

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4507

FISCAL
NOTE

BY DELEGATES SOBONYA, C. MILLER, C. ROMINE,
OVERINGTON, ESPINOSA, HOWELL, FAST, ROWAN,
HOLLEN, FRICH AND LOVEJOY

[Introduced February 12, 2018; Referred
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-8-8a, relating to prostituting a child by a parent, guardian, custodian or
 3 other person in a position of trust; and establishing criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY, AND DECENCY.

§61-8-8a. Prostitution by a parent, guardian, custodian or person in a position of trust to a child; penalties.

1 In addition to any other offenses set forth in this code, the Legislature hereby declares a
 2 separate and distinct offense under this section, as follows:

3 (1) Any parent, guardian, custodian or other person in a position of trust in relation to the
 4 child who lives or derives support or maintenance, in whole or in part, from the earnings or
 5 proceeds of the prostitution of a child less than 16 years of age or coerces that child into
 6 prostitution, notwithstanding the fact that the child may have willingly participated in such conduct
 7 or the fact that the child may have suffered no apparent physical injury or mental or emotional
 8 injury as a result of such conduct, such parent, guardian, custodian or person in a position of trust
 9 shall be guilty of a felony and, upon conviction, shall be imprisoned in a correctional facility not
 10 less than two years, fined not more than \$10,000, or both imprisoned and fined.

11 (2) Any parent, guardian, custodian or other person in a position of trust in relation to the
 12 child who lives or derives support or maintenance, in whole or in part, from the earnings or
 13 proceeds of the prostitution of a child more than 16 years of age or coerces that child into
 14 prostitution, notwithstanding the fact that the child may have willingly participated in such conduct
 15 or the fact that the child may have suffered no apparent physical injury or mental or emotional
 16 injury as a result of such conduct, such parent, guardian, custodian or person in a position of trust
 17 shall be guilty of a felony and, upon conviction, shall be imprisoned in a correctional facility not
 18 less than one year nor more than three years, fined not more than \$5,000, or both imprisoned
 19 and fined.

NOTE: The purpose of this bill is to make it a crime for a parent, guardian, custodian or other person in a position of trust to prostitute a child. The bill establishes criminal penalties.

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