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HOUSE BILL NO. 935

Offered January 8, 2014

Prefiled January 8, 2014

A BILL to amend the Code of Virginia by adding a section numbered 8.01-42.4, relating to civil action for unlawful dissemination or sale of images of another; penalty.

Patrons—Simon, Bulova, Filler-Corn, Futrell, Lopez, Mason, Plum and Surovell; Senators: Barker, Ebbin, Favola, Howell, Marsden and McEachin

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 8.01-42.4 as follows:

§ 8.01-42.4. Civil action for unlawful dissemination or sale of images of another.

Any person who, with the intent to cause substantial emotional distress to the depicted person, 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 (i) such person knows or has reason to know that he is not licensed or privileged to disseminate or sell such videotape, photograph, film, or image and (ii) the depicted person suffers substantial emotional distress, whether or not convicted of or charged with a crime for such conduct, shall be liable to the depicted person for damages in the amount of \$10,000 or three times the amount of damages sustained, whichever is greater, and the costs of suit, including reasonable attorney fees.