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HOUSE BILL NO. 1941

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 3, 2017)

(Patron Prior to Substitute—Delegate Kilgore)

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.

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 are written or spoken statements relating to (i) an issue properly before a governing body; (ii) an issue reasonably likely to encourage consideration or review by a governing body; 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 made by that person (i) regarding matters of public concern 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.

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

**HOUSE
SUBSTITUTE**

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