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HOUSE BILL NO. 1029

Offered January 10, 2018

Prefiled January 9, 2018

A BILL to amend and reenact § 15.2-1709 of the Code of Virginia, relating to disclosure of information regarding former deputy sheriffs and law-enforcement officers.

Patrons—Price, Hurst, Plum and Simon

Referred to Committee on Militia, Police and Public Safety

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-1709 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-1709. Employer immunity from liability; disclosure of information regarding former deputy sheriffs and law-enforcement officers.**

A. Any sheriff or chief of police, ~~the~~ any director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101, or jail officers as defined in § 53.1-1, and the Director of the Department of Criminal Justice Services or his designee who discloses information about a former deputy sheriff's or law-enforcement officer's or jail officer's job performance to a prospective law-enforcement or jail employer of the former appointee or employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil liability for such disclosure or its consequences. For purposes of this ~~section~~ subsection, the presumption of good faith is rebutted upon a showing that the information disclosed by the former employer was knowingly false or deliberately misleading, was rendered with malicious purpose, or violated any civil right of the former employee or appointee.

B. Any sheriff or chief of police, any director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 or jail officers as defined in § 53.1-1, and the Director of the Department of Criminal Justice Services or his designee shall disclose to a prospective law-enforcement or jail employer (i) any information related to an arrest or prosecution of a former appointee or employee, including any expunged arrest or criminal charge that would otherwise be prohibited from disclosure in accordance with § 19.2-392.4; (ii) any information related to a civil suit regarding a former appointee's or employee's employment or performance of his duties; and (iii) any information obtained during the course of any internal investigation related to a former appointee's or employee's alleged criminal conduct, use of excessive force, or other official misconduct. Such disclosure is required only if the prospective employer presents a written waiver signed by the former appointee or employee that explicitly authorizes the disclosure of the information described in this subsection and the agency receiving the request is not prohibited from the disclosure of such information pursuant to a binding nondisclosure agreement or otherwise prohibited by law. Any sheriff or chief of police, any director or chief executive of any agency or department employing deputy sheriffs or law-enforcement officers as defined in § 9.1-101 or jail officers as defined in § 53.1-1, and the Director of the Department of Criminal Justice Services or his designee is immune from civil liability for complying with the provisions of this subsection.

INTRODUCED

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