

2021 SESSION

INTRODUCED

21100707D

HOUSE BILL NO. 1782

Offered January 13, 2021

Prefiled December 29, 2020

A BILL to amend and reenact § 18.2-422 of the Code of Virginia, relating to wearing masks during commission of a crime or acts of intimidation or harassment; penalty.

Patron—Carter

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-422 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-422. Prohibition on wearing a mask while committing a crime or certain acts of harassment; penalty.

It shall be unlawful for any person over 16 years of age to, with the intent to conceal his identity, wear any mask, hood, or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer; to be or appear in any public place, or upon any private property in this Commonwealth without first having obtained from the owner or tenant thereof consent to do so in writing. However, the provisions of this section shall not apply to persons (i) wearing traditional holiday costumes; (ii) engaged in professions, trades, employment or other activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons; (iii) engaged in any bona fide theatrical production or masquerade ball; or (iv) wearing a mask, hood or other device for bona fide medical reasons upon (a) the advice of a licensed physician or osteopath and carrying on his person an affidavit from the physician or osteopath specifying the medical necessity for wearing the device and the date on which the wearing of the device will no longer be necessary and providing a brief description of the device, or (b) the declaration of a disaster or state of emergency by the Governor in response to a public health emergency where the emergency declaration expressly waives this section, defines the mask appropriate for the emergency, and provides for the duration of the waiver while committing or attempting to commit (i) a crime or (ii) an act of intimidation or harassment against another person where such act is motivated by racial, religious, gender, disability, gender identity, sexual orientation, or ethnic animosity. The violation of any provisions of this section is a Class 6 felony 1 misdemeanor.

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