WEST virginia legislature

2022 regular session

Committee Substitute

for

Senate Bill 86

By Senators Woelfel, Grady, Lindsay, Caputo, Baldwin, Woodrum, and Hamilton

[Originating in the Committee on the Judiciary; reported on January 31, 2022]

A BILL to amend and reenact §61-2-13 of the Code of West Virginia, 1931, as amended, relating to the offenses of extortion and attempted extortion; including threats to publish images of a person’s intimate body parts as a means of committing extortion or attempted extortion; defining the phrase “anything of value, or other consideration” to include certain defined sexual acts and defining “images of intimate body parts”; and setting forth criminal penalties.

Be it enacted by the Legislature of West Virginia:

Article 2. Crimes Against the Person.

**§61-2-13. Extortion or attempted extortion by threats; penalties.**

(a) A person who threatens injury to the character, person, ~~or~~ property, or other thing of value of another person, or to the character, person, ~~or~~ property, or other thing of value of his or her spouse or child, threatens to publish in any manner images of another person's intimate body parts, or accuses him or her or them of a criminal offense, and thereby obtains anything of value, or other consideration, he or she is guilty of a felony and, upon conviction thereof, shall be ~~confined~~ imprisoned in a state correctional facility for not less than one year nor more than ~~five~~ 10 years. A person who makes such threat of injury or accusation of an offense as set forth in this section, but fails to obtain anything of value or other consideration, is guilty of a ~~misdemeanor~~ felony and, upon conviction thereof, shall be ~~confined~~ imprisoned in ~~jail~~ a state correctional facility for not less than one year ~~two~~ nor more than ~~12 months~~ three years and fined not less than ~~$50~~ $1,000 nor more than ~~$500~~ $5,000, or both fined and imprisoned.

~~(b) For purposes of this article, “consideration” includes sexual acts as defined in §61-8B-1 of this code, and images of intimate parts defined in §61-8-28a of this code.~~

(b) As used in this section, the phrase "anything of value, or other consideration” includes, but is not limited to, sexual acts as defined in §61-8B-1 of this code, and the term “intimate body parts” has the same meaning as set forth in §61-8-28a of this code.