

2006 SESSION

INTRODUCED

063900232

HOUSE BILL NO. 1354

Offered January 11, 2006

Prefiled January 11, 2006

A *BILL to amend the Code of Virginia by adding in Article 8 of Chapter 5 of Title 18.2 a section numbered 18.2-167.2, relating to the transmission of unsolicited messages or images to a wireless device; penalty.*

Patrons—Bell and Scott, E.T.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-167.2 as follows:

§ 18.2-167.2. Unsolicited messages or images sent to wireless devices; penalty.

A. Any person who sends or causes to be sent an unsolicited text or graphic communication to any telephone number assigned to a wireless device of a resident of the Commonwealth for the purpose of soliciting a sale is guilty of a Class 1 misdemeanor, unless the person or entity receiving the communication has given, prior to the communication, explicit consent to the communication. The provisions of this section shall not apply to a communication made by a person or entity pursuant to a subscription service, provided the recipient is given the option not to receive further communications.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

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HB1354