

ENROLLED

Senate Bill No. 596

(BY SENATORS PALUMBO, JENKINS, BEACH AND KLEMPA)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8C-3a, relating to prohibiting child erotica; creating a misdemeanor offense for producing, possessing, displaying or distributing child erotica; providing criminal penalty; and defining terms.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §61-8C-3a, to read as follows:

ARTICLE 8C. FILMING OF SEXUALLY EXPLICIT CONDUCT OF MINORS.

§61-8C-3a. Prohibiting child erotica; penalties.

1 (a) Any person age eighteen or over who knowingly and
2 intentionally produces, possesses, displays or distributes, in
3 any form, any visual portrayals of minors who are partially
4 clothed, where the visual portrayals are: (1) Unrelated to the
5 sale of a commercially available legal product; and (2) used
6 for purely prurient purposes, is guilty of a misdemeanor and,
7 upon conviction thereof, shall be confined in jail for not
8 more than one year or fined not more than \$1,000, or both
9 confined and fined.

10 (b) As used in this section only:

11 (1) “Purely prurient purposes” means for the specific
12 purpose of sexual gratification or sexual arousal from
13 viewing the visual portrayals prohibited by this section; and

14 (2) “Commercially available” means for sale to the
15 general public.

16 (3) A “minor” is a child under the age of sixteen years, or
17 a person who is sixteen years of age or older but less than
18 eighteen years old and who is mentally defective or mentally
19 incapacitated.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the

Day of, 2012.

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Governor