

Senate Bill No. 596

(By Senators Palumbo, Jenkins, Beach and Klempa)

[Introduced February 15, 2012; referred to
the Committee on the Judiciary.]

A BILL 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.

(NOTE: The purpose of this bill is to prohibit possession, distribution, display of, and production of child erotica.

§61-8C-3a is new; therefore, strike-throughs and underscoring have been omitted.)