

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 740

By Senators Grady, Weld, Trump, Woelfel, Chapman,

Rucker, Deeds, Smith, Stuart, and Karnes

[Introduced February 9, 2024; 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 §61-8C-2a, relating to the filming of minors engaged in sexually explicit
 3 conduct; creating a new criminal offense of manipulating a photograph, image, video clip,
 4 movie, or similar recording containing sexually explicit conduct by the insertion thereof of a
 5 visual image of an actual minor so as to create the appearance that it is a minor engaged in
 6 the sexually explicit conduct; defining terms; clarifying that the offense is separate and
 7 distinct from any other offense set forth in the code and establishing criminal penalties.

Be it enacted by the Legislature of West Virginia:

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

§61-8C-2a Prohibited digital manipulation of media.

1 Any person who modifies or otherwise changes a photograph, image, video clip, movie, or
 2 recording containing sexually explicit conduct by the insertion therein of a visual image of an actual
 3 minor so as to create the appearance that it is a minor engaged in the sexually explicit conduct is
 4 guilty of a felony and, upon conviction shall be fined not more than \$10,000 or confined in a state
 5 correctional facility for not less than one nor more than five years or both fined and confined.

6 As used in this section "actual minor" means a living or once living person the image of
 7 whom was taken or captured when he or she was under the age of 18 and later inserted into a
 8 photograph, image, video clip, movie or recording containing sexually explicit conduct.

9 The provisions of this section constitute a separate and distinct offense from any other
 10 set forth in this code.

NOTE: The purpose of this bill is to create a new criminal offense of manipulating a photograph, image, video clip, movie, or similar recording containing sexually explicit conduct by the insertion thereof of a visual image of an actual minor so as to create the appearance that it is a minor engaged in the sexually explicit conduct.

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