

# VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

## CHAPTER 289

*An Act to amend and reenact § 9.1-177.1 of the Code of Virginia, relating to the confidentiality of presentencing investigation reports.*

[H 1417]

Approved March 30, 2006

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

**1. That § 9.1-177.1 of the Code of Virginia is amended and reenacted as follows:**

§ 9.1-177.1. Confidentiality of records of and reports on adult persons under investigation by or placed on probation supervision with a local community-based probation program.

A. Any investigation report, *including a presentencing investigation report*, prepared by a local probation officer is confidential and is exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Such reports shall be filed as a part of the case record. Such reports shall be made available only by court order and shall be sealed upon final order by the court; except that such reports shall be available upon request to (i) any criminal justice agency, as defined in § 9.1-101, of this or any other state or of the United States; (ii) any agency where the accused is referred for assessment or treatment; or (iii) counsel for the person who is the subject of the report.

B. Any report on the progress of an offender under the supervision or of a local community-based probation agency and any information relative to the identity of or inferring personal characteristics of an accused, including demographic information, diagnostic summaries, records of office visits, medical, substance abuse, psychiatric or psychological records or information, substance abuse screening, assessment and testing information, and other sensitive information not explicitly classified as criminal history record information, is exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, such information may be disseminated to criminal justice agencies as defined in § 9.1-101 in the discretion of the custodian of these records.