

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

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for

Senate Bill 187

By Senators Clements, Woelfel, Roberts, Stuart,
Plymale, Hunt, Rucker, Deeds, and Grady

[Originating in the Committee on the Judiciary;
reported on February 8, 2023]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §61-8B-11b, relating to making it a felony offense for any school employee or
3 volunteer to engage in sexual intercourse, sexual intrusion, or sexual contact with any
4 student in the school where the person is employed regardless of age; defining terms;
5 declaring that neither consent nor location where an offense occurs is a defense to
6 prosecution specifying the criminal penalties for this offense; and declaring that a final
7 conviction under this section causes the permanent revocation of any education related
8 certificate the school employee may hold.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8B. SEXUAL OFFENSES.

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

1 (a) Any teacher, principal, counselor, coach, other employee, or volunteer of any private or
2 public elementary or secondary school who engages in sexual intercourse, sexual intrusion, or
3 sexual contact, as those terms are defined in §61-8B-1 of this code, with any student enrolled in
4 the school regardless of the age of the student is guilty of a felony and upon conviction thereof,
5 shall be imprisoned in a state correctional facility for not less than one nor more than five years or
6 fined not more than \$5,000 or both imprisoned and fined. The fact that the student may have
7 consented to such an act or that the act did not occur on school property or during a school
8 function is not a defense.

9 (b) For purposes of this section:

10 (1) A private elementary or secondary school means any school enrolling students who are
11 exempt from compulsory school attendance under either §18-8-1(b) of this code or §18-8-1 (k) of
12 this code; and

13 (2) A public elementary or secondary school means any school under the general
14 supervision of the West Virginia Board of Education pursuant to section two, article XII of the West

15 Virginia Constitution.

16 (c) This is a separate and distinct criminal offense from any other applicable offense under
17 this code. The penalties set forth, in this section, are in addition to any other penalties for any other
18 applicable offense.

19 (d) A final conviction under this section shall cause the permanent forfeiture of any
20 teaching or other certificate issued pursuant to §18A-3-2a of this code.