WEST VIRGINIA CODE: §61-8C-2

§61-8C-2. Use of minors in filming sexually explicit conduct prohibited; penalty.

(a) Any person who causes or knowingly permits, uses, persuades, induces, entices, or coerces such minor to engage in or uses such minor to do or assist in any sexually explicit conduct is guilty of a felony when the act is being used to create a visual portrayal. Upon conviction thereof, such person shall be fined not more than $10,000 or imprisoned in the penitentiary not more than 10 years, or both fined and imprisoned.

(b) Any person who creates a visual portrayal of a minor engaging in any sexually explicit conduct is guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned in the penitentiary not more than 10 years, or both fined and imprisoned.

(c) Any parent, legal guardian, or person having custody and control of a minor, who creates a visual portrayal of such minor in any sexually explicit conduct or causes or knowingly permits, uses, persuades, induces, entices, or coerces such minor child to engage in or assist in any sexually explicit act is guilty of a felony when such act is used to create a visual portrayal. Upon conviction thereof, such person shall be fined not more than $10,000 or imprisoned in the penitentiary not more than 10 years, or both fined and imprisoned.

(d) It is not a defense under this section that the minor depicted has attained the age of at least 18 years old at the time of investigation and/or prosecution, as long as the visual portrayal of the minor used was originally taken or captured when the subject was less than 18 years of age.

(e) It is not a defense under this section that the minor depicted is deceased at the time of investigation and/or prosecution, regardless of whether the minor depicted had attained the age of 18 years of age at the time of his or her death.

WV Legislature