



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

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## **2025 FOIA LEGISLATIVE UPDATE**

*NOTE: Unless otherwise stated, the changes in the law described in this update will take effect July 1, 2025.*

### **I. Introduction**

The General Assembly passed a total of 13 bills amending the Virginia Freedom of Information Act (FOIA) during the 2025 Session. Section II of this update lists the 13 bills enacted at the 2025 Session as each relates to the sections of FOIA. Section III presents a brief overview of amendments to FOIA by Code section in order to provide context and organization to the numerous bills. Section IV presents a brief overview of other access-related legislation passed during the 2025 Session.

For more specific information regarding each bill, please see the bill itself. Unless otherwise indicated, the changes will become effective July 1, 2025.

### **II. Bills Enacted at the 2025 Session that Amend FOIA**

One bill adds a new section in FOIA as follows:

- HB 1589 (Williams) removes various references to postrelease supervision and instead includes such references and related procedures in the provisions that govern probation so that such procedures, including revocation hearings, will be overseen and conducted by the sentencing court. The bill provides that except for a public meeting convened for conducting the final deliberation and vote regarding whether the Parole Board will grant parole to a prisoner, a meeting of the Parole Board members, regardless of whether such members invite staff or other guests to participate in such meeting, shall not be deemed a meeting subject to the provisions of FOIA.

The bill also provides that the final deliberation and vote of whether to grant parole to a person serving life imprisonment for murder in the first degree shall be attended by four or more members of the Parole Board, and a decision to grant such person discretionary parole shall require the concurrence of four or more members present. A final deliberation and vote of whether to grant parole to a person not sentenced to life imprisonment requires the attendance of a panel of no fewer than three members of the Parole Board and a concurrence of the majority of members present for such final deliberation and vote

(amending §§ 18.2-10, 19.2-295.2, 19.2-390, 53.1-134, 53.1-134.1, 53.1-136, 53.1-145, 53.1-157, 53.1-161, 53.1-162, 53.1-164, and 53.1-165; adding § 2.2-3707.02).

Two bills add a new records exemption in FOIA as follows:

- HB 1937 (Hope) and SB 1439 (Durant) require the Commissioner of Behavioral Health and Developmental Services to include provisions for the protection of patient privacy and data security pursuant to state and federal law and regulations in contracts with private entities for the administration of the acute psychiatric bed registry. The bills require the Commissioner to create the Bed Registry Advisory Council to advise the Commissioner and any such private entity on the administration of such registry and to review and approve requests for access to data from the registry. The bills also create a FOIA exemption for information submitted to such registry (amending §§ 2.2-3705.5 and 37.2-308.1).

Two bills add a new records exemption and amend an existing records exemption in FOIA as follows:

- HB 2502 (Wiley) and SB 1107 (Jordan) exclude from the mandatory disclosure requirements of FOIA certain information held by the Department of Workforce Development and Advancement, which includes any information of a proprietary or confidential nature, including trade secrets, employee compensation information, balance sheets and financial statements that are not available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Department for the purpose of sponsoring, implementing, and operating (i) an apprenticeship program approved by the Department or (ii) a similar lawful workforce development or public-private partnership approved by the Department that assists the Department in fulfilling its mission and objectives and whose workforce development initiative could not advance without such exemption, as determined by the Commissioner of the Department and the Secretary of Labor (amending §§ 2.2-2040, 2.2-3705.6, and 2.2-3705.7). [*Note: The bills add a new exemption in § 2.2-3705.6 and amend an existing exemption in § 2.2-3705.7.*]

Two bills add new prohibitions on the release of certain records under FOIA as follows:

- HB 2723 (Herring) and SB 1466 (Surovell) amend numerous statutes related to the expungement and sealing of criminal records that are scheduled to become effective on July 1, 2025. In addition, the bills require (i) the Department of State Police to develop a secure portal for the purpose of allowing government agencies to determine whether a record has been sealed prior to responding to a request pursuant to current law by October 1, 2026; (ii) the Virginia Indigent Defense Commission to (a) educate and provide support to public defenders and certified court-appointed counsel on expungement and sealing, (b) conduct trainings on expungement and sealing across the Commonwealth, (c) develop a library of resources on expungement and sealing for use by public defenders and court-appointed counsel, and (d) post information regarding expungement and sealing for use by the public on its website; and (iii) the Department of State Police, Department of Motor Vehicles, Office of the Executive Secretary of the Supreme Court of Virginia, and clerk of any circuit court to provide data and information on sealing upon request of the Virginia State Crime Commission for purposes of monitoring and evaluating the implementation and impact of the sealing processes. The bills also direct (1) the Office of the Executive Secretary of the Supreme Court of Virginia to collect data related to petitions filed pursuant

to relevant law, (2) the Virginia State Crime Commission to analyze data and information collected on automatic and petition sealing and report to the General Assembly by the first day of the 2026 Regular Session, and (3) the Virginia State Crime Commission to continue its study on the sealing of criminal records and report its work to the General Assembly by the first day of the 2026 Regular Session.

