



# 2026 REPORT **WEST VIRGINIA**

## Statutory Responses to **Child & Youth Sex Trafficking**

*A Policymaker's Guide*



# DEAR POLICYMAKER,

Since 2011, Shared Hope International (“Shared Hope”) has developed state-by-state reports evaluating laws that impact children vulnerable to sex trafficking. Over the years, these report cards have evolved to reflect a growing understanding of how state laws can either protect, be non-responsive to, or even endanger children.

Our original *Protected Innocence Challenge* became the first legal framework on child sex trafficking, measuring primarily whether state laws recognized the crime and held offenders accountable. The *Report Cards on Child & Youth Sex Trafficking* built on that foundation by assessing a broader framework of protections, from prevention to victim services to identification of victims and mandatory training. These tools have become trusted resources for policymakers nationwide, driving meaningful statutory reform and improving protections for vulnerable children.

This *Guide* is the next evolution of that work. Designed specifically for policymakers seeking an in-depth understanding of their state’s laws, it provides a detailed *statutory analysis of nearly 40 points of law necessary to build-out and strengthen existing responses to child and youth sex trafficking as well as state-specific recommendations for enacting legal change.*






This *Guide* is intended to be used alongside our *Just Like Me (“JLM”) Report Cards*, released last fall. Rooted in years of research, collaboration, and legislative advocacy, the *JLM Report Cards* confront the real and ongoing harms many survivors—particularly children and youth—continue to experience within the criminal justice system. Unlike prior report cards, the *JLM Report Cards* focus on ten priority policy goals developed in partnership with lived experience experts. These goals identify statutory reforms necessary to prevent unjust criminalization, reduce system-based harm, and promote healing and justice for survivors.

Together, these resources are designed to equip leaders like you with clear, actionable information to evaluate current law, understand its real-world impact, and advance reforms that ensure all survivors are seen, heard, and protected. We look forward to working with you and other state leaders to advance legislative solutions that honor the dignity of survivors and build a stronger, more just response to child and youth sex trafficking.

Sincerely,

**Shared Hope’s Policy Team**

### INDICATOR KEY

-  **JLM POLICY GOALS**
-  **MET**
-  **PARTIALLY MET**
-  **NOT MET**
-  **EXEMPT**



For more personalized support, our team is here to help. Visit [sharedhope.org/legislative-technical-assistance/](https://sharedhope.org/legislative-technical-assistance/) to schedule a meeting with our Policy Team to discuss your legislative goals and develop a customized plan for ongoing technical assistance, bill drafting, and legislative support.

© 2026 Shared Hope International

The information and links provided in this report are solely for educational and informational purposes and do not constitute legal advice. Shared Hope International grants permission for copies of the information in this report to be made, in whole or in part, by not-for-profit organizations and individuals, provided that the use is for educational, informational, noncommercial purposes only, and provided that each copy includes this statement in its entirety in the legend: “Reprinted by permission of Shared Hope International.”

This report provides a thorough analysis of West Virginia's statutes related to offender accountability and victim protections while providing recommendations for addressing gaps in those statutes.<sup>1</sup> This report does not analyze case law, agency rules, or regulations, nor does it analyze practices or initiatives that exist outside of statutory law. However, stakeholders were invited to share non-statutory responses to paint a fuller picture of the state's anti-child sex trafficking response; where such responses were submitted, they are included as "Insights from the Field" under the respective policy goal but are not factored into the state's grade.



## ISSUE 1: Criminal Provisions

**Policy Goal 1.1** State child sex trafficking laws should expressly apply to buyers of commercial sex with any minor under 18.

● MET

W. Va. Code Ann. § 61-14-6(b) (Patronizing a victim of sexual servitude; penalties) expressly applies to buyers of commercial sex with minors but requires the buyer to know the minor is a victim of sexual servitude; it states, "any person who knowingly patronizes<sup>2</sup> a minor to engage in commercial sexual activity<sup>3</sup> and who knows or has reason to know that said minor is a victim of sexual servitude, is guilty of a felony . . . ."

Notably, West Virginia's core sex trafficking offense, W. Va. Code Ann. § 61-14-2(b) (Human trafficking of an individual; penalties), could also apply to buyers based on the definition of "traffics" under W. Va. Code § 61-14-1(6) (Definitions), which, following federal precedent,<sup>4</sup> applies to those who "obtain[] . . . an individual to engage in

<sup>1</sup> Evaluations of state laws are based on legislation enacted as of July 1, 2025.

<sup>2</sup> W. Va. Code § 61-14-1(10) (Definitions) defines "patronize" as "giving, agreeing to give, or offering to give anything of value to another person in exchange for commercial sexual activity."

<sup>3</sup> W. Va. Code § 61-14-1(3) defines "commercial sexual activity" as "sexual activity for which anything of value is given to, promised to, or received by a person."

<sup>4</sup> See *United States v. Jungers*, 702 F.3d 1066 (8th Cir. 2013). In this case, the Eighth Circuit specifically addressed whether the federal sex trafficking law, 18 U.S.C. § 1591 (Sex trafficking of children or by force, fraud, or coercion) applies to buyers of sex with minors. Reversing a District of South Dakota ruling that Congress did not intend the string of verbs constituting criminal conduct under 18 U.S.C. § 1591(a)(1) ("recruits, entices, harbors, transports, provides, obtains, or maintains") to reach the conduct of buyers (*United States v. Jungers*, 834 F. Supp. 2d 930, 931 (D.S.D. 2011)), the Eighth Circuit concluded that 18 U.S.C. § 1591 does not contain a "latent exemption for purchasers" because buyers can "engage in at least some of the prohibited conduct." *Jungers*, 702 F. 3d 1066, 1072. Congress codified *Jungers* clarifying that the federal sex trafficking law is intended to apply to buyers in the Justice for Victims of Trafficking Act (JVTA) of 2015 Pub. L. No. 114-22, 129 Stat 227, enacted on May 29, 2015. The JVTA adds the terms "patronize" and "solicit" to the list of prohibited conduct and expressly states, "section 108 of this title amends section 1591 of title 18, United States Code, to add the words 'solicits or patronizes' to

... sexual servitude.” However, the definition of “sexual servitude” under W. Va. Code § 61-14-1(14)(A) precludes potential application to buyers, defining “sexual servitude,” in part, as “[m]aintaining or making available a minor for the purpose of engaging the minor in commercial sexual activity.” Because the minor must be obtained in furtherance of sexual servitude, however, W. Va. Code Ann. § 61-14-2(b) is inapplicable to buyers who seek to directly engage in commercial sex with the minor.

**Policy Goal 1.2** State commercial sexual exploitation of children (CSEC) laws<sup>5</sup> should specifically criminalize purchasing or soliciting commercial sex with any minor under 18.



West Virginia law criminalizes soliciting commercial sex with any minor under 18 years of age. Under W. Va. Code Ann. § 61-3C-14b(a), (b) (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 18, 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 in order to engage in any illegal act proscribed by the provisions of §61-8-1 et seq. [Crimes Against Chastity, Morality and Decency], §61-8B-1 et seq. [Sexual Offenses], §61-8C-1 et seq. [Filming of Sexually Explicit Conduct of Minors], or §61-8D-1 et seq. [Child Abuse] of this code, or any felony offense under §60A-4-401 [relating to controlled and counterfeit substances] of this code, is guilty of a felony . . . .

(b) Any person violating the provisions of subsection (a) of this section who 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 any sexual activity or conduct with such a minor that is prohibited by law, is guilty of a felony . . . .

Further, W. Va. Code Ann. § 61-8-32(a), (b) (Soliciting, etc. a minor by means other than via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; definition of minor; penalties) provides,

(a) Any person over the age of 18, who by means other than those prohibited by §61-3C-14b of this code, who knowingly solicits, entices, seduces, or lures, or attempts to solicit, entice, seduce or lure, a minor known or believed to be at least four years younger than the person, 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 §61-8-1 et seq., §61-8B-1 et seq., §61-8C-1 et seq., or §61-8D-1 et seq. of this code, or any felony offense under §60A-4-401 of this code is guilty of a felony . . . .

(b) Any person who violates the provisions of subsection (a) of this section while outside the physical presence of the minor or person he or she knows or has reason to believe is a minor, who engages in any

---

the sex trafficking statute making absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders when this is merited by the facts of a particular case.” Id. at Sec. 109. The Eighth Circuit decision in *United States v. Jungers* and the federal sex trafficking law as amended by the Justice for Victims of Trafficking Act establish persuasive authority when state courts interpret the string of verbs constituting prohibited conduct in state sex trafficking laws (in particular, the term “obtains”) to the extent such interpretation does not conflict with state case law.

<sup>5</sup> The phrase “commercial sexual exploitation of children” (or “CSEC”) encompasses a variety of criminal offenses committed against a child in which the child engages, or agrees to engage, in a sex act in exchange for something of value either directly or through a third party. Appropriately crafted CSEC laws can be important, additional tools available in a prosecution of child sex trafficking conduct by supplementing available penalties under the trafficking law and providing additional options for plea negotiations without requiring prosecutors to rely on unrelated or low-level offenses in that context. For this reason, we analyze trafficking laws separately from CSEC laws—even though both involve commercial sexual exploitation. For a complete list of West Virginia’s CSEC laws, see the appendix located at the end of this report.

overt act designed to bring himself or herself into the minor's physical presence with the intent to engage in any sexual activity or conduct with the minor that is prohibited by law, is guilty of a felony . . . .

