

2007 SESSION

HOUSE SUBSTITUTE

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HOUSE BILL NO. 2980

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 2, 2007)

(Patron Prior to Substitute—Delegate Bell)

A BILL to amend and reenact § 19.2-386.31 of the Code of Virginia, relating to the exploitation and solicitation of children for sexual purposes; forfeiture of equipment; bail.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-386.31 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-386.31. Seizure and forfeiture of property used in connection with the exploitation and solicitation of children.

All audio and visual equipment, electronic equipment, devices and other personal property used in connection with the *possession*, production, distribution, publication, sale, possession with intent to distribute or making of ~~sexually explicit visual material having a person less than 18 years of age as a subject~~ *child pornography that constitutes a violation of § 18.2-374.1 or 18.2-374.1:1, or in connection with the solicitation of a person less than 18 years of age that constitutes a violation of § 18.2-374.3* shall be subject to lawful seizure by a law-enforcement officer and shall be subject to forfeiture to the Commonwealth pursuant to Chapter 22 (§ 19.2-369 et seq.) of this title by order of the court in which a conviction under § 18.2-374.1, *18.2-374.1:1, or 18.2-374.3* is obtained. Notwithstanding the provisions of § 19.2-381, the court shall dispose of the forfeited property as it deems proper, including awarding the property *to the agency seizing such property or* to a state agency for lawful purposes. If the property is disposed of by sale, the court shall provide that the proceeds be paid into the Literary Fund.

A forfeiture under this section shall not extinguish the rights of any person without knowledge of the illegal use of the property who (i) is the lawful owner or (ii) has a valid and perfected lien on the property.

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