

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 197

BY SENATORS WELD, WOELFEL, DEEDS, TARR, AND Z.

MAYNARD

[Introduced January 14, 2026; referred
to the Committee on the Judiciary]

1 A BILL to amend §61-8D-5 of the Code of West Virginia, 1931, as amended, relating to child
2 abuse; and adding attempt to the criminal offense of sexual abuse by a parent, guardian,
3 custodian, or person in a position of trust to a child.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8D. CHILD ABUSE.

**§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; 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
2 a 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,
4 custody, or control, shall engage 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 conduct, or
7 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,
9 then such parent, guardian, custodian, or person in a position of trust shall be guilty of a felony
10 and, upon conviction thereof, shall be imprisoned in a correctional facility not less than 10 nor
11 more than 20 years, or fined not less than \$500 nor more than \$5,000 and imprisoned in a
12 correctional facility not less than 10 years nor more than 20 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, 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 16 years of age,

18 notwithstanding the fact that the child may have willingly participated in such conduct or the fact
19 that the child may have suffered no apparent physical injury or mental or emotional injury as a
20 result of such conduct, such parent, guardian, custodian, or person in a position of trust shall be
21 guilty of a felony and, upon conviction thereof, shall be imprisoned in a correctional facility not
22 less than five years nor more than 15 years, or fined not less than \$1,000 nor more than \$10,000
23 and imprisoned in a correctional facility not less than five years nor more than 15 years.

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

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