

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 504

By Senators Clements, Grady, Woelfel, and Deeds

[Introduced January 22, 2024; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-8B-11b of the Code of West Virginia, 1931, as amended,
 2 relating to modifying elements of a felony offense pertaining to when a school employee or
 3 volunteer engages in sexual intercourse, intrusion, or contact with students.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8B. SEXUAL OFFENSES.

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

1 (a) Any teacher, principal, counselor, coach, other employee, or volunteer of any private or
 2 public elementary or secondary school who engages in sexual intercourse, sexual intrusion, or
 3 sexual contact, as those terms are defined in §61-8B-1 of this code, with any student enrolled in
 4 ~~the school~~ a public or private school regardless of the age of the student is guilty of a felony and
 5 upon conviction thereof, shall be imprisoned in a state correctional facility for not less than one nor
 6 more than five years or fined not more than \$5,000 or both imprisoned and fined. The fact that the
 7 student may have consented to such an act or that the act did not occur on school property or
 8 during a school function is not a defense.

9 (b) For purposes of this section:

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

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

16 (c) This is a separate and distinct criminal offense from any other applicable offense under
 17 this code. The penalties set forth, in this section, are in addition to any other penalties for any other
 18 applicable offense.

19 (d) A final conviction under this section shall cause the permanent forfeiture of any

20 teaching or other certificate issued pursuant to §18A-3-2a of this code.

NOTE: The purpose of this bill is to modify elements of a felony offense pertaining to when a school employee or volunteer engages in sexual intercourse, intrusion, or contact with students.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.