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SENATE BILL NO. 1210

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 20, 2017)

(Patron Prior to Substitute—Senator Wexton)

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 or unlawful dissemination or sale of images of another.

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 or unlawful dissemination or sale of images 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, may sue therefor and recover compensatory damages, punitive damages, and reasonable attorney fees and costs.

B. No action shall be commenced under this section more than two years after the later of (i) the date of the last act in violation of § 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.

C. Nothing in this section shall be construed to impose liability on an interactive computer service, as defined in 47 U.S.C. § 230(f), for content provided by another person.

HOUSE SUBSTITUTE

SB1210H1