The bills repeal the Sealing Fee Fund and direct any money in such Fund to be reverted to the general fund. The bills contain a delayed effective date of July 1, 2026, for the provisions related to the sealing of former possession of marijuana offenses without entry of a court order and the sealing of charges and convictions related to automatic sealing and such petitions. Lastly, the bills delay the repeal of the relevant law related to marijuana possession, limits on dissemination of criminal history record information, and prohibited practices by employers, educational institutions, and state and local governments until January 1, 2026. As introduced, the bills were a recommendation of the Virginia State Crime Commission (amending §§ 2.2-3706, 2.2-3706.1, 9.1-101, 9.1-128, 17.1-293.1, 17.1-502, 19.2-310.7, 19.2-392.2, 19.2-392.5 through 19.2-392.8, 19.2-392.11 through 19.2-392.14, 19.2-392.16, and 19.2-392.17; adding sections numbered 19.2-392.6:1 and 19.2-392.12:1; and repealing § 17.1-205.1). [*Note: Among other changes, the bills add new provisions prohibiting the release of certain records that have been expunged or sealed by a court.*]

Two bills add a new meetings exemption in FOIA as follows:

- HB 2165 (Cole) and SB 1002 (Boysko) prohibit any person from converting contributions to a candidate or his campaign committee for personal use. Current law only prohibits such conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bills provide that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but allow a contribution to be used for the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's dependent care expenses that are incurred as a direct result of campaign activity. The bills provide that any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The foregoing provisions of the bills have a delayed effective date of July 1, 2026. The bills direct the State Board of Elections to adopt emergency regulations similar to those promulgated by the Federal Election Commission to implement the provisions of the bills and to publish an updated summary of Virginia campaign finance law that reflects the State Board of Elections' and Attorney General's guidance on the provisions of such law that prohibit the personal use of campaign funds and any new regulations promulgated by the State Board of Elections (amending §§ 2.2-3711, 24.2-946, and 24.2-948.4; adding §§ 24.2-948.6 through 24.2-948.9).

Four bills amend existing provisions of FOIA as follows:

- HB 1799 (Wyatt) prohibits the Virginia Lottery (the Department) from disclosing information about any individual winner whose prize is \$1 million or greater and exempts such information from disclosure under FOIA unless the winner consents to such disclosure. Under current law, the Department is prohibited from disclosing information

about any individual winner whose prize exceeds \$10 million (amending §§ 2.2-3705.7 and 58.1-4029).

- HB 1957 (Helmer) modifies provisions relating to assessment methods for determining the level of achievement of the Standards of Learning objectives by all students, including (i) requirements relating to assessment administration aimed at maximizing instructional time and optimizing time used for assessment administration; (ii) criteria and guidelines for the structure and content of Standards of Learning assessments and alternative assessments developed by local school boards, including criteria for the types of assessment items that shall be included; (iii) provisions relating to eligibility and timelines for students to retake assessments; and (iv) the scoring of Standards of Learning assessments and related assessments, including a requirement that all such assessments be scored on a 100-point scale. The bill contains a provision exempting from the requirement that all end-of-course assessments be administered no earlier than two weeks prior to the last day of the school year any assessments administered as a part of a competency-based assessment system. The bill requires the Board of Education to provide any teacher who participates in the scoring of Standards of Learning assessments professional development points toward renewal of his license for the time spent scoring such assessments. The bill also requires the Board of Education to develop and make available to each school board certain templates and guidelines relating to assessment content and structure and assessment scoring. Certain provisions of the bill do not become effective unless reenacted by the 2026 Session of the General Assembly and certain others have a delayed effective date of July 1, 2026 (amending §§ 2.2-3705.3 and 22.1-253.13:3). [*Note: This bill contains a technical amendment to an existing FOIA exemption.*]
- HB 2152 (Carr) provides that any legal counsel for a public body who is also designated as the public body's FOIA officer shall complete a training session or online course offered or approved by the FOIA Council (amending § 2.2-3704.2).
- SB 1283 (Ebbin) removes the authority of the Director of the Department of Corrections, pursuant to the Corrections Private Management Act (the Act), or a regional jail authority to enter into contracts with contractors for the operation of prison facilities or regional jails, including management, custody of inmates, and provision of security, unless approved by the General Assembly. The bill does not affect the Director's authority pursuant to the Act, renamed by the bill as the Corrections Private Services Act, or a regional jail authority's ability to enter into private contracts for other correctional services, including those related to food service, medical care, transportation, sanitation, information systems, education and training programs, recreational or religious activities, financing, construction, or maintenance. The bill also removes provisions stating that (i) a site proposed by a contractor for the construction of a prison facility shall not be subject to certain approval procedures and (ii) no construction and operation of a private correctional facility shall be entered into nor shall any funds be expended for the contract unless the local governing body consents to the siting and construction of such facility within the bounds of the locality (amending §§ 2.2-1837, 2.2-3703, 8.01-195.10, 8.01-690, 19.2-353.5, 53.1-1, 53.1-31.1, 53.1-71.1, 53.1-71.2, 53.1-71.4, 53.1-71.5, 53.1-261, 53.1-262, 53.1-263, 53.1-265, and 53.1-266). [*Note: This bill contains a technical amendment to an existing FOIA provision stating that incarcerated persons do not have FOIA rights.*]