**Policy Goal 1.3** State commercial sexual exploitation of children (CSEC) laws<sup>6</sup> should apply to traffickers and protect all minors under 18.



West Virginia's CSEC laws apply to an array of trafficker conduct. Pursuant to W. Va. Code Ann. § 61-8-8 (Receiving support from prostitution; pimping; penalty),

Any person who, knowing another person to be a prostitute, shall live or derive support or maintenance, in whole or in part, from the earnings or proceeds of the prostitution of such prostitute, or from money loaned or advanced to or charged against such prostitution by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or shall tout or receive compensation for touting for such prostitution, shall be guilty of pimping . . . . Provided, That where the prostitute referred to in this section is a minor, any person violating the provisions of this section shall be guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than two years or fined not more than five thousand dollars, or both . . . .

Further, W. Va. Code Ann. § 61-8-7 (Procuring for house of prostitution; penalty) provides,

Any person who shall procure an inmate for a house of prostitution, or who, by promises, threats, violence, or by any device or scheme, shall cause, induce, persuade or encourage a person to become an inmate of a house of prostitution, or shall procure a place as inmate in a house of prostitution for a person; or any person who shall, by promises, threats, violence, or by any device or scheme cause, induce, persuade or encourage an inmate of a house of prostitution to remain therein as such inmate; or any person who shall, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procure any person to become an inmate of a house of ill fame, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into or leave this state for the purpose of prostitution, or who shall procure any person to become an inmate of a house of ill fame within this state or to come into or leave this state for the purpose of prostitution; or shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any person to become an inmate of a house of ill fame within this state, or to come into or leave this state for the purpose of prostitution, shall be guilty of pandering . . . . Provided, That where the inmate referred to in this section is a minor, any person violating the provisions of this section shall be guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than two years nor more than five years or fined not more than five thousand dollars, or both . . . .

Under W. Va. Code Ann. § 61-8-6 (Detention of person in place of prostitution; penalty),

Whoever shall by any means keep, hold, detain or restrain any person in a house of prostitution or other place where prostitution is practiced or allowed; or whoever shall, directly or indirectly, keep, hold, detain or restrain, or attempt to keep, hold, detain or restrain, in any house of prostitution or other place where prostitution is practiced or allowed, any person by any means, for the purpose of compelling such person, directly or indirectly, to pay, liquidate or cancel any debt, dues or obligations incurred or said to have been incurred by such person shall . . . be punished . . . . Provided, That in any offense under this section where the person so kept, held, detained or restrained is a minor, any person violating the provisions of this

---

<sup>6</sup> See *supra* note 5 for a full discussion on the purpose of analyzing trafficking laws separately from CSEC laws throughout this report.

section shall be guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than two years nor more than five years or fined not more than five thousand dollars, or both.

Pursuant to W. Va. Code Ann. § 61-2-14(a) (Abduction of person; kidnapping or concealing child; penalties), “Any person who . . . takes away a child under the age of sixteen years from any person having lawful charge of such child, for the purpose of prostitution or concubinage, shall be guilty of a felony . . . .”

W. Va. Code Ann. § 61-3C-14b(a), (b) (Soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; penalties) states,

(a) Any person over the age of 18, 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 in order to engage in any illegal act proscribed by the provisions of §61-8-1 et seq. [Crimes Against Chastity, Morality and Decency], §61-8B-1 et seq. [Sexual Offenses], §61-8C-1 et seq. [Filming of Sexually Explicit Conduct of Minors], or §61-8D-1 et seq. [Child Abuse] of this code, or any felony offense under §60A-4-401 [relating to controlled and counterfeit substances] of this code, is guilty of a felony . . . .

(b) Any person violating the provisions of subsection (a) of this section who 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 any sexual activity or conduct with such a minor that is prohibited by law, is guilty of a felony . . . .

Lastly, W. Va. Code Ann. § 61-8-32(a), (b) (Soliciting, etc. a minor by means other than via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; definition of minor; penalties) provides,

(a) Any person over the age of 18, who by means other than those prohibited by §61-3C-14b of this code, who knowingly solicits, entices, seduces, or lures, or attempts to solicit, entice, seduce or lure, a minor known or believed to be at least four years younger than the person, 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 §61-8-1 et seq., §61-8B-1 et seq., §61-8C-1 et seq., or §61-8D-1 et seq. of this code, or any felony offense under §60A-4-401 of this code is guilty of a felony . . . .

(b) Any person who violates the provisions of subsection (a) of this section while outside the physical presence of the minor or person he or she knows or has reason to believe is a minor, who engages in any overt act designed to bring himself or herself into the minor’s physical presence with the intent to engage in any sexual activity or conduct with the minor that is prohibited by law, is guilty of a felony . . . .

**Policy Goal 1.4** State law should prohibit mistake of age defenses in child sex trafficking prosecutions.



West Virginia law expressly prohibits a mistake of age defense in certain prosecutions for child sex trafficking. Pursuant to § 61-14-5(c) (Sexual servitude; penalties), “It is not a defense in a prosecution under subsection (b) of this section [involving maintaining or making available a minor for commercial sexual activity] that . . . the defendant believed the minor was an adult.” However, West Virginia’s other trafficking offenses are silent on the permissibility of a mistake of age defense.

**Policy Goal 1.5**

State law should mandate that financial penalties are levied on sex trafficking and CSEC offenders and are directed to a victim services fund.

**○ NOT MET**

Financial penalties, including criminal fines, fees, and asset forfeiture, paid by convicted trafficking and CSEC offenders are not required to be directed into a victim services fund.<sup>7</sup>

- 1.5.1 Recommendation: Statutorily direct a percentage of financial penalties levied on trafficking and CSEC offenders into a victim services fund.

---

<sup>7</sup> Regarding asset forfeiture, W. Va. Code Ann. § 61-14-7(f) (General provisions and other penalties) specifically provides for forfeiture in trafficking cases, stating,

Forfeiture; Debarment. —

- (1) The following are declared to be contraband and no person shall have a property interest in them:
  - (a) All property which is directly or indirectly used or intended for use in any manner to facilitate a violation of this article [Human trafficking]; and
  - (b) Any property constituting or derived from gross profits or other proceeds obtained from a violation of this article.
- (2) In any action under this section, the court may enter such restraining orders or take other appropriate action, including acceptance of performance bonds, in connection with any interest that is subject to forfeiture.
- (3) Forfeiture actions under this section shall use the procedure set forth in article seven, chapter sixty-a of this code.
- (4) Any person or business entity convicted of a violation of this article shall be debarred from state or local government contracts.

Disposition of property forfeited under W. Va. Code Ann. § 61-14-7(f) is governed by W. Va. Code Ann. § 60A-7-706 (Disposition of forfeited moneys, securities or other negotiable instruments; distribution of proceeds) and W. Va. Code Ann. § 60A-7-707 (Disposition of other forfeited property; distribution of proceeds), neither of which direct a percentage of a trafficking offender's forfeited assets into a victim service fund.

Offenders convicted of violating W. Va. Code Ann. § 61-3C-14b (Soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; penalties) face asset forfeiture under W. Va. Code Ann. § 61-8C-7(a) (Items subject to forfeiture; persons authorized to seize property subject to forfeiture), which states,

The following are subject to forfeiture:

- ....
- (2) All raw materials, products and equipment of any kind which are used, or intended for use, . . . in violation of . . . [W. Va. Code Ann. § 61-3C-14b];
- (3) All books, records, research products and materials, including hard drives, microfilm, tapes and data which are used, or have been used, or are intended for use, in violation of . . . [W. Va. Code Ann. § 61-3C-14b];
- (4) . . . [A]ll moneys, negotiable instruments and securities used, or which are intended to be used, to facilitate any violation of . . . [W. Va. Code Ann. § 61-3C-14b] . . . ;
- (5) All conveyances, including aircraft, vehicles or vessels, which are used, have been used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of property described in subdivision (1), (2) or (3) of this subsection . . .

Disposition of property forfeited under W. Va. Code Ann. § 61-8C-7(a) is governed by W. Va. Code Ann. § 61-8C-10 (Disposition of forfeited moneys, securities or other negotiable instruments; distribution of proceeds) and § 61-8C-11 (Disposition of other forfeited property; distribution of proceeds), neither of which direct a percentage of a trafficking offender's forfeited assets into a victim service fund.



## ISSUE 2: Identification of & Response to Victims

### Policy Goal 2.1

State law should ensure any commercially sexually exploited child can be legally identified as a "child sex trafficking victim."

 PARTIALLY MET



In West Virginia, not all commercially sexually exploited children are legally recognized as victims of child sex trafficking under the state's criminal code. W. Va. Code Ann. § 61-14-1(15) (Definitions) defines "victim" as "an individual who is subjected to human trafficking, regardless of whether a perpetrator is prosecuted or convicted." The term "human trafficking" is defined under W. Va. Code Ann. § 61-14-1(6) as "knowingly recruiting, transporting, transferring, harboring, receiving, providing, obtaining, isolating, maintaining, or enticing an individual to engage in . . . sexual servitude." Because the definition of "sexual servitude" applies only to those who "maintain[] or mak[e] available a minor for the purpose of engaging the minor in commercial sexual activity," it is inapplicable to buyers who seek to directly engage in commercial sex with a minor, creating a third party control requirement, which excludes commercially sexually exploited children who are not under the control of a trafficker from the definition of "victim." W. Va. Code § 61-14-1(14)(A).

