

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 5484

By Delegates White, Coop-Gonzalez, Dillon,
McGeehan, T. Howell, Crouse, Moore, Drennan,
Mazzocchi, Green, and Kimble

[Originating in the Committee on the Judiciary;

Reported on February 26, 2026]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §61-2-31, relating to the right to medical care; recognizing the right to medical
3 care related to a sexual offense; creating the felony offense of violating an individual's right
4 to seek appropriate medical treatment or medical forensic care related to a sexual offense;
5 creating the felony offense of forcing or coercing a person to have an illegal abortion;
6 creating the felony offense of conspiracy to violate the provisions of the section; creating
7 definitions; and creating criminal penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-31. Prohibiting violations of an individual's right to seek appropriate medical treatment or medical forensic care related to a sexual offense; coercion to have an illegal abortion; conspiracy; definitions.

1 (a) All persons within the boundaries of the State of West Virginia have the right to seek
2 appropriate medical treatment or medical forensic care related to a sexual offense, without delay,
3 in a private, age-appropriate, or developmentally appropriate space, required to ensure the health,
4 safety, and welfare of the victim of the sexual offense.

5 (b) If any person by force or threat of force willfully injures, intimidates or interferes with, or
6 attempts to injure, intimidate or interfere with, or oppresses or threatens any other person in the
7 free exercise of the right to seek appropriate medical treatment or medical forensic care related to
8 a sexual offense, he or she shall be guilty of a felony and, upon conviction thereof, shall be
9 confined in a state correctional facility for not less than 5 years nor more than 15 years, or fined not
10 more than \$50,000, or both fined and confined.

11 (c) Any person who knowingly and intentionally forces or coerces a victim of a sexual
12 offense which results in the pregnancy of the victim to have an illegal abortion in violation of the
13 provisions of §16-2R-1 et seq. of this code is guilty of a felony and, upon conviction thereof, shall
14 be confined in a state correctional facility for not less than 5 years nor more than 15 years, or fined

15 not more than \$50,000, or both fined and confined.

16 (d) It is unlawful for two or more persons to conspire to commit an offense in violation of
17 subsections (b) or (c) of this section. Any person who violates this section by conspiring to commit
18 an offense in violation of subsections (b) or (c) of this section is guilty of a felony and, upon
19 conviction thereof, shall be confined in a state correctional facility for not less than 5 years nor
20 more than 15 years, or fined not more than \$50,000, or both fined and confined.

21 (e) For purposes of this section:

22 (1) "Force or coerce" means committing, attempting to commit, or threatening to commit
23 physical harm to a woman, the unborn child, or another individual intended to compel the woman
24 to have an abortion.

25 (2) "Sexual offense" includes the listed offenses as that term is defined in §15-9B-1a of this
26 code and any violation of §61-14-1 et seq. of this code which includes an element of sexual
27 servitude, commercial sexual activity, or other sexual exploitation.