1 Senate Bill No. 596 2 (By Senators Palumbo, Jenkins, Beach and Klempa) 3 4 [Introduced February 15, 2012; referred to the Committee on the 5 Judiciary.] 6 7 8 9 10 A BILL to amend the Code of West Virginia, 1931, as amended, by 11 adding thereto a new section, designated §61-8C-3a, relating 12 to prohibiting child erotica; creating a misdemeanor offense for producing, possessing, displaying or distributing child 13 erotica; providing criminal penalty; and defining terms. 14 15 Be it enacted by the Legislature of West Virginia: That the Code of West Virginia, 1931, as amended, be amended 16 17 by adding thereto a new section, designated §61-8C-3a, to read as 18 follows: 19 ARTICLE 8C. FILMING OF SEXUALLY EXPLICIT CONDUCT OF MINORS. 20 §61-8C-3a. Prohibiting child erotica; penalties. 2.1 (a) Any person age eighteen or over who knowingly and 22 intentionally produces, possesses, displays or distributes, in any 23 form, any visual portrayals of minors who are partially clothed, 24 where the visual portrayals are: (1) Unrelated to the sale of a

- 1 commercially available legal product; and (2) used for purely
- 2 prurient purposes, is guilty of a misdemeanor and, upon conviction
- 3 thereof, shall be confined in jail for not more than one year or
- 4 fined not more than \$1,000, or both confined and fined.
- 5 (b) As used in this section only:
- 6 (1) "Purely prurient purposes" means for the specific purpose
- 7 of sexual gratification or sexual arousal from viewing the visual
- 8 portrayals prohibited by this section; and
- 9 (2) "Commercially available" means for sale to the general 10 public.

(NOTE: The purpose of this bill is to prohibit possession, distribution, display of, and production of child erotica.

§61-8C-3a is new; therefore, strike-throughs and underscoring have been omitted.)