Notably, West Virginia's core sex trafficking offense, W. Va. Code Ann. § 61-14-2(b) (Human trafficking of an individual; penalties), relies on these definitions in defining the offense. Accordingly, third party control is also required under the criminal offense.<sup>8</sup>

Although W. Va. Code Ann. § 61-14-6(b) (Patronizing a victim of sexual servitude; penalties) expressly applies to buyers of commercial sex with minors, the buyer must know the minor is a victim of sexual servitude.<sup>9</sup> Accordingly, third party control is also required under West Virginia's buyer-applicable trafficking offense.

- 2.1.1 Recommendation: Amend state law to ensure that all commercially sexually exploited children are legally identifiable as child sex trafficking victims under the criminal code, regardless of whether a trafficker is involved or identified.

### Policy Goal 2.2

State law should provide policy guidance to facilitate access to services and assistance for trafficked foreign national children.

 NOT MET

West Virginia law does not provide policy guidance that facilitates appropriate responses to foreign national child sex trafficking victims.

- 2.2.1 Recommendation: Statutorily provide policy guidance that facilitates access to services and assistance for trafficked foreign national children.

---

<sup>8</sup> See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under W. Va. Code Ann. § 61-14-2.

<sup>9</sup> See *supra* Policy Goal 1.1 for a full discussion of buyer-applicability under W. Va. Code Ann. § 61-14-6.

### Policy Goal 2.3

State law should mandate child welfare agencies to conduct trauma-informed CSEC screening for children at risk of sex trafficking.

 MET

West Virginia law does not require child welfare to screen all referred or system-involved children at risk of sex trafficking victimization; however, W. Va. Code Ann. § 49-6-116<sup>10</sup> (Establish a missing foster child locator unit program) requires child welfare to screen all children who were previously missing from care to determine whether the child experienced sex trafficking victimization. W. Va. Code Ann. § 49-6-116(a), (b) states,

- (a) The Secretary of the West Virginia Department of Human Services shall establish a Missing Foster Child Locator Unit within the department with a minimum staffing of a northern-based caseworker, a southern-based caseworker, and an identified worker located in the Centralized Intake Unit.
- (b) The duties of the Missing Foster Child Locator Unit shall include, but are not limited to, the following:
  - (1) Receiving reports of missing foster children;
  - (2) Assisting law enforcement in locating missing foster children who have been reported missing; and
  - (3) Interviewing missing foster children and completing trafficking screening once the child is located.

### Policy Goal 2.4

State law should mandate juvenile justice agencies to conduct trauma-informed CSEC screening of children at risk of sex trafficking.

 NOT MET

West Virginia law does not require juvenile justice agencies to conduct trauma-informed CSEC screening of children and youth who are at risk of sex trafficking.

- 2.4.1 Recommendation: Enact a state law requiring juvenile justice agencies to screen children and youth who are at risk of sex trafficking for experiences of commercial sexual exploitation.

### Policy Goal 2.5

State law should prohibit the criminalization of minors under 18 for prostitution offenses.

 PARTIALLY MET



West Virginia law prohibits the criminalization of some, but not all, minors for prostitution offenses. While the core prostitution offense, W. Va. Code Ann. § 61-8-5 (Houses of ill fame and assignation; penalties; jurisdiction of courts), applies equally to minors and adults, identified child sex trafficking victims are afforded protections from prosecution for conduct in violation of the statute. W. Va. Code Ann. § 61-8-5(b) states,

Any person who shall engage in prostitution, lewdness, or assignation, or who shall solicit, induce, entice, or procure another to commit an act of prostitution, lewdness, or assignation; or who shall reside in, enter, or remain in any house, place, building, hotel, tourist camp, or other structure, or enter or remain in any vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation; or who shall aid, abet, or participate in the doing of any of the acts herein prohibited, shall, upon conviction for the first offense under this section, be punished by imprisonment in the county jail for a period of not less than 60 days nor more than six months, and by a fine of not less than \$50 and need to exceed \$100 . . . Provided, That no minor shall be prosecuted nor held criminally liable for an offense of prostitution in violation this subsection if the court determines that the minor is a victim of an offense under § 61-14-1 [Human Trafficking; Definitions] et seq. of this code.

---

<sup>10</sup> The text of W. Va. Code Ann. § 49-6-116 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 4274 during the 2024 Regular Session of the West Virginia state legislature (effective January 22, 2024).

Further, W. Va. Code § 61-14-8(a), (b) (Immunity for minor victim of sex trafficking) outlines additional non-criminalization protections to identified child sex trafficking victims, providing,

(a) In a prosecution or a juvenile prosecution for an offense of prostitution in violation of § 61-8-5(b) [House of ill fame and assignation; immunity for minor victims of sex trafficking; penalties; jurisdiction of courts]<sup>11</sup> of this code, a minor shall not be held criminally liable if the court determines that the minor is a victim of an offense under this article: Provided, That subject to proof, a minor so charged shall be rebuttably presumed to be a victim under the provisions of this article.

(b) This section does not apply in a prosecution or a juvenile proceeding for any of the other offenses under § 61-8-5(b) of this code, including specifically soliciting, inducing, enticing, or procuring another to commit an act or offense of prostitution, unless it is determined by the court that the minor was coerced into the criminal behavior.

Under W. Va. Code Ann. § 61-14-7(e)<sup>12</sup> (General provisions and other penalties), law enforcement must report suspected cases of child sex trafficking to the Department of Human Services; it states,

Should a law enforcement officer encounter a child who reasonably appears to be a victim of an offense under this article [Human Trafficking], the officer shall notify [DHS]. If available, [DHS] may notify the Domestic Violence Program serving the area where the child is found.

Consequently, while identified child sex trafficking victims are afforded protection from prosecution for prostitution offenses and a services-referral protocol is in place, minors not identified as victims may still be subject to criminalization, including arrest, detention, or prosecution, for engaging in a commercial sex act.

- 2.5.1 Recommendation: Strengthen existing law to expressly prohibit the criminalization of any person under 18 years of age, regardless of whether the minor is identified as a victim of child sex trafficking.

---

<sup>11</sup> Under W. Va. Code Ann. § 61-8-5(b) (Houses of ill fame and assignation; immunity for minor victims of sex trafficking; penalties; jurisdiction of courts),

Any person who shall engage in prostitution, lewdness, or assignation, or who shall solicit, induce, entice, or procure another to commit an act of prostitution, lewdness, or assignation; or who shall reside in, enter, or remain in any house, place, building, hotel, tourist camp, or other structure, or enter or remain in any vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation; or who shall aid, abet, or participate in the doing of any of the acts herein prohibited, shall, upon conviction for the first offense under this section, be punished by imprisonment in the county jail for a period of not less than 60 days nor more than six months, and by a fine of not less than \$50 and not to exceed \$100; and upon conviction for the second offense under this section, be punished by imprisonment in the county jail for a period of not less than six months nor more than one year, and by a fine of not less than \$100 and not to exceed \$250, and upon conviction for any subsequent offense under this section shall be punished by confinement in a state correctional facility for not less than one year nor more than three years: Provided, That no minor shall be prosecuted nor held criminally liable for an offense of prostitution in violation this subsection if the court determines that the minor is a victim of an offense under § 61-14-1 et seq. of this code.

The subsequent offense provision shall apply only to the pimp, panderer, solicitor, operator, or any person benefiting financially or otherwise from the earnings of a prostitute.

<sup>12</sup> The text of W. Va. Code Ann. § 61-14-7 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 4274 during the 2024 Regular Session of the West Virginia state legislature (effective January 22, 2024).



**Policy Goal 2.6**

State law should prohibit the criminalization of child sex trafficking victims for status offenses, misdemeanors, and felony offenses committed as a result of their trafficking victimization.

**1 PARTIALLY MET**

West Virginia law prohibits the criminalization of child sex trafficking victims for commercial sexual exploitation (“CSE”) offenses, including aiding or abetting prostitution, if “the court [determines] that the minor was coerced into the criminal behavior”; however, victims can still be charged with status offenses and for other criminal conduct committed as a result of their victimization.

Regarding CSE offenses, W. Va. Code Ann. § 61-14-8(a), (b) (Immunity for minor victim of sex trafficking) provides,

- (a) In a prosecution or a juvenile prosecution for an offense of prostitution in violation of § 61-8-5(b) [House of ill fame and assignation; immunity for minor victims of sex trafficking; penalties; jurisdiction of courts]<sup>13</sup> of this code, a minor shall not be held criminally liable if the court determines that the minor is a victim of an offense under this article: Provided, That subject to proof, a minor so charged shall be rebuttably presumed to be a victim under the provisions of this article.
- (b) This section does not apply in a prosecution or a juvenile proceeding for any of the other offenses under § 61-8-5(b) of this code, including specifically soliciting, inducing, enticing, or procuring another to commit an act or offense of prostitution, unless it is determined by the court that the minor was coerced into the criminal behavior.

- 2.6.1 Recommendation: Strengthen existing statutory protections to prohibit the criminalization of child sex trafficking victims for any offense committed as a result of their trafficking victimization.



**Policy Goal 2.7**

State law should protect minors from being prosecuted as adults.

