

# **WEST VIRGINIA LEGISLATURE**

**2022 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 86**

BY SENATORS WOELFEL, GRADY, LINDSAY, CAPUTO,

BALDWIN, WOODRUM, AND HAMILTON

[Originating in the Committee on the Judiciary;

reported on January 31, 2022]

1 A BILL to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating  
2 to the offenses of extortion and attempted extortion; including threats to publish images of  
3 a person's intimate body parts as a means of committing extortion or attempted extortion;  
4 defining the phrase "anything of value, or other consideration" to include certain defined  
5 sexual acts and defining "images of intimate body parts"; and setting forth criminal  
6 penalties.

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

## **ARTICLE 2. CRIMES AGAINST THE PERSON.**

### **§61-2-13. Extortion or attempted extortion by threats; penalties.**

1 (a) A person who threatens injury to the character, person, ~~or property,~~ or other thing of  
2 value of another person, or to the character, person, ~~or property,~~ or other thing of value of his or  
3 her spouse or child, threatens to publish in any manner images of another person's intimate body  
4 parts, or accuses him or her or them of a criminal offense, and thereby obtains anything of value,  
5 or other consideration, he or she is guilty of a felony and, upon conviction thereof, shall be  
6 ~~confined imprisoned~~ imprisoned in a state correctional facility for not less than one year nor more than ~~five~~  
7 10 years. A person who makes such threat of injury or accusation of an offense as set forth in this  
8 section, but fails to obtain anything of value or other consideration, is guilty of a ~~misdemeanor~~  
9 felony and, upon conviction thereof, shall be ~~confined imprisoned in jail~~ imprisoned in a state correctional facility  
10 for not less than one year ~~two~~ nor more than ~~12 months~~ three years and fined not less than \$50  
11 \$1,000 nor more than ~~\$500~~ \$5,000, or both fined and imprisoned.

12 ~~(b) For purposes of this article, "consideration" includes sexual acts as defined in §61-8B-~~  
13 ~~1 of this code, and images of intimate parts defined in §61-8-28a of this code.~~

14 (b) As used in this section, the phrase "anything of value, or other consideration" includes,  
15 but is not limited to, sexual acts as defined in §61-8B-1 of this code, and the term "intimate body  
16 parts" has the same meaning as set forth in §61-8-28a of this code.

CS for SB 86