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**HOUSE BILL NO. 326**

Offered January 8, 2014

Prefiled January 2, 2014

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-386.2, relating to unlawful dissemination or sale of images of another.*

Patrons—Bell, Robert B., Comstock, Fariss, Minchew, Rust and Simon

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 18.2-386.2 as follows:**

**§ 18.2-386.2. Unlawful dissemination or sale of images of another.**

A. Any person who, with the intent to coerce, harass, or intimidate, maliciously disseminates or sells any videotape, photograph, film, or other videographic or still image created by any means, or any reproduction of such videotape, photograph, film, or image, that depicts another person who is totally nude, in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast, or engaged in sexual conduct, as defined in § 18.2-390, where such person knows or has reason to know that he is not licensed or authorized to disseminate or sell such videotape, photograph, film, or image is guilty of a Class 1 misdemeanor.

B. A person who violates subsection A where the depicted person is under the age of 18 is guilty of a Class 6 felony.

C. The provisions of this section shall not preclude prosecution under any other statute.

**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 806 of the Acts of Assembly of 2013 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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