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:

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(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.

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