WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 534

By Senators Deeds, Barrett, Hamilton, Hunt, Martin,

Nelson, Phillips, Queen, Roberts, Swope, and

Woodrum

[Introduced January 24, 2024; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-6-25 of the Code of West Virginia, 1931, as amended, relating to

2   prohibiting evidence of accusations of committing false allegations of child abuse in family

3   court proceedings unless an individual has been convicted of that crime.

Be it enacted by the Legislature of West Virginia:

ARTICLE   6.   CRIMES   AGAINST   THE   PEACE.

§61-6-25.   Falsely   reporting   child   abuse.

1   (a) Any person who knowingly and intentionally reports or causes to be reported to a law-

2 enforcement officer, child protective service worker, or judicial officer that another has committed

3 child sexual abuse, child abuse, or neglect as those terms are defined in §49-1-201 of this code

4 who when doing so knows or has reason to know the accusation is false and who does it with the

5 intent to influence a child custody decision shall be guilty of a misdemeanor, and, upon conviction,

6 shall be fined not more than $1,000, sentenced to not more than sixty hours of court-approved

7 community service, or both.

8   (b) In addition to any other sanctions imposed by the provisions of this section, any person

9 convicted of a violation of this section shall be required to attend and complete a court-approved

10 parenting class.

11   (c) False reporting allegations under this statute may only be considered in Family Court

12 custody proceedings if an individual has been both prosecuted and convicted of this crime.

NOTE: The purpose of this bill is to prohibit evidence of accusations of committing false allegations of child abuse in Family Court proceedings unless an individual has been convicted of that crime.

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