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HOUSE BILL NO. 869

House Amendments in [] - February 1, 2010

A *BILL to amend and reenact § 18.2-422 of the Code of Virginia, relating to prohibition of wearing masks; public health emergency exception.*

Patron Prior to Engrossment—Delegate Cline

Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-422 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-422. Prohibition of wearing of masks in certain places; exceptions.

It shall be unlawful for any person over sixteen years of age while wearing any mask, hood or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, to be or appear in any public place, or upon any private property in this Commonwealth without first having obtained from the owner or tenant thereof consent to do so in writing. However, the provisions of this section shall not apply to persons (i) wearing traditional holiday costumes; (ii) engaged in professions, trades, employment or other activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons; (iii) engaged in any bona fide theatrical production or masquerade ball; or (iv) wearing a mask, hood or other device for bona fide medical reasons upon (a) the advice of a licensed physician or osteopath and carrying on his person an affidavit from the physician or osteopath specifying the medical necessity for wearing the device and the date on which the wearing of the device will no longer be necessary and providing a brief description of the device, or (b) the declaration of a disaster or state of emergency by the Governor in response to a public health emergency where the emergency declaration expressly waives this section [, defines the mask appropriate for the emergency,] and provides for the duration of the waiver. The violation of any provisions of this section shall constitute a Class 6 felony.

ENGROSSED

HB869E