### **III. Amendments to FOIA by Code Section**

**§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility**

**SB 1283 Corrections Private Management Act; name change; private management prohibited.** Removes the authority of the Director of the Department of Corrections, pursuant to the Corrections Private Management Act (the Act), or a regional jail authority to enter into contracts with contractors for the operation of prison facilities or regional jails, including management, custody of inmates, and provision of security, unless approved by the General Assembly. The bill does not affect the Director's authority pursuant to the Act, renamed by the bill as the Corrections Private Services Act, or a regional jail authority's ability to enter into private contracts for other correctional services, including those related to food service, medical care, transportation, sanitation, information systems, education and training programs, recreational or religious activities, financing, construction, or maintenance. The bill also removes provisions stating that (i) a site proposed by a contractor for the construction of a prison facility shall not be subject to certain approval procedures and (ii) no construction and operation of a private correctional facility shall be entered into nor shall any funds be expended for the contract unless the local governing body consents to the siting and construction of such facility within the bounds of the locality (2025 Acts of Assembly, c. 337). *[Note: The bill contains a technical amendment to an existing FOIA provision stating that incarcerated persons do not have FOIA rights.]*

**§ 2.2-3704.2. Public bodies to designate FOIA officer**

**HB 2152 Virginia Freedom of Information Act; FOIA officer training.** Provides that any legal counsel for a public body who is also designated as the public body's Freedom of Information Act officer (FOIA officer) shall complete a training session or online course offered or approved by the FOIA Council (2025 Acts of Assembly, c. 533).

**§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations**

**HB 1957 Board of Education; Standards of Learning assessments and related student assessment methods; assessment development, implementation, and administration reform.** Modifies provisions relating to assessment methods for determining the level of achievement of the Standards of Learning objectives by all students, including (i) requirements relating to assessment administration aimed at maximizing instructional time and optimizing time used for assessment administration; (ii) criteria and guidelines for the structure and content of Standards of Learning assessments and alternative assessments developed by local school boards, including criteria for the types of assessment items that shall be included; (iii) provisions relating to eligibility and timelines for students to retake assessments; and (iv) the scoring of Standards of Learning assessments and related assessments, including a requirement that all such assessments be scored on a 100-point scale. The bill contains a provision exempting from the requirement that all end-of-course assessments be administered no earlier than two weeks prior to the last day of the school year any assessments administered as a part of a competency-based assessment system. The bill requires the Board of Education to provide any teacher who participates in the scoring of Standards of Learning assessments professional development points toward renewal of his license

for the time spent scoring such assessments. The bill also requires the Board of Education to develop and make available to each school board certain templates and guidelines relating to assessment content and structure and assessment scoring. Certain provisions of the bill do not become effective unless reenacted by the 2026 Session of the General Assembly and certain others have a delayed effective date of July 1, 2026 (2025 Acts of Assembly, c. 675). *[Note: This bill contains a technical amendment to an existing FOIA exemption.]*

## **§ 2.2-3705.5. Exclusions to application of chapter; health and social services records**

**HB 1937 and SB 1439 Acute psychiatric bed registry; Bed Registry Advisory Council established; patient privacy and data security; Virginia Freedom of Information Act exemption.** Require the Commissioner of Behavioral Health and Developmental Services to include provisions for the protection of patient privacy and data security pursuant to state and federal law and regulations in contracts with private entities for the administration of the acute psychiatric bed registry. The bills require the Commissioner to create the Bed Registry Advisory Council to advise the Commissioner and any such private entity on the administration of such registry and to review and approve requests for access to data from the registry. The bills also create a FOIA exemption for information submitted to such registry (2025 Acts of Assembly, cc. 149 and 156).

