1	Н. В. 2735
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3 4 5	(By Delegates Rodighiero, Reynolds, Butcher and Stowers)
6	[Introduced January 21, 2011; referred to the
7	Committee on the Judiciary.]
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10	A BILL to amend the Code of West Virginia, 1931, as amended, by
11	adding thereto a new section, designated $61-2-31$, relating to
12	crimes against the person; creating a criminal felony offense
13	of aggravated assault or battery of a child or a person who is
14	mentally incapacitated; and providing penalties.
15	Be it enacted by the Legislature of West Virginia:
16	That the Code of West Virginia, 1931, as amended, be amended
17	by adding thereto a new section, designated $61-2-31$, to read as
18	follows:
19	ARTICLE 2. CRIMES AGAINST THE PERSON.
20	\$61-2-31. Assault, battery on child under fifteen years of age or
21	mentally incapacitated person; penalties.
22	(a) If any person commits an assault as defined in subsection
23	(b), section nine of this article, to the person of a child under
24	the age of fifteen years or to the person of someone who is
25	mentally incapacitated, regardless of age, the offender is guilty

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1 of a felony and, upon conviction thereof, shall be fined not less 2 than \$1,000 nor more than \$3,000 and imprisoned in a state 3 correctional facility for not less than one year nor more than 4 three years, or both fined and imprisoned. 5 (b) If any person commits a battery, as defined in subsection 6 (c), section nine of this article, against the person of a child 7 under the age of fifteen years or to the person of someone who is 8 mentally incapacitated, regardless of age, the offender is guilty 9 of a felony and, upon conviction thereof, shall be fined not less 10 than \$3,000 nor more than \$10,000 and imprisoned in a state 11 correctional facility for not less than one year nor more than five 12 years, or both fined and imprisoned.

NOTE: The purpose of this bill is to creating a criminal felony offense of aggravated assault or battery of a child or a person who is mentally incapacitated.

This section is new; therefore, it has been completely underscored.

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