

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5496

By Delegates Mazzocchi, Kimble, Burkhammer, and

Coop-Gonzalez

[Introduced February 13, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section
2 designated §61-8D-11, relating to the new criminal offense of child torture.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8D. CHILD ABUSE.

§61-8D-11. Child Torture; criminal penalties.

1 (a) Any person who is at least 16 years of age who tortures a child, and such torture causes
2 bodily injury to the child, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a
3 state correctional facility for not less than 10 years nor more than 25 years, and shall not be eligible
4 for parole prior to having actually served 10 years.

5 (b) Any person who is at least 16 years of age who tortures a child, and such torture does
6 not cause bodily injury to the child is guilty of a felony and, upon conviction thereof, shall be
7 imprisoned in a state correctional facility for not less than 10 years nor more than 20 years, and
8 shall not be eligible for parole prior to having actually served eight years.

9 (c) For purposes of this section, "torture" means a course of conduct against a child that
10 includes at least one of the following acts or substantially similar acts:

11 (1) Breaking, severing, or severely impairing a limb.

12 (2) Inflicting severe and prolonged pain from striking, burning, or cutting.

13 (3) Causing or allowing a grossly unreasonable period of time where the child is deprived
14 of food or water.

15 (4) Knowingly restraining the child so as to interfere substantially with the child's liberty in a
16 grossly unreasonable manner that serves no legitimate purpose.

17 (5) Forcing the child to remain in an area that is not suitable for habitation, including an
18 area where urine or feces is actively present.

19 (6) Subjecting the child to extreme temperatures without adequate clothing, shelter, or
20 other protection from the elements.

21 (7) Forcing excessive and unnecessary time periods of exercise or other physical acts as a

22 form of punishment against the child.

23 (8) Engaging in the sexual abuse or exploitation of the child or allowing or participating in
24 the sexual abuse or exploitation of the child by another person.

25 (9) Repeatedly intimidating or humiliating the child for the purpose of causing significant
26 emotional distress.

27 (10) Terrorizing or threatening death or harm to the child, a loved one of the child, or a pet
28 or loved object of the child, for the purpose of causing significant emotional distress.

29 (11) Restricting basic and necessary bodily functions needed for the personal hygiene of
30 the child.

31 (12) Engaging in conduct that places the child at risk of serious bodily injury.

NOTE: The purpose of this bill is to establish the criminal offense of child torture.

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