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SENATE BILL NO. 778

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee for Courts of Justice
on February 4, 2026)

(Patron Prior to Substitute—Senator Obenshain)

A BILL to amend and reenact § 18.2-374.4 of the Code of Virginia, relating to display of obscene material to a minor unlawful; penalty.

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-374.4 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-374.4. Display of obscene material, child pornography, or grooming video or materials to a child unlawful; penalty.

A. Any person 18 years of age or older who displays *any obscene item or material, including child pornography or a grooming video or materials to a child under 13 years of age with the lascivious intent to entice, solicit, or encourage the child to engage in the touching or fondling of the his own sexual or genital parts, the touching or fondling of the sexual or genital parts of another, or the touching or fondling of his sexual or genital parts by another, or masturbation, sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, or object sexual penetration* is guilty of a Class 6 felony.

B. "Grooming" For purposes of this section:

"Grooming video or materials" means a cartoon, animation, *video, photograph*, image, or series of images depicting a child any person (i) totally nude; (ii) in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast; or (iii) not exposed but the material is obscene and such person is engaged in the touching or fondling of the sexual or genital parts of another or, the touching or fondling of his sexual or genital parts by another, masturbation, sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, or object sexual penetration.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.