

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 499]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 18.2-386.1 as follows:**8 *§ 18.2-386.1. Unlawful filming, videotaping or photographing of another; penalty.*

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

15 *B. The provisions of this section shall not apply to filming, videotaping or photographing by (i)*
16 *law-enforcement officers pursuant to a criminal investigation which is otherwise lawful or (ii)*
17 *correctional officials and local or regional jail officials for security purposes or for investigations of*
18 *alleged misconduct involving a person committed to the Department of Corrections or to a local or*
19 *regional jail, or to any sound recording of an oral conversation made as a result of any videotaping or*
20 *filming pursuant to Chapter 6 (§ 19.2.61 et seq.) of Title 19.2.*

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

ENROLLED

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