

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 8.01-40.3, relating to the*
3 *dissemination, etc., of criminal history record information; civil actions.*

4 [H 1764]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 8.01-40.3 as follows:**8 **§ 8.01-40.3. *Unauthorized dissemination, etc., of criminal history record information; civil actions.***

9 *A. Any person who disseminates, publishes, or maintains or causes to be disseminated, published, or*
10 *maintained the criminal history record information of an individual pertaining to that individual's*
11 *charge or arrest for a criminal offense and solicits, requests, or accepts money or other thing of value*
12 *for removing such criminal history record information shall be liable to the individual who is the*
13 *subject of the information for actual damages or \$500, whichever is greater, in addition to reasonable*
14 *attorney fees and costs.*

15 *B. Nothing in this section shall be construed to impose liability on:*16 *1. An interactive computer service, as defined in 47 U.S.C. § 230(f), for content provided by another*
17 *person.*18 *2. Any speech protected by Article I, Section 12 of the Constitution of Virginia.*19 *C. As used in this section, "criminal history record information" means the same as that term is*
20 *defined in § 9.1-101.*

ENROLLED

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