

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 187**

By Senator Clements

[Introduced January 13, 2023; referred  
to the Committee on Education; and then to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §61-8B-11b, relating to creating new criminal offenses of sexual contact with,  
 3 sexual intrusion, or sexual abuse of students by a school employee; and listing the  
 4 penalties for these offense.

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

**ARTICLE 8B. SEXUAL OFFENSES**

**§61-8B-11b. Prohibiting sexual contact, intercourse, or intrusion against students by school employees.**

1 (a) It shall be a felony offense for any teacher, principal, counselor, coach or other  
 2 employee of any private or public elementary or secondary school to engage in sexual intercourse,  
 3 sexual intrusion or sexual contact as defined by chapter §61-8B-1 of this code with any student  
 4 enrolled in such school regardless of the age of said student. The fact that said student consented  
 5 to such an act or that the act did not occur on school property or during a school function shall not  
 6 be a defense.

7 (b) This is a separate and distinct criminal offense from any other applicable offense under  
 8 this code and the penalties set forth herein shall be in addition to any other penalties for any other  
 9 applicable offense. The penalty for anyone convicted of this offense shall be not less than 1 nor  
 10 more than 5 years in prison, and/or a fine of up to \$5,000, and shall include the permanent  
 11 forfeiture of any teaching or other certificate.

NOTE: The purpose of this bill is to create a new criminal offense regarding sexual contact with, sexual intrusion, or sexual abuse of students by a school employee; and listing the penalties for these 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.