

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-386.1 of the Code of Virginia, relating to unlawful filming,*
3 *videotaping or photographing of another; penalty.*

4 [H 663]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-386.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-386.1. Unlawful filming, videotaping or photographing of another; penalty.

9 A. It shall be unlawful for any person to videotape, photograph, or film any nonconsenting person if
10 (i) that person is totally nude, clad in undergarments, or in a state of undress so as to expose the
11 genitals, pubic area, buttocks or female breast in a restroom, dressing room, locker room, hotel room,
12 motel room, tanning bed, tanning booth, bedroom or other location and (ii) the circumstances are
13 otherwise such that the person being videotaped, photographed or filmed would have a reasonable
14 expectation of privacy.

15 B. The provisions of this section shall not apply to filming, videotaping or photographing by (i)
16 law-enforcement officers pursuant to a criminal investigation which is otherwise lawful or (ii)
17 correctional officials and local or regional jail officials for security purposes or for investigations of
18 alleged misconduct involving a person committed to the Department of Corrections or to a local or
19 regional jail, or to any sound recording of an oral conversation made as a result of any videotaping or
20 filming pursuant to Chapter 6 (§ 19.2-61 et seq.) of Title 19.2.

21 C. A violation of subsection A shall be punishable as a Class 1 misdemeanor.

22 D. A violation of subsection A involving a nonconsenting person under the age of 18 shall be
23 punishable as a Class 6 felony.

24 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
25 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
26 **be determined for periods of imprisonment in state adult correctional facilities and is \$0 for**
27 **periods of commitment to the custody of the Department of Juvenile Justice.**

ENROLLED

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