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HOUSE BILL NO. 1810

Offered January 9, 2013

Prefiled January 8, 2013

A BILL to amend and reenact § 18.2-422 of the Code of Virginia, relating to wearing of masks.

Patrons—McQuinn, Carr, James, Plum, Scott, J.M. and Tyler

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~~ 16 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 the~~ Commonwealth without first having obtained from the owner or tenant thereof consent to do so in writing. *A violation of any this section is punishable as a Class 6 felony.*

~~However, the~~ 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, *including, during cold weather, cold weather gear that partially covers the face*; (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.~~

INTRODUCED

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