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]

A BILL to amend the Code of West Virginia,1931, as amended, by adding thereto a new section designated §61-8C-2a, relating to the filming of minors engaged in sexually explicit conduct; creating 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; defining terms; clarifying that the offense is separate and 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.

Any person who modifies or otherwise changes a photograph, image, video clip, movie, or recording containing sexually explicit conduct by the insertion therein 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 is guilty of a felony and, upon conviction shall be fined not more than $10,000 or confined in a state correctional facility for not less than one nor more than five years or both fined and confined.

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

The provisions of this section constitute a separate and distinct offense from any other 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.