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HOUSE BILL NO. 1941

Offered January 11, 2017
Prefiled January 10, 2017

A BILL to amend and reenact § 8.01-223.2 of the Code of Virginia, relating to immunity of persons; defamation; statements regarding matters of public concern communicated to a third party; statements made at a public hearing.

Patrons—Kilgore and Levine

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-223.2 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-223.2. Immunity of persons for statements made at public hearing or communicated to third party.

A. For purposes of this section, "matters of public concern" means matters of interest to the community, which includes written or spoken statements relating to (i) health or safety; (ii) economic or community well-being; or (iii) a good, product, or service in the marketplace.

B. A person shall be immune from civil liability for a violation of § 18.2-499 ~~or~~, a claim of tortious interference with an existing contract or a business or contractual expectancy, *or a claim of defamation* based solely on statements *(i) regarding matters of public concern* made by that person *that are communicated to a third party or (ii) made* at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies and authorities thereof, and other governing bodies of any local governmental entity concerning matters properly before such body. The immunity provided by this section shall not apply to any statements made with knowledge that they are false~~,~~ or reckless disregard for whether they are false. *The court shall give priority on its docket to any pleading invoking immunity under this section.*

C. Any person who has a suit against him dismissed pursuant to the immunity provided by this section ~~may~~ *shall* be awarded reasonable attorney fees and costs.

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