

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2366

(BY DELEGATES ROWAN, MILLER, SOBONYA, P. SMITH,
BORDER, ARVON AND STORCH)

[Passed March 12, 2016; in effect ninety days from passage]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2016 MAR 25 P 3:29

FILED

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1 AN ACT to amend and reenact §61-3C-14b of the Code of West Virginia, 1931, as amended; and
2 to amend and reenact §61-8A-4 of said code, all relating generally to the solicitation of
3 minors by use of a computer; clarifying the law pertaining to the use of a computer to solicit
4 a minor for sexual activity; removing controlled substance violations as an alleged
5 purpose; creating a new felony offense of soliciting a minor through use of a computer for
6 specified illegal sexual acts and committing any overt act designed to bringing himself or
7 herself within the physical presence of the minor or someone believed to be a minor to
8 engage in prohibited sexual activity with the minor or person believed to be a minor;
9 requiring a four year age difference between an adult and minor; establishing penalties;
10 establishing the offense as a lesser included crime; and prohibiting the use or distribution
11 of obscene materials by an adult to solicit or seduce a person who is or is believed to be
12 a minor at least four years younger than the adult for unlawful sexual activity.

Be it enacted by the Legislature of West Virginia:

1 That §61-3C-14b of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted; and that §61-8A-4 of said code be amended and reenacted, all to read as follows:

ARTICLE 3C. WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT.

**§61-3C-14b. Soliciting, etc. a minor via computer; soliciting a minor and traveling to
engage the minor in prohibited sexual activity; penalties.**

1 (a) Any person over the age of eighteen, who knowingly uses a computer to solicit, entice,
2 seduce or lure, or attempt to solicit, entice, seduce or lure, a minor known or believed to be at
3 least four years younger than the person using the computer or a person he or she believes to be
4 such a minor, in order to engage in any illegal act proscribed by the provisions of article eight,
5 eight-b, eight-c or eight-d of this chapter, is guilty of a felony and, upon conviction thereof, shall
6 be fined not more than \$5,000 or imprisoned in a state correctional facility not less than two nor
7 more than ten years, or both.

8 (b) Any person over the age of eighteen who uses a computer in the manner proscribed
9 by the provisions of subsection (a) of this section and who additionally engages in any overt act
10 designed to bring himself or herself into the minor's, or the person believed to be a minor's,
11 physical presence with the intent to engage in violations of article eight, eight-b, eight-c or eight-
12 d of this chapter with such a minor is guilty of a felony and shall be fined not more than \$25,000
13 or imprisoned in a state correctional facility for a determinate sentence of not less than five nor
14 more than fifteen years, or both fined and imprisoned: *Provided*, That subsection (a) of this section
15 shall be deemed a lesser included offense to that created by this subsection.

**ARTICLE 8A. PREPARATION, DISTRIBUTION OR EXHIBITION OF OBSCENE MATTER TO
MINORS.**

§61-8A-4. Use of obscene matter with intent to seduce minor.

1 Any adult, having knowledge of the character of the matter, who knows or believes that a
2 person is a minor at least four years younger than the adult, who distributes, offers to distribute
3 or displays by any means any obscene matter to the minor of person he or she believes to be a
4 minor at least four years younger than the adult, and such distribution, offer to distribute, or display
5 is undertaken with the intent or for the purpose of engaging in a violation of the provisions of
6 article eight, eight-b, eight-c or eight-d of this chapter with the minor or person whom he or she
7 believes is a minor at least four years younger than he or she, is guilty of a felony and, upon
8 conviction thereof, shall be fined not more than \$25,000, or imprisoned in a state correctional
9 facility for not more than five years, or both. For a second and each subsequent commission of
10 such offense, such person is guilty of a felony and, upon conviction, shall be fined not more than
11 \$50,000 or imprisoned in a state correctional facility for not more than ten years, or both.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman, House Committee

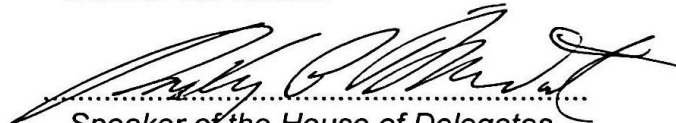

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Chairman, Senate Committee

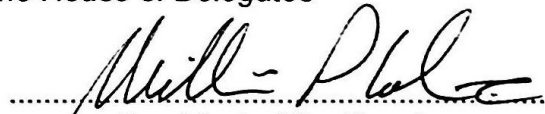
Originating in the House.

In effect ninety days from passage.


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Clerk of the House of Delegates


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Clerk of the Senate


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Speaker of the House of Delegates


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President of the Senate

The within is approved this the 25th
day of March, 2016.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 24 2015

Time 3:44 pm