

## HB 5484 -- Redline

hb5484 s jud amt \_1 3-11 adopted.htm to hb5484 s jud am \_1 3-11 adopted.htm -- Creating the crime of conspiracy to deny medical treatment to victim of sexual offense

Deletions ~~struck~~ · Insertions underlined

HB5484 S JUD ~~AMTAM~~ #1 ~~3-11A, 3-11~~Curia 7824 The Committee on the Judiciary moved to amend the bill by striking out everything after the enacting clause and inserting in lieu thereof the following: Article 2.

~~CuriaCrimes 7824Theagainst~~ Committee on Judiciary moved to amend the bill~~Person.~~ by striking out the title and substituting therefor a new title, to read as follows:Eng.

~~Com.~~Sec.61-2-31.

Sub.Prohibiting violations of an individual's right to seek appropriate medical treatment or medical forensic care related to a sexual offense;

~~for~~coercion House Bill 5484--A Bill to amend~~have~~ thean Code~~illegal~~ of~~abortion~~; West Virginia, 1931, as amended, by adding a new section, designated Sec.61-2-31, relating to the right to medical care;

~~recognizing~~conspiracy; the right to medical care related to a sexual offense; creating~~definitions. the felony offense of violating an individual's right to seek appropriate medical treatment or medical forensic care related to a sexual offense;~~

~~creating~~(a) All persons within the ~~felony~~boundaries offenseof the State of ~~forcing~~West Virginia have the right to seek appropriate medical treatment permitted under West Virginia law or ~~coercing~~medical forensic care related to a sexual offense, without delay, in a private, age-appropriate, or developmentally appropriate space required to ensure the health, safety, and welfare of the victim of the sexual offense.(b) If any person by force or threat of force willfully injures, intimidates, or interferes with, or attempts to ~~have~~injure, ~~an~~intimidate, ~~illegal~~or ~~abortion~~;interfere with, or oppresses or threatens any other person in the free exercise of the right to seek appropriate medical treatment permitted under West Virginia law or medical forensic care to obtain biological evidence, as defined in Sec.15-9B-1a of this code and consistent with Sec.16-2R-1 et seq.

~~creating~~of ~~the~~this code, related to a sexual offense, he or she is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not less than five years nor more than 15 years, or fined not more than \$50,000, or both fined and confined.(c) Any person who knowingly and intentionally forces or coerces a victim of a sexual offense which results in the pregnancy of ~~conspiracy~~the victim to ~~violate~~have ~~rights~~an ~~relating~~illegal ~~to~~abortion ~~certain~~in ~~medical~~violation ~~care~~;of the provisions of Sec.16-2R-1 et seq.

~~providing~~of ~~definitions~~;this code is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not less than five years nor more than 15 years, or fined not more than \$50,000, or both fined and confined.

~~and~~(d) ~~creating~~It ~~criminal~~is ~~penalties~~. ~~Adopted~~~~Rejected~~unlawful for two or more persons to conspire to commit an offense in violation of subsections (b) or (c) of this section.

Any person who violates this section by conspiring to commit an offense in violation of subsections (b) or (c) of this section is guilty of a felony and, upon conviction thereof, shall be confined in a state correctional facility for not less than five years nor more than 15 years, or fined not more than \$50,000, or both fined and confined.

Nothing in this subsection shall be construed to impart criminal liability on the victim of the sexual offense.(e) For purposes of this section:(1) "Force or coerce" means committing, attempting to commit, or threatening to commit physical harm to a woman, the unborn child, or another individual where such conduct is intended to compel the woman to have an abortion against her will;

Provided, That the provision of information, counseling, or assistance regarding alternatives to an abortion does not constitute either force or coercion.

(2) "Sexual offense" includes the listed offenses as that term is defined in Sec.15-9B-1a of this code and any violation of Sec.61-14-1 et seq.

of this code which includes an element of sexual servitude, commercial sexual activity, or other sexual exploitation. ~~Adopted~~~~Rejected~~