

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4362

BY DELEGATES BIBBY, HARDY, KUMP, WAXMAN,

ESPINOSA, HOUSEHOLDER, BARRETT, WILSON,

BARNHART, S. BROWN AND HANNA

[Passed March 7, 2020; in effect ninety days from
passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2020 MAR 25 P 4: 29

FILED

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §61-8D-5a, relating to creating the offense of verbal abuse of a
3 noncommunicative child; setting forth elements of the offense; establishing criminal
4 penalties; and defining terms.

Be it enacted by the Legislature of West Virginia:

§61-8D-5a. Verbal abuse of noncommunicative child; penalties.

The amendments made to this section during the 2020 Regular Session of the Legislature shall be known as “Adri’s, Owen’s, and Emma’s Law”.

1 (a) Any person, 18 years of age or older, who has supervisory responsibility over a
2 noncommunicative minor child, who repeatedly engages in verbal conduct toward the child in an
3 insulting, demeaning or threatening manner, is guilty of a misdemeanor and, upon conviction
4 thereof, shall be fined not less than \$500 nor more than \$2,500 or confined in jail not more than six
5 months, or both fined and confined.

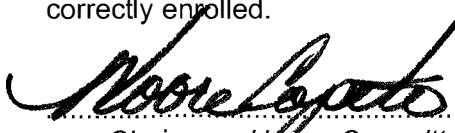
6 (b) As used in section (a) of this section:

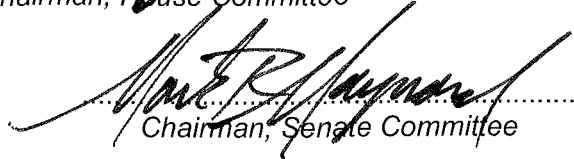
7 (1) “Noncommunicative child” means a child who, due to physical or developmental
8 disabilities is unable to communicate verbally, in writing, or through a recognized sign language;

9 (2) “Repeatedly” means on two or more occasions;

10 (3) “Supervisory responsibility” means any situation where an adult has direct supervisory
11 decision-making, oversight, instructive, academic, evaluative, or advisory responsibilities
12 regarding the child. Supervisory responsibility can occur in a residence, in or out of a school
13 setting, institutional setting, and in curricular, co-curricular, or extra-curricular settings.


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

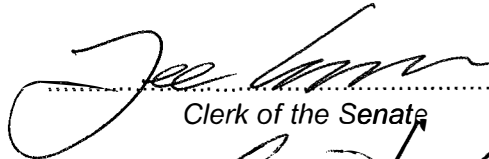

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Chairman, House Committee


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Chairman, Senate Committee


Originating in the House.

In effect ninety days from passage.


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Clerk of the House of Delegates


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Clerk of the Senate


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Speaker of the House of Delegates


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President of the Senate

FILED
2020 MAR 25 P 4:29
OFFICE OF THE CLERK
SECRETARY OF STATE

The within is approved this the 25th
day of March 2020.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2020

Time 11:27am