

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend and reenact §§ 2.2-3706, 2.2-3711, and 15.2-1713.1 of the Code of Virginia, relating  
2 to the Freedom of Information Act; access to criminal and other records held by public bodies  
3 engaged in criminal law-enforcement activities.

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

5 **1. That §§ 2.2-3706, 2.2-3711, and 15.2-1713.1 of the Code of Virginia are amended and reenacted**  
6 **as follows:**

7 **§ 2.2-3706. Disclosure of criminal records; limitations.**

8 A. ~~Definitions. As used in this section:~~

9 ~~"Criminal incident information" means a general description of the criminal activity reported, the~~  
10 ~~date and general location the alleged crime was committed, the identity of the investigating officer, and~~  
11 ~~a general description of any injuries suffered or property damaged or stolen.~~

12 ~~"Criminal investigative file" means any documents and information including complaints, court~~  
13 ~~orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements,~~  
14 ~~and evidence relating to a criminal investigation or prosecution, other than criminal incident~~  
15 ~~information.~~

16 ~~B. Law enforcement agencies shall make available upon request criminal incident information~~  
17 ~~relating to felony offenses. However, where the release of criminal incident information is likely to~~  
18 ~~jeopardize an ongoing investigation or prosecution, or the safety of an individual; cause a suspect to flee~~  
19 ~~or evade detection; or result in the destruction of evidence, such information may be withheld until the~~  
20 ~~above referenced damage is no longer likely to occur from release of the information. Nothing in this~~  
21 ~~subsection shall be construed to prohibit the release of those portions of such information that are not~~  
22 ~~likely to cause the above referenced damage.~~

23 ~~C. Information in the custody of law enforcement agencies relative to the identity of any~~  
24 ~~individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest shall~~  
25 ~~be released.~~

26 ~~D. The identity of any victim, witness or undercover officer, or investigative techniques or~~  
27 ~~procedures need not but may be disclosed unless disclosure is prohibited or restricted under § 19.2-11.2.~~

28 ~~E. The identity of any individual providing information about a crime or criminal activity under a~~  
29 ~~promise of anonymity shall not be disclosed.~~

30 F. All public bodies engaged in criminal law-enforcement activities shall provide requested  
31 records in accordance with this chapter as follows:

32 1. Records required to be released:

33 a. Criminal incident information relating to felony offenses, which shall include:

34 (1) A general description of the criminal activity reported;

35 (2) The date the alleged crime was committed;

36 (3) The general location where the alleged crime was committed;

37 (4) The identity of the investigating officer or other point of contact; and

38 (5) A general description of any injuries suffered or property damaged or stolen.

39 A verbal response as agreed to by the requester and the public body is sufficient to satisfy the  
40 requirements of subdivision a.

41 Where the release of criminal incident information, however, is likely to jeopardize an ongoing  
42 investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or  
43 result in the destruction of evidence, such information may be withheld until the above-referenced  
44 damage is no longer likely to occur from release of the information. Nothing in subdivision a shall be  
45 construed to authorize the withholding of those portions of such information that are not likely to cause  
46 the above-referenced damage;

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

50 c. Information relative to the identity of any individual, other than a juvenile, who is arrested and  
51 charged, and the status of the charge or arrest;

52        2. Discretionary releases. The following records are excluded from the provisions of this chapter,  
53 but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by  
54 law:

55        ~~1-a.~~ Criminal investigative files ~~as,~~ defined ~~in subsection A~~ as any documents and information,  
56 including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence,  
57 reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than  
58 criminal incident information subject to release in accordance with subdivision 1 a;

59        ~~2. Adult arrestee photographs when necessary to avoid jeopardizing an investigation in felony~~  
60 ~~cases until such time as the release of the photograph will no longer jeopardize the investigation;~~

61        ~~3-b.~~ Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii)  
62 investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments  
63 of public institutions of higher education established pursuant to Chapter 17 (§ 23-232 et seq.) of Title  
64 23;

65        ~~4. Portions of records of local government crime commissions that would identify individuals~~  
66 ~~providing information about crimes or criminal activities under a promise of anonymity;~~

67        ~~5-c.~~ Records of local law-enforcement agencies relating to neighborhood watch programs that  
68 include the names, addresses, and operating schedules of individual participants in the program that are  
69 provided to such agencies under a promise of anonymity;

70        ~~6-d.~~ All records of persons imprisoned in penal institutions in the Commonwealth provided such  
71 records relate to the imprisonment;

