

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2610

BY DELEGATE RODIGHIERO

[Introduced January 23, 2019; Referred
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-2-31, relating to crimes against the person; creating a criminal felony
 3 offense of aggravated assault or battery of a child or a person who is mentally
 4 incapacitated; and providing penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-31. Assault, battery on child under fifteen years of age or mentally incapacitated person; penalties.

1 (a) If any person commits an assault as defined in §61-2-9(b) of this code, to the person
 2 of a child under the age of 15 years or to the person of someone who is mentally incapacitated,
 3 regardless of age, the offender is guilty of a felony and, upon conviction thereof, shall be fined not
 4 less than \$1,000 nor more than \$3,000 and imprisoned in a state correctional facility for not less
 5 than one year nor more than three years, or both fined and imprisoned.

6 (b) If any person commits a battery, as defined in §61-2-9(c) of this code, against the
 7 person of a child under the age of 15 years or to the person of someone who is mentally
 8 incapacitated, regardless of age, the offender is guilty of a felony and, upon conviction thereof,
 9 shall be fined not less than \$3,000 nor more than \$10,000 and imprisoned in a state correctional
 10 facility for not less than one year nor more than five years, or both fined and imprisoned.

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

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