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**H. B. 4115**

(By Delegate Walker)  
[Introduced January 9, 2014; referred to the  
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §48-9-105, relating  
to preventing a person who is convicted of child molestation  
from obtaining custody of a child.

*Be it enacted by the Legislature of West Virginia:*

That §48-9-105 of the Code of West Virginia, 1931, as amended,  
be amended by adding thereto a new section, designated §48-9-105,  
to read as follows:

**ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-  
MAKING RESPONSIBILITY OF CHILDREN.**

PART 1. SCOPE; OBJECTIVES; PARTIES; PARENT  
EDUCATION CLASSES AND CUSTODY PRECLUDED BY CERTAIN OFFENSES.

§48-9-105. Custody precluded by conviction of certain sexual  
offenses.

1        A person who has been convicted of sexual assault or sexual  
2 abuse involving a child, in accordance with provisions of article  
3 eight-b, chapter sixty-one of this code, or of filming of sexually  
4 explicit conduct of a minor in accordance with provisions of  
5 article eight-c, chapter sixty-one of this code, may not be awarded  
6 custody of a child.

NOTE: The purpose of this bill is to prevent persons who have committed certain sexual offenses against children from obtaining custody of a child.

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