## **§ 2.2-3705.6 Exclusions to application of chapter; proprietary records and trade secrets**

**HB 2502 and SB 1107 Virginia Freedom of Information Act; exclusions; Department of Workforce Development and Advancement.** Exclude from the mandatory disclosure requirements of FOIA certain information held by the Department of Workforce Development and Advancement, which includes any information of a proprietary or confidential nature, including trade secrets, employee compensation information, balance sheets and financial statements that are not available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the Department for the purpose of sponsoring, implementing, and operating (i) an apprenticeship program approved by the Department or (ii) a similar lawful workforce development or public-private partnership approved by the Department that assists the Department in fulfilling its mission and objectives and whose workforce development initiative could not advance without such exemption, as determined by the Commissioner of the Department and the Secretary of Labor (2025 Acts of Assembly, cc. 90 and 108).

## **§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions**

**HB 1799 Virginia Lottery; disclosure of identity of winners.** Prohibits the Virginia Lottery (the Department) from disclosing information about any individual winner whose prize is \$1 million or greater and exempts such information from disclosure under FOIA unless the winner consents to such disclosure. Under current law, the Department is prohibited from disclosing information about any individual winner whose prize exceeds \$10 million (2025 Acts of Assembly, c. 76).

**HB 2502 and SB 1107 Virginia Freedom of Information Act; exclusions; Department of Workforce Development and Advancement.** *See summary under § 2.2-3705.6, supra* (2025 Acts of Assembly, cc. 90 and 108).

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

**HB 2723 and SB 1466 Criminal records; expungement and sealing of records.** Amend numerous statutes related to the expungement and sealing of criminal records that are scheduled to become effective on July 1, 2025. In addition, the bills require (i) the Department of State Police to develop a secure portal for the purpose of allowing government agencies to determine whether a record has been sealed prior to responding to a request pursuant to current law by October 1, 2026; (ii) the Virginia Indigent Defense Commission to (a) educate and provide support to public defenders and certified court-appointed counsel on expungement and sealing, (b) conduct trainings on expungement and sealing across the Commonwealth, (c) develop a library of resources on expungement and sealing for use by public defenders and court-appointed counsel, and (d) post information regarding expungement and sealing for use by the public on its website; and (iii) the Department of State Police, Department of Motor Vehicles, Office of the Executive Secretary of the Supreme Court of Virginia, and clerk of any circuit court to provide data and information on sealing upon request of the Virginia State Crime Commission for purposes of monitoring and evaluating the implementation and impact of the sealing processes. The bills also direct (1) the Office of the Executive Secretary of the Supreme Court of Virginia to collect data related to petitions filed pursuant to relevant law, (2) the Virginia State Crime Commission to analyze data and information collected on automatic and petition sealing and report to the General Assembly by the first day of the 2026 Regular Session, and (3) the Virginia State Crime Commission to continue its study on the sealing of criminal records and report its work to the General Assembly by the first day of the 2026 Regular Session.

The bills repeal the Sealing Fee Fund and direct any money in such Fund to be reverted to the general fund. The bills contain a delayed effective date of July 1, 2026, for the provisions related to the sealing of former possession of marijuana offenses without entry of a court order and the sealing of charges and convictions related to automatic sealing and such petitions. Lastly, the bills delay the repeal of the relevant law related to marijuana possession, limits on dissemination of criminal history record information, and prohibited practices by employers, educational institutions, and state and local governments until January 1, 2026. As introduced, these bills were recommendations of the Virginia State Crime Commission (2025 Acts of Assembly, cc. 671 and 634). *[Note: Among other changes, the bills add new provisions prohibiting the release of certain records that have been expunged or sealed by a court.]*

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

**HB 2723 and SB 1466 Criminal records; expungement and sealing of records.** *See summary under § 2.2-3706, supra* (2025 Acts of Assembly, cc. 671 and 634).

### **§ 2.2-3707.02 Meetings of Virginia Parole Board.**

**HB 1589 Powers and duties of Parole Board; voting requirements; meetings.** Removes various references to postrelease supervision and instead includes such references and related procedures in the provisions that govern probation so that such procedures, including revocation hearings, will be overseen and conducted by the sentencing court. The bill provides that except for a public meeting convened for conducting the final deliberation and vote regarding whether the Parole Board will grant parole to a prisoner, a meeting of the Parole Board members, regardless of whether such members invite staff or other guests to participate in such meeting, shall not be deemed a meeting subject to the provisions of FOIA.

