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**HOUSE BILL NO. 1007**

House Amendments in [ ] - February 11, 2008

A *BILL to amend the Code of Virginia by adding in Chapter 11 of Title 52 sections numbered 52-48 and 52-49, relating to the Virginia Fusion Intelligence Center; confidentiality; immunity; penalty.*

Patron Prior to Engrossment—Delegate Jones, D.C.

Referred to Committee on Militia, Police and Public Safety

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

**1. That the Code of Virginia is amended by adding in Chapter 11 of Title 52 sections numbered 52-48 and 52-49 as follows:**

*§ 52-48. Confidentiality and immunity from service of process.*

*A. Papers, records, documents, reports, materials, databases, or other evidence or information relative to criminal intelligence or any terrorism investigation in the possession of the Department shall be confidential and shall not be subject to the Virginia Freedom of Information Act, Chapter 37 (§ 2.2-3700 et seq.) or the Government Data Collections and Disseminations Practices Act, Chapter 38 (§ 2.2-3800 et seq.) of Title 2.2 of the Code of Virginia.*

*B. Employees of the Department [ and of other agencies of the Commonwealth assigned to the Virginia Fusion Intelligence Center ] shall not be subject to subpoena in any civil action in any court in the Commonwealth to testify concerning any matter of which they have knowledge pursuant to their access to criminal intelligence information or an active terrorism investigation being conducted by the Department.*

*C. No person or agency receiving information from the Virginia Fusion Intelligence Center shall release or disseminate that information without prior authorization from the Virginia Fusion Intelligence Center.*

*D. Any person who knowingly disseminates information in violation of this section is guilty of a Class 1 misdemeanor. If such unauthorized release or dissemination results in actual death or serious bodily injury, such person is guilty of a Class 4 felony.*

*E. For purposes of this chapter:*

*"Criminal intelligence information" means data that has been evaluated to determine that it is relevant to the identification of and the criminal activity engaged in by an individual who or organization which is reasonably suspected of involvement in criminal activity.*

*§ 52-49. Receipt of information; immunity from liability.*

*A. No cause of action for defamation, invasion of privacy, or negligence shall arise against any person furnishing information concerning any suspected, anticipated, or completed criminal violation when the information is provided to or received from the Department or any federal or state governmental entity established for the purposes of detecting and preventing acts of terrorism.*

*B. No person shall be subject to such cause of action for cooperating with, or furnishing evidence or information regarding any suspected criminal violation to, the Department.*

*C. This section shall not provide immunity for those disclosing or furnishing false information with malice or willful intent to injure any person.*

*D. This section does not abrogate or modify in any way common law or statutory privilege or immunity heretofore enjoyed by any person or entity.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.**

ENGROSSED

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