

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 2.2-3706, 2.2-3711, 19.2-174.1, and 19.2-368.3 of the Code of Virginia
2 and to amend the Code of Virginia by adding a section numbered 2.2-3706.1, relating to the
3 Virginia Freedom of Information Act; law-enforcement criminal incident information; criminal
4 investigative files.

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

6 **1. That §§ 2.2-3706, 2.2-3711, 19.2-174.1, and 19.2-368.3 of the Code of Virginia are amended and**
7 **reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3706.1 as**
8 **follows:**

9 **§ 2.2-3706. Disclosure of law-enforcement and criminal records; limitations.**

10 A. Records required to be released. All public bodies engaged in criminal law-enforcement
11 activities shall provide the following records when requested in accordance with the provisions of this
12 chapter:

13 1. ~~Criminal incident information relating to felony offenses, which shall include:~~

14 ~~a. A general description of the criminal activity reported;~~

15 ~~b. The date the alleged crime was committed;~~

16 ~~c. The general location where the alleged crime was committed;~~

17 ~~d. The identity of the investigating officer or other point of contact; and~~

18 ~~e. A general description of any injuries suffered or property damaged or stolen.~~

19 ~~A verbal response as agreed to by the requester and the public body is sufficient to satisfy the~~
20 ~~requirements of subdivision 1.~~

21 ~~Where the release of criminal incident information, however, is likely to jeopardize an ongoing~~
22 ~~investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or~~
23 ~~result in the destruction of evidence, such information may be withheld until the above-referenced damage~~
24 ~~is no longer likely to occur from release of the information. Nothing in subdivision 1 shall be construed~~

25 ~~to authorize the withholding of those portions of such information that are not likely to cause the above-~~
26 ~~referenced damage;~~

27 2. Adult arrestee photographs taken during the initial intake following the arrest and as part of the
28 routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases
29 until such time as the release of the photograph will no longer jeopardize the investigation;

30 3-2. Information relative to the identity of any individual, other than a juvenile, who is arrested
31 and charged, and the status of the charge or arrest; and

32 4-3. Records of completed unattended death investigations to the parent or spouse of the decedent
33 or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided
34 the person is not a person of interest or a suspect. For the purposes of this subdivision, "unattended death"
35 means a death determined to be a suicide, accidental or natural death where no criminal charges will be
36 initiated, and "immediate family" means the decedent's personal representative or, if no personal
37 representative has qualified, the decedent's next of kin in order of intestate succession as set forth in §
38 64.2-200.

39 B. Discretionary releases. The following records are excluded from the mandatory disclosure
40 provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such
41 disclosure is prohibited by law:

42 1. Criminal investigative files, defined as any documents and information, including complaints,
43 court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness
44 statements, and evidence, relating to a criminal investigation or prosecution, ~~other than criminal incident~~
45 ~~information subject to release in accordance with subdivision A 1 not required to be disclosed in~~
46 ~~accordance with § 2.2-3706.1;~~

47 2. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii)
48 investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments
49 of public institutions of higher education established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter
50 8 of Title 23.1;

51 3. Records of local law-enforcement agencies relating to neighborhood watch programs that
52 include the names, addresses, and operating schedules of individual participants in the program that are
53 provided to such agencies under a promise of anonymity;

54 4. All records of persons imprisoned in penal institutions in the Commonwealth provided such
55 records relate to the imprisonment;

56 5. Records of law-enforcement agencies, to the extent that such records contain specific tactical
57 plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the
58 general public;

59 6. All records of adult persons under (i) investigation or supervision by a local pretrial services
60 agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation,
61 probation supervision, or monitoring by a local community-based probation services agency in accordance
62 with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state
63 probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1;

64 7. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for
65 cellular telephones, pagers, or comparable portable communication devices provided to its personnel for
66 use in the performance of their official duties;

67 8. Those portions of any records containing information related to undercover operations or
68 protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations
69 or protective details. Nothing in this subdivision shall operate to allow the withholding of information
70 concerning the overall costs or expenses associated with undercover operations or protective details;

71 9. Records of (i) background investigations of applicants for law-enforcement agency
72 employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a
73 law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement
74 agencies that are made confidential by law;

75 10. The identity of any victim, witness, or undercover officer, or investigative techniques or
76 procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or
77 restricted under § 19.2-11.2; and

78 11. Records of the Sex Offender and Crimes Against Minors Registry maintained by the
79 Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information
80 obtained from state, local, and regional officials, except to the extent that information is required to be
81 posted on the Internet pursuant to § 9.1-913.