The bill also provides that the final deliberation and vote of whether to grant parole to a person serving life imprisonment for murder in the first degree shall be attended by four or more members of the Parole Board, and a decision to grant such person discretionary parole shall require the concurrence of four or more members present. A final deliberation and vote of whether to grant parole to a person not sentenced to life imprisonment requires the attendance of a panel of no fewer than three members of the Parole Board and a concurrence of the majority of members present for such final deliberation and vote (2025 Acts of Assembly, c. 716). *[Note: Among other changes, the bill adds § 2.2-3707.02 to FOIA.]*

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

**HB 2165 and SB 1002 Campaign finance; prohibited personal use of campaign funds; complaints, hearings, civil penalty, and advisory opinions.** Prohibit any person from converting contributions to a candidate or his campaign committee for personal use. Current law only prohibits such conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bills provide that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but allow a contribution to be used for the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's dependent care expenses that are incurred as a direct result of campaign activity. The bills provide that any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The foregoing provisions of the bills have a delayed effective date of July 1, 2026. The bills direct the State Board of Elections to adopt emergency regulations similar to those promulgated by the Federal Election Commission to implement the provisions of the bills and to publish an updated summary of Virginia campaign finance law that reflects the State Board of Elections' and Attorney General's guidance on the provisions of such law that prohibit the personal use of campaign funds and any new regulations promulgated by the State Board of Elections (2025 Acts of Assembly, cc. 535 and 537).

## **IV. Other Access-Related Legislation**

### **Section 1**

**HB 2396 and SB 1270 Virginia Housing Development Authority; technical advisory group; report.** Direct the Virginia Housing Development Authority to convene a technical advisory group to (i) evaluate the prevalence of deed fraud, including notary fraud, seller impersonation, owner impersonation, and fraudulent lien filing; (ii) develop recommendations for the prevention of deed



fraud; and (iii) develop measures to enhance protections for property owners from such crimes. The bills also require the technical advisory group to give consideration to certain policy proposals stated in the bills. The bills require the technical advisory group to submit its findings and recommendations to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than November 1, 2025 (2025 Acts of Assembly, cc. 271 and 282).

**HB 2598 Department of Education; Superintendent's memo; confidentiality of certain information relating to students who receive home instruction.** Requires, no later than the start of the 2025–2026 school year, the Superintendent of Public Instruction to include in a Superintendent's memo an explanation of each division superintendent's obligations set forth in relevant law relating to the confidentiality of certain information relating to students who receive home instruction (2025 Acts of Assembly, c. 291).

**HB 2730 and SB 1465 Virginia State Crime Commission; review panel; cases involving Mary Jane Burton; report.** Direct the Virginia State Crime Commission (the Crime Commission) to designate a panel, consisting of members outlined in the bills, to review the following types of cases at the Virginia Department of Forensic Science where testing or analysis was performed by Mary Jane Burton: (i) cases resulting in convictions of persons who are currently incarcerated, or who were executed or exonerated, and (ii) cases where Burton testified, regardless of the final disposition of the case. However, the panel shall prioritize the review of such cases resulting in convictions of persons who are currently incarcerated. The bills provide that the Crime Commission shall provide staff support to the panel, and may request and shall receive support from other state or local government agencies. The bills provide that the provisions of FOIA do not apply to this panel or its review, or to any information received by or disseminated to any state or local government agency, private organization, or other entity for purposes of this review. The bills direct the panel to report on its work to the Crime Commission by the first day of each regular session of the General Assembly until completion of this review. As introduced, these bills were a recommendation of the Virginia State Crime Commission (2025 Acts of Assembly, cc. 421 and 430).

## **Title 2.2. Administration of Government**

**HB 1777 and SB 1406 Office of the Children's Ombudsman; foster youth's right to receive information.** Require the Department of Social Services or a local department of social services, a children's residential facility, or any child-placing agency to provide certain information along with the contact information for the Office of the Children's Ombudsman to a biological parent, prospective adoptive parent, or foster parent, as well as to any child in foster care age 12 or older upon the opening of a foster care case for such child. The bills also provide that, in relation to complaints made to the Ombudsman, if such child is the complainant, the Ombudsman need not gain the consent of the Department or local department of social services, the children's residential facility, the child-placing agency, or the foster parent or guardian of the child or other person having custody or care of the child to receive information from or communicate with the child (2025 Acts of Assembly, cc. 200 and 223).

**HB 2502 and SB 1107 Virginia Freedom of Information Act; exclusions; Department of Workforce Development and Advancement.** *See summary under § 2.2-3705.6, supra* (2025 Acts of Assembly, cc. 90 and 108).

**HB 2724 Use of automatic license plate recognition systems; reports; penalty.** Requires the Division of Purchases and Supply of the Department of General Services (the Division) to determine and approve the automatic license plate recognition systems, defined in the bill, for use in the Commonwealth and provides requirements for use of such systems by law-enforcement agencies. The bill limits the use of such systems by law-enforcement agencies to the following purposes: (i) as part of a criminal investigation into an alleged criminal violation of the Code of Virginia or any ordinance of any county, city, or town where there is a reasonable suspicion that a crime was committed; (ii) as part of an active investigation related to a missing or endangered person, including whether to issue an alert for such person, or a person associated with human trafficking; or (iii) to receive notifications related to a missing or endangered person, a person with an outstanding warrant, a person associated with human trafficking, a stolen vehicle, or a stolen license plate.

