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HOUSE BILL NO. 964

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-374.4, relating to display of grooming video to a minor unlawful; penalty.*

Patrons—Bell, Robert B., Albo, Helsel, Merricks, Morris and Webert

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 18.2-374.4 as follows:**

§ 18.2-374.4. Display of grooming video to a minor unlawful; penalty.

A. Any person who displays a grooming video to a minor is guilty of a Class 6 felony.

B. Violation of this section constitutes a separate and distinct offense. If the acts or activities violating this section also violate another provision of law, a prosecution under this section shall not prohibit or bar any prosecution or proceeding under such other provision or the imposition of any penalties provided for thereby.

C. A "grooming video" is (i) a videographic cartoon depicting a child or young adult engaged in a sex act in which the child or young adult is portrayed as enjoying the experience and which may be used to encourage a child to engage in a sex act with an adult or in the production of child pornography, (ii) child pornography, or (iii) sexually explicit visual material in which the actors or persons portrayed are adults, when the minor to whom the material is displayed is less than 13 years of age.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 890 of the Acts of Assembly of 2011 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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