and the touching is done for the purpose of gratifying the sexual desire of either party.

26 (7) "Sexual intercourse" means any act between persons involving penetration, however
27 slight, of the female sex organ by the male sex organ or involving contact between the sex organs
28 of one person and the mouth or anus of another person.

29 (8) "Sexual intrusion" means any act between persons involving penetration, however
30 slight, of the female sex organ or of the anus of any person by an object for the purpose of
31 degrading or humiliating the person so penetrated or for gratifying the sexual desire of either party.

32 (9) "Bodily injury" means substantial physical pain, illness, or any impairment of physical
33 condition.

34 (10) "Serious bodily injury" means bodily injury which creates a substantial risk of death,
35 which causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged
36 loss or impairment of the function of any bodily organ.

37 (11) "Deadly weapon" means any instrument, device, or thing capable of inflicting death or
38 serious bodily injury and designed or specially adapted for use as a weapon, or possessed,
39 carried, or used as a weapon.

40 (12) "Forensic medical examination" means an examination provided to a possible victim
41 of a violation of the provisions of this article by medical personnel qualified to gather evidence of
42 the violation in a manner suitable for use in a court of law, to include: An examination for physical
43 trauma; a determination of penetration or force; a patient interview; and the collection and
44 evaluation of other evidence that is potentially relevant to the determination that a violation of the
45 provisions of this article occurred and to the determination of the identity of the assailant.