

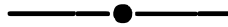
HB 3228

FILED

2007 APR -2 PM 2: 51

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

House Bill No. 3228

(By Delegates Ashley, Carmichael and Webster)



Passed March 9, 2007

In Effect Ninety Days from Passage

ENROLLED

FILED

2007 APR -2 PM 2:51

H. B. 3228

OFFICE WEST VIRGINIA
SECRETARY OF STATE

(BY DELEGATES ASHLEY, CARMICHAEL AND WEBSTER)

[Passed March 9, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §61-8B-10 of the Code of West Virginia, 1931, as amended, providing that it is a crime for home confinement officers to engage in sexual intercourse or sexual intrusion with persons incarcerated; defining the phrase 'incarcerated in this state' to include home confinement subject to the Home Incarceration Act; and providing penalties.

Be it enacted by the Legislature of West Virginia:

That §61-8B-10 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-10. Imposition of sexual intercourse or sexual intrusion on incarcerated persons; penalties.

1 (a) Any person employed by the Division of Corrections,
2 any person working at a correctional facility managed by the
3 Commissioner of Corrections pursuant to contract or as an
4 employee of a state agency, any person working at a
5 correctional facility managed by the Division of Juvenile
6 Services pursuant to contract or as an employee of a state
7 agency, any person employed by a jail or by the Regional Jail
8 and Correctional Facility Authority, any person working at a
9 facility managed by the Regional Jail and Correctional
10 Facility Authority or a jail or any person employed by, or

11 acting pursuant to, the authority of any sheriff, county
12 commission or court to ensure compliance with the
13 provisions of article eleven-b, chapter sixty-two of this code
14 who engages in sexual intercourse or sexual intrusion with a
15 person who is incarcerated in this state is guilty of a felony
16 and, upon conviction thereof, shall be confined in a state
17 correctional facility under the control of the Commissioner of
18 Corrections for not less than one nor more than five years or
19 fined not more than five thousand dollars.

20 (b) Any person employed by the Division of Corrections
21 as a parole officer or by the West Virginia Supreme Court of
22 Appeals as an adult or juvenile probation officer who
23 engages in sexual intercourse or sexual intrusion with a
24 person said parole officer or probation officer is charged as
25 part of his or her employment with supervising, is guilty of
26 a felony and, upon conviction thereof, shall be confined in a
27 state correctional facility under the control of the
28 Commissioner of Corrections for not less than one nor more
29 than five years or fined not more than five thousand dollars,
30 or both.

31 (c) The term "incarcerated in this state" for purposes of
32 this section includes in addition to its usual meaning,
33 offenders serving a sentence under the provisions of article
34 eleven-b, chapter sixty-two of this code.

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




Chairman Senate Committee



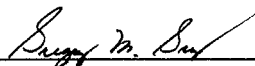
Chairman House Committee

Originating in the House.

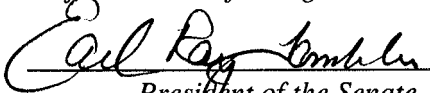
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 2nd
day of April, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 26 2007

Time

4:10 pm