

005027824

HOUSE BILL NO. 352

Offered January 12, 2000

A *BILL to amend and reenact § 18.2-372 of the Code of Virginia, relating to the definition of "obscene."*

Patron—Marshall

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-372 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-372. "Obscene" defined.

The word "obscene" where it appears in this article ~~shall mean~~ *means* (i) that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value or (ii) *hard-core pornography*.

"Hard-core pornography" means any visual material or performance which explicitly depicts ultimate sexual acts, including vaginal or anal intercourse, fellatio, cunnilingus, analingus or masturbation and which clearly and visibly depicts genital, anal or oral penetration, manipulation of the genitals, or ejaculation.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 in FY 2010.

INTRODUCED

HB352