

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 848

An Act to amend and reenact § 44-146.22 of the Code of Virginia, relating to emergency services and disaster law; release of records.

[H 2210]

Approved March 22, 2003

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.22 of the Code of Virginia is amended and reenacted as follows:

§ 44-146.22. Development of measures to prevent or reduce harmful consequences of disasters.

A. In addition to disaster prevention measures included in state, local and interjurisdictional emergency operations plans, the Governor shall consider, on a continuing basis, hazard mitigation or other measures that could be taken to prevent or reduce the harmful consequences of disasters. At his direction, and pursuant to any other authority, state agencies, including, but not limited to, those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, *critical infrastructure protection*, land use and land-use planning, and construction standards, shall make studies of disaster prevention. The Governor, from time to time, shall make recommendations to the General Assembly, local governments, and other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

B. *The Governor or agencies acting on his behalf may receive information, voluntarily submitted from both public and nonpublic entities, related to the protection of the nation's critical infrastructure sectors and components that are located in Virginia or affect the health, safety, and welfare of the citizens of Virginia. Information submitted by any public or nonpublic entity in accordance with the procedures set forth in subdivision A 57 of § 2.2-3705 shall not be disclosed unless:*

- 1. It is requested by law-enforcement authorities in furtherance of an official investigation or the prosecution of a criminal act;*
- 2. The agency holding the record is served with a proper judicial order; or*
- 3. The agency holding the record has obtained the written consent to release the information from the entity voluntarily submitting it.*