

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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section
2 designated §61-8C-2a, relating to the filming of minors engaged in sexually explicit
3 conduct; creating a new criminal offense of manipulating a photograph, image, video clip,
4 movie, or similar recording containing sexually explicit conduct by the insertion thereof of a
5 visual image of an actual minor so as to create the appearance that it is a minor engaged in
6 the sexually explicit conduct; defining terms; clarifying that the offense is separate and
7 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.

1 (a) Any person who modifies or otherwise changes a photograph, image, video clip, movie,
2 or recording containing sexually explicit conduct by the insertion therein of a visual image of an
3 actual minor so as to create the appearance that it is the actual minor engaged in the sexually
4 explicit conduct is guilty of a felony and, upon conviction thereof, shall be fined not more than
5 \$10,000, or imprisoned in a state correctional facility for not less than one nor more than five years,
6 or both fined and imprisoned.

7 (b) As used in this section, "actual minor" shall be defined as a person, whether living or
8 deceased, whose image was taken or captured when he or she was under the age of 18 and later
9 inserted into a photograph, image, video clip, movie, or recording containing sexually explicit
10 conduct.

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