

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 495

FISCAL
NOTE

BY SENATORS WOELFEL, IHLENFELD, LINDSAY, PLYMALE,

ROMANO, AND BALDWIN

[Introduced March 1, 2021; referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-8B-19, relating to creating a criminal offense of sexual extortion; and
 3 creating a criminal offense of sexual extortion by a person holding a position of trust,
 4 supervisory authority, or disciplinary power of another person.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8B. SEXUAL OFFENSES.

§61-8B-19. Sexual extortion.

1 (a) A person who knowingly or intentionally coerces, threatens to injure, or causes injury
 2 to the character, person, employment, or property of another person, or to the character, person,
 3 employment, or property of his or her spouse or child, or accuses him or her or them of a criminal
 4 offense with the purpose to engage in sexual contact, or to engage, produce, or distribute sexually
 5 explicit conduct of the other person is guilty of a felony and, upon conviction, shall be imprisoned
 6 in a state correctional facility not less than one nor more than five years.

7 (b) A person who holds a position of trust, supervisory authority, or disciplinary power by
 8 virtue of that person’s legal, professional, or occupational status over another person and who
 9 knowingly or intentionally coerces, threatens to injure, or causes injury to the character, person,
 10 employment, or property of another person, or to the character, person, employment, or property
 11 of his or her spouse or child, or accuses him or her or them of a criminal offense with the purpose
 12 to engage in sexual contact, or to engage, produce, or distribute sexually explicit conduct of the
 13 other person is guilty of a felony and, upon conviction, shall be imprisoned in a state correctional
 14 facility not less than three nor more than five years.

NOTE: The purpose of this bill is to create a new criminal offense of sexual extortion and sexual extortion by a person holding a position of trust, supervisory authority, or disciplinary power over another person.

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