WEST virginia legislature

2024 regular session

Committee Substitute

for

Senate Bill 740

By Senators Grady, Weld, Trump, Woelfel, Chapman, Deeds, Smith, Stuart, Karnes, and Hunt

[Originating in the Committee on the Judiciary; reported February 15, 2024]

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; 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.

(a) 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 the actual minor engaged in the sexually explicit conduct is guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(b) As used in this section, "actual minor" shall be defined as a person, whether living or deceased, whose image 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.

(c) The provisions of this section constitute a separate and distinct offense from any other set forth in this code.