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HOUSE BILL NO. 685

Offered January 13, 2010

Prefiled January 12, 2010

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-374.1:3, relating to production, publication, etc., of child pornography by a juvenile.*

Patron—Miller, J.H.

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 18.2-374.1:3 as follows:

§ 18.2-374.1:3. Production, publication, etc., of child pornography by a juvenile.

A. A juvenile who solicits another juvenile to be a subject of child pornography, or who possesses, produces, or makes child pornography or knowingly takes part in or participates in the filming, photographing, or other production or publication of child pornography by any means is guilty of a Class 3 misdemeanor.

B. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs or where any child pornography associated with a violation of this section is produced, reproduced, found, stored, or possessed.

C. Whenever any juvenile who has not previously been convicted of an offense under this section pleads guilty to or enters a plea of not guilty to a violation this section, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused and the attorney for the Commonwealth, may defer further proceedings and place him on probation upon terms and conditions for a period not exceeding one year.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

D. Violation of this section is a separate and distinct offense. If the acts or activities violating this section also violate another provision of law, a prosecution under this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

INTRODUCED

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