

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5266

By Delegate Summers

[Introduced January 29, 2024; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §61-6-25 of the Code of West Virginia, 1931, as amended, relating to
 2 prohibiting evidence of accusations of committing false allegations of child abuse in Family
 3 Court proceedings unless an individual has been convicted of that crime.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. CRIMES AGAINST THE PEACE.

§61-6-25. Falsely reporting child abuse.

1 (a) Any person who knowingly and intentionally reports or causes to be reported to a law-
 2 enforcement officer, child protective service worker, or judicial officer that another has committed
 3 child sexual abuse, child abuse, or neglect as those terms are defined in §49-1-201 of this code
 4 who when doing so knows or has reason to know the accusation is false and who does it with the
 5 intent to influence a child custody decision shall be guilty of a misdemeanor, and, upon conviction,
 6 shall be fined not more than \$1,000, sentenced to not more than sixty hours of court-approved
 7 community service, or both.

8 (b) In addition to any other sanctions imposed by the provisions of this section, any person
 9 convicted of a violation of this section shall be required to attend and complete a court-approved
 10 parenting class.

11 (c) False reporting allegations under this statute may only be considered in Family Court
 12 custody proceedings if an individual has been both prosecuted and convicted of this crime.

NOTE: The purpose of this bill is to prohibit evidence of accusations of committing false allegations of child abuse in Family Court proceedings unless an individual has been convicted of that crime.

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