

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5400

By Delegates Masters, G. Howell, Jordan,
Hillenbrand, Mallow, Parsons, and Heckert

[Introduced February 10, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §61-8D-4a of the Code of West Virginia, 1931, as amended, relating
 2 to modifying the criminal penalties imposed on a parent, guardian, custodian, or person in
 3 a position of trust in relation to a child for child neglect resulting in death.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8D. CHILD ABUSE.

§61-8D-4a. Child neglect resulting in death; criminal penalties.

1 (a) If any parent, guardian or custodian, or person in a position of trust in relation to a child
 2 shall neglect a child under his or her care, custody or control and by such neglect cause the death
 3 of said child, then such parent, guardian or custodian, or person in a position of trust in relation to a
 4 child shall be guilty of a felony and, upon conviction thereof, ~~shall be fined not less than \$1,000 nor~~
 5 ~~more than \$5,000 or committed to the custody of the Division of Corrections for not less than three~~
 6 ~~nor more than 15 years, or both fined and imprisoned shall be imprisoned in a state correctional~~
 7 facility for not less than 10 years nor more than 20 years.

8 (b) No child who in lieu of medical treatment was under treatment solely by spiritual means
 9 through prayer in accordance with a recognized method of religious healing with a reasonable
 10 proven record of success shall, for that reason alone, be considered to have been neglected within
 11 the provisions of this section. A method of religious healing shall be presumed to be a recognized
 12 method of religious healing if fees and expenses incurred in connection with the treatment are
 13 permitted to be deducted from taxable income as "medical expenses" pursuant to regulations or
 14 rules promulgated by the United States Internal Revenue Service: *Provided*, That the provisions of
 15 this subsection do not apply to a person in a position of trust in relation to a child who, by virtue of
 16 his or her occupation or position, is charged with any duty or responsibility for the health,
 17 education, welfare, or supervision of a child.

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

21 section.

NOTE: The purpose of this bill is to modify the criminal penalties imposed on a parent, guardian, custodian, or person in a position of trust in relation to a child for child neglect resulting in death.

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