

2014 SESSION

LEGISLATION NOT PREPARED BY DLS
INTRODUCED

14104173D

HOUSE BILL NO. 1260

Offered January 17, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-374.2:1, relating to electronic transmission of sexually explicit images by minors; penalty.*

Patron—Surovell

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 18.2-374.2:1 as follows:

§ 18.2-374.2:1. *Electronic transmission of sexually explicit images between minors; penalty.*

A. Any minor who knowingly transmits, distributes, publishes, or disseminates to another minor an electronically transmitted communication containing a sexually explicit image of their own person is guilty of a Class 2 misdemeanor.

B. Any minor who knowingly possesses at least one but not more than ten electronically transmitted communications containing a sexually explicit image of another minor is guilty of a Class 2 misdemeanor.

C. Any minor who violates the provisions of subsections A or B shall be ordered to participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as the court may order and as are designed for the rehabilitation of the child and to perform a mandatory minimum of hours of community service. Such conditions and limitation may include the completion a community-based program that addresses the consequences of transmitting, distributing, publishing, or disseminating sexually explicit images via an electronically transmitted communication and the restricted use of the Internet or computer, including an electronic communication device as defined in §18.2-190.1.

D. Whenever any minor who has not previously been convicted of an offense under subsection A, or B of this section pleads guilty to or enters a plea of not guilty to a violation of subsection A or B of 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.

E. Venue for prosecution under this section may lie in the jurisdiction where the unlawful act occurs or where any sexually explicit image of a minor associated with a violation of this section is produced, reproduced, found, stored, or possessed.

That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities; therefore, Chapter 806 of the Acts of Assembly of 2013 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB1260