

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4695

By Delegates Vance, Martin, Brooks, Akers, Maynor,
McGeehan, Dean, Bridges, Pritt, Toney, and Hornby

[Originating in the Committee on the Judiciary;

Reported on February 5, 2026]

14 this subsection do not apply to a person in a position of trust in relation to a child who, by virtue of
15 his or her occupation or position, is charged with any duty or responsibility for the health,
16 education, welfare, or supervision of a child.

17 (c) A child whose parent, guardian or legal custodian, or person in a position of trust in
18 relation to that child has inhibited or interfered with the provision of medical treatment in
19 accordance with a court order may be considered to have been neglected for the purposes of this
20 section.

**§61-8D-5. Sexual abuse by a parent, guardian, custodian or person in a position of trust to a
child; parent, guardian, custodian or person in a position of trust allowing sexual
abuse to be inflicted upon a child; failing to report sexual assault or abuse upon a
child; displaying of sex organs by a parent, guardian, or custodian; penalties.**

1 (a) In addition to any other offenses set forth in this code, the Legislature hereby declares a
2 separate and distinct offense under this subsection, as follows: If any parent, guardian or
3 custodian of or other person in a position of trust in relation to a child under his or her care, custody
4 or control, ~~shall engage~~ engages in or attempt to engage in sexual exploitation of, or in sexual
5 intercourse, sexual intrusion or sexual contact with, a child under his or her care, custody or
6 control, notwithstanding the fact that the child may have willingly participated in ~~such~~ the conduct,
7 or the fact that the child may have consented to such conduct or the fact that the child may have
8 suffered no apparent physical injury or mental or emotional injury as a result of such conduct, then
9 such parent, guardian, custodian or person in a position of trust shall be guilty of a felony and,
10 upon conviction thereof, shall be imprisoned in a correctional facility not less than ~~ten~~ 20 nor more
11 than ~~twenty~~ 40 years, or fined not less than ~~\$500~~ \$1,000 nor more than ~~\$5,000~~ \$10,000 and
12 imprisoned in a correctional facility not less than ~~ten~~ 20 years nor more than ~~twenty~~ 40 years.

13 (b) Any parent, guardian, custodian or other person in a position of trust in relation to the
14 child who knowingly procures, authorizes, or induces or attempts to procure, authorize, or induce
15 another person to engage in or attempt to engage in sexual exploitation of, or sexual intercourse,

16 sexual intrusion or sexual contact with, a child under the care, custody or control of such parent,
17 guardian, custodian or person in a position of trust when such child is less than ~~sixteen~~ 16 years of
18 age or any age if the child is a disabled child, as identified in §61-8F-2 of this code, notwithstanding
19 the fact that the child may have willingly participated in such conduct or the fact that the child may
20 have suffered no apparent physical injury or mental or emotional injury as a result of such conduct,
21 such parent, guardian, custodian or person in a position of trust shall be guilty of a felony and,
22 upon conviction thereof, shall be imprisoned in a correctional facility not less than ~~five~~ 10 years nor
23 more than ~~fifteen~~ 30 years, or fined not less than ~~\$1,000~~ \$2,000 nor more than ~~\$10,000~~ \$20,000
24 and imprisoned in a correctional facility not less than ~~five~~ 10 years nor more than ~~fifteen~~ 30 years.

25 (c) Any parent, guardian, custodian or other person in a position of trust in relation to the
26 child who knowingly procures, authorizes, or induces or attempts to procure, authorize, or induce
27 another person to engage in or attempt to engage in sexual exploitation of, or sexual intercourse,
28 sexual intrusion or sexual contact with, a child under the care, custody or control of such parent,
29 guardian, custodian or person in a position of trust when such child is ~~sixteen~~ 16 years of age or
30 older, notwithstanding the fact that the child may have ~~consented to~~ willingly participated in such
31 conduct or the fact that the child may have suffered no apparent physical injury or mental or
32 emotional injury as a result of such conduct, then such parent, guardian, custodian or person in a
33 position of trust shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in a
34 correctional facility not less than ~~one year~~ two years nor more than ~~five~~ 10 years.

35 ~~(d) The provisions of this section shall not apply to a custodian or person in a position of~~
36 ~~trust whose age exceeds the age of the child by less than four years~~

**§61-8D-6. Sending, distributing, exhibiting, possessing, displaying or transporting material
by a parent, guardian or custodian, or person in a position of trust, depicting a child
engaged in sexually explicit conduct; penalty.**

1 Any parent, guardian or custodian, or person in a position of trust who, with knowledge,
2 sends or causes to be sent, or distributes, exhibits, possesses, displays or transports, any material

3 visually portraying a child under his or her care, custody or control engaged in any sexually explicit
4 conduct, is guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary
5 not more than ~~two~~ four years, and fined not less than ~~\$400~~ \$800 nor more than ~~\$4,000~~ \$8,000.