82 C. Prohibited releases. The identity of any individual providing information about a crime or
83 criminal activity under a promise of anonymity shall not be disclosed.

84 D. Noncriminal records. Public bodies (i) engaged in emergency medical services, (ii) engaged in
85 fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged in processing
86 calls for service or other communications to an emergency 911 system or any other equivalent reporting
87 system may withhold those portions of noncriminal incident or other noncriminal investigative reports or
88 materials that contain identifying information of a personal, medical, or financial nature where the release
89 of such information would jeopardize the safety or privacy of any person. Access to personnel records of
90 persons employed by a law-enforcement agency shall be governed by the provisions of subdivision B 9
91 of this section and subdivision 1 of § 2.2-3705.1, as applicable.

92 E. Records of any call for service or other communication to an emergency 911 system or
93 communicated with any other equivalent reporting system shall be subject to the provisions of this chapter.

94 F. Conflict resolution. In the event of conflict between this section as it relates to requests made
95 under this section and other provisions of law, this section shall control.

96 **§ 2.2-3706.1. Disclosure of law-enforcement records; criminal incident information and**
97 **certain criminal investigative files; limitations.**

98 A. For purposes of this section:

99 "Immediate family" means the decedent's personal representative or, if no personal representative
100 has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

101 "Ongoing" refers to a case in which the prosecution has not been finally adjudicated, the
102 investigation continues to gather evidence for a possible future criminal case, and such case would be
103 jeopardized by the premature release of evidence.

104 B. All public bodies engaged in criminal law-enforcement activities shall provide the following
105 records and information when requested in accordance with the provisions of this chapter:

106 1. Criminal incident information relating to felony offenses contained in any report, notes,
107 electronic communication, or other document, including filings through an incident-based reporting
108 system, which shall include:

109 a. A general description of the criminal activity reported;

110 b. The date and time the alleged crime was committed;

111 c. The general location where the alleged crime was committed;

112 d. The identity of the investigating officer or other point of contact;

113 e. A description of any injuries suffered or property damaged or stolen; and

114 f. Any diagrams related to the alleged crime or the location where the alleged crime was
115 committed, except that any diagrams described in subdivision 14 of § 2.2-3705.2 and information therein
116 shall be excluded from mandatory disclosure, but may be disclosed by the custodian in his discretion,
117 except where such disclosure is prohibited by law.

118 A verbal response as agreed to by the requester and the public body is sufficient to satisfy the
119 requirements of this subdivision 1; and

120 2. Criminal investigative files, defined as any documents and information, including complaints,
121 court orders, memoranda, notes, initial incident reports, filings through any incident-based reporting
122 system, diagrams, maps, photographs, correspondence, reports, witness statements, or evidence, relating
123 to a criminal investigation or proceeding that is not ongoing.

124 C. The provisions of subsection B shall not apply if a court in the locality wherein the public body
125 is located finds by a preponderance of the evidence that the release of such information:

126 1. Would interfere with a particular ongoing criminal investigation or proceeding in a particularly
127 identifiable manner;

128 2. Would deprive a person of a right to a fair trial or an impartial adjudication;

129 3. Would constitute an unwarranted invasion of personal privacy;

130 4. Would disclose (i) the identity of a confidential source or (ii) in the case of a record compiled
131 by a law-enforcement agency in the course of a criminal investigation, information furnished only by a
132 confidential source;

133 5. Would disclose law-enforcement investigative techniques and procedures, if such disclosure
134 could reasonably be expected to risk circumvention of the law; or

135 6. Would endanger the life or physical safety of any individual.

