

FILED

2014 MAR 24 P 4: 04

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2014

—●—  
**ENROLLED**

**House Bill No. 4006**

(By Delegates L. Phillips, Rowan, Fleischauer,  
Sobonya, Guthrie, Sumner, Lawrence, Miller,  
Poore, Border and Arvon)

—●—  
Passed March 8, 2014

In effect ninety days from passage.

HB 4006

FILED

2014 MAR 24 P 4: 04

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

E N R O L L E D

**H. B. 4006**

---

(BY DELEGATES L. PHILLIPS, ROWAN, FLEISCHAUER,  
SOBONYA, GUTHRIE, SUMNER, LAWRENCE, MILLER,  
POORE, BORDER AND ARVON)

---

[Passed March 8, 2014; in effect ninety days from passage.]

---

AN ACT to amend and reenact §61-8C-3 of the Code of West Virginia, 1931, as amended, relating to crimes pertaining to the possession, transmission, transportation, distribution and exhibiting of material depicting minors in sexually explicit conduct; adding the accessing of such materials with intent to view as a defined offense; creating an enhanced penalties for possessing, accessing with intent to view, transporting, receiving or distributing files or materials based on the number of images in a digital, photographic or video format which depict minors engaging in sexually explicit conduct or depict acts of bestiality involving a child; and setting a number of images based on length for video film or similar media.

*Be it enacted by the Legislature of West Virginia:*

That §61-8C-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

FILED

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

**§61-8C-3. Distribution and exhibiting of material depicting minors engaged in sexually explicit conduct prohibited; penalty.**

1 (a) Any person who, knowingly and willfully, sends or  
2 causes to be sent or distributes, exhibits, possesses, electroni-  
3 cally accesses with intent to view or displays or transports any  
4 material visually portraying a minor engaged in any sexually  
5 explicit conduct is guilty of a felony.

6 (b) Any person who violates the provisions of subsection (a)  
7 of this section when the conduct involves fifty or fewer images  
8 shall, upon conviction, be imprisoned in a state correctional  
9 facility for not more than two years or fined not more than  
10 \$2,000 or both.

11 (c) Any person who violates the provisions of subsection (a)  
12 of this section when the conduct involves more than fifty but  
13 fewer than six hundred images shall, upon conviction, be  
14 imprisoned in a state correctional facility for not less than two  
15 nor more than ten years or fined not more than \$5,000, or both.

16 (d) Notwithstanding the provisions of subsections (b) and (c)  
17 of this section any person who violates the provisions of  
18 subsection (a) of this section when the conduct involves six  
19 hundred or more images or depicts violence against a child or a  
20 child engaging in bestiality shall, upon conviction, be impris-  
21 oned in a state correctional facility for not less than five nor  
22 more than fifteen years or fined not more than \$25,000, or both.

23 (e) For purposes of this section each video clip, movie or  
24 similar recording of five minutes or less shall constitute seventy-  
25 five images. A video clip, movie or similar recording of a  
26 duration longer than five minutes shall be deemed to constitute  
27 seventy-five images for every two minutes in length it exceeds  
28 five minutes.

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

*Jimmy Wells*

Chairman, House Committee

*Rory Fitzmaurice*

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Bryan D. Scaf*

Clerk of the House of Delegates

*Joseph M. Minard*

Clerk of the Senate

*David W. McKey*

Speaker of the House of Delegates

*Jeffrey K*

President of the Senate

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2014 MAR 24 P 4: 04

FILED

The within is approved this the 24th  
day of March, 2014.

*Earl Ray Tomblin*  
Governor

PRESENTED TO THE GOVERNOR

MAR 20 2014

Time 11:05 am