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HOUSE BILL NO. 2254

Offered January 13, 2021

A BILL to amend and reenact §§ 18.2-152.7:1 and 18.2-427 of the Code of Virginia, relating to the transmission of obscene images; penalty.

Patrons—Convirs-Fowler and Mugler

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-152.7:1 and 18.2-427 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-152.7:1. Harassment by computer; penalty.

If any person, with the intent to coerce, intimidate, or harass any person, shall use a computer or computer network to communicate obscene, vulgar, profane, lewd, lascivious, or indecent language, *transmit any obscene, vulgar, profane, lewd, lascivious, or indecent image or video*, or make any suggestion or proposal of an obscene nature, or threaten any illegal or immoral act, he is guilty of a Class 1 misdemeanor. A violation of this section may be prosecuted in the jurisdiction in which the communication was made or received or in the City of Richmond if venue cannot otherwise be established and the person subjected to the act is one of the following officials or employees of the Commonwealth and such official or employee was subjected to the act while engaged in the performance of his public duties or because of his position with the Commonwealth: the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, or Attorney General-elect, a member or employee of the General Assembly, a justice of the Supreme Court of Virginia, or a judge of the Court of Appeals of Virginia.

§ 18.2-427. Use of profane, threatening, or indecent language; transmission of obscene images over public airways or by other methods; penalty.

Any person who, *with the intent to coerce, intimidate, or harass any person*, uses obscene, vulgar, profane, lewd, lascivious, or indecent language, *transmits any obscene, vulgar, profane, lewd, lascivious, or indecent image or video*, or makes any suggestion or proposal of an obscene nature, or threatens any illegal or immoral act ~~with the intent to coerce, intimidate, or harass any person~~, over any telephone or citizens band radio, in this Commonwealth, is guilty of a Class 1 misdemeanor.

"Over any telephone" includes, for purposes of this section, any electronically transmitted communication producing a visual or electronic message that is received or transmitted by cellular telephone or other wireless telecommunications device.