72        ~~7-e.~~ Records of law-enforcement agencies, to the extent that such records contain specific  
73 tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement  
74 personnel or the general public;

75        ~~8-f.~~ All records of adult persons under (i) investigation or supervision by a local pretrial services  
76 agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation,  
77 probation supervision, or monitoring by a local community-based probation services agency in  
78 accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or

79 supervision by state probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of  
80 Chapter 4 of Title 53.1;

81 ~~9.g.~~ Records of a law-enforcement agency to the extent that they disclose the telephone numbers  
82 for cellular telephones, pagers, or comparable portable communication devices provided to its personnel  
83 for use in the performance of their official duties;

84 ~~10.h.~~ Those portions of any records containing information related to undercover operations or  
85 protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations  
86 or protective details. Nothing in this subdivision shall operate to allow the withholding of information  
87 concerning the overall costs or expenses associated with undercover operations or protective details; ~~and~~

88 ~~11.i.~~ Records of (i) background investigations of applicants for law-enforcement agency  
89 employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a  
90 law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement  
91 agencies that are made confidential by law;

92 ~~G. Records kept by law enforcement agencies as required by § 15.2-1722 shall be subject to the~~  
93 ~~provisions of this chapter except that those portions of noncriminal incident or other investigative~~  
94 ~~reports or materials that contain identifying information of a personal, medical or financial nature may~~  
95 ~~be withheld where the release of such information would jeopardize the safety or privacy of any person.~~

96 ~~H. Records of the Sex Offender and Crimes Against Minors Registry maintained by the~~  
97 ~~Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 are excluded from the~~  
98 ~~provisions of this chapter, including information obtained from state, local and regional officials, except~~  
99 ~~to the extent that information is required to be posted on the Internet pursuant to § 9.1-913.~~

100 j. The identity of any victim, witness, or undercover officer, or investigative techniques or  
101 procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited  
102 or restricted under § 19.2-11.2; and

103 k. Records of the Sex Offender and Crimes Against Minors Registry maintained by the  
104 Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information

105 obtained from state, local, and regional officials, except to the extent that information is required to be  
106 posted on the Internet pursuant to § 9.1-913; and

107 3. Prohibited releases. The identity of any individual providing information about a crime or  
108 criminal activity under a promise of anonymity shall not be disclosed.

109 B. Noncriminal records. Records (i) required to be maintained by law-enforcement agencies  
110 pursuant to § 15.2-1722 or (ii) maintained by other public bodies engaged in criminal law-enforcement  
111 activities shall be subject to the provisions of this chapter except that those portions of noncriminal  
112 incident or other noncriminal investigative reports or materials that contain identifying information of a  
113 personal, medical, or financial nature may be withheld where the release of such information would  
114 jeopardize the safety or privacy of any person. Access to personnel records of persons employed by a  
115 law-enforcement agency shall be governed by the provisions of subdivision A 2 i of this section and  
116 subdivision 1 of § 2.2-3705.1.

117 C. Records of any call for service or other communication to an emergency 911 system or  
118 communicated with any other equivalent reporting system shall be subject to the provisions of this  
119 chapter.

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

122 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

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

124 1. Discussion, consideration, or interviews of prospective candidates for employment;  
125 assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of  
126 specific public officers, appointees, or employees of any public body; and evaluation of performance of  
127 departments or schools of public institutions of higher education where such evaluation will necessarily  
128 involve discussion of the performance of specific individuals. Any teacher shall be permitted to be  
129 present during a closed meeting in which there is a discussion or consideration of a disciplinary matter  
130 that involves the teacher and some student and the student involved in the matter is present, provided the  
131 teacher makes a written request to be present to the presiding officer of the appropriate board.

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

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

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

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

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

149           7. Consultation with legal counsel and briefings by staff members or consultants pertaining to  
150 actual or probable litigation, where such consultation or briefing in open meeting would adversely affect  
151 the negotiating or litigating posture of the public body; and consultation with legal counsel employed or  
152 retained by a public body regarding specific legal matters requiring the provision of legal advice by such  
153 counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been  
154 specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe  
155 will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit  
156 the closure of a meeting merely because an attorney representing the public body is in attendance or is  
157 consulted on a matter.

