

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 183

By Senators Woelfel, Deeds, Trump, and Caputo

[Introduced January 10, 2024; referred
to the Committee on the Judiciary]

1 (a) A person is guilty of sexual assault in the third degree when:

2 (1) The person engages in sexual intercourse or sexual intrusion with another person who
3 is mentally defective or mentally incapacitated; or

4 (2) The person, being sixteen years old or more, engages in sexual intercourse or sexual
5 intrusion with another person who is less than sixteen years old; ~~and who is at least four years~~
6 ~~younger than the defendant and is not married to the defendant~~

7 (3) The fact that the person victimized is the spouse of the actor shall not serve as a
8 defense to this offense.

9 (b) Any person violating the provisions of this section is guilty of a felony and, upon
10 conviction thereof, shall be imprisoned in a state correctional facility not less than one year nor
11 more than five years, or fined not more than \$10,000 and imprisoned in a state correctional facility
12 not less than one year nor more than five years.

NOTE: The purpose of this bill is to eliminate the marital exception to criminal prosecution of sexual assault 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.