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HOUSE BILL NO. 1382

Offered January 28, 2010

A BILL to amend and reenact § 18.2-186.4 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-186.4:1, relating to public disclosure of personal information; law-enforcement officers.

Patron—Bell, Robert B.

Unanimous consent to introduce

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-186.4 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-186.4:1 as follows:

§ 18.2-186.4. Use of a person's identity with the intent to coerce, intimidate, or harass; penalty.

It shall be unlawful for any person, with the intent to coerce, intimidate, or harass another person, to publish the person's name or photograph along with identifying information as defined in clauses (iii) through (ix), or clause (xii) of subsection C of § 18.2-186.3, ~~including~~ or identification of the person's primary residence address. Any person who violates this section is guilty of a Class 1 misdemeanor.

Any person who violates this section knowing or having reason to know that person is a law-enforcement officer, as defined in § 9.1-101, is guilty of a Class 6 felony. The sentence shall include a mandatory minimum term of confinement of six months.

§ 18.2-186.4:1. Disclosure of personal information of law-enforcement officer.

A. No state or local agency, person, business or association shall publicly post or publicly display on the Internet the home address or telephone number of any law-enforcement officer, as defined in § 9.1-101, if that officer has made a written demand of the state or local agency, person, business, or association not to disclose his home address or telephone number. A written demand made by a law-enforcement officer shall include a statement describing a threat or fear for the safety of that officer or of any person residing at the officer's home address.

B. A state or local agency, person, business, or association that receives the written demand of a law-enforcement officer pursuant to this section shall remove the officer's home address or telephone number from public display on the Internet within 48 hours of delivery of the written demand, and shall ensure that this information is not reposted on the same Internet website, subsidiary site, or any other Internet website maintained by the recipient of the written demand.

C. After receiving the officer's written demand, the person, business, or association shall not transfer the officer's home address or telephone number to any other person, business, or association through any other medium. The provisions of this subsection shall not be deemed to prohibit a telephone corporation or its affiliate from transferring the officer's home address or telephone number to any person, business, or association, if the transfer (i) is authorized by federal or state law, (ii) is necessary in the event of an emergency, or (iii) is to collect a debt owed by the officer to the telephone corporation or its affiliate.

D. A written demand made by an officer pursuant to this section shall be effective for four years, regardless of whether or not the officer remains continuously employed as a law-enforcement officer throughout the four-year period.

E. An officer whose home address or telephone number is made public as a result of a violation of this section may bring an action for injunctive or declarative relief. If the court grants such relief, it shall award the officer costs and reasonable attorney fees.

F. An officer may designate in writing the officer's employer or a related governmental entity to act on behalf of the officer as that officer's agent with regard to making a written demand pursuant to this section. A written demand made by an agent pursuant to this subsection shall include a statement describing a threat or fear for the safety of each individual officer or of any person residing at the officer's home address and shall include a copy of the writing designating the agent to act on the officer's behalf.

G. For purposes of this section, "publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.

INTRODUCED

HB1382