

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

House Bill 4842

BY DELEGATES AKERS, FUNKHOUSER, SHAMBLIN,

FERRELL, FLANIGAN, AND KIMBLE

[Passed March 14, 2026; in effect 90 days from
passage (June 12, 2026)]

1 AN ACT to amend and reenact §55-20-3 of the Code of West Virginia, 1931, as amended, relating
2 to civil remedies for the unauthorized disclosure of intimate images; clarifying that the
3 article applies to sexual extortion; clarifying that liability is joint and several; and creating
4 civil penalties.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 20. CIVIL REMEDIES FOR UNAUTHORIZED DISCLOSURE OF INTIMATE
IMAGES.**

§55-20-3. Civil action.

1 (a) Except as otherwise provided in §55-20-4 of this code, a depicted individual who is
2 identifiable and who suffers harm from a person's intentional disclosure or threatened disclosure
3 of an intimate image that was private without the depicted individual's consent including, but not
4 limited to, a victim of the offense of sexual extortion or aggravated sexual extortion under §61-
5 8B-6 of this code, has a cause of action against the person if the person knew or acted with
6 reckless disregard for whether:

- 7 (1) The depicted individual did not consent to the disclosure;
- 8 (2) The intimate image was private; and
- 9 (3) The depicted individual was identifiable.

10 (b) The following conduct by a depicted individual does not establish, by itself, that the
11 individual consented to the disclosure of the intimate image which is the subject of an action under
12 this article or that the individual lacked a reasonable expectation of privacy:

- 13 (1) Consent to creation of the image; or
- 14 (2) Previous consensual disclosure of the image.

15 (c) A depicted individual who does not consent to the sexual conduct or uncovering of the
16 part of the body in an intimate image of the individual retains a reasonable expectation of privacy
17 even if the image was created when the individual was in a public place.

18 (d) Notwithstanding the provisions of §55-7-13c of this code, an individual found liable
19 under this article shall be jointly and severally liable with each defendant, if any, found liable under
20 this article.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2026.

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Governor