

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 52-48 of the Code of Virginia, relating to the Virginia Fusion*
3 *Intelligence Center; review of databases.*

4 [S 1259]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 52-48 of the Code of Virginia is amended and reenacted as follows:**

8 § 52-48. Confidentiality and immunity from service of process; penalties.

9 A. Papers, records, documents, reports, materials, databases, or other evidence or information relative
10 to criminal intelligence or any terrorism investigation in the possession of the Virginia Fusion
11 Intelligence Center shall be confidential and shall not be subject to the Virginia Freedom of Information
12 Act (§ 2.2-3700 et seq.) or the Government Data Collection and Dissemination Practices Act (§ 2.2-3800
13 et seq.). ~~The Department~~ Every three years, the Department shall conduct an annual a review of
14 information contained in any database maintained by the Virginia Fusion Intelligence Center. Data that
15 has been determined to not have a nexus to terrorist activity shall be removed from such database. A
16 reasonable suspicion standard shall be applied when determining whether or not information has a nexus
17 to terrorist activity.

18 B. No person, having access to information maintained by the Virginia Fusion Intelligence Center,
19 shall be subject to subpoena in a civil action in any court of the Commonwealth to testify concerning a
20 matter of which he has knowledge pursuant to his access to criminal intelligence information maintained
21 by the Virginia Fusion Intelligence Center.

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

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

28 E. For purposes of this chapter:

29 "Criminal intelligence information" means data that has been evaluated and determined to be relevant
30 to the identification and criminal activity of individuals or organizations that are reasonably suspected of
31 involvement in criminal activity. "Criminal intelligence information" shall not include criminal
32 investigative files.

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