WEST VIRGINIA CODE: §55-20-2

§55-20-2. Definitions.

For the purposes of this article:

- (1) "Child" means an unemancipated individual who is less than 18 years of age.
- (2) "Consent" means affirmative, conscious, and voluntary authorization by an individual with legal capacity to give authorization.
- (3) "Depicted individual" means the individual whose body is shown, in whole or in part, in an intimate image.
- (4) "Disclosure" means transfer, publication, or distribution to another person.
- (5) "Harm" means physical harm, economic harm, and emotional distress whether, or not accompanied by physical or economic harm.
- (6) "Identifiable" means recognizable by a person other than the depicted individual:
- (A) From an intimate image itself; or
- (B) From an intimate image and identifying characteristic displayed in connection with the intimate image.
- (7) "Identifying characteristic" means information that may be used to identify a depicted individual.
- (8) "Individual" means a human being.
- (9) "Intimate image" means a photograph, film, video recording, or other similar medium that shows:
- (A) The uncovered genitals, pubic area, anus, or female post-pubescent nipple of a depicted individual: or
- (B) A depicted individual engaging in or being subjected to sexual conduct.
- (10) "Parent" means an individual recognized as a parent under the laws of this state other than this article.
- (11) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.
- (12) "Private" means:

- (A) Created or obtained under circumstances in which the depicted individual had a reasonable expectation of privacy; or
- (B) Made accessible through theft, bribery, extortion, fraud, false pretenses, voyeurism, or exceeding authorized access to an account, message, file, device, resource, or property.
- (13) "Sexual conduct" means any act set forth below but is not limited to this list:
- (A) Masturbation;
- (B) Genital, anal, or oral sex;
- (C) Sexual penetration of, or with, an object;
- (D) Bestiality; or
- (E) The transfer of semen onto a depicted individual.