

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

SENATE BILL NO. 775  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee for Courts of Justice  
on \_\_\_\_\_)  
(Patron Prior to Substitute—Senator Surovell)

*A BILL to amend and reenact §§ 8.01-261 and 19.2-249.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-1005.1:1, relating to elections; election offenses; dissemination of artificial audio or artificial visual media to influence an election; penalty.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 8.01-261 and 19.2-249.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-1005.1:1 as follows:**

**§ 8.01-261. Category A or preferred venue.**

In the actions listed in this section, the forums enumerated shall be deemed preferred places of venue and may be referred to as "Category A" in this title. Venue laid in any other forum shall be subject to objection; however, if more than one preferred place of venue applies, any such place shall be a proper forum. The following forums are designated as places of preferred venue for the action specified:

- 1. In actions for review of, appeal from, or enforcement of state administrative regulations, decisions, or other orders:
  - a. If the moving or aggrieved party is other than the Commonwealth or an agency thereof, then the county or city wherein such party:
    - (1) Resides;
    - (2) Regularly or systematically conducts affairs or business activity; or
    - (3) Wherein such party's property affected by the administrative action is located.
  - b. If the moving or aggrieved party is the Commonwealth or an agency thereof, then the county or city wherein the respondent or a party defendant:
    - (1) Resides;
    - (2) Regularly or systematically conducts affairs or business activity; or
    - (3) Has any property affected by the administrative action.
  - c. If subdivisions 1 a and 1 b do not apply, then the county or city wherein the alleged violation of the administrative regulation, decision, or other order occurred.

31 2. Except as provided in subdivision 1 of this section, where the action is against one or more officers of  
32 the Commonwealth in an official capacity, the county or city where any such person has his official office.

33 3. The county or city wherein the subject land, or a part thereof, is situated in the following actions:

34 a. To recover or partition land;

35 b. To subject land to a debt;

36 c. To sell, lease, or encumber the land of persons under disabilities;

37 d. [Repealed.]

38 e. To sell wastelands;

39 f. To establish boundaries;

40 g. For unlawful entry or detainer;

41 h. For ejectment; or

42 i. To remove clouds on title.

43 4. [Reserved.]

44 5. In actions for writs of mandamus, prohibition, or certiorari, except such as may be issued by the  
45 Supreme Court, the county or city wherein is the record or proceeding to which the writ relates.

46 6. In actions on bonds required for public contract, the county or city in which the public project, or any  
47 part thereof, is situated.

48 7. In actions to impeach or establish a will, the county or city wherein the will was probated, or, if not  
49 probated at the time of the action, where the will may be properly offered for probate.

50 8., 9. [Repealed.]

51 10. In actions on any contract between a transportation district and a component government, any county  
52 or city any part of which is within such transportation district.

53 11. In attachments,

54 a. With reference to the principal defendant and those liable with or to him, venue shall be determined as  
55 if the principal defendant were the sole defendant; or

56 b. In the county or city in which the principal defendant has estate or has debts owing to him.

57 12. [Repealed.]

58 13. a. In any action for the collection of state, county, or municipal taxes, any one of the following  
59 counties or cities shall be deemed preferred places of venue:

- 60 (1) Wherein the taxpayer resides;
- 61 (2) Wherein the taxpayer owns real or personal property;
- 62 (3) Wherein the taxpayer has a registered office, or regularly or systematically conducts business; or
- 63 (4) In case of withdrawal from the Commonwealth by a delinquent taxpayer, wherein venue was proper at
- 64 the time the taxes in question were assessed or at the time of such withdrawal.

65 b. In any action for the correction of an erroneous assessment of state taxes and tax refunds, any one of the

66 following counties or cities shall be deemed preferred places of venue:

- 67 (1) Wherein the taxpayer resides;
- 68 (2) Wherein the taxpayer has a registered office or regularly or systematically conducts business;
- 69 (3) Wherein the taxpayer's real or personal property involved in such a proceeding is located; or
- 70 (4) The Circuit Court of the City of Richmond.