136 Nothing in this subsection shall be construed to authorize the withholding of those portions of such
137 information that are unlikely to cause any effect listed herein.

138 D. Nothing in this section shall prohibit the disclosure of current anonymized, aggregate location
139 and demographic data collected pursuant to § 52-30.2 or similar data documenting law-enforcement
140 officer encounters with members of the public.

141 No photographic, audio, video, or other record depicting a victim or allowing for a victim to be
142 readily identified, except for transcripts of recorded interviews between a victim and law-enforcement,
143 shall be released to anyone except (i) the victim; (ii) members of the immediate family of the victim, if
144 the victim is deceased; or (iii) the parent or guardian of the victim, if the victim is a minor.

145 E. In the event of a conflict between this section as it relates to requests made under this section
146 and other provisions of law, this section controls except to the extent that the other provision of law
147 provides for more protections for a juvenile, victim, witness, undercover officer, or confidential source or
148 family members of such juvenile, victim, witness, undercover officer, or confidential source.

149 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

150 A. Public bodies may hold closed meetings only for the following purposes:

151 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
152 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
153 officers, appointees, or employees of any public body; and evaluation of performance of departments or
154 schools of public institutions of higher education where such evaluation will necessarily involve
155 discussion of the performance of specific individuals. Any teacher shall be permitted to be present during
156 a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the

157 teacher and some student and the student involved in the matter is present, provided the teacher makes a
158 written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision,
159 however, shall be construed to authorize a closed meeting by a local governing body or an elected school
160 board to discuss compensation matters that affect the membership of such body or board collectively.

161 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
162 involve the disclosure of information contained in a scholastic record concerning any student of any public
163 institution of higher education in the Commonwealth or any state school system. However, any such
164 student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be
165 permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if
166 such student, parents, or guardians so request in writing and such request is submitted to the presiding
167 officer of the appropriate board.

168 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the
169 disposition of publicly held real property, where discussion in an open meeting would adversely affect the
170 bargaining position or negotiating strategy of the public body.

171 4. The protection of the privacy of individuals in personal matters not related to public business.

172 5. Discussion concerning a prospective business or industry or the expansion of an existing
173 business or industry where no previous announcement has been made of the business' or industry's interest
174 in locating or expanding its facilities in the community.

175 6. Discussion or consideration of the investment of public funds where competition or bargaining
176 is involved, where, if made public initially, the financial interest of the governmental unit would be
177 adversely affected.

178 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to
179 actual or probable litigation, where such consultation or briefing in open meeting would adversely affect
180 the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable
181 litigation" means litigation that has been specifically threatened or on which the public body or its legal
182 counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this

183 subdivision shall be construed to permit the closure of a meeting merely because an attorney representing
184 the public body is in attendance or is consulted on a matter.

185 8. Consultation with legal counsel employed or retained by a public body regarding specific legal
186 matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be
187 construed to permit the closure of a meeting merely because an attorney representing the public body is
188 in attendance or is consulted on a matter.

189 9. Discussion or consideration by governing boards of public institutions of higher education of
190 matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or
191 work to be performed by such institution. However, the terms and conditions of any such gifts, bequests,
192 grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and
193 accepted by a public institution of higher education in the Commonwealth shall be subject to public
194 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,
195 (i) "foreign government" means any government other than the United States government or the
196 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity
197 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the
198 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the
199 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under
200 the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or
201 national of the United States or a trust territory or protectorate thereof.

202 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
203 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority,
204 and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
205 sources.

206 11. Discussion or consideration of honorary degrees or special awards.

207 12. Discussion or consideration of tests, examinations, or other information used, administered, or
208 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

209 13. Discussion, consideration, or review by the appropriate House or Senate committees of
210 possible disciplinary action against a member arising out of the possible inadequacy of the disclosure
211 statement filed by the member, provided the member may request in writing that the committee meeting
212 not be conducted in a closed meeting.

