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**HOUSE BILL NO. 909**

Offered January 10, 2018

Prefiled January 9, 2018

*A BILL to amend and reenact §§ 2.2-3706, 2.2-3711, and 15.2-1713.1 of the Code of Virginia, relating to the Virginia Freedom of Information Act; disclosure of law-enforcement and criminal records.*

\_\_\_\_\_  
Patron—Robinson

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Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-3706, 2.2-3711, and 15.2-1713.1 of the Code of Virginia are amended and reenacted as follows:**

**§ 2.2-3706. Disclosure of law-enforcement and criminal records; limitations.**

*A. Records required to be released.* All public bodies engaged in criminal law-enforcement activities shall provide requested records in accordance with this chapter as follows the following records when requested in accordance with the provisions of this chapter:

**1. Records required to be released:**

**a.** Criminal incident information relating to felony offenses, which shall include:

- ~~(1)~~ *a.* A general description of the criminal activity reported;
- ~~(2)~~ *b.* The date the alleged crime was committed;
- ~~(3)~~ *c.* The general location where the alleged crime was committed;
- ~~(4)~~ *d.* The identity of the investigating officer or other point of contact; and
- ~~(5)~~ *e.* A general description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of subdivision ~~a~~ 1.

Where the release of criminal incident information, however, is likely to jeopardize an ongoing investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in subdivision ~~a~~ 1 shall be construed to authorize the withholding of those portions of such information that are not likely to cause the above-referenced damage;

**b.** 2. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;

**c.** 3. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest; and

**d.** 4. Records of completed unattended death investigations to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided the person is not a person of interest or a suspect. For the purposes of this subdivision, "unattended death" means a death determined to be a suicide, accidental or natural death where no criminal charges will be initiated, and "immediate family" means the decedent's personal representative or, if no personal representative has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

**2. B.** Discretionary releases. The following records are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

**a.** 1. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information subject to release in accordance with subdivision A 1 ~~a~~;

**b.** 2. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1;

**c.** 3. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;

**d.** 4. All records of persons imprisoned in penal institutions in the Commonwealth provided such

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59 records relate to the imprisonment;

60 e. 5. Records of law-enforcement agencies, to the extent that such records contain specific tactical  
61 plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or  
62 the general public;

63 f. 6. All records of adult persons under (i) investigation or supervision by a local pretrial services  
64 agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation,  
65 probation supervision, or monitoring by a local community-based probation services agency in  
66 accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or  
67 supervision by state probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of  
68 Chapter 4 of Title 53.1;

69 g. 7. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for  
70 cellular telephones, pagers, or comparable portable communication devices provided to its personnel for  
71 use in the performance of their official duties;

72 h. 8. Those portions of any records containing information related to undercover operations or  
73 protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations  
74 or protective details. Nothing in this subdivision shall operate to allow the withholding of information  
75 concerning the overall costs or expenses associated with undercover operations or protective details;

76 i. 9. Records of (i) background investigations of applicants for law-enforcement agency employment,  
77 (ii) administrative investigations relating to allegations of wrongdoing by employees of a  
78 law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement  
79 agencies that are made confidential by law;

80 j. 10. The identity of any victim, witness, or undercover officer, or investigative techniques or  
81 procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited  
82 or restricted under § 19.2-11.2; and

83 k. 11. Records of the Sex Offender and Crimes Against Minors Registry maintained by the  
84 Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information  
85 obtained from state, local, and regional officials, except to the extent that information is required to be  
86 posted on the Internet pursuant to § 9.1-913; and.

87 3. C. Prohibited releases. The identity of any individual providing information about a crime or  
88 criminal activity under a promise of anonymity shall not be disclosed.

89 B. D. Noncriminal records. *Those Public bodies (i) engaged in emergency medical services, (ii)*  
90 *engaged in fire protection services, (iii) engaged in criminal law-enforcement activities, or (iv) engaged*  
91 *in processing calls for service or other communications to an emergency 911 system or any other*  
92 *equivalent reporting system may withhold those portions of noncriminal incident or other noncriminal*  
93 *investigative reports or materials that contain identifying information of a personal, medical, or financial*  
94 *nature may be withheld where the release of such information would jeopardize the safety or privacy of*  
95 *any person. Access to personnel records of persons employed by a law-enforcement agency shall be*  
96 *governed by the provisions of subdivision A 2 i B 9 of this section and subdivision 1 of § 2.2-3705.1,*  
97 *as applicable.*

98 C. E. Records of any call for service or other communication to an emergency 911 system or  
99 communicated with any other equivalent reporting system shall be subject to the provisions of this  
100 chapter.

