

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Senate Bill 256

BY SENATORS TRUMP, BOSO, CLINE, GAUNCH AND

WOELFEL

[Passed April 6, 2017; in effect 90 days from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18A-4-22, relating to prohibiting aiding and abetting of sexual abuse by
3 school personnel; prohibiting school personnel, contractors, agents or employees of any
4 state, regional or local education agency from assisting school employees, contractors or
5 agents in obtaining a new job with knowledge, or has probable cause to believe, that the
6 person engaged in sexual misconduct with a minor or student; clarifying that routine
7 transmission of administrative and personnel files is permissible; providing exceptions to
8 prohibition on aiding those individuals from obtaining new jobs; and clarifying the
9 relationship between prohibition and other statutes, regulations or policies.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §18A-4-22, to read as follows:

ARTICLE 4. SALARIES, WAGES AND OTHER BENEFITS.

§18A-4-22. Prohibition on aiding and abetting sexual abuse.

1 (a) No school personnel, contractor or agent, or any employee of any state, regional or
2 local educational agency including any employee of a public or private school, may assist an
3 individual employed as school personnel, a contractor or an agent in obtaining a new job if the
4 individual or agency knows, or has probable cause to believe, that such school employee,
5 contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the
6 law: *Provided*, That nothing in this section shall be construed to prohibit the routine transmission
7 of administrative and personnel files.

8 (b) The requirements of subsection (a) of this section shall not apply if:

9 (1) The information giving rise to probable cause has been properly reported to a law-
10 enforcement agency with jurisdiction over the alleged misconduct and reported to any other
11 authorities as required by federal, state or local law; and

12 (2) One of the following has happened:

13 (A) The matter has been officially closed, or the prosecutor or police with jurisdiction over
14 the alleged misconduct has investigated the allegations and notified school officials that there is
15 insufficient information to establish probable cause that the school personnel, contractor or agent
16 engaged in sexual misconduct regarding a minor or student in violation of the law;

17 (B) The school personnel, contractor or agent has been charged with and acquitted or
18 otherwise exonerated of the alleged misconduct; or

19 (C) The case or investigation remains open and there have been no charges filed against,
20 or indictment of, the school personnel, contractor or agent within four years of the date on which
21 the information was reported to a law-enforcement agency.

22 (c) Nothing in this section shall be construed to override a statute, regulation or policy that
23 provides greater or additional protections to prohibit any individual who is school personnel,
24 contractor or agent, or any state, regional or local educational agency from assisting a school
25 employee who engaged in sexual misconduct regarding a minor or student in violation of the law
26 in obtaining a new job.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2017.

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Governor