213 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or
214 to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing
215 body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position
216 of the governing body or the establishment of the terms, conditions and provisions of the siting agreement,
217 or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

218 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
219 activity and estimating general and nongeneral fund revenues.

220 16. Discussion or consideration of medical and mental health records subject to the exclusion in
221 subdivision 1 of § 2.2-3705.5.

222 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
223 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
224 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
225 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3
226 and subdivision 11 of § 2.2-3705.7.

227 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or
228 discloses the identity of, or information tending to identify, any prisoner who (i) provides information
229 about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or
230 in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders
231 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

232 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific
233 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement
234 or emergency service officials concerning actions taken to respond to such matters or a related threat to
235 public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2,

236 where discussion in an open meeting would jeopardize the safety of any person or the security of any
237 facility, building, structure, information technology system, or software program; or discussion of reports
238 or plans related to the security of any governmental facility, building or structure, or the safety of persons
239 using such facility, building or structure.

240 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30,
241 or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of
242 trustees of a trust established by one or more local public bodies to invest funds for postemployment
243 benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2,
244 or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board
245 of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or
246 disposition of a security or other ownership interest in an entity, where such security or ownership interest
247 is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i)
248 concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared
249 by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings
250 Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia
251 College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or
252 the future financial performance of the entity, and (ii) would have an adverse effect on the value of the
253 investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of
254 trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing
255 in this subdivision shall be construed to prevent the disclosure of information relating to the identity of
256 any investment held, the amount invested or the present value of such investment.

257 21. Those portions of meetings in which individual child death cases are discussed by the State
258 Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which
259 individual child death cases are discussed by a regional or local child fatality review team established
260 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by
261 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in
262 which individual adult death cases are discussed by the state Adult Fatality Review Team established

263 pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed
264 by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of
265 meetings in which individual death cases are discussed by overdose fatality review teams established
266 pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are
267 discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of
268 meetings in which individual death cases of persons with developmental disabilities are discussed by the
269 Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

270 22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern
271 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any
272 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern
273 Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary,
274 business-related information pertaining to the operations of the University of Virginia Medical Center or
275 Eastern Virginia Medical School, as the case may be, including business development or marketing
276 strategies and activities with existing or future joint venturers, partners, or other parties with whom the
277 University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed,
278 or forms, any arrangement for the delivery of health care, if disclosure of such information would
279 adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as
280 the case may be.

281 23. Discussion or consideration by the Virginia Commonwealth University Health System
282 Authority or the board of visitors of Virginia Commonwealth University of any of the following: the
283 acquisition or disposition by the Authority of real property, equipment, or technology software or
284 hardware and related goods or services, where disclosure would adversely affect the bargaining position
285 or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities
286 of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing
287 or operational strategies plans of the Authority where disclosure of such strategies or plans would
288 adversely affect the competitive position of the Authority; and members of the Authority's medical and
289 teaching staffs and qualifications for appointments thereto.

290 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee
291 within the Department of Health Professions to the extent such discussions identify any practitioner who
292 may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

293 25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein
294 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by
295 or on behalf of individuals who have requested information about, applied for, or entered into prepaid
296 tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title
297 23.1 is discussed.

298 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery
299 Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as
300 defined in § 56-484.12, related to the provision of wireless E-911 service.

301 27. Those portions of disciplinary proceedings by any regulatory board within the Department of
302 Professional and Occupational Regulation, Department of Health Professions, or the Board of
303 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a
304 decision or meetings of health regulatory boards or conference committees of such boards to consider
305 settlement proposals in pending disciplinary actions or modifications to previously issued board orders as
306 requested by either of the parties.

307 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-
308 3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in
309 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
310 public entity concerning such records.

311 29. Discussion of the award of a public contract involving the expenditure of public funds,
312 including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where
313 discussion in an open session would adversely affect the bargaining position or negotiating strategy of the
314 public body.

