

2021 SPECIAL SESSION I

HOUSE SUBSTITUTE

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HOUSE BILL NO. 2254

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 27, 2021)

(Patron Prior to Substitute—Delegate Convirs-Fowler)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-386.3, relating to unlawful dissemination of unsolicited, obscene image of self to another; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-386.3 as follows:

§ 18.2-386.3. *Unlawful dissemination of unsolicited, obscene image of self to another; penalty.*

A. Any person who, with the intent to coerce, harass, or intimidate, disseminates any unsolicited, obscene videographic or still image created by any means whatsoever that depicts such person totally nude, or in a state of undress so as to expose such person's own genitals, pubic area, buttocks, or female breast to another person is guilty of a Class 1 misdemeanor.

B. If a person uses services of an Internet service provider, an electronic mail service provider, or any other information service, system, or access software provider that provides or enables computer access by multiple users to a computer server in committing acts prohibited under this section, such provider shall not be held responsible for violating this section for content provided by another person.

C. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs or where any videographic or still image created by any means whatsoever is produced, reproduced, found, stored, received, or possessed in violation of this section.

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

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