

2021 SPECIAL SESSION I

SENATE SUBSTITUTE

21200349D

HOUSE BILL NO. 2254

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary
on February 17, 2021)

(Patron Prior to Substitute—Delegate Convirs-Fowler)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-386.3, relating to unlawful dissemination of unsolicited, obscene image to another; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-386.3 as follows:

§ 18.2-386.3. Unlawful dissemination of unsolicited, obscene image to another; penalty.

A. Any person who transmits any obscene videographic or still image created by any means whatsoever that depicts any person engaging in sexual conduct or any person with genitals exposed to another person 18 years of age or older without consent of the recipient is guilty of a Class 1 misdemeanor.

B. If a person uses services of an Internet service provider, an electronic mail service provider, or any other information service, system, or access software provider that provides or enables computer access by multiple users to a computer server in committing acts prohibited under this section, such provider shall not be held responsible for violating this section for content provided by another person.

C. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs or where any videographic or still image created by any means whatsoever is produced, reproduced, found, stored, received, or possessed in violation of this section.

D. The provisions of this section shall not preclude prosecution under any other statute.

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