

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 18.2-59.1, relating to sexual*
3 *extortion; penalty.*

4 [H 2398]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 18.2-59.1 as follows:**8 **§ 18.2-59.1. Sexual extortion; penalty.**

9 A. Any person who maliciously threatens in writing, including an electronically transmitted
10 communication producing a visual or electronic message, (i) to disseminate, sell, or publish a
11 videographic or still image, created by any means whatsoever, or (ii) to not delete, remove, or take back
12 a previously disseminated, sold, or published videographic or still image, created by any means
13 whatsoever, that depicts the complaining witness or such complaining witness's family or household
14 member, as defined in § 16.1-228, as totally nude or in a state of undress so as to expose the genitals,
15 pubic area, buttocks, or female breast with the intent to cause the complaining witness to engage in
16 sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual
17 penetration, or an act of sexual abuse, as defined in § 18.2-67.10, and thereby engages in sexual
18 intercourse, cunnilingus, fellatio, anilingus, anal intercourse, inanimate or animate object sexual
19 penetration, or an act of sexual abuse, as defined in § 18.2-67.10, is guilty of a Class 5 felony.
20 However, any adult who violates this section with a person under the age of 18 is guilty of a felony
21 punishable by confinement in a state correctional facility for a term of not less than one nor more than
22 20 years and by a fine of not more than \$100,000.

23 B. A prosecution pursuant to this section may be in the county, city, or town in which the
24 communication was either made or received.

25 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
26 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
27 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
28 **correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I,**
29 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**
30 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
31 **appropriation cannot be determined for periods of commitment to the custody of the Department**
32 **of Juvenile Justice.**

ENROLLED

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