315 30. Discussion or consideration of grant or loan application information subject to the exclusion
316 in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

317 31. Discussion or consideration by the Commitment Review Committee of information subject to
318 the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually
319 violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

320 32. Discussion or consideration of confidential proprietary information and trade secrets developed
321 and held by a local public body providing certain telecommunication services or cable television services
322 and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this
323 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et
324 seq.).

325 33. Discussion or consideration by a local authority created in accordance with the Virginia
326 Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade
327 secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

328 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting
329 security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

330 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory
331 Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal
332 investigative files ~~subject to the exclusion in subdivision B 1 of § 2.2-3706.~~

333 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of
334 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and
335 meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and
336 consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or
337 recover scholarship awards.

338 37. Discussion or consideration by the Virginia Port Authority of information subject to the
339 exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the
340 Virginia Port Authority.

341 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
342 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,
343 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College

344 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory
345 Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of
346 § 2.2-3705.7.

347 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-
348 3705.6 related to economic development.

349 40. Discussion or consideration by the Board of Education of information relating to the denial,
350 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

351 41. Those portions of meetings of the Virginia Military Advisory Council or any commission
352 created by executive order for the purpose of studying and making recommendations regarding preventing
353 closure or realignment of federal military and national security installations and facilities located in
354 Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization
355 appointed by a local governing body, during which there is discussion of information subject to the
356 exclusion in subdivision 8 of § 2.2-3705.2.

357 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of
358 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable
359 information of donors.

360 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of
361 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information
362 contained in grant applications.

363 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority
364 of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or
365 charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain
366 proprietary information of a private entity provided to the Authority.

367 45. Discussion or consideration of personal and proprietary information related to the resource
368 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii)
369 subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records
370 that contain information that has been certified for release by the person who is the subject of the

371 information or transformed into a statistical or aggregate form that does not allow identification of the
372 person who supplied, or is the subject of, the information.

373 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage
374 Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to
375 investigations of applicants for licenses and permits and of licensees and permittees.

376 47. Discussion or consideration of grant, loan, or investment application records subject to the
377 exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-
378 2351 et seq.) of Chapter 22.

379 48. Discussion or development of grant proposals by a regional council established pursuant to
380 Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and
381 Opportunity Board.

382 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response
383 team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses
384 involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii)
385 individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to
386 §§ 15.2-1627.5 and 63.2-1605.

387 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership
388 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the
389 portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to
390 subdivision 33 of § 2.2-3705.7.

391 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic
392 Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and
393 discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of
394 § 60.2-114.

395 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership
396 Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the
397 Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

398 53. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
399 § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator and discussion,
400 consideration, or review of matters related to investigations exempt from disclosure under subdivision 1
401 of § 2.2-3705.3.

402 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007
403 regarding the denial of, revocation of, suspension of, or refusal to renew a permit related to sports betting
404 and any discussion, consideration, or review of matters related to investigations excluded from mandatory
405 disclosure under subdivision 1 of § 2.2-3705.3.

406 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a
407 closed meeting shall become effective unless the public body, following the meeting, reconvenes in open
408 meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or
409 motion that shall have its substance reasonably identified in the open meeting.

410 C. Public officers improperly selected due to the failure of the public body to comply with the
411 other provisions of this section shall be de facto officers and, as such, their official actions are valid until
412 they obtain notice of the legal defect in their election.

413 D. Nothing in this section shall be construed to prevent the holding of conferences between two or
414 more public bodies, or their representatives, but these conferences shall be subject to the same procedures
415 for holding closed meetings as are applicable to any other public body.

