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HOUSE BILL NO. 2261

Offered January 19, 2015

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—Lindsey

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 by minor; penalty.*

A. *Any minor who knowingly transmits, distributes, publishes, or disseminates an electronically transmitted communication containing a sexually explicit image of himself to another minor, except for images that depict excretory functions or products thereof, sadomasochistic abuse, or crimes against nature as defined in § 18.2-361, is guilty of a Class 2 misdemeanor.*

B. *Any minor who knowingly possesses no more than 10 electronically transmitted communications containing a sexually explicit image of himself or another minor, except for images that depict excretory functions or products thereof, sadomasochistic abuse, or crimes against nature as defined in § 18.2-361, is guilty of a Class 2 misdemeanor.*

C. *Any minor who violates the provisions of this section 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 minor and to perform a mandatory minimum of 20 hours of community service. Such conditions and limitations may include the completion of 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 adjudicated guilty of an offense under this section pleads guilty to or enters a plea of not guilty, 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, may, in addition to any disposition under § 16.1-278.8, 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 such an adjudication only for the purpose 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.*

INTRODUCED

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