WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 187

By Senator Clements

[Introduced January 13, 2023; referred  
to the Committee on Education; and then to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §61-8B-11b, relating to creating new criminal offenses of sexual contact with, sexual intrusion, or sexual abuse of students by a school employee; and listing the penalties for these offense.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8B. sexual offenses

§61-8B-11b. Prohibiting sexual contact, intercourse, or intrusion against students by school employees.

(a) It shall be a felony offense for any teacher, principal, counselor, coach or other employee of any private or public elementary or secondary school to engage in sexual intercourse, sexual intrusion or sexual contact as defined by chapter §61-8B-1 of this code with any student enrolled in such school regardless of the age of said student.  The fact that said student consented to such an act or that the act did not occur on school property or during a school function shall not be a defense.

(b) This is a separate and distinct criminal offense from any other applicable offense under this code and the penalties set forth herein shall be in addition to any other penalties for any other applicable offense. The penalty for anyone convicted of this offense shall be not less than 1 nor more than 5 years in prison, and/or a fine of up to $5,000, and shall include the permanent forfeiture of any teaching or other certificate.

NOTE: The purpose of this bill is to create a new criminal offense regarding sexual contact with, sexual intrusion, or sexual abuse of students by a school employee; and listing the penalties for these offenses.

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