

2017 SESSION

HOUSE SUBSTITUTE

17105858D

HOUSE BILL NO. 1941

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on February 25, 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.

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. 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 that would be protected under the First Amendment to the United States Constitution* 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 *actual or constructive* knowledge that they are false; or *with* reckless disregard for whether they are false.

B. 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.

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