The bill requires annual reports from law-enforcement agencies using such systems that provide de-identified information concerning the use of the systems and from the State Police that aggregate such information statewide beginning April 1, 2027. The bill also requires a law-enforcement officer or State Police officer to collect data on whether a stop of a driver of a motor vehicle or stop or temporary detention of a person was based on a notification from an automatic license plate recognition system prior to such stop and if so, the specific reason for the notification as set forth in relevant law.

The provisions of the bill that require a law-enforcement agency to obtain a permit from the Department of Transportation in accordance with regulations of the Commonwealth Transportation Board before installing an automatic license plate recognition system on a state right-of-way do not become effective unless reenacted by the 2026 Session of the General Assembly. Except for provisions requiring (a) the Division to determine and approve automatic license plate recognition systems for use in the Commonwealth, which shall become effective on July 1, 2026, and (b) law-enforcement officers to collect data on whether a stop was based on a notification from an automatic license plate recognition system, which shall become effective January 1, 2026, the provisions of the bill become effective in due course. The bill requires the Division, in consultation with the Virginia Information Technologies Agency, to determine such systems for use in the Commonwealth and publicly post a list of such systems by January 1, 2026. Finally, the bill requires the Virginia State Crime Commission to collect data and conduct surveys of law-enforcement agencies to assess the use of automatic license plate recognition systems and report its findings by the first day of the 2026 Regular Session and again on November 1, 2026. As introduced, this bill was a recommendation of the Virginia State Crime Commission (2025 Acts of Assembly, c. 720). [*Note: This bill provides that "system data" and "audit trail data" as defined in the bill are not subject to disclosure under FOIA.*]

**SB 1283 Corrections Private Management Act; name change; private management prohibited.** *See summary under § 2.2-3703, supra* (2025 Acts of Assembly, c. 337).

## **Title 3.2 Agriculture, Animal Care, and Food**

**SB 1127 Animal testing facilities; public notification.** Requires any animal testing facility to (i) within 30 days of receiving a U.S. Department of Agriculture (USDA) inspection report, make such inspection report publicly available along with any other relevant USDA final incident reports and relevant documents generated during or as a result of internal or external reviews and (ii) within 30 days of receiving any USDA official warning notice of alleged violation, settlement agreement or stipulation, administrative complaint, decision or order, or any other enforcement record, make such documents publicly available. Current law requires any animal testing facility, within 30 days of receiving an inspection report, to make such inspection report publicly available along with any other relevant USDA incident reports and relevant documents generated from internal reviews. The bill also allows an animal testing facility to redact information contained within such documents in accordance with FOIA (2025 Acts of Assembly, c. 329).

## **Title 8.01. Civil Remedies and Procedure**

**SB 1283 Corrections Private Management Act; name change; private management prohibited.** *See summary under § 2.2-3703, supra* (2025 Acts of Assembly, c. 337).

## **Title 9.1 Commonwealth Public Safety**

**HB 2723 and SB 1466 Criminal records; expungement and sealing of records.** *See summary under § 2.2-3706, supra* (2025 Acts of Assembly, cc. 671 and 634).

## **Title 15.2. Counties, Cities and Towns**

**HB 1996 Planning and zoning; public notice.** Requires the second public hearing notice that a planning commission publishes for certain planning and zoning actions to be published no less than five days before the date of the meeting. Current law requires such notice to be published no less than seven days before the date of the meeting (2025 Acts of Assembly, c. 52).

## **Title 17.1 Courts of Record**

**HB 2723 and SB 1466 Criminal records; expungement and sealing of records.** *See summary under § 2.2-3706, supra* (2025 Acts of Assembly, cc. 671 and 634).

## **Title 18.2. Crimes and Offenses Generally**

**HB 1589 Powers and duties of Parole Board; voting requirements; meetings.** *See summary under § 2.2-3707.02, supra* (2025 Acts of Assembly, c. 716).

**HB 1874 and SB 781 Publication of personal information of retired or former law-enforcement officers.** Add retired or former law-enforcement officers, defined in the bills, to the definition of "public official" for the purposes of prohibiting the Commonwealth from publishing a public official's personal information on the Internet. The bills clarify that such retired or former law-enforcement officer be in good standing with no pending investigations or disciplinary actions. The bills provide that the demand in writing required to prohibit the publication of such personal information shall be effective for a period of four years, provided that such retired or former law-

enforcement officer was retired or ended his service within four years of filing a petition with a circuit court (2025 Acts of Assembly, cc. 207 and 215).