416 E. This section shall not be construed to (i) require the disclosure of any contract between the
417 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§
418 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to
419 the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered
420 to issue industrial revenue bonds by general or special law, to identify a business or industry to which
421 subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record
422 at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

423 **§ 19.2-174.1. Information required prior to admission to a mental health facility.**

424 Prior to any person being placed into the custody of the Commissioner for evaluation or treatment
425 pursuant to §§ 19.2-169.2, 19.2-169.3, 19.2-169.6, 19.2-182.2, and 19.2-182.3, and Chapter 9 (§ 37.2-900
426 et seq.) of Title 37.2, the court or special justice shall provide the Commissioner with the following, if
427 available: (i) the commitment order, (ii) the names and addresses for the attorney for the Commonwealth,
428 the attorney for the person and the judge holding jurisdiction over the person, (iii) a copy of the warrant
429 or indictment, and (iv) a copy of the criminal incident information as defined in § ~~2.2-3706~~ 2.2-3706.1 or
430 a copy of the arrest report or a summary of the facts relating to the crime. The party requesting the
431 placement into the Commissioner's custody or, in the case of admissions pursuant to §§ 19.2-169.3 and
432 19.2-169.6, and Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the person having custody over the defendant
433 or inmate shall gather the above information for submission to the court at the hearing. If the information
434 is not available at the hearing, it shall be provided by the party requesting placement or the person having
435 custody directly to the Commissioner within 96 hours of the person being placed into the Commissioner's
436 custody. If the 96-hour period expires on a Saturday, Sunday or legal holiday, the 96 hours shall be
437 extended to the next day that is not a Saturday, Sunday or legal holiday.

438 **§ 19.2-368.3. Powers and duties of Commission.**

439 The Commission shall have the following powers and duties in the administration of the provisions
440 of this chapter:

441 1. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the
442 provisions and purposes of this chapter, to include a distinct policy (i) for the payment of physical evidence
443 recovery kit examinations and (ii) to require each health care provider as defined in § 8.01-581.1 that
444 provides services under this chapter to negotiate with the Commission or its designee to establish
445 prospective agreements relating to rates for payment of claims for such services allowed under § 19.2-
446 368.11:1, such rates to discharge the obligation to the provider in full except where the provider is an
447 agency of the Commonwealth and the claimant receives a third party recovery in addition to the payment
448 from the Fund.

449 2. Notwithstanding the provisions of ~~§§ 2.2-3706~~ and 2.2-3706.1, to acquire from the attorneys
450 for the Commonwealth, State Police, local police departments, sheriffs' departments, and the Chief

451 Medical Examiner such investigative results, information and data as will enable the Commission to
452 determine if, in fact, a crime was committed or attempted, and the extent, if any, to which the victim or
453 claimant was responsible for his own injury. These data shall include prior adult arrest records and juvenile
454 court disposition records of the offender. For such purposes and in accordance with § 16.1-305, the
455 Commission may also acquire from the juvenile and domestic relations district courts a copy of the order
456 of disposition relating to the crime. The use of any information received by the Commission pursuant to
457 this subdivision shall be limited to carrying out the purposes set forth in this section, and this information
458 shall be confidential and shall not be disseminated further. The agency from which the information is
459 requested may submit original reports, portions thereof, summaries, or such other configurations of
460 information as will comply with the requirements of this section.

461 3. To hear and determine all claims for awards filed with the Commission pursuant to this chapter,
462 and to reinvestigate or reopen cases as the Commission deems necessary.

463 4. To require and direct medical examination of victims.

464 5. To hold hearings, administer oaths or affirmations, examine any person under oath or
465 affirmation and to issue summonses requiring the attendance and giving of testimony of witnesses and
466 require the production of any books, papers, documentary or other evidence. The powers provided in this
467 subsection may be delegated by the Commission to any member or employee thereof.

468 6. To take or cause to be taken affidavits or depositions within or without the Commonwealth.

469 7. To render each year to the Governor and to the General Assembly a written report of its
470 activities. This report shall include a detailed section on all unclaimed restitution collected and disbursed
471 to the victim from the Criminal Injuries Compensation Fund pursuant to subsection I of § 19.2-305.1.

472 8. To accept from the government of the United States grants of federal moneys for disbursement
473 under the provisions of this chapter.

474 9. To collect and disburse unclaimed restitution pursuant to subsection I of § 19.2-305.1 and
475 develop, in consultation with circuit court clerks and the Office of the Executive Secretary of the Supreme
476 Court of Virginia, policies and procedures for the receipt, collection, and disbursement of unclaimed
477 restitution to victims of crime.

