

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 611

By Senator Garcia

[Introduced January 27, 2026; referred

to the committee on the Judiciary]

1 A BILL to amend and reenact §61-2-5 of the Code of West Virginia, 1931, as amended, relating to
2 codifying the common-law definition of “involuntary manslaughter”; and specifying that a
3 defendant’s act must proximately cause the death of another.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-5. Involuntary manslaughter; penalty.

1 ~~Involuntary manslaughter is a misdemeanor and, any person convicted thereof shall be~~
2 ~~confined in jail not to exceed one year, or fined not to exceed \$1,000, or both, in the discretion of~~
3 ~~the court~~

4 Any person who, in the commission of an unlawful act not amounting to one of the felony
5 offenses enumerated in §61-2-1 of this code, or in the commission of an otherwise lawful act
6 undertaken in an unlawful manner, unintentionally and proximately causes the death of another is
7 guilty of the misdemeanor offense of involuntary manslaughter and, upon conviction thereof, shall
8 be fined not more than \$1,000 or confined in jail not more than one year, or both fined and
9 confined.

NOTE: The purpose of this bill is to codify the common-law definition of the misdemeanor offense of involuntary manslaughter and to specify that a defendant’s act must proximately cause the death of another for a conviction to result.

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