

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 8.01-46.2, relating to civil action*
3 *for the dissemination of sexually explicit visual material to another; penalty.*

4 [S 493]

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 8.01-46.2 as follows:**8 **§ 8.01-46.2. Civil action for dissemination of intimate images to another; penalty.**9 **A. As used in this section:**10 *"Electronic communication device" means the same as that term is defined in § 18.2-190.1.*11 *"Intimate image" means a photograph, film, video, recording, digital picture, or other visual*
12 *reproduction of a person 18 years of age or older who is in a state of undress so as to expose the*
13 *human male or female genitals.*14 *B. Any person 18 years of age or older who knowingly transmits an intimate image by computer or*
15 *other electronic means to the computer or electronic communication device of another person 18 years*
16 *of age or older when such other person has not consented to the use of his computer or electronic*
17 *communication device for the receipt of such material or has expressly forbidden the receipt of such*
18 *material shall be considered a trespass and shall be liable to the recipient of the intimate image for*
19 *actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs. The*
20 *court may also enjoin and restrain the defendant from committing such further acts.*21 *The remedies provided by this section are cumulative and shall not be construed as restricting a*
22 *remedy that is available under any other law.*23 *C. The provisions of this section shall not apply to (i) any Internet service provider, mobile data*
24 *provider, or operator of an online or mobile application, to the extent that such entity is transmitting,*
25 *routing, or providing connections for electronic communications initiated by or at the direction of*
26 *another; (ii) any service that transmits an intimate image, including an on-demand, subscription, or*
27 *advertising-supported service; (iii) a health care provider as defined in § 8.01-581.1 that transmits an*
28 *intimate image for a legitimate medical purpose; or (iv) any transmission of commercial electronic mail*
29 *as defined in § 18.2-152.2.*30 *D. Venue for an action under this section may lie in the jurisdiction where the intimate image is*
31 *transmitted from or where the intimate image is received or possessed by the plaintiff.*

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