71 14. In proceedings by writ of quo warranto:

- 72 a. The city or county wherein any of the defendants reside;
- 73 b. If the defendant is a corporation, the city or county where its registered office is or where its mayor,
- 74 rector, president, or other chief officer resides; or
- 75 c. If there is no officer or none of the defendants reside in the Commonwealth, venue shall be in the City
- 76 of Richmond.

77 15. In proceedings to award an injunction:

- 78 a. To any judgment or judicial proceeding of a circuit court, venue shall be in the court in the county or
- 79 city in which the judgment was rendered or such proceeding is pending;
- 80 b. To any judgment or judicial proceeding of a district court, venue shall be in the circuit court of the
- 81 county or city in which the judgment was rendered or such proceeding is pending; or
- 82 c. To any other act or proceeding, venue shall be in the circuit court of the county or city in which the act
- 83 is to be done, or being done, or is apprehended to be done or the proceeding is pending.

84 16. [Repealed.]

85 17. In disbarment or suspension proceedings against any attorney-at-law, in the county or city where the

86 defendant:

- 87 a. Resides;
- 88 b. Has his principal office or place of practice when the proceeding is commenced;

- 89 c. Resided or had such principal office or place of practice when any misconduct complained of occurred;
- 90 or
- 91 d. Has any pending case as to which any misconduct took place.

92 18. In actions under the Virginia Tort Claims Act, Article 18.1 (§ 8.01-195.1 et seq.) of Chapter 3 of this  
93 title:

- 94 a. The county or city where the claimant resides;
- 95 b. The county or city where the act or omission complained of occurred; or
- 96 c. If the claimant resides outside the Commonwealth and the act or omission complained of occurred  
97 outside the Commonwealth, the City of Richmond.

98 19. In suits for annulment, affirmance, or divorce, the county or city in which the parties last cohabited, or  
99 at the option of the plaintiff, in the county or city in which the defendant resides, if a resident of this  
100 Commonwealth, and in cases in which an order of publication may be issued against the defendant under §  
101 8.01-316, venue may also be in the county or city in which the plaintiff resides.

102 20. In distress actions, in the county or city when the premises yielding the rent, or some part thereof, may  
103 be or where goods liable to distress may be found.

104 *21. In an action for preventative relief for a violation of § 24.2-1005.1:1, the circuit court of the locality*  
105 *where venue would be proper pursuant to § 19.2-249.2.*

106 **§ 19.2-249.2. Venue for prosecution of computer and other crimes.**

107 For the purpose of venue, any violation of the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or §  
108 18.2-386.1 or 24.2-1005.1:1 shall be considered to have been committed in any county or city:

- 109 1. In which any act was performed in furtherance of any course of conduct that violated any provision  
110 listed above;
- 111 2. In which the owner has his principal place of business in the Commonwealth;
- 112 3. In which any offender had control or possession of any proceeds of the violation or of any books,  
113 records, documents, property, financial instrument, computer software, computer program, computer data, or  
114 other material or objects that were used in furtherance of the violation;
- 115 4. From which, to which, or through which any access to a computer or computer network was made  
116 whether by wires, electromagnetic waves, microwaves, optics or any other means of communication;
- 117 5. In which the offender resides; or

118 6. In which any computer that is an object or an instrument of the violation is located at the time of the  
119 alleged offense.

120 § 24.2-1005.1:1. *Dissemination of artificial audio or artificial visual media to influence an election;*  
121 *penalties.*

122 A. *As used in this section:*

123 "*Artificial audio or artificial visual media*" means any video recording, motion picture film, sound  
124 recording, electronic image, or photograph (i) that depicts a candidate for public office engaging in speech  
125 or conduct in which the candidate did not engage, (ii) that is so realistic that a reasonable person would  
126 believe it depicts the actual speech or conduct of such candidate, and (iii) the production of which is  
127 substantially dependent on technological means rather than the ability of another individual to physically or  
128 verbally impersonate such candidate.