**1 PARTIALLY MET**

West Virginia law does not provide age-appropriate juvenile court responses for all minors accused of engaging in juvenile or criminal conduct. While juvenile court jurisdiction extends to all minors under 18 years of age and allows for consideration of the child’s history in making discretionary transfer decisions, governing state statute does not

<sup>13</sup> Under W. Va. Code Ann. § 61-8-5(b) (Houses of ill fame and assignation; immunity for minor victims of sex trafficking; penalties; jurisdiction of courts),

Any person who shall engage in prostitution, lewdness, or assignation, or who shall solicit, induce, entice, or procure another to commit an act of prostitution, lewdness, or assignation; or who shall reside in, enter, or remain in any house, place, building, hotel, tourist camp, or other structure, or enter or remain in any vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation; or who shall aid, abet, or participate in the doing of any of the acts herein prohibited, shall, upon conviction for the first offense under this section, be punished by imprisonment in the county jail for a period of not less than 60 days nor more than six months, and by a fine of not less than \$50 and not to exceed \$100; and upon conviction for the second offense under this section, be punished by imprisonment in the county jail for a period of not less than six months nor more than one year, and by a fine of not less than \$100 and not to exceed \$250, and upon conviction for any subsequent offense under this section shall be punished by confinement in a state correctional facility for not less than one year nor more than three years: Provided, That no minor shall be prosecuted nor held criminally liable for an offense of prostitution in violation this subsection if the court determines that the minor is a victim of an offense under § 61-14-1 et seq. of this code.

The subsequent offense provision shall apply only to the pimp, panderer, solicitor, operator, or any person benefiting financially or otherwise from the earnings of a prostitute.

establish a minimum age for jurisdictional purposes and permits automatic transfers for some minors charged with certain felony offenses.

	<b>Minimum Age of Juvenile Court Jurisdiction</b>	<b>Maximum Age for Charging Youth in Juvenile Court</b>	<b>Automatic Transfers or Permits Direct File</b>	<b>Discretionary Transfers</b>	<b>Requirement for Court to Consider Trauma or Past Victimization</b>
<b>Summary</b>	None. "A person under the age of eighteen years who appears before [the juvenile jurisdiction of] the circuit court in proceedings under this article is a ward of the court and protected accordingly."	17.	Yes. Minors: (1); 14+ years of age charged with treason, murder, robbery involving use of a firearm/deadly weapon, kidnapping, 1 <sup>st</sup> degree arson, or 1 <sup>st</sup> degree sexual assault; (2) 14+ years of age charged with a felony offense of violence to a person if the minor was previously adjudicated for a violent felony offense or twice adjudicated for a felony offense.	Yes. Minors: (1) under 14 years of age charged with treason, murder, robbery involving use of a firearm/deadly weapon, kidnapping, 1 <sup>st</sup> degree arson, or 1 <sup>st</sup> degree sexual assault; (2) under 14 years of age charged with a felony offense of violence to a person if the minor was previously adjudicated for a violent felony offense or twice adjudicated for a felony offense; (3) 14+ years of age charged with a felony offense of violence to a person; (4) 14+ years of age charged with a felony offense if the minor was previously adjudicated for a felony; (5) 14+ years of age charged with felony involving the use of a firearm or deadly weapon; (6) charged with an offense involving	Yes. Though courts are not expressly required to consider trafficking victimization or past trauma, considerations broadly include the "juvenile's mental and physical condition, maturity, emotional attitude, home or family environment, school experience and similar personal factors."

				manufacturing, delivering or possessing with the intent to deliver a narcotic drug; or (7) certain arson offenses.	
<b>Relevant Statute(s)</b>	W. Va. Code § 49-4-701(a) (Juvenile jurisdiction of circuit courts, magistrate courts and municipal courts; Constitutional guarantees; requirements; hearings; right to counsel; opportunity to be heard; evidence and transcripts)	W. Va. Code § 49-4-701(a), (b) (Juvenile jurisdiction of circuit courts, magistrate courts and municipal courts; Constitutional guarantees; requirements; hearings; right to counsel; opportunity to be heard; evidence and transcripts)	W. Va. Code § 49-4-710(d) (Waiver and transfer of jurisdiction)	W. Va. Code § 49-4-710(e)–(g) (Waiver and transfer of jurisdiction)	W. Va. Code § 49-4-710(e)–(g) (Waiver and transfer of jurisdiction)

2.7.1 Recommendation: Enact comprehensive state laws requiring age-appropriate juvenile court responses for all children accused of engaging in juvenile or criminal conduct.

**Policy Goal 2.8** State law should define child abuse to include child sex trafficking committed by the child’s legal caregiver to promote access to child welfare services for familial trafficking survivors.



West Virginia defines “abused child” to include child sex trafficking. Specifically, W. Va. Code Ann. § 49-1-201 (Definitions related, but not limited, to child abuse and neglect) defines “abused child” to include the following:

- (1) A child whose health or welfare is being harmed or threatened by:
  - ....
  - (B) Sexual abuse or sexual exploitation;
  - ....
  - (E) Human trafficking or attempted human trafficking, in violation of § 61-14-2 of this code.

W. Va. Code Ann. § 49-1-201 further defines “sexual exploitation” to include when “[a] parent, guardian, or custodian knowingly maintains or makes available a child for the purpose of engaging the child in commercial sexual activity in violation of § 61-14-5 [Sexual Servitude] of this code.”



## ISSUE 3: Continuum of Care

### Policy Goal 3.1

State law should establish a coordinated, community-based service response for trafficked children without requiring involvement in child-serving systems.

○ NOT MET



West Virginia law does not establish a process for connecting child sex trafficking victims with specialized, community-based services.

- 3.1.1 Recommendation: Statutorily provide for a coordinated, community-based service response outside of child-serving systems.

### Policy Goal 3.2

State law should provide for a specialized multi-disciplinary team response in child sex trafficking cases.

ⓘ PARTIALLY MET

Although child sex trafficking victims could receive a multi-disciplinary team (MDT) response through an existing child abuse and neglect MDT,<sup>14</sup> West Virginia law does not require an MDT response specific to child sex trafficking cases. Pursuant to W. Va. Code § 49-4-402(a)(1)–(8)<sup>15</sup> (Multidisciplinary investigative teams; establishment; membership; procedures; coordination among agencies; confidentiality),

The prosecuting attorney of each county shall establish a multidisciplinary investigative team in that county. The multidisciplinary team shall be headed and directed by the prosecuting attorney, or his or her designee, and includes as permanent members:

- (1) The prosecuting attorney, or his or her designee;
- (2) A local child protective services caseworker from the Department of Human Services;
- (3) A local law-enforcement officer employed by a law-enforcement agency in the county;
- (4) A child advocacy center representative, where available;
- (5) A health care provider with pediatric and child abuse expertise, where available;
- (6) A mental health professional with pediatric and child abuse expertise, where available;
- (7) An educator; and
- (8) A representative from a licensed domestic violence program serving the county.

Under W. Va. Code § 49-4-405(a)–(c)<sup>16</sup> (Multidisciplinary treatment planning process involving child abuse and neglect; team membership; duties; reports; admissions), the MDT will meet to create a comprehensive service plan for victims of abuse and neglect; it states,

<sup>14</sup> Further, under W. Va. Code § 49-4-406 (Multidisciplinary treatment process for status offenders or delinquents; requirements; custody; procedure; reports; cooperation; inadmissibility of certain statements), an MDT will be convened to create a robust service plan for adjudicated juveniles including assessments for health, mental health, education, home environment, and service needs.

<sup>15</sup> The text of W. Va. Code Ann. § 49-4-402 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 4274 during the 2024 Regular Session of the West Virginia state legislature (effective January 22, 2024).

<sup>16</sup> The text of W. Va. Code Ann. § 49-4-405 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 2880 during the 2025 Regular Session of the West Virginia state legislature (effective July 29, 2025).

(a) Within 30 days of the initiation of a judicial proceeding pursuant to part six [§§ 49-4-601 et seq.] of this article, the department shall convene a multidisciplinary treatment team to assess, plan, and implement a comprehensive, individualized service plan for children who are victims of abuse or neglect and their families. The multidisciplinary team shall obtain and utilize any assessments for the children or the adult respondents that it deems necessary to assist in the development of that plan.

(b) In a case initiated pursuant to part six of this article, the treatment team consists of:

- (1) The child or family's case manager in the department;
- (2) The adult respondent or respondents;
- (3) The child's parent or parents, guardians, any copetitioners, custodial relatives of the child, foster or preadoptive parents;
- (4) Any attorney representing an adult respondent or other member of the treatment team;
- (5) The child's counsel or the guardian ad litem;
- (6) The prosecuting attorney or his or her designee;
- (7) A member of a child advocacy center when the child has been processed through the child advocacy center program or programs or it is otherwise appropriate that a member of the child advocacy center participate;
- (8) Any court-appointed special advocate assigned to a case;
- (9) Any other person entitled to notice and the right to be heard;
- (10) An appropriate school official;
- (11) A parent resource navigator;
- (12) The managed care case coordinator; and
- (13) Any other person or agency representative who may assist in providing recommendations for the particular needs of the child and family, including domestic violence service providers.

The child may participate in multidisciplinary treatment team meetings if the child's participation is deemed appropriate by the multidisciplinary treatment team. Unless otherwise ordered by the court, a party whose parental rights have been terminated and his or her attorney may not be given notice of a multidisciplinary treatment team meeting and do not have the right to participate in any treatment team meeting.

