

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **Senate Bill 472**

By Senators Weld, Grady, Deeds, Rucker, Woelfel,

Phillips, Tarr, Woodrum, and Hunt

[Introduced January 25, 2023; referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §61-8-9 of the Code of West Virginia, 1931, as amended, relating to  
 2 creating the criminal offense of indecent exposure in front of minors; and establishing  
 3 criminal penalties for this offense.

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

**ARTICLE 8. CRIMES AGAINST CHASTITY, MORALITY AND DECENCY.**

**§61-8-9. Indecent exposure.**

1 (a) A person is guilty of indecent exposure when such person intentionally exposes his or  
 2 her sex organs or anus or the sex organs or anus of another person, or intentionally causes such  
 3 exposure by another or engages in any overt act of sexual gratification, and does so under  
 4 circumstances in which the person knows that the conduct is likely to cause affront or alarm:  
 5 *Provided*, That it is not considered indecent exposure for a mother to breast feed a child in any  
 6 location, public or private.

7 (b) Except as provided in subsection (c), any person who violates the provisions of this  
 8 section shall be guilty of a misdemeanor and, upon conviction thereof, shall be confined in jail not  
 9 more than ninety days, or fined not more than \$250, or both fined and confined.

10 (c) Any person who violates the provisions of subsection (a) of this section by intentionally  
 11 exposing himself or herself to another person and the exposure was done for the purpose of  
 12 sexual gratification, is guilty of a misdemeanor and, upon conviction thereof, shall be fined not  
 13 more than \$500 or confined in jail not more than twelve months, or both. For a second offense, the  
 14 person is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than  
 15 \$1,000 and confined in jail for not less than thirty days nor more than twelve months. For a third or  
 16 subsequent offense, the person is guilty of a felony and, upon conviction thereof, shall be fined not  
 17 more than \$3,000 and imprisoned in a state correctional facility for not less than one year nor more  
 18 than five years.

19 (d) Any person who violates the provisions of subsection (a) of this section by intentionally  
 20 exposing himself or herself to another person, and the exposure was done for the purpose of

21 sexual gratification, who knew or should have known that any of the persons present were less  
22 than 16 years of age, shall be guilty of a felony and, upon conviction thereof, shall be fined not  
23 more than three thousand dollars and imprisoned in a state correctional facility for not less than  
24 one year nor more than five years.

NOTE: The purpose of this bill is to create the criminal offense of indecent exposure in front of minors and establish criminal penalties for this offense.

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