

1994 SESSION

HOUSE SUBSTITUTE

LD3393112

HOUSE BILL NO. 499

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 14, 1994)

(Patron Prior to Substitute—Delegate Almand)

*A BILL 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.*

**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 non-consenting person who 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 rest room, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other location under circumstances where the person being photographed 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.*

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