101 D. F. Conflict resolution. In the event of conflict between this section as it relates to requests made  
102 under this section and other provisions of law, this section shall control.

103 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

104 A. Public bodies may hold closed meetings only for the following purposes:

105 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,  
106 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public  
107 officers, appointees, or employees of any public body; and evaluation of performance of departments or  
108 schools of public institutions of higher education where such evaluation will necessarily involve  
109 discussion of the performance of specific individuals. Any teacher shall be permitted to be present  
110 during a closed meeting in which there is a discussion or consideration of a disciplinary matter that  
111 involves the teacher and some student and the student involved in the matter is present, provided the  
112 teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing  
113 in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body  
114 or an elected school board to discuss compensation matters that affect the membership of such body or  
115 board collectively.

116 2. Discussion or consideration of admission or disciplinary matters or any other matters that would  
117 involve the disclosure of information contained in a scholastic record concerning any student of any  
118 public institution of higher education in the Commonwealth or any state school system. However, any  
119 such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall  
120 be permitted to be present during the taking of testimony or presentation of evidence at a closed

meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

182 18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity  
183 of, or information tending to identify, any prisoner who (i) provides information about crimes or  
184 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the  
185 apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders  
186 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

187 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific  
188 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement  
189 or emergency service officials concerning actions taken to respond to such matters or a related threat to  
190 public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2,  
191 where discussion in an open meeting would jeopardize the safety of any person or the security of any  
192 facility, building, structure, information technology system, or software program; or discussion of reports  
193 or plans related to the security of any governmental facility, building or structure, or the safety of  
194 persons using such facility, building or structure.

195 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or  
196 of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of  
197 trustees of a trust established by one or more local public bodies to invest funds for postemployment  
198 benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title  
199 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the  
200 Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition,  
201 holding or disposition of a security or other ownership interest in an entity, where such security or  
202 ownership interest is not traded on a governmentally regulated securities exchange, to the extent that  
203 such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of  
204 Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia  
205 College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or  
206 the Virginia College Savings Plan under a promise of confidentiality, of the future value of such  
207 ownership interest or the future financial performance of the entity, and (ii) would have an adverse  
208 effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a  
209 local finance board or board of trustees, the board of visitors of the University of Virginia, or the  
210 Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure  
211 of information relating to the identity of any investment held, the amount invested or the present value  
212 of such investment.

213 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
214 Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which  
215 individual child death cases are discussed by a regional or local child fatality review team established  
216 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by  
217 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in  
218 which individual adult death cases are discussed by the state Adult Fatality Review Team established  
219 pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are  
220 discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

221 22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern  
222 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any  
223 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern  
224 Virginia Medical School, as the case may be, have been delegated, in which there is discussed  
225 proprietary, business-related information pertaining to the operations of the University of Virginia  
226 Medical Center or Eastern Virginia Medical School, as the case may be, including business development  
227 or marketing strategies and activities with existing or future joint venturers, partners, or other parties  
228 with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case  
229 may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such  
230 information would adversely affect the competitive position of the Medical Center or Eastern Virginia  
231 Medical School, as the case may be.

232 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority  
233 or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or  
234 disposition by the Authority of real property, equipment, or technology software or hardware and related  
235 goods or services, where disclosure would adversely affect the bargaining position or negotiating  
236 strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the  
237 Authority; grants and contracts for services or work to be performed by the Authority; marketing or  
238 operational strategies plans of the Authority where disclosure of such strategies or plans would adversely  
239 affect the competitive position of the Authority; and members of the Authority's medical and teaching  
240 staffs and qualifications for appointments thereto.

241 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within  
242 the Department of Health Professions to the extent such discussions identify any practitioner who may  
243 be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision A 2 a B 1 of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant or loan application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-3133 or by the Virginia Research Investment Committee.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault team established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses involving a child by a child abuse team established pursuant to § 15.2-1627.5.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, or any subcommittee thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

**§ 15.2-1713.1. Local "Crime Stoppers" programs; confidentiality.**

367 A. As