

TITLE: Obscenity; removing exemptions allowing obscene materials to be disseminated in schools; addition of private right of action.

SUMMARY: Obscenity; protects minor students from exposure to harmful materials in schools by removing the exemptions that allow these materials to be presented in a public or private elementary school, middle school, or secondary school. Also adds a private right of action to provision prohibiting the dissemination of materials harmful to minors.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-391.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-391.1 Nothing contained in this article shall be construed to apply to:

(1) The purchase, distribution, exhibition, or loan of any book, magazine, or other printed or manuscript material by any ~~library, school, or~~ institution of higher education, supported by public appropriation;

(2) The purchase, distribution, exhibition, or loan of any work of art by any museum of fine arts, ~~school,~~ or institution of higher education, supported by public appropriation;

(3) The exhibition or performance of any play, drama, tableau, or motion picture by any theatre, museum of fine arts, ~~school~~ or institution of higher education, supported by public appropriation.

2. That § 18.2-391 of the Code of Virginia is amended to add:

G. Private right of action: Any person injured as a result of a violation of this statute may bring a civil action in any court of competent jurisdiction against any party which has engaged in or caused another to engage in conduct that violates this statute, to recover:

- (1) A declaratory judgment;
- (2) Injunctive relief;
- (3) Reasonable attorney's fees and costs;
- (4) Actual, incidental and consequential damages;
- (5) Punitive damages, if appropriate; and
- (6) Any other equitable relief which the court deems proper.

For purposes of this section, a parent of a student enrolled in a school or child patronizing a public library in which the violation occurred is presumed to be a person allowed to bring a private right of action under this section.