(c) Prior to disposition in each case in which a treatment planning team has been convened, the team shall advise the court as to the types of services the team has determined are needed and the type of placement, if any, which will best serve the needs of the child. If the team determines that an out-of-home placement will best serve the needs of the child, the team shall first consider placement with appropriate relatives then with foster care homes, facilities, or programs located within the state. The team may only recommend placement in an out-of-state facility if it concludes, after considering the best interests and overall needs of the child, that there are no available and suitable in-state facilities which can satisfactorily meet the specific needs of the child.

3.2.1 Recommendation: Statutorily require a multi-disciplinary team response specific to child sex trafficking victims.

**Policy Goal 3.3** State law should require child welfare to provide access to specialized services for identified sex trafficked children and youth.

 PARTIALLY MET

West Virginia law authorizes, but does not require, child welfare to provide access to services that are specialized to the unique needs of child sex trafficking victims. Specifically, W. Va. Code Ann. § 61-14-8(c) (Immunity for minor victim of sex trafficking) creates a presumption that a child sex trafficking victim is an abused child and states that the child “may be” eligible for specialized services. W. Va. Code Ann. § 61-14-8(c) states,

A minor who, under subsection (a) or (b) of this section, is not subject to criminal liability or adjudication as a juvenile delinquent is presumed to be an abused child, as defined in § 49-1-201 [Definitions] of this code, and may be eligible for services under chapter 49 of this code including, but not limited to, appropriate child welfare services including, but not limited to, comprehensive trauma-informed services

that are specialized to the needs of child victims of sexual abuse and exploitation or child sex trafficking victims.

Further, upon receiving a report of trafficking victimization, the Department of Human Services may notify a Domestic Violence Program. W. Va. Code Ann. § 61-14-7(e)<sup>17</sup> (General provisions and other penalties) provides, “Should a law enforcement officer encounter a child who reasonably appears to be a victim of an offense under this article [Human Trafficking], the officer shall notify [DHS]. If available, [DHS] may notify the Domestic Violence Program serving the area where the child is found.”

- 3.3.1 Recommendation: Strengthen existing law by requiring child welfare to provide access to specialized services for all child sex trafficking victims.

**Policy Goal 3.4** State law should require the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

 NOT MET

West Virginia law does not provide access to specialized services for identified sex trafficked children and youth in the juvenile justice system.

- 3.4.1 Recommendation: Statutorily require the juvenile justice system to provide access to specialized services for identified sex trafficked children and youth.

**Policy Goal 3.5** State law should extend foster care services to older foster youth.

 PARTIALLY MET

West Virginia law extends foster care services to youth under 21 years of age through a court process. However, these services are not extended to youth under 23 years of age as permitted under federal law. W. Va. Code Ann. § 49-1-202<sup>18</sup> (Definitions related, but not limited, to adult, child, developmental disability, and transitioning adult status) defines “transitioning adult” as follows:

- [A]n individual with a transfer plan to move to an adult setting who meets one of the following conditions:
  - (A) Is eighteen years of age but under twenty-one years of age, was in the custody of the Department of Human Services upon reaching eighteen years of age and committed an act of delinquency before reaching eighteen years of age, remains under the jurisdiction of the juvenile court, and requires supervision and care to complete an education and or treatment program which was initiated prior to the eighteenth birthday; or
  - (B) Is eighteen years of age but under twenty-one years of age, was adjudicated abused, neglected, or in the custody of the Department of Human Services upon reaching eighteen years of age and enters into a contract with the Department of Human Services to continue in an educational, training, or treatment program which was initiated prior to the eighteenth birthday.

Specifically, W. Va. Code Ann. § 49-4-110(b), (c) (Foster care; quarterly status review; transitioning adults; annual permanency hearings) provides,

---

<sup>17</sup> See *supra* note 12.

<sup>18</sup> The text of W. Va. Code Ann. § 49-1-202 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 4274 during the 2024 Regular Session of the West Virginia state legislature (effective January 22, 2024).

(b) For each transitioning adult as that term is defined in section two hundred two [§ 49-1-202], article one of this chapter who remains in foster care, the circuit court shall conduct status review hearings as described in subsection (a) of this section once every three months until permanency is achieved.

(c) For each child or transitioning adult who continues to remain in foster care, the circuit court shall conduct a permanency hearing no later than twelve months after the date the child or transitioning adult is considered to have entered foster care, and at least once every twelve months thereafter until permanency is achieved. For purposes of permanency planning for transitioning adults, the circuit court shall make factual findings and conclusions of law as to whether the department made reasonable efforts to finalize a permanency plan to prepare a transitioning adult for emancipation or independence or another approved permanency option such as, but not limited to, adoption or legal guardianship pursuant to the West Virginia Guardianship and Conservatorship Act.

- 3.5.1 Recommendation: Strengthen existing law to better support transition age youth by extending transitional foster care services to youth under 23 years of age.

### Policy Goal 3.6

State funding should be appropriated to support access to specialized, community-based service providers and a continuum of care for sex trafficked children.

NOT MET



The West Virginia state legislature did not appropriate funds to support the development and provision of specialized, community-based services and care to child and youth survivors.

- 3.6.1 Recommendation: Appropriate state funds to support the development of and access to specialized, community-based services to child and youth survivors of sex trafficking.



## ISSUE 4: Access to Justice for Trafficking Survivors

### Policy Goal 4.1

State law should eliminate mandatory minimum sentencing for all offenses committed by minors.

PARTIALLY MET



Under West Virginia law, judges are not statutorily authorized to depart from mandatory minimums when the defendant committed the offense as a minor, but courts must consider age, trauma history and system involvement as grounds for mitigated sentencing. W. Va. Code § 61-11-23(c) (Punishment for juvenile convicted as an adult; eligibility for parole; factors to be considered prior to sentencing) provides,

In addition to other factors required by law to be considered prior to the imposition of a sentence, in determining the appropriate sentence to be imposed on a person who has been transferred to the criminal jurisdiction of the court pursuant to §49-4-710 [Waiver and transfer of jurisdiction] of this code and who has been subsequently tried and convicted of a felony offense as an adult, the court shall consider the following mitigating circumstances:

- (1) Age at the time of the offense;
- ....
- (12) Trauma history;
- ....
- (14) Involvement in the child welfare system...
- ....

- 4.1.1 Recommendation: Ensure that West Virginia law prohibits mandatory minimum sentencing when the defendant committed the offense as a minor.

### Policy Goal 4.2

State law should provide child sex trafficking survivors with an opportunity to seek relief from continued incarceration for crimes committed as a result of their victimization.

PARTIALLY MET



West Virginia has not enacted a Second Look resentencing law, but there is a juvenile parole process that may provide child sex trafficking survivors with an opportunity to seek relief from extended incarceration for crimes committed as a result of their victimization. Under W. Va. Code Ann. § 61-11-23 (Punishment for juvenile convicted as an adult; eligibility for parole; factors to be considered prior to sentencing), a juvenile convicted as an adult and sentenced for an offense punishable by more than 15 years is eligible for parole after serving 15 years if the defendant was less than 18 years of age at the time the offense was committed. Factors to be considered by the court include age at the time of the offense, trauma history, and involvement in the child welfare system. W. Va. Code Ann. § 61-11-23(b), (c) (Punishment for juvenile convicted as an adult; eligibility for parole; factors to be considered prior to sentencing) provides,

(b) Unless otherwise provided by this code, the provisions of §62-12-1 et seq. of this code governs the eligibility for parole of a person who is convicted of an offense and sentenced to confinement if he or she was less than 18 years of age at the time the offense was committed, except that a person who is convicted of one or more offenses for which the sentence or any combination of sentences imposed is for a period that renders the person ineligible for parole until he or she has served more than 15 years shall be eligible for parole after he or she has served 15 years if the person was less than 18 years of age at the time each offense was committed.

(c) In addition to other factors required by law to be considered prior to the imposition of a sentence, in determining the appropriate sentence to be imposed on a person who has been transferred to the criminal jurisdiction of the court pursuant to §49-4-710 of this code and who has been subsequently tried and convicted of a felony offense as an adult, the court shall consider the following mitigating circumstances:

- (1) Age at the time of the offense;
- (2) Impetuosity;
- (3) Family and community environment;
- (4) Ability to appreciate the risks and consequences of the conduct;
- (5) Intellectual capacity;
- (6) The outcomes of a comprehensive mental health evaluation conducted by a mental health professional licensed to treat adolescents in the State of West Virginia: Provided, That no provision of this section may be construed to require that a comprehensive mental health evaluation be conducted;
- (7) Peer or familial pressure;
- (8) Level of participation in the offense;
- (9) Ability to participate meaningfully in his or her defense;
- (10) Capacity for rehabilitation;
- (11) School records and special education evaluations;
- (12) Trauma history;
- (13) Faith and community involvement;
- (14) Involvement in the child welfare system; and
- (15) Any other mitigating factor or circumstances.

- 4.2.1 Recommendation: Enact a Second Look resentencing law that provides child sex trafficking survivors with an opportunity to seek relief from extended incarceration for crimes committed as a result of their victimization.

#### Policy Goal 4.3

State law should allow sex trafficked children and youth to vacate convictions for any offenses arising from their victimization.

