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SENATE BILL NO. 1210

Senate Amendments in [] - February 2, 2017

A BILL to amend the Code of Virginia by adding a section numbered 8.01-40.4, relating to civil action for unlawful creation of image of another.

Patron Prior to Engrossment—Senator Wexton

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 8.01-40.4 as follows:

§ 8.01-40.4. Civil action for unlawful creation of image of another.

A. Any person injured by an individual who engaged in conduct that is prohibited under § 18.2-386.1 [or 18.2-386.2] , whether or not the individual has been charged with or convicted of the alleged violation, shall have a civil cause of action against the individual for the compensatory damages incurred by the person as a result of that conduct. If compensatory damages are awarded, the person may also be awarded punitive damages.

B. No action shall be commenced under this section more than two years after the later of (i) the date on which such person was no longer the subject of the most recent conduct prohibited under § 18.2-386.1 [or 18.2-386.2] , (ii) the date on which such person attained 18 years of age, or (iii) the date on which such person discovered or reasonably should have discovered the prohibited conduct.

ENGROSSED

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