

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4842

By Delegates Akers, Funkhouser, Shamblin, and

Ferrell

[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.