

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3116

By Delegates Eldridge, Parsons, Rohrbach, D.

Cannon, Hillenbrand, Pritt, Browning, Kelly,

Mazzocchi, Campbell, and Ward

[Introduced March 04, 2025; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §61-8-12 of the Code of West Virginia, 1931, as amended, relating to
2 incest; and defining terms applicable to crime of incest.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. CRIMES AGAINST CHASITITY, MORALITY AND DECENCY.

§61-8-12. Incest; penalty.

1 (a) For the purposes of this section:

2 (1) "Aunt" means:

3 (A) ~~the~~ The sister of a person's mother or father; or

4 (B) The wife of a person's uncle or aunt;

5 (2) "Brother" means the son of a person's mother or father;

6 (3) "Daughter" means a person's natural daughter, adoptive daughter, or the daughter of a
7 person's husband or wife;

8 (4) "Father" means a person's natural father, adoptive father, or the husband of a person's
9 mother;

10 (5) "Granddaughter" means the daughter of a person's son or daughter;

11 (6) "Grandfather" means the father of a person's father or mother;

12 (7) "Grandmother" means the mother of a person's father or mother;

13 (8) "Grandson" means the son of a person's son or daughter;

14 (9) "Mother" means a person's natural mother, adoptive mother, or the wife of a person's
15 father;

16 (10) "Niece" means the daughter of

17 (A) a A person's brother or sister;

18 (B) The spouse of a person's brother; or

19 (C) The spouse of a person's sister;

20 (11) "Nephew" means the son of

21 (A) a A person's brother or sister;

22 (B) The spouse of a person's brother; or

23 (C) The spouse of a person's sister.

24 (12) "Sexual intercourse" means any act between persons involving penetration, however
25 slight, of the female sex organ by the male sex organ or involving contact between the sex organs
26 of one person and the mouth or anus of another person;

27 (13) "Sexual intrusion" means any act between persons involving penetration, however
28 slight, of the female sex organ or of the anus of any person by an object for the purpose of
29 degrading or humiliating the person so penetrated or for gratifying the sexual desire of either party;

30 (14) "Sister" means the daughter of a person's father or mother;

31 (15) "Son" means a person's natural son, adoptive son, or the son of a person's husband
32 or wife; and

33 (16) "Uncle" means:

34 (A) the The brother of a person's father or mother; or

35 (B) The husband of a person's uncle or aunt.

36 (b) A person is guilty of incest when such person engages in sexual intercourse or sexual
37 intrusion with his or her father, mother, brother, sister, daughter, son, grandfather, grandmother,
38 grandson, granddaughter, nephew, niece, uncle, or aunt.

39 (c) Any person who violates the provisions of this section shall be guilty of a felony, and,
40 upon conviction thereof, shall be imprisoned in the penitentiary not less than 5 years nor more than
41 15 years, or fined not less than \$500 nor more than \$5,000 and imprisoned in the penitentiary not
42 less than five years nor more than fifteen years.

43 (d) In addition to any penalty provided under this section and any restitution which may be
44 ordered by the court under §61-11A-1 et seq. of this code, the court may order any person
45 convicted under the provisions of this section, where the victim is a minor, to pay all or any portion
46 of the cost of medical, psychological, or psychiatric treatment of the victim, the need for which

47 results from the act or acts for which the person is convicted, whether or not the victim is
48 considered to have sustained bodily injury.

49 (e) In any case where a person is convicted of an offense described in this section against
50 a child and further has or may have custodial, visitation, or other parental rights to the child, the
51 court shall find that the person is an abusing parent within the meaning of §49-4-601 through §49-
52 4-610 of this code, and shall take further action in accord with the provisions of those sections.

NOTE: The purpose of this bill is to expand definitions of certain relatives under the statute governing incest to include aunts and uncles by marriage, and aunts and uncles in same-sex marriages.

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