

# VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

## CHAPTER 640

*An Act to amend the Code of Virginia by adding a section numbered 18.2-386.1, relating to unlawful filming, videotaping or photographing of another; penalty.*

[H 499]

Approved April 10, 1994

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

**1. That the Code of Virginia is amended by adding a section numbered 18.2-386.1 as follows:**

*§ 18.2-386.1. Unlawful filming, videotaping or photographing of another; penalty.*

*A. It shall be unlawful for any person to videotape, photograph, or film any nonconsenting person if (i) that person is totally nude, clad in undergarments, or in a state of undress so as to expose the genitals, pubic area, buttocks or female breast in a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other location and (ii) the circumstances are otherwise such that the person being videotaped, photographed or filmed would have a reasonable expectation of privacy.*

*B. The provisions of this section shall not apply to filming, videotaping or photographing by (i) law-enforcement officers pursuant to a criminal investigation which is otherwise lawful or (ii) correctional officials and local or regional jail officials for security purposes or for investigations of alleged misconduct involving a person committed to the Department of Corrections or to a local or regional jail, or to any sound recording of an oral conversation made as a result of any videotaping or filming pursuant to Chapter 6 (§ 19.2-61 et seq.) of Title 19.2.*

*C. A violation of subsection A shall be punishable as a Class 1 misdemeanor.*