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HOUSE BILL NO. 1197

Offered January 15, 2016

A *BILL to amend and reenact § 18.2-186.4:1 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6 of Chapter 4 of Title 18.2 a section numbered 18.2-60.6, relating to Internet publication of personal information of law-enforcement officers; penalty.*

Patrons—Stolle and Hugo

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-186.4:1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 6 of Chapter 4 of Title 18.2 a section numbered 18.2-60.6as follows:

§ 18.2-60.6. Internet publication of personal information of law-enforcement officers.

A. *The Commonwealth shall not publish on any publically accessible website the personal information of any law-enforcement officer without first obtaining written permission from such law-enforcement officer.*

B. *No person shall publish, sell, solicit, or trade on the Internet the personal information of any law-enforcement officer or his immediate family member, as defined in § 6.2-1300, knowing that such person is a law-enforcement officer or an immediate family member of a law-enforcement officer and with the intent to cause imminent bodily harm or the threat of imminent bodily harm to such individual. A violation of this subdivision is a Class 1 misdemeanor.*

C. *No person shall publish on the Internet the personal information of any law-enforcement officer if a court has, pursuant to subsection D, ordered that the law-enforcement officer's personal information is prohibited from publication and the official has made a demand in writing to such person, accompanied by the order of the court, that the information not be published.*

D. *Any law-enforcement officer may petition a circuit court for an order prohibiting the publication on the Internet, by any person, of the law-enforcement officer's personal information or the personal information of his immediate family member. The petition shall set forth the specific reasons that the law-enforcement officer seeks the order. The court shall issue such an order only if it finds that (i) there exists a threat to the law-enforcement officer or his immediate family member that would result from publication of the information or (ii) the law-enforcement officer has demonstrated a reasonable fear of a risk to his safety or the safety of his immediate family member that would result from publication of the information on the Internet.*

E. *If a person publishes the law-enforcement officer's personal information on the Internet prior to receipt of a written demand by the law-enforcement officer under subsection C, he shall remove the information from publication on the Internet within 48 hours of receipt of the written demand. A written demand made by any law-enforcement officer pursuant to this section shall be effective for four years.*

F. *For purposes of this section:*

"Commonwealth" means any agency or political subdivision of the Commonwealth of Virginia.

"Personal information" means home address, home telephone numbers, personal cell phone numbers, or personal email address.

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

G. No provision of this section shall apply to lists of registered voters and persons who voted, voter registration records, or lists of absentee voters prepared or provided under Title 24.2.

§ 18.2-186.4:1. Internet publication of personal information of certain public officials.

A. *The Commonwealth shall not publish on the Internet the personal information of any public official if a court has, pursuant to subsection B, ordered that the official's personal information is prohibited from publication and the official 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 public official may petition a circuit court for an order prohibiting the publication on the Internet, by the Commonwealth, of the official's personal information. The petition shall set forth the specific reasons that the official seeks the order. The court shall issue such an order only if it finds that (i) there exists a threat to the official or a person who resides with him that would result from publication of the information or (ii) the official 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*

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59 information on the Internet.

60 C. If the Commonwealth publishes the public official's personal information on the Internet prior to
61 receipt of a written demand by the official under subsection A, it shall remove the information from
62 publication on the Internet within 48 hours of receipt of the written demand.

63 D. A written demand made by any public official pursuant to this section shall be effective for four
64 years as follows:

65 1. ~~For a law-enforcement officer, if the officer remains continuously employed as a law-enforcement~~
66 ~~officer throughout the four-year period;~~

67 2. For a federal or state judge or justice, if such public official continuously serves throughout the
68 four-year period; and

69 3. 2. For an attorney for the Commonwealth, if such public official continuously serves throughout
70 the four-year period.

71 E. For purposes of this section:

72 "Commonwealth" means any agency or political subdivision of the Commonwealth of Virginia.

73 ~~"Law-enforcement officer" means the same as that term is defined in § 9.1-101, 5 U.S.C. § 8331(20),~~
74 ~~excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20), and any other~~
75 ~~federal officer or agent who is credentialed with the authority to enforce federal law.~~

76 "Personal information" means home address, home telephone numbers, personal cell phone numbers,
77 or personal email address.

78 "Publication" and "publishes" means intentionally communicating personal information to, or
79 otherwise making personal information available to, and accessible by, the general public through the
80 Internet or other online service.

81 "Public official" means any state or federal judge or justice, ~~law-enforcement officer~~, or attorney for
82 the Commonwealth.

83 F. No provision of this section shall apply to lists of registered voters and persons who voted, voter
84 registration records, or lists of absentee voters prepared or provided under Title 24.2.