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SENATE BILL NO. 288

Offered January 13, 2016

Prefiled January 7, 2016

A *BILL to amend and reenact § 2.2-3121 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; advisory opinions for local officers or employees.*

Patron—DeSteph

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3121 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3121. Advisory opinions.

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or the Virginia Conflict of Interest and Ethics Advisory Council made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts regardless of whether such opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion.

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth, ~~his county, city, or town attorney,~~ or the Council made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts regardless of whether such opinion is later withdrawn, provided *that* the alleged violation occurred prior to the withdrawal of the opinion. The written opinion shall be a public record and shall be released upon request.

C. *If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his county, city, or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.*

INTRODUCED

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