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]
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(BY DELEGATES ROWAN, MILLER, SOBONYA, P. SMITH,
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[Passed March 12, 2016; in effect ninety days from passage]
AN ACT to amend and reenact §61-3C-14b of the Code of West Virginia, 1931, as amended; and
to amend and reenact §61-8A-4 of said code, all relating generally to the solicitation of
minors by use of a computer; clarifying the law pertaining to the use of a computer to solicit
a minor for sexual activity; removing controlled substance violations as an alleged
purpose; creating a new felony offense of soliciting a minor through use of a computer for
specified illegal sexual acts and committing any overt act designed to bringing himself or
herself within the physical presence of the minor or someone believed to be a minor to
engage in prohibited sexual activity with the minor or person believed to be a minor;
requiring a four year age difference between an adult and minor; establishing penalties;
establishing the offense as a lesser included crime; and prohibiting the use or distribution
of obscene materials by an adult to solicit or seduce a person who is or is believed to be
a minor at least four years younger than the adult for unlawful sexual activity.

Be it enacted by the Legislature of West Virginia:

That §61-3C-14b of the Code of West Virginia, 1931, as amended, be amended and
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.

(a) Any person over the age of eighteen, who knowingly uses a computer to solicit, entice,
seduce or lure, or attempt to solicit, entice, seduce or lure, a minor known or believed to be at
least four years younger than the person using the computer or a person he or she believes to be
such a minor, in order to engage in any illegal act proscribed by the provisions of article eight,
eight-b, eight-c or eight-d of this chapter, is guilty of a felony and, upon conviction thereof, shall
be fined not more than $5,000 or imprisoned in a state correctional facility not less than two nor
more than ten years, or both.
(b) Any person over the age of eighteen who uses a computer in the manner proscribed by the provisions of subsection (a) of this section and who additionally engages in any overt act designed to bring himself or herself into the minor’s, or the person believed to be a minor’s, physical presence with the intent to engage in violations of article eight, eight-b, eight-c or eight-d of this chapter with such a minor is guilty of a felony and shall be fined not more than $25,000 or imprisoned in a state correctional facility for a determinate sentence of not less than five nor more than fifteen years, or both fined and imprisoned: Provided, That subsection (a) of this section 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.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

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

Governor
PRESENTED TO THE GOVERNOR

MAR 24 2013

Time 3:44 pm