

# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4362**

BY DELEGATES BIBBY, HARDY, KUMP, WAXMAN,

ESPINOSA, HOUSEHOLDER, BARRETT, WILSON,

BARNHART, S. BROWN AND HANNA

[Passed March 7, 2020; in effect ninety days from  
passage.]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §61-8D-5a, relating to creating the offense of verbal abuse of a  
3 noncommunicative child; setting forth elements of the offense; establishing criminal  
4 penalties; and defining terms.

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

**§61-8D-5a. Verbal abuse of noncommunicative child; penalties.**

*The amendments made to this section during the 2020 Regular Session of the Legislature shall be known as “Adri’s, Owen’s, and Emma’s Law”.*

1 (a) Any person, 18 years of age or older, who has supervisory responsibility over a  
2 noncommunicative minor child, who repeatedly engages in verbal conduct toward the child in an  
3 insulting, demeaning or threatening manner, is guilty of a misdemeanor and, upon conviction  
4 thereof, shall be fined not less than \$500 nor more than \$2,500 or confined in jail not more than six  
5 months, or both fined and confined.

6 (b) As used in section (a) of this section:

7 (1) “Noncommunicative child” means a child who, due to physical or developmental  
8 disabilities is unable to communicate verbally, in writing, or through a recognized sign language;

9 (2) “Repeatedly” means on two or more occasions;

10 (3) “Supervisory responsibility” means any situation where an adult has direct supervisory  
11 decision-making, oversight, instructive, academic, evaluative, or advisory responsibilities  
12 regarding the child. Supervisory responsibility can occur in a residence, in or out of a school  
13 setting, institutional setting, and in curricular, co-curricular, or extra-curricular settings.



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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2020.

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*Governor*