

1 **Senate Bill No. 626**

2 (By Senator Miller)

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4 [Introduced March 25, 2013; referred to the Committee on
5 Government Organization; and then to the Committee on the
6 Judiciary.]
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11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new section, designated §61-10-24, relating
13 to creating a misdemeanor offense of law-enforcement or
14 emergency services personnel taking pictures of certain
15 victims of crime or accident for personal use; and
16 establishing penalties.

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

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto a new section, designated §61-10-24, to read as
20 follows:

21 **ARTICLE 10. CRIMES AGAINST PUBLIC POLICY.**

22 **§61-10-24. Creation, publishing for own use by law-enforcement or**
23 **emergency services personnel, of visual portrayal of**

1 **certain victims.**

2 (a) It is unlawful for any law-enforcement or emergency
3 services personnel to create a visual portrayal or publish a visual
4 portrayal of a person who is a deceased accident or crime victim,
5 for his or her personal purposes or use.

6 (b) Nothing in this section limits the actions of a law-
7 enforcement or emergency services worker in creating or publishing
8 visual portrayals of accident or crime victims while acting in his
9 or her official capacity.

10 (c) As used in this section, "visual portrayal" means a
11 photograph or motion picture, either film or digital.

12 (d) Any person who violates the provisions of subsection (a)
13 of this section is guilty of a misdemeanor and, upon conviction
14 thereof shall be fined not less than \$100 or more than \$500.

NOTE: The purpose of this bill is to create a misdemeanor
offense of law-enforcement or emergency services personnel creating
or publishing for his or her own personal use, a photo or motion
picture of a deceased accident or crime victim.

This section is new; therefore, strike-throughs and
underscoring have been omitted.