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HOUSE BILL NO. 201

Offered January 15, 1998

A BILL to amend and reenact § 18.2-374.3 of the Code of Virginia, relating to requiring reporting of sexually explicit visual material involving a minor and appearing on the web.

Patron—Marshall

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-374.3 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-374.3. Use of electronic means to facilitate certain offenses involving children.

A. It shall be unlawful for any person to use a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means for the purposes of promoting the use of a minor for any activity in violation of § 18.2-374.1. A violation of this section shall be punishable as a Class 6 felony.

B. A person who has reason to suspect that sexually explicit visual material, as defined in § 18.2-374.1, which has as its subject a person less than eighteen years of age and which appears on, is transmitted by or through, or can be accessed, reproduced or downloaded via a commercial computer system or service offered or maintained by the person for a profit shall report the matter immediately to the State Police. Any person required to make a report pursuant to this section who fails to do so within twenty-four hours of the first appearance or availability of the material on the system shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000. For the purposes of this subsection, "person" shall include any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

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