

1 **H. B. 2550**

2
3 (By Delegates Hunt, Craig, Lane, Barill, Miley, Paxton,
4 Faircloth, Hamilton, Smith, P., Perry and Moore)

5
6 [Introduced February 19, 2013; referred to the
7 Committee on the Judiciary then Finance.]

8 **FISCAL
NOTE**

9
10 A BILL to amend and reenact §61-8C-3 of the Code of West Virginia,
11 1931, as amended, relating to crimes; distribution and
12 exhibiting of material depicting minors in sexually explicit
13 conduct; adding offense of receiving materials depicting
14 minors in sexually explicit conduct; and enhancing felony
15 criminal penalty.

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

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

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

20 **§61-8C-3. Distribution and exhibiting of material depicting minors**
21 **engaged in sexually explicit conduct prohibited;**
22 **penalty.**

23 Any person who, with knowledge, sends or causes to be sent, or
24 distributes, exhibits, possesses or displays, or transports any
25 material visually portraying a minor engaged in any sexually

1 explicit conduct, or who receives not less than five hundred items
2 of such materials, for a first offense, is guilty of a felony and,
3 upon conviction thereof, shall be imprisoned in ~~the penitentiary,~~
4 a correctional facility, not ~~more~~ less than two nor more than ten
5 years, and fined not more than \$2,000, or both fined and
6 imprisoned, with no probation during that term. Any person who
7 violates the provisions of this section and has been previously
8 convicted of any sexual offense or previous violation of the
9 provisions of this section, is guilty of a felony and, upon
10 conviction thereof, shall be imprisoned in a correctional facility,
11 not less than five nor more than fifteen years, and fined not more
12 than \$10,000, or both fined and imprisoned, with no probation
13 during that term.

NOTE: The purpose of this bill is add criminal offense of receiving materials depicting minors in sexually explicit conduct and to enhance the felony criminal penalty.

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