

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 59.1-41.6 of the Code of Virginia, relating to penalty for sale of*  
3 *unlawful sound or audio-visual recordings; penalty.*

4 [S 1397]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 59.1-41.6 of the Code of Virginia is amended and reenacted as follows:**

8 § 59.1-41.6. Penalties for violation of chapter.

9 Violations of this chapter are punishable as follows:

10 1. ~~Any~~ *Except as otherwise provided in this section, any* person convicted of an offense under this  
11 chapter ~~shall be~~ *is* guilty of a Class 1 misdemeanor; ~~however:~~12 a 2. *Any person convicted of an* offense involving at least 100 unlawful sound recordings or twenty  
13 unlawful audio visual recordings during any 180-day period *is guilty of a felony shall be* punishable by  
14 a term of imprisonment of not less than one nor more than two years, or in the discretion of the jury or  
15 the court trying the case without a jury, confinement in jail for not more than twelve months and a fine  
16 of not more than \$5,000, either or both;17 b 3. *Any person convicted of an* offense involving at least 1,000 unlawful sound recordings or  
18 sixty-five unlawful audio visual recordings during any 180-day period *is guilty of a felony shall be*  
19 punishable by a term of imprisonment of not less than one nor more than three years, or in the  
20 discretion of the jury or the court trying the case without a jury, confinement in jail for not more than  
21 twelve months and a fine of not more than \$100,000, either or both; and22 e 4. Any second or subsequent felony offense under this chapter shall be punishable by a term of  
23 imprisonment of not less than one nor more than three years, or in the discretion of the jury or the court  
24 trying the case without a jury, confinement in jail for not more than twelve months and a fine of not  
25 more than \$100,000, either or both.26 2 5. If a ~~person is convicted~~ *Upon conviction of a person* of any offense under this chapter, the court  
27 in its judgment of conviction may order the forfeiture and destruction or other disposition of all  
28 infringing recordings and of all implements, devices and equipment used ~~or intended to be used by the~~  
29 *person* in the manufacture of the infringing recordings.

ENROLLED

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