129 "*Journalism*" means the gathering, preparing, collecting, photographing, recording, writing, editing,  
130 reporting, or publishing of news or information that concerns local, national, or international events or other  
131 matters of public interest for dissemination to the public.

132 "*News organization*" means any (i) newspaper or magazine issued at regular intervals and having a  
133 general circulation; (ii) recognized press association or wire service; (iii) licensed radio or television station  
134 that engages in journalism; or (iv) business that, by means of photographic or electronic media, engages in  
135 journalism and employs an editor overseeing the journalism function that follows commonly accepted  
136 journalistic practice as evidenced by (a) membership in a state-based journalism organization, including the  
137 Virginia Press Association and the Virginia Association of Broadcasters; (b) membership in a national  
138 journalism organization, including the National Press Club, the Society of Professional Journalists, and the  
139 Online News Association; (c) membership in a statewide or national wire news service, including the Capital  
140 News Service, The Associated Press, and Reuters; or (d) its continuous operation since 1994 or earlier.

141 "*Newsperson*" means any person who, for a substantial portion of his livelihood or for substantial  
142 financial gain, engages in journalism for a news organization. "*Newsperson*" includes any person  
143 supervising or assisting another person in engaging in journalism for a news organization.

144 B. No person shall disseminate artificial audio or artificial visual media that is intended to influence an  
145 election that such person knows or should have known is deceptive or misleading.

146 C. The prohibition in subsection B shall not apply if such media includes a conspicuous statement that

147 *states "THIS MEDIA DOES NOT REPRESENT A TRUE RECORDING OF THE CANDIDATE." Any visual*  
148 *media shall display such conspicuous statement in a text size that is easily readable by the average viewer. If*  
149 *such visual media is a video, such statement shall appear for the duration of the video. Any audio media shall*  
150 *include a verbal reading of such conspicuous statement at the beginning of such audio media that takes at*  
151 *least five seconds to complete and shall be read at a pitch that can be easily heard by the average listener.*

152 *D. Any person who violates the provisions of this section shall be subject to a civil penalty not to exceed*  
153 *\$50. However, if such dissemination (i) takes place within 90 days before an election, (ii) is made without the*  
154 *consent of the depicted candidate, and (iii) is made with the intent to injure a candidate or influence the*  
155 *result of an election, such person is guilty of a Class 1 misdemeanor.*

156 *E. Any (i) depicted individual, (ii) candidate for office who has been injured or is likely to be injured by*  
157 *the dissemination of artificial audio or artificial visual media, or (iii) entity that represents the interests of*  
158 *voters likely to be deceived by the dissemination of artificial audio or artificial visual media may also*  
159 *institute an action for preventative relief to prohibit the publication or dissemination of such media, including*  
160 *an application for a permanent or temporary injunction, against any person who published or disseminated*  
161 *the artificial audio or artificial visual media. Such action shall be given priority over all pending matters*  
162 *before the court. In any such action, the court may allow a private plaintiff to recover reasonable costs and*  
163 *attorney fees and shall award such costs and attorney fees if such plaintiff is the prevailing party against the*  
164 *party creating or disseminating such artificial audio or visual media.*

165 *F. The provisions of this section shall not apply to (i) any content that constitutes satire or parody; (ii)*  
166 *any radio or television broadcasting station, including a cable or satellite television operator, Internet*  
167 *service provider, programmer, or producer, Internet website, streaming service, mobile application, or*  
168 *online platform, when it is paid to broadcast or publish artificial audio or artificial visual media prohibited*  
169 *by this section; or (iii) any news organization or newsperson engaged in journalism that disseminates any*  
170 *artificial audio or artificial visual media prohibited by this section as part of a bona fide newscast, news*  
171 *interview, news documentary, or on-the-spot coverage of a bona fide news event if the broadcast or*  
172 *publication clearly acknowledges, through content or disclosure, in a manner that can easily be heard and*  
173 *understood by the average listener or viewer, that there are questions about the authenticity of the media.*  
174 *However, nothing in this section shall prohibit a party from seeking injunctive relief against a news*  
175 *organization from publishing an advertisement containing artificial audio or artificial visual media.*