

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 511

*An Act to amend and reenact § 18.2-374.1:1 of the Code of Virginia, relating to possession of child pornography; penalty.*

[S 290]

Approved April 9, 1994

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-374.1:1 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-374.1:1. Possession of child pornography; penalty.

A. Any person who knowingly possesses any sexually explicit visual material utilizing or having as a subject a person less than eighteen years of age shall be guilty of a Class 3 misdemeanor. However, no prosecution for possession of material prohibited by this section shall lie where the prohibited material comes into the possession of the person charged from a law-enforcement officer or law-enforcement agency.

B. The provisions of this section shall not apply to any such material which is possessed for a bona fide artistic, medical, scientific, educational, religious, governmental, judicial or other proper purpose by a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, clergyman, prosecutor, judge, or other person having a proper interest in the material.

C. All sexually explicit visual material which utilizes or has as a subject a person less than eighteen years of age shall be subject to lawful seizure and forfeiture pursuant to § 18.2-374.2.

D. Any person convicted of a second or subsequent offense under this section shall be guilty of a Class 4 ~~misdemeanor~~ 6 *felony*.