 PARTIALLY MET



While West Virginia law allows trafficking victims to vacate convictions and delinquency offenses, relief is limited to prostitution offenses. Pursuant to W. Va. Code Ann. § 61-14-9 (Petition to vacate and expunge conviction or juvenile delinquency adjudication of sex trafficking victim),

(a) Notwithstanding the age and criminal history limitations set forth in § 61-11-26 [Expungement of certain criminal convictions; procedures; effect] of this code or the provisions in § 49-4-103 [Proceedings may not be evidence against child, or be published; adjudication is not a conviction and not a bar to civil service eligibility] of this code, an individual convicted of prostitution in violation of § 61-8-5(b) [Houses of ill fame and assignation; penalties] of this code as a direct result of being a victim of trafficking, may apply by petition to the circuit court in the county of conviction or juvenile adjudication to vacate the conviction or adjudication of juvenile delinquency and expunge the record of conviction or record of adjudication of juvenile delinquency. The court may grant the petition upon a finding that the individual's participation in the offense was a direct result of being a victim of trafficking.

(b) A victim of trafficking seeking relief under this section is not required to complete any type of rehabilitation in order to obtain expungement.

(c) A petition filed under subsection (a) of this section, any hearing conducted on the petition, and any relief granted are subject to the procedural requirements of § 61-11-26 of this code: Provided, That the age or criminal history limitations in that section and the provisions of § 49-4-103 of this code are inapplicable to victims of human trafficking.

As noted above, however, W. Va. Code Ann. § 61-14-9 applies only to prostitution offenses, which fails to account for the broad range of crimes trafficking victims may be convicted of.

- 4.3.1 Recommendation: Expand vacatur relief to any offenses committed as a result of a person’s trafficking victimization.

**Policy Goal 4.4** State law should allow trafficking victims to seek emergency civil orders of protection.  
 NOT MET

While civil orders of protection exist under West Virginia law, this protection is not expressly available to victims of child sex trafficking and CSEC.

- 4.4.1 Recommendation: Enact legislation expressly allowing victims of trafficking and CSEC to obtain ex parte civil orders of protection against their exploiters.

**Policy Goal 4.5** State law should provide child sex trafficking victims with a trafficking-specific civil remedy and eliminate the statute of limitations for filing those claims.  
 NOT MET

West Virginia law does not expressly allow victims of child sex trafficking to pursue civil remedies against their exploiters.<sup>19</sup>

- 4.5.1 Recommendation: Provide child sex trafficking victims with a trafficking-specific civil remedy and eliminate the statute of limitations for filing those claims.

**Policy Goal 4.6** State law should eliminate statutes of limitations for child sex trafficking and commercial sexual exploitation of children (CSEC) prosecutions.  
 MET

Prosecutions for child sex trafficking and CSEC offenses may commence at any time. In West Virginia, criminal actions for felony offenses are not subject to a statute of limitation,<sup>20</sup> and prosecutions for misdemeanors must commence within 1 year of the commission of the crime. W. Va. Code Ann. § 61-11-9 (Limitation of prosecution; lost indictment).

---

<sup>19</sup> However, victims of W. Va. Code Ann. § 61-3C-14b (Soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; penalties), a CSEC offense, may bring civil actions; pursuant to W. Va. Code Ann. § 61-3C-16(a) (Civil relief; damages),

Any person whose property or person is injured by reason of a violation of any provision of this article [West Virginia Computer Crime and Abuse Act] may sue therefor in circuit court and may be entitled to recover for each violation:

- (1) Compensatory damages;
- (2) Punitive damages; and
- (3) Such other relief, including injunctive relief, as the court may deem appropriate.

Without limiting the generality of the term, “damages” shall include loss of profits.

<sup>20</sup> See *State v. Parsons*, 589 S.E.2d 226, 237 (W. Va. 2003) (noting “West Virginia has no statute of limitations affecting felony prosecutions.” (quoting *State v. Carrico*, 427 S.E.2d 474, 477 (W. Va.1993))).



**Policy Goal 4.7**

State law governing crime victims’ compensation should ensure victims of child sex trafficking and commercial sexual exploitation of children (CSEC) are not prevented from accessing compensation due to ineligibility factors.



West Virginia’s crime victims’ compensation laws provide exceptions to reporting requirements for child sex trafficking victims and other minors. However, additional ineligibility factors may still prevent child sex trafficking victims from accessing an award.

For purposes of accessing crime victims’ compensation, W. Va. Code Ann. § 14-2A-3(k)(A) (Definitions) defines “victim” as “[a] person who suffers personal injury or death as a result of . . . [c]riminally injurious conduct.” “Criminally injurious conduct” is defined under W. Va. Code Ann. § 14-2A-3(c) to include “conduct that occurs or is attempted in this state, or in any state not having a victim compensation program, which poses a substantial threat of personal injury or death and is punishable by fine or imprisonment.”

Further, W. Va. Code Ann. § 61-14-7(d) (General provisions and other penalties) clarifies that trafficking victims may seek crime victims’ compensation, stating,

Notwithstanding the definition of victim in section three, article two-a, chapter fourteen of this code [§ 14-2A-3], a victim of any offense under this article [Human Trafficking] is a victim for all purposes of article two-a, chapter fourteen of this code [§ 61-14-2a (Compensation Awards to Victims)] . . .

However, certain ineligibility factors may still limit a commercially sexually exploited child’s ability to obtain an award. Pursuant to W. Va. Code Ann. § 14-2A-14(a)–(e) (Grounds for denial of claim or reduction of awards; maximum awards),

- (a) Except as provided in § 14-2A-10(b) of this code, the commissioner may not approve an award of compensation to a claimant who did not file his or her application for an award of compensation within two years after the date of the occurrence of the criminally injurious conduct that caused the injury or death for which he or she is seeking an award of compensation.
- . . . .
- (c) The commissioner may not approve an award of compensation to a claimant who is the offender or an accomplice of the offender who committed the criminally injurious conduct, nor to any claimant if the award would unjustly benefit the offender or his or her accomplice.
- (d) A commissioner, upon a finding that the claimant or victim has not fully cooperated with appropriate law-enforcement agencies or the claim investigator, may deny a claim, reduce an award of compensation, or reconsider a claim already approved.
- (e) A commissioner may not approve an award of compensation if the injury occurred while the victim was confined in any state, county, or regional jail, prison, private prison, or correctional facility.

As noted above, West Virginia law does carve out an exception to reporting requirements. Under W. Va. Code Ann. § 14-2A-14(b),

The commissioner may not approve an award of compensation if the criminally injurious conduct upon which the claim is based was not reported to a law-enforcement officer or agency or, in the case of sexual offense, the victim did not undergo a forensic medical examination, within 96 hours after the occurrence of the conduct, unless it is determined that good cause existed for the failure to report the conduct or undergo a forensic medical examination within the 96-hour period: Provided, That reporting to a law-enforcement officer or agency or a forensic medical examination is not required if the victim is a juvenile in order for a commissioner to approve an award of compensation: Provided, however, That the filing of a civil abuse and neglect petition in a circuit court satisfies the reporting requirement, thereby allowing the minor child who is the subject of the petition to file an application for benefits, with the claims process to proceed in accordance with this code.

W. Va. Code Ann. § 61-14-7(d) clarifies that trafficking victims are not subject to reporting requirements, stating in part, “for purposes of subsection (b), section fourteen, article two-a, chapter fourteen of this code [§ 14-2A-14], if otherwise qualified, a victim of any offense under this article [Human trafficking] may not be denied eligibility solely for the failure to report to law enforcement within the designated time frame.”

However, because child sex trafficking and CSEC victims are not expressly exempt from the other ineligibility factors noted above, some commercially sexually exploited children may not have access to an award.

**Policy Goal 4.8** State law should mandate restitution for child sex trafficking and commercial sexual exploitation of children (CSEC) offenses.



West Virginia law requires an offender convicted of a child sex trafficking or CSEC offense to pay restitution. Pursuant to W. Va. Code Ann. § 61-14-7(c)(1) (General Provisions and other penalties), “The court shall order a person convicted of an offense under this article [Human Trafficking] to pay restitution to the victim of the offense.”

Restitution is available more generally to victims of other crimes pursuant to W. Va. Code Ann. § 61-11A-4 (Restitution; when ordered), which provides,

- (a) The court, when sentencing a defendant convicted of a felony or misdemeanor causing physical, psychological, or economic injury or loss to a victim, shall order, in addition to or in lieu of any other penalty authorized by law, that the defendant make restitution to any victim of the offense to the greatest extent economically practicable when considering the defendant’s financial circumstances . . . .
- (b) The order shall require that the defendant:
  - (1) In the case of an offense resulting in damage to, loss of, or destruction of property of a victim of the offense:
    - (A) Return the property to the owner of the property or someone designated by the owner; or
    - (B) If return of the property under paragraph (A) of this subdivision is impossible, impractical, or inadequate, pay an amount equal to the greater of: (i) The value of the property on the date of sentencing; or (ii) the value of the property on the date of the damage, loss, or destruction less the value (as of the date the property is returned) of any part of the property that is returned;
  - (2) In the case of an offense resulting in bodily injury to a victim:
    - (A) Pay an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;
    - (B) Pay an amount equal to the cost of necessary physical and occupational therapy and rehabilitation; and
    - (C) Reimburse the victim for income lost by the victim as a result of the offense;



## ISSUE 5: Tools for a Victim-Centered Criminal Justice Response

**Policy Goal 5.1** State law should permit admission of non-testimonial evidence through a child sex trafficking-specific hearsay exception, reducing reliance on victim testimony.