## **Title 19.2 Criminal Procedure**

**HB 1589 Powers and duties of Parole Board; voting requirements; meetings.** *See summary under § 2.2-3707.02, supra* (2025 Acts of Assembly, c. 716).

**HB 2723 and SB 1466 Criminal records; expungement and sealing of records.** *See summary under § 2.2-3706, supra* (2025 Acts of Assembly, cc. 671 and 634).

**SB 1283 Corrections Private Management Act; name change; private management prohibited.** *See summary under § 2.2-3703, supra* (2025 Acts of Assembly, c. 337).

## **Title 20 Domestic Relations**

**HB 1593 and SB 846 Access to minor's records; records contained in or made available through secure website.** Specify that for the purposes of allowing a parent to access the academic or health records of such parent's minor child such access includes access to such records that are stored in or accessible from a secure website (2025 Acts of Assembly, cc. 119 and 131).

## **Title 22.1. Education**

**HB 1957 Board of Education; Standards of Learning assessments and related student assessment methods; assessment development, implementation, and administration reform.** *See summary under § 2.2-3705.3, supra.* Certain provisions of the bill do not become effective unless reenacted by the 2026 Session of the General Assembly and certain others have a delayed effective date of July 1, 2026 (2025 Acts of Assembly, c. 675).

**HB 2226 Right of foster parents to prohibit disclosure of student address to parents; parental notification.** Requires (i) notwithstanding any provision of law to the contrary, upon written request of the foster parent of an enrolled student, a school board employee to redact the address of the foster parent prior to providing such student's parent any record otherwise containing such address and (ii) at the time a child is placed in foster care, each local department of social services to, if applicable, notify the foster parents of their right to make a written request pursuant to clause (i) (2025 Acts of Assembly, c. 164).

## **Title 23.1 Institutions of Higher Education; Other Educational and Cultural Institutions**

**HB 2452 Baccalaureate public institutions of higher education; livestreaming, recording, and archiving of boards of visitors meetings; closed sessions; guidelines.** Establishes several requirements, subject to a reenactment clause, relating to public access to meetings of the governing boards of baccalaureate public institutions of higher education. The bill also requires the State Council of Higher Education for Virginia, in consultation with the FOIA Council and a representative from the Library of Virginia, to work with the public institutions of higher education in the Commonwealth and with technology experts to develop minimal uniform standards, to the

extent practicable, for (i) providing the public with real-time access to the meetings of governing boards of public institutions of higher education and the meetings of committees of such boards, (ii) archiving the recordings of such meetings, and (iii) taking minutes at such meetings. The bill requires any such minimal uniform standards to be implemented by each public institution of higher education in the Commonwealth no later than July 1, 2026 (2025 Acts of Assembly, c. 275).

## **Title 24.2. Elections**

**HB 2165 and SB 1002 Campaign finance; prohibited personal use of campaign funds; complaints, hearings, civil penalty, and advisory opinions.** *See summary under § 2.2-3711, supra* (2025 Acts of Assembly, cc. 535 and 537).

## **Title 32.1 Health**

**HB 2375 Prescription drug price transparency; pharmacy services administrative organizations.** Requires pharmacy services administrative organizations to submit information on reimbursement rates and fees to the nonprofit data services organization that contracts with the Department of Health to provide prescription drug price transparency information. Under the bill, a pharmacy services administrative organization that solely generates revenue from charging flat service fees to pharmacies and does not charge pharmacies for services based on prescription drug prices or volume is exempt from submitting such information (2025 Acts of Assembly, c. 269).

## **Title 37.2 Behavioral Health and Developmental Services**

**HB 1937 and SB 1439 Acute psychiatric bed registry; Bed Registry Advisory Council established; patient privacy and data security; Virginia Freedom of Information Act exemption.** *See summary under § 2.2-3705.5, supra* (2025 Acts of Assembly, cc. 149 and 156).

## **Title 38.2 Insurance**

**HB 2375 Prescription drug price transparency; pharmacy services administrative organizations.** *See summary under Title 32.1, supra* (2025 Acts of Assembly, c. 269).

## **Title 52 Police (State)**

**HB 2724 Use of automatic license plate recognition systems; reports; penalty.** *See summary under Title 2.2, supra.* (2025 Acts of Assembly, c. 720).

## **Title 53.1 Prisons and Other Methods of Correction**

**HB 1589 Powers and duties of Parole Board; voting requirements; meetings.** *See summary under § 2.2-3707.02, supra* (2025 Acts of Assembly, c. 716).

