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## HOUSE BILL NO. 1382

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 12, 2010)

(Patron Prior to Substitute—Delegate Bell, Robert B.)

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 of law-enforcement officers.

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. Internet publication of personal information of law-enforcement officer.

A. The Commonwealth shall not publish on the Internet the personal information of any law-enforcement officer if a court has, pursuant to subsection B, ordered that the officer's personal information is prohibited from publication and the officer has made a demand in writing to the Commonwealth, accompanied by the order of the court, that the Commonwealth not publish such information.

B. Any law-enforcement officer may petition a circuit court for an order prohibiting the publication on the Internet, by the Commonwealth, of the officer's personal information. The petition shall set forth the specific reasons that the officer seeks the order. The court shall hold a hearing on the petition and shall issue such an order only if it finds that (i) there exists a threat to the officer or a person who resides with him that would result from publication of the information, or (ii) the officer has demonstrated a reasonable fear of a risk to his safety or the safety of someone who resides with him that would result from publication of the information on the Internet.

C. If the Commonwealth publishes the law-enforcement officer's personal information on the Internet prior to receipt of a written demand by the officer under subsection A, it shall remove the information from publication on the Internet within 48 hours of receipt of the written demand.

D. A written demand made by an officer pursuant to this section shall be effective for four years, if the officer remains continuously employed as a law-enforcement officer throughout the four-year period.

E. For purposes of this section:

"Commonwealth" includes any agency or political subdivision of the Commonwealth of Virginia;

"Law-enforcement officer" shall have the same definition as set forth in § 9.1-101;

"Personal information" means home address or any personal telephone numbers; and

"Publication" and "publishes" means intentionally communicating personal information to, or otherwise making personal information available to, and accessible by, the general public.