

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 519

BY SENATORS CLEMENTS, HARDESTY, JEFFRIES,
LINDSAY, PITSENBARGER, ROMANO, RUCKER, CLINE,
WOELFEL, AND BEACH

[Introduced January 16, 2020; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §62-8-1 of the Code of West Virginia, 1931, as amended, relating
 2 to prohibiting bodily intrusion by an inmate upon any person at any correctional facility;
 3 and defining “bodily intrusion”.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. CRIMES BY AND PROCEEDINGS AGAINST INMATES.

§62-8-1. Offenses by inmates; conspiracy.

1 A person imprisoned or otherwise in the custody of the Commissioner of Corrections and
 2 ~~Rehabilitation or the Executive Director of the Regional Jail and Correctional Facility Authority~~ is
 3 guilty of a felony if he or she kills, wounds or inflicts other bodily injury or forceable bodily intrusion
 4 upon any person at any correctional facility; or breaks, cuts or injures, or sets fire to any building,
 5 fixture or fastening of any correctional facility, or jail or any part thereof, for the purpose of
 6 escaping or aiding any other inmate to escape therefrom, or renders any correctional facility or
 7 jail less secure as a place of confinement; or makes, procures, secretes or has in his or her
 8 possession, any instrument, tool or other thing for such purpose, or with intent to kill, wound or
 9 inflict bodily injury; or resists the lawful authority of an officer or guard of any correctional facility
 10 or jail for such purpose or with such intent. Any three or more inmates so confined, or in such
 11 custody, who conspire together to commit any offense mentioned in this section are each guilty
 12 of a felony.

13 For the purposes of this section, “bodily intrusion” means any act between persons
 14 involving forceable penetration, however slight, of the female sex organ or of the anus of any
 15 person by any object for any purpose.

NOTE: The purpose of this bill is to prohibit bodily intrusion by an inmate upon any person at any correctional facility.

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