NOT MET

West Virginia law does not allow non-testimonial, out-of-court statements made by a commercially sexually exploited child to be admitted into evidence in lieu of, or for the purpose of corroborating, the child's testimony.

5.1.1 Recommendation: Enact a hearsay exception that applies to non-testimonial evidence in cases involving commercial sexual exploitation of children under 18 years of age.

**Policy Goal 5.2** State law should provide child sex trafficking victims with alternatives to live, in-court testimony regardless of the prosecuted offense.

PARTIALLY MET

West Virginia law does not provide child sex trafficking victims with an alternative to live, in-court testimony. Although W. Va. Code Ann. § 62-6B-3<sup>21</sup> (Findings of fact required for taking testimony of child witness by closed-circuit television; considerations for court) permits the court to order the testimony of a child under 16 years of age be taken by closed circuit television (CCTV). Specifically, W. Va. Code Ann. § 62-6B-3(a), (b) states,

(a) Upon a written motion filed by the prosecuting attorney, the child's attorney or the child's guardian ad litem, and upon findings of fact determined pursuant to subsection (b) of this section, a circuit court may order that the testimony of a child witness may be taken at a pretrial proceeding or at trial through the use of live, closed-circuit television.

(b) Prior to ordering that the testimony of a child witness may be taken through the use of live, closed-circuit television, the circuit court must find by clear and convincing evidence, after conducting an evidentiary hearing on this issue, that:<sup>22</sup>

---

<sup>21</sup> The text of W. Va. Code Ann. § 62-6B-3 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 3338 during the 2025 Regular Session of the West Virginia state legislature (effective July 10, 2025).

<sup>22</sup> Pursuant to W. Va. Code Ann. § 62-6B-3(c), (d),

(c) The court shall consider the following factors in determining the necessity of allowing a child witness to testify by the use of live, closed-circuit television:

- (1) The age and maturity of the child witness;
- (2) The facts and circumstances of the alleged offense;
- (3) The necessity of the child's live testimony to the prosecution's ability to proceed as well as any prejudice to the defendant by allowing testimony through closed-circuit television;
- (4) Whether or not the facts of the case involve alleged physical, sexual, or psychological abuse to the child witness, infliction of bodily injury to the child witness or the threat of bodily injury to the child witness, or another ; and
- (5) Any mental or physical handicap of the child witness.

- (1) The child is an otherwise competent witness;
- (2) That, absent the use of live, closed-circuit television the child witness will be unable to testify due solely to being required to be in the physical presence of the defendant while testifying;
- (3) The child witness can only testify if live, two-way closed-circuit television is used in the trial; and
- (4) That the state’s ability to proceed against the defendant without the child witness’ live testimony would be substantially impaired or precluded.

W. Va. Code Ann. § 62-6B-2(1)<sup>23</sup> (Definitions) defines “child witness” as “a person under the age of sixteen years of age who is or will be called to testify in a criminal matter concerning any alleged violation of the provisions of this code.”

Accordingly, the protection provided for under W. Va. Code Ann. § 62-6B-3 is available to victims of child sex trafficking and CSEC. However, child victims who are 16 years of age or older are not permitted to testify by an alternative method, thereby increasing their risk of re-traumatization from testifying.

- 5.2.1 Recommendation: Strengthen existing protections to allow all commercially sexually exploited children to testify by an alternative method regardless of the child’s age.

**Policy Goal 5.3** State law should ensure that child sex trafficking victims have access to victim-witness protections within the criminal justice system.

 PARTIALLY MET

	Child sex trafficking victims have the right to a victim advocate	Child sex trafficking victims testifying against their exploiter are provided supports in the courtroom	Child sex trafficking victims’ identifying information is protected from disclosure in court records
<b>Summary</b>	West Virginia law provides the right to a personal representative of the victim’s choice to accompany them to a hospital or other health care facility and to attend proceedings concerning the alleged assault, including police interviews and court proceedings.	Not statutorily required.	Not statutorily required.
<b>Relevant Statute(s)</b>	W. Va. Code Ann. § 61-11A-9(1) (Sexual assault victims’ bill of rights)	None.	None.

(d) In determining whether to allow a child witness to testify through live, closed-circuit television the court shall appoint a psychiatrist or a licensed psychologist with at least five years clinical experience who shall serve as an advisor or friend of the court to provide the court with an expert opinion as to whether, to a reasonable degree of professional certainty, the child witness will suffer severe emotional harm, be unable to testify based solely on being in the physical presence of the defendant while testifying and that the child witness does not evidence signs of being subjected to undue influence or coercion . . . .

<sup>23</sup> The text of W. Va. Code Ann. § 62-6B-2 cited here and elsewhere in this report includes amendments made by the enactment of House Bill 3338 during the 2025 Regular Session of the West Virginia state legislature (effective July 10, 2025).

- 5.3.1 Recommendation: Statutorily require that child sex trafficking victims are provided courtroom supports when testifying against their exploiter and their identifying information is protected from disclosure in court records.

**Policy Goal 5.4** State law should provide for privileged communications between caseworkers and child sex trafficking victims.

 PARTIALLY MET

West Virginia law does not provide for privileged communications between caseworkers and child sex trafficking victims specifically. However, child sex trafficking victims may benefit from privileged communications protections provided to certain behavioral and mental health professionals and clients if the victim received care or services from such professionals.

Statute	Profession	Relevant Limitations
W. Va. Code Ann. § 30-31-16 (Disclosure)	Licensed professional counselors	None.
W. Va. Code Ann. § 30-30-24 (Privileged communications)	Licensed social workers	Privilege does not apply to information obtained involving a minor who is the victim or subject of a crime.

- 5.4.1 Recommendation: Enact a child sex trafficking-specific caseworker privilege law that protects a child sex trafficking victim’s communications with a caseworker from being disclosed.



## ISSUE 6: Prevention & Training

**Policy Goal 6.1** State law should expressly authorize statewide training for child welfare agencies on identification and response to child sex trafficking.

NOT MET

West Virginia does not statutorily authorize statewide training for child welfare agencies on identification and response to child sex trafficking.

6.1.1 Recommendation: Statutorily authorize statewide training for child welfare agencies on identification and response to child sex trafficking.

**Policy Goal 6.2** State law should expressly authorize statewide training for juvenile justice agencies on identification and response to child sex trafficking.

NOT MET

West Virginia does not statutorily authorize statewide training for juvenile justice agencies on identification and response to child sex trafficking.

6.2.1 Recommendation: Statutorily authorize statewide training for juvenile justice agencies on identification and response to child sex trafficking.

**Policy Goal 6.3** State law should expressly authorize ongoing, trafficking-specific training on victim-centered investigations for law enforcement.

MET

West Virginia statutorily authorizes trafficking-specific training for law enforcement. Pursuant to W. Va. Code Ann. § 30-29-3(b) (Duties of the subcommittee),

In addition to the duties authorized and established by this section, the [law-enforcement professional standards] subcommittee may:

- (1) Establish training to effectively investigate human trafficking offenses as defined in § 61-2-1 et seq. of this code for entry-level training curricula and for law-enforcement officers who have not received such training as certified by the committee as required by this section; and
- (2) Establish procedures for the implementation of a course in investigation of human trafficking offenses. The course may include methods of identifying and investigating human trafficking and methods for assisting trafficking victims. In order to implement and carry out the intent of this subdivision, the committee may promulgate emergency rules pursuant to § 29A-3-15 [Emergency legislative rules; procedure for promulgation; definition] of this code.

However, ongoing training is not expressly contemplated.

**Policy Goal 6.4** State law should expressly authorize trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.  
 NOT MET

West Virginia does not statutorily authorize trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

6.4.1 Recommendation: Statutorily authorize trafficking-specific training on victim-centered investigations and prosecutions for prosecutors.

**Policy Goal 6.5** State law should expressly authorize child sex trafficking training for school personnel.  
 NOT MET

West Virginia does not statutorily authorize training on child sex trafficking for school personnel.

6.5.1 Recommendation: Statutorily authorize trafficking-specific prevention education training for school personnel.

**Policy Goal 6.6** State law should mandate child sex trafficking prevention education in schools.  
 MET

West Virginia law mandates child sex trafficking prevention education in schools for students in grade 3 through 12. Pursuant to W. Va. Code Ann. § 18-2-44<sup>24</sup> (Safety while accessing technology education program; annual instruction required),

(a) The state board shall, in collaboration with law-enforcement agencies, criminal justice agencies, and other nongovernmental organizations with experience in child online safety issues and human trafficking prevention, develop a Safety While Accessing Technology (SWAT) education program for elementary and secondary school students in the State of West Virginia. The SWAT education program shall include instruction on the following topics:

- (1) Safe and responsible use of social networking websites, including internet chat rooms, email, instant messaging, and other modes of electronic communication;
- (2) The risks of transmitting personal information on the internet and the importance of privacy protection;
- (3) Copyright laws on written materials, photographs, music, and videos posted or shared online;
- (4) The importance of establishing open communication with responsible adults about any online communications or activities;
- (5) How to recognize, avoid, and report suspicious, potentially dangerous, or illegal online communications or activities, including: (A) Potential solicitation by sexual predators; (B) unsolicited or deceptive communications; and (C) harassment and cyberbullying;
- (6) Resources and assistance programs available for any child or parent who may have encountered online solicitation by sexual predators or other illegal online communications or activities, including the National Center for Missing and Exploited Children's Cyber Tipline; and
- (7) The risks associated with sharing sexually suggestive or sexually explicit materials including at a minimum:

---

<sup>24</sup> The text of W. Va. Code Ann. § 18-2-44 cited here and elsewhere in this report includes amendments made by the enactment of Senate Bill 466 during the 2024 Regular Session of the West Virginia state legislature (effective June 6, 2024).

