

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4842

By Delegates Akers, Funkhouser, Shamblyn, Ferrell,

Flanigan, and Kimble

[Introduced January 27, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend and reenact §55-20-3 of the Code of West Virginia, 1931, as amended, relating to
 2 civil remedies for the unauthorized disclosure of intimate images; clarifying that the article
 3 applies to sexual extortion; clarifying that liability is joint and several; and creating civil
 4 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 has a cause of
 4 action against the person if the person knew or acted with reckless disregard for whether:

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

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

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

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

16 (d) The provisions of this article apply to any person or persons who violate the provisions
 17 of §61-8B-6 of this code relating to sexual extortion.

- 18 (e) An individual found liable under this article shall be jointly and severally liable with each
19 other person, if any, found liable under this article.

NOTE: The purpose of this bill is to clarify the civil cause of action for disclosure of intimate images.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.