

WEST VIRGINIA CODE: §55-20-3

§55-20-3. Civil action.

(a) Except as otherwise provided in §55-20-4 of this code, a depicted individual who is identifiable and who suffers harm from a person's intentional disclosure or threatened disclosure of an intimate image that was private without the depicted individual's consent has a cause of action against the person if the person knew or acted with reckless disregard for whether:

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

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

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

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