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**HOUSE BILL NO. 314**

Offered January 15, 1998

*A BILL to amend and reenact § 18.2-386.1 of the Code of Virginia, relating to unlawful filming, videotaping or photographing of another; penalty.*

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Patrons—Robinson and Melvin

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Referred to Committee for Courts of Justice

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**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-386.1 of the Code of Virginia is amended and reenacted 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.

*D. Notwithstanding any other provision of law, a prosecution under this section may be instituted within one year following the discovery of the act of making the film, videotape or photograph which is the subject of the prosecution.*

INTRODUCED

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