**HB 1692 Virginia Parole Board; investigation of cases for executive clemency.** Requires all public bodies engaged in criminal law-enforcement activities to provide, to the extent permitted by law, copies of certain specified records upon request by the Virginia Parole Board related to cases in which executive clemency is sought or the Virginia Parole Board believes action on the

part of the Governor is proper or in the best interest of the Commonwealth. The bill specifies that records of any general district court, juvenile and domestic relations district court, or circuit court and the Department of Forensic Science shall be subject to such provisions and that any records requested shall be provided to the Virginia Parole Board at no cost. The bill requires any requested records be provided within 30 working days of receiving the request. Additionally, the bill specifies that records obtained pursuant to such request shall be excluded from mandatory public disclosure in the same manner as the correspondence and working papers of the Office of the Governor under FOIA (2025 Acts of Assembly, c. 12).

**SB 1283 Corrections Private Management Act; name change; private management prohibited.** *See summary under § 2.2-3703, supra* (2025 Acts of Assembly, c. 337).

## **Title 55.1 Property and Conveyances**

**HB 1706 and SB 1210 Virginia Residential Property Disclosure Act; required disclosures for buyer to beware; aircraft noise.** Require that the owner of a residential real property include in the residential property disclosure statement provided to a potential purchaser of such residential real property a statement that the owner makes no representations or warranties with respect to the property's proximity to a public use airport nor any noise from aircraft due to the proximity of the property to flight operations, and purchasers are advised to exercise whatever due diligence they deem necessary to determine whether the property is within proximity to a flight path or public use airport aircraft noise zone. The bills also require the Department of Aviation to establish and provide to the Real Estate Board by July 31, 2025, a website address that allows purchasers to access public use airport aircraft noise zone maps, and require the Real Estate Board to include such website address on the form for signature by the parties stating that the purchaser has been advised of the disclosures listed in the residential property disclosure statement. As introduced, the bills were a recommendation of the Virginia Housing Commission (2025 Acts of Assembly, cc. 15 and 25).

## **Title 58.1 Taxation**

**HB 1799 Virginia Lottery; disclosure of identity of winners.** *See summary under § 2.2-3705.7, supra* (2025 Acts of Assembly, c. 76).

## **Title 59.1 Trade and Commerce**

**HB 2358 and SB 1208 Current and Mature Semiconductor Technology Grant Fund.** Establish the Current and Mature Semiconductor Technology Grant Fund to, subject to appropriation, fund 15 annual grant award installments, in an aggregate amount not to exceed \$60 million, to a qualified company that engages in the manufacture of semiconductors and that executes a memorandum of understanding with the Commonwealth and, on and after July 1, 2024, but before June 30, 2040, is expected to (i) make a capital investment, defined in the bills, of at least \$2,170,130,850 and (ii) create and maintain at least 340 new full-time jobs, in an eligible locality, defined in the bills. The bills also authorize bonus grants of up to \$10 million that a qualified company may earn for certain new full-time job creation and maintenance (2025 Acts of Assembly, cc. 34 and 45). *[Note: The bills provide that certain records provided to the Secretary of Commerce and Trade by a qualified company shall not be subject to disclosure under FOIA.]*

**SB 754 Virginia Consumer Protection Act; prohibited practices; obtaining, disclosing, etc., reproductive or sexual health information without consumer consent.** Provides that obtaining, disclosing, selling, or disseminating personally identifiable reproductive or sexual health information, as defined in the bill, without the consent of the consumer is a prohibited practice under the Virginia Consumer Protection Act (2025 Acts of Assembly, c. 591).

**SB 1376 Virginia Consumer Protection Act; food labeling.** Prohibits the sale of any food required by the U.S. Food and Drug Administration to have a nutrition label when such food is not labeled in accordance with federal law (2025 Acts of Assembly, c. 342).

## **Title 62.1 Waters of the State, Ports and Harbors**

**HB 2516 Hazardous substances; hazardous substance facility response plans; civil penalties.** Requires any person that is required to submit a facility response plan under the U.S. Environmental Protection Agency's (EPA) Clean Water Act Hazardous Substance Facility Response Plans to submit evidence of an EPA-approved facility response plan to the Department of Environmental Quality within a certain time period and to comply with such plan. The bill provides certain requirements for reporting, recordkeeping, and inspection and authorizes the Department to initiate a civil action to obtain certain equitable relief for violations of the bill's provisions. The bill imposes civil penalties for any person that negligently, willfully, or knowingly (i) discharges or causes to discharge a hazardous substance from a facility or (ii) fails to implement or comply with an EPA-approved facility response plan. Finally, the bill requires the Department to develop guidance to implement the provisions of the bill (2025 Acts of Assembly, c. 279). [*Note: The bill allows the Director of the Department of Environmental Quality to withhold from public disclosure certain information.*]

## **Title 63.2 Welfare (Social Services)**

**HB 2226 Right of foster parents to prohibit disclosure of student address to parents; parental notification.** *See summary under Title 22.1, supra* (2025 Acts of Assembly, c. 164).