WEST VIRGINIA CODE: §55-20-4

§55-20-4. Exceptions to liability.

(a) A person is not liable under this article if the person proves the disclosure of, or threat to disclose, an intimate image was:

(1) Made in good faith:

(A) To law enforcement;

(B) For a legal proceeding; or

(C) For medical education or treatment.

(2) Made in good faith in the reporting or investigation of:

(A) Unlawful conduct; or

(B) Unsolicited and unwelcome conduct.

(3) Related to a matter of public concern or public interest; or

(4) Reasonably intended to assist the depicted individual.

(b) Subject to this section, a defendant who is a parent, legal guardian, or individual with legal custody of a child is not liable under this article for a disclosure or threatened disclosure of an intimate image, as defined in this article, of the child.

(c) If a defendant asserts an exception to liability under §55-20-4(b) of this code, the exception does not apply if the plaintiff proves the disclosure was:

(1) Prohibited by law other than this article; or

(2) Made for the purpose of sexual arousal, sexual gratification, humiliation, degradation, or monetary or commercial gain.

(d) Disclosure of, or threat to disclose, an intimate image is not a matter of public concern or public interest solely because the depicted individual is a public figure.

WV Legislature