

# 2011 SESSION

INTRODUCED

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## SENATE BILL NO. 1426

Offered January 20, 2011

A BILL to amend and reenact § 17.1-275.11 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 8.01-42.4, relating to child pornography; civil action.

Patron—Deeds

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-275.11 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 8.01-42.4 as follows:

§ 8.01-42.4. Civil action for exploitation of minor.

A. As used in this section:

"Compensatory damages" includes damages for all of the defendant's acts prohibited by § 18.2-374.1 or 18.2-374.1:1.

"Victim" means a person who, because of the conduct of the defendant that is prohibited under § 18.2-374.1 or 18.2-374.1:1, suffered personal or psychological injury.

B. A victim has a civil cause of action against an individual who engaged in conduct that is prohibited under § 18.2-374.1 or 18.2-374.1:1, whether or not the individual has been charged or convicted for the alleged violation, for the compensatory damages incurred by the victim as a result of that conduct in addition to the costs of bringing the action. If compensatory damages are awarded, a victim may also be awarded punitive damages.

C. Notwithstanding any other provision of law, except the tolling provisions of § 8.01-229, no action shall be commenced under this section more than two years after the later of (i) the conclusion of a related criminal case or (ii) the notification to the victim by a member of a law-enforcement agency of the offense.

§ 17.1-275.11. Additional fee assessed for conviction of certain offenses.

Beginning May 1, 2003, the clerk shall assess a person, in addition to the fees provided for by §§ 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.5, 17.1-275.7, 17.1-275.8, and 17.1-275.9, a fee of \$100 upon conviction of any and each charge of a violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-268.3, 18.2-374.1, 18.2-374.1:1, 46.2-341.24 or § 46.2-341.26:3, or any similar local ordinance.

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