- (A) The legal consequences and penalties for sharing sexually suggestive or sexually explicit materials;
  - (B) The non-legal consequences of sharing sexually suggestive or sexually explicit materials, including but not limited to, the effect on relationships, mental health, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;
  - (C) The potential, based on the unique characteristics of the internet, of long-term and unforeseen consequences for sharing sexually suggestive or sexually explicit materials;
  - (D) The potential of long-term and unforeseen consequences for sharing sexually suggestive or sexually explicit materials during past relationships; and
  - (E) The potential connection between bullying, cyber-bullying, sextortion, and human trafficking and juveniles sharing sexually suggestive or sexually explicit materials.
- (b) The state board may develop and provide age-appropriate instructional materials and resources to assist county boards in establishing and implementing the SWAT education program. In developing any such instructional materials and resources, the board may collaborate with law-enforcement agencies, criminal justice agencies, and other nongovernmental organizations with expertise in child online safety issues and human trafficking prevention.
- (c) Each county school board shall adopt policies requiring all elementary and secondary schools in the district to provide the SWAT education program to students in grades three through 12 at least once each school year. The policies shall include:
- (1) A process for allowing a parent, guardian, or custodian of any child enrolled in any elementary or secondary school in the district to review the instructional materials used in the SWAT education program; and
  - (2) An option to permit the parent, guardian, or custodian of any child enrolled in any elementary or secondary school in the district to opt his or her child out of participating in the SWAT education program.
- (d) The board shall make the SWAT education program created pursuant to this act, and any accompanying instructional materials and resources, available to county school boards before the start of the 2025-2026 school year. Each county school board shall implement the SWAT education program beginning with the 2025-2026 school year.

# KEYSTONE STATUTES

## State Laws Addressing Child Sex Trafficking

---

1. W. Va. Code Ann. § 61-14-2(b) (Human trafficking of an individual; penalties) states,

Any person who knowingly and willfully traffics<sup>25</sup> a minor, or who knowingly and willfully aids, assists, or abets in any manner in the trafficking of a minor, is guilty of a felony and, upon conviction, shall be confined in a state correctional facility for not less than five nor more than 20 years, fined not more than \$300,000, or both confined and fined.

2. W. Va. Code Ann. § 61-14-5(b) (Sexual servitude; penalties) states,

Any person who knowingly maintains or makes available a minor for the purpose of engaging the minor in commercial sexual activity<sup>26</sup> is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than ten nor more than twenty years, fined not more than \$300,000, or both imprisoned and fined.

3. W. Va. Code Ann. § 61-14-6(b) (Patronizing a victim of sexual servitude; penalties) states,

[A]ny person who knowingly patronizes<sup>27</sup> a minor to engage in commercial sexual activity<sup>28</sup> and who knows or has reason to know that said minor is a victim of sexual servitude,<sup>29</sup> is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for not less than three nor more than fifteen years, fined not more than \$300,000, or both imprisoned and fined.

---

<sup>25</sup> W. Va. Code § 61-14-1(6) (Definitions) defines “traffics” as “knowingly recruiting, transporting, transferring, harboring, receiving, providing, obtaining, isolating, maintaining, or enticing an individual to engage in . . . sexual servitude.” W. Va. Code § 61-14-1(14)(A) defines “sexual servitude,” in part, as “[m]aintaining or making available a minor for the purpose of engaging the minor in commercial sexual activity.”

<sup>26</sup> W. Va. Code § 61-14-1(3) (Definitions) defines “commercial sexual activity” as “sexual activity for which anything of value is given to, promised to, or received by a person.”

<sup>27</sup> W. Va. Code § 61-14-1(10) (Definitions) defines “patronize” as “giving, agreeing to give, or offering to give anything of value to another person in exchange for commercial sexual activity.”

<sup>28</sup> See *supra* note 19 for the definition of “commercial sexual activity.”

<sup>29</sup> See *supra* note 18 for the definition of “sexual servitude.”

## State Laws Addressing Commercial Sexual Exploitation of Children (CSEC)

---

1. W. Va. Code Ann. § 61-2-14(a) (Abduction of person; kidnapping or concealing child; penalties) states,

Any person who . . . takes away a child under the age of sixteen years from any person having lawful charge of such child, for the purpose of prostitution or concubinage, shall be guilty of a felony, and, upon conviction thereof, shall be confined in the penitentiary not less than three nor more than ten years.

2. W. Va. Code Ann. § 61-8-6 (Detention of person in place of prostitution; penalty) states,

Whoever shall by any means keep, hold, detain or restrain any person in a house of prostitution or other place where prostitution is practiced or allowed; or whoever shall, directly or indirectly, keep, hold, detain or restrain, or attempt to keep, hold, detain or restrain, in any house of prostitution or other place where prostitution is practiced or allowed, any person by any means, for the purpose of compelling such person, directly or indirectly, to pay, liquidate or cancel any debt, dues or obligations incurred or said to have been incurred by such person shall . . . be punished . . . . Provided, That in any offense under this section where the person so kept, held, detained or restrained is a minor, any person violating the provisions of this section shall be guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than two years nor more than five years or fined not more than five thousand dollars, or both.

3. W. Va. Code Ann. § 61-8-7 (Procuring for house of prostitution; penalty) states,

Any person who shall procure an inmate for a house of prostitution, or who, by promises, threats, violence, or by any device or scheme, shall cause, induce, persuade or encourage a person to become an inmate of a house of prostitution, or shall procure a place as inmate in a house of prostitution for a person; or any person who shall, by promises, threats, violence, or by any device or scheme cause, induce, persuade or encourage an inmate of a house of prostitution to remain therein as such inmate; or any person who shall, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procure any person to become an inmate of a house of ill fame, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into or leave this state for the purpose of prostitution, or who shall procure any person to become an inmate of a house of ill fame within this state or to come into or leave this state for the purpose of prostitution; or shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any person to become an inmate of a house of ill fame within this state, or to come into or leave this state for the purpose of prostitution, shall be guilty of pandering . . . . Provided, That where the inmate referred to in this section is a minor, any person violating the provisions of this section shall be guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than two years nor more than five years or fined not more than five thousand dollars, or both . . . .

4. W. Va. Code Ann. § 61-8-8 (Receiving support from prostitution; pimping; penalty) states,

Any person who, knowing another person to be a prostitute, shall live or derive support or maintenance, in whole or in part, from the earnings or proceeds of the prostitution of such prostitute, or from money loaned or advanced to or charged against such prostitution by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or shall tout or receive compensation for touting for such prostitution, shall be guilty of pimping . . . . Provided, That where the prostitute referred to in this section is a minor, any person violating the provisions of this section shall be guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than two years or fined not more than five thousand dollars, or both . . . .

5. W. Va. Code Ann. § 61-3C-14b (Soliciting, etc. a minor via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; penalties) states,
- (a) Any person over the age of 18, 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 in order to engage in any illegal act proscribed by the provisions of §61-8-1 et seq. [Crimes Against Chastity, Morality and Decency], §61-8B-1 et seq. [Sexual Offenses], §61-8C-1 et seq. [Filming of Sexually Explicit Conduct of Minors], or §61-8D-1 et seq. [Child Abuse] of this code, or any felony offense under §60A-4-401 [relating to controlled and counterfeit substances] of this code, 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 fined and imprisoned.
- (b) Any person violating the provisions of subsection (a) of this section who 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 any sexual activity or conduct with such a minor that is prohibited by law, 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 thirty 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.
- (c) For purposes of this section, "minor" means a person younger than 18 years of age, or a person representing himself or herself to be a minor. Any prosecution, pursuant to this article, relating to a person representing himself or herself to be a minor shall be limited to investigations being conducted or overseen by law enforcement officers.
6. Lastly, W. Va. Code Ann. § 61-8-32 (Soliciting, etc. a minor by means other than via computer; soliciting a minor and traveling to engage the minor in prohibited sexual activity; definition of minor; penalties) provides,
- (a) Any person over the age of 18, who by means other than those prohibited by §61-3C-14b of this code, who knowingly solicits, entices, seduces, or lures, or attempts to solicit, entice, seduce or lure, a minor known or believed to be at least four years younger than the person, 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 §61-8-1 et seq., §61-8B-1 et seq., §61-8C-1 et seq., or §61-8D-1 et seq. of this code, or any felony offense under §60A-4-401 of this code 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 fined and imprisoned.
- (b) Any person who violates the provisions of subsection (a) of this section while outside the physical presence of the minor or person he or she knows or has reason to believe is a minor, who engages in any overt act designed to bring himself or herself into the minor's physical presence with the intent to engage in any sexual activity or conduct with the minor that is prohibited by law, 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 thirty 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.
- (c) For purposes of this section, "minor" means a person younger than 18 years of age or a person representing himself or herself to be a minor. Any prosecution, pursuant to this section, relating to a victim that is a person representing himself or herself to be a minor shall be limited to investigations being conducted or overseen by law enforcement officers.