158           8. In the case of boards of visitors of public institutions of higher education, discussion or  
159 consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts  
160 for services or work to be performed by such institution. However, the terms and conditions of any such  
161 gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign  
162 person and accepted by a public institution of higher education in Virginia shall be subject to public  
163 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,  
164 (i) "foreign government" means any government other than the United States government or the  
165 government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity  
166 created under the laws of the United States or of any state thereof if a majority of the ownership of the  
167 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the  
168 membership of any such entity is composed of foreign persons or foreign legal entities, or any legal  
169 entity created under the laws of a foreign government; and (iii) "foreign person" means any individual  
170 who is not a citizen or national of the United States or a trust territory or protectorate thereof.

171           9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia  
172 Museum of Natural History, and The Science Museum of Virginia, discussion or consideration of  
173 matters relating to specific gifts, bequests, and grants.

174           10. Discussion or consideration of honorary degrees or special awards.

175           11. Discussion or consideration of tests, examinations, or other records excluded from this  
176 chapter pursuant to subdivision 4 of § 2.2-3705.1.

177           12. Discussion, consideration, or review by the appropriate House or Senate committees of  
178 possible disciplinary action against a member arising out of the possible inadequacy of the disclosure  
179 statement filed by the member, provided the member may request in writing that the committee meeting  
180 not be conducted in a closed meeting.

181           13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement  
182 or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the  
183 governing body in open meeting finds that an open meeting will have an adverse effect upon the  
184 negotiating position of the governing body or the establishment of the terms, conditions and provisions

185 of the siting agreement, or both. All discussions with the applicant or its representatives may be  
186 conducted in a closed meeting.

187 14. Discussion by the Governor and any economic advisory board reviewing forecasts of  
188 economic activity and estimating general and nongeneral fund revenues.

189 15. Discussion or consideration of medical and mental health records excluded from this chapter  
190 pursuant to subdivision 1 of § 2.2-3705.5.

191 16. Deliberations of the State Lottery Board in a licensing appeal action conducted pursuant to  
192 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and  
193 discussion, consideration or review of State Lottery Department matters related to proprietary lottery  
194 game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-  
195 3705.3 and subdivision 11 of § 2.2-3705.7.

196 17. Those portions of meetings by local government crime commissions where the identity of, or  
197 information tending to identify, individuals providing information about crimes or criminal activities  
198 under a promise of anonymity is discussed or disclosed.

199 18. Those portions of meetings in which the Board of Corrections discusses or discloses the  
200 identity of, or information tending to identify, any prisoner who (i) provides information about crimes or  
201 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the  
202 apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders  
203 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

204 19. Discussion of plans to protect public safety as it relates to terrorist activity and briefings by  
205 staff members, legal counsel, or law-enforcement or emergency service officials concerning actions  
206 taken to respond to such activity or a related threat to public safety; or discussion of reports or plans  
207 related to the security of any governmental facility, building or structure, or the safety of persons using  
208 such facility, building or structure.

209 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-  
210 124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of  
211 the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings

212 Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or  
213 other ownership interest in an entity, where such security or ownership interest is not traded on a  
214 governmentally regulated securities exchange, to the extent that such discussion (i) concerns  
215 confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the  
216 retirement system or by the Virginia College Savings Plan or provided to the retirement system or the  
217 Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership  
218 interest or the future financial performance of the entity, and (ii) would have an adverse effect on the  
219 value of the investment to be acquired, held or disposed of by the retirement system, the Rector and  
220 Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision  
221 shall be construed to prevent the disclosure of information relating to the identity of any investment  
222 held, the amount invested or the present value of such investment.

223 21. Those portions of meetings in which individual child death cases are discussed by the State  
224 Child Fatality Review team established pursuant to § 32.1-283.1, and those portions of meetings in  
225 which individual child death cases are discussed by a regional or local child fatality review team  
226 established pursuant to § 32.1-283.2, and those portions of meetings in which individual death cases are  
227 discussed by family violence fatality review teams established pursuant to § 32.1-283.3.

228 22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern  
229 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any  
230 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern  
231 Virginia Medical School, as the case may be, have been delegated, in which there is discussed  
232 proprietary, business-related information pertaining to the operations of the University of Virginia  
233 Medical Center or Eastern Virginia Medical School, as the case may be, including business development  
234 or marketing strategies and activities with existing or future joint venturers, partners, or other parties  
235 with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case  
236 may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such  
237 information would adversely affect the competitive position of the Medical Center or Eastern Virginia  
238 Medical School, as the case may be.

239           23. In the case of the Virginia Commonwealth University Health System Authority, discussion  
240 or consideration of any of the following: the acquisition or disposition of real or personal property where  
241 disclosure would adversely affect the bargaining position or negotiating strategy of the Authority;  
242 operational plans that could affect the value of such property, real or personal, owned or desirable for  
243 ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and  
244 contracts for services or work to be performed by the Authority; marketing or operational strategies  
245 where disclosure of such strategies would adversely affect the competitive position of the Authority;  
246 members of its medical and teaching staffs and qualifications for appointments thereto; and  
247 qualifications or evaluations of other employees.

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

251           25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein  
252 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees  
253 by or on behalf of individuals who have requested information about, applied for, or entered into prepaid  
254 tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title  
255 23 is discussed.

256           26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee  
257 created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-  
258 336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of  
259 wireless E-911 service.

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

266 28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11  
267 of § 2.2-3705.6 by a responsible public entity or an affected local jurisdiction, as those terms are defined  
268 in § 56-557, or any independent review panel appointed to review information and advise the  
269 responsible public entity concerning such records.

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

274 30. Discussion or consideration of grant or loan application records excluded from this chapter  
275 pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the  
276 Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment  
277 Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

278 31. Discussion or consideration by the Commitment Review Committee of records excluded  
279 from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to  
280 commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

281 32. [Expired.]

282 33. Discussion or consideration of confidential proprietary records and trade secrets excluded  
283 from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

284 34. Discussion or consideration by a local authority created in accordance with the Virginia  
285 Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade  
286 secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

287 35. Discussion or consideration by the State Board of Elections or local electoral boards of  
288 voting security matters made confidential pursuant to § 24.2-625.1.

289 36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory  
290 Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records  
291 excluded from this chapter pursuant to subdivision ~~F1~~ [A 2 a](#) of § 2.2-3706.

292 37. Discussion or consideration by the Brown v. Board of Education Scholarship Program  
293 Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision  
294 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum  
295 scholarship award, review and consider scholarship applications and requests for scholarship award  
296 renewal, and cancel, rescind, or recover scholarship awards.

297 38. Discussion or consideration by the Virginia Port Authority of records excluded from this  
298 chapter pursuant to subdivision 1 of § 2.2-3705.6.

299 39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System  
300 acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-  
301 124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia  
302 College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's  
303 Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this  
304 chapter pursuant to subdivision 25 of § 2.2-3705.7.

305 40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3  
306 of § 2.2-3705.6.

307 41. Discussion or consideration by the Board of Education of records relating to the denial,  
308 suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 13 of §  
309 2.2-3705.3.

310 42. Those portions of meetings of the Virginia Military Advisory Council or any commission  
311 created by executive order for the purpose of studying and making recommendations regarding  
312 preventing closure or realignment of federal military and national security installations and facilities  
313 located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs  
314 organization appointed by a local governing body, during which there is discussion of records excluded  
315 from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

316 43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
317 records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

318 44. Discussion or consideration by the Virginia Tobacco Indemnification and Community  
319 Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-  
320 3705.6.

321 45. Discussion or consideration by the board of directors of the Commercial Space Flight  
322 Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

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

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

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

333 E. This section shall not be construed to (i) require the disclosure of any contract between the  
334 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§  
335 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to  
336 the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered  
337 to issue industrial revenue bonds by general or special law, to identify a business or industry to which  
338 subdivision A 5 applies. However, such business or industry shall be identified as a matter of public  
339 record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such  
340 bonds.

341 **§ 15.2-1713.1. Local "Crime Stoppers" programs; confidentiality.**

342 A. As used in this section, a "Crime Stoppers," "crime solvers," "crime line," or other similarly  
343 named organization is defined as a private, nonprofit Virginia corporation governed by a civilian  
344 volunteer board of directors that is operated on a local or statewide level that (i) offers anonymity to

345 persons providing information to the organization, (ii) accepts and expends donations for cash rewards  
346 to persons who report to the organization information about alleged criminal activity and that the  
347 organization forwards to the appropriate law-enforcement agency, and (iii) is established as a  
348 cooperative alliance between the news media, the community, and law-enforcement officials.

349 B. Evidence of a communication or any information contained therein between a person  
350 submitting a report of an alleged criminal act to a "Crime Stoppers" organization and the person who  
351 accepted the report on behalf of the organization is not admissible in a court proceeding. Law-  
352 enforcement agencies receiving information concerning alleged criminal activity from a "Crime  
353 | Stoppers" organization shall maintain confidentiality pursuant to ~~subsection E~~ [subdivision A 3](#) of § 2.2-  
354 3706.

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