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HOUSE BILL NO. 373

Offered January 13, 2016

Prefiled January 6, 2016

A BILL to amend and reenact § 63.2-104.1 of the Code of Virginia, relating to confidentiality of information about victims of certain crimes.

Patrons—Yancey, Bulova, Hugo, Mason, Murphy and Watts

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-104.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-104.1. Confidentiality of records of persons receiving domestic and sexual violence services.

A. In order to ensure the safety of adult~~, youth,~~ and child victims of domestic violence, dating violence, sexual assault, or stalking, *including any adult or child victim of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1,* and their families, programs and individuals providing services to *such* victims ~~of sexual or domestic violence~~ shall protect the confidentiality and privacy of persons receiving services.

B. Except as provided in subsections C and D, programs and individuals providing services to victims of ~~sexual or~~ domestic violence, *dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.5-356, 18.2-357, or 18.2-357.1,* shall not:

1. Disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through ~~sexual or~~*programs for victims of* domestic violence ~~programs~~*, dating violence, sexual assault, or stalking, or for victims of a violation of § 18.2-48, 18.2-355, 18.5-356, 18.2-357, or 18.2-357.1*; or

2. Reveal individual client information without the informed, written, reasonably time-limited consent of the person ~~(or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of an incapacitated person as defined in § 64.2-2000, the guardian)~~ about whom information is sought~~,~~*; the minor and his parent or legal guardian, in cases in which the client is an unemancipated minor; or the guardian of an incapacitated person as defined in § 64.2-2000,* whether for this program or any other Federal, State, tribal, or territorial grant program~~, except that~~*em*. *However,* consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor.

C. If release of information described in subsection B is compelled by statutory or court mandate, *the program or individual providing services shall*:

1. ~~The service provider shall make~~ *Make* reasonable attempts to provide notice to victims affected by the disclosure of information; and

2. ~~The service provider shall take~~ *Take* steps necessary to protect the privacy and safety of the persons affected by the release of the information.

D. Programs and individuals providing services to victims of ~~sexual or~~ domestic violence, *dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.5-356, 18.2-357, or 18.2-357.1,* may share:

1. Nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

2. Court generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

3. Information necessary for law enforcement and prosecution purposes.

For purposes of this section, "programs" shall include public and not-for-profit agencies the primary mission of which is to provide services to victims of ~~sexual or~~ domestic violence, *dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.5-356, 18.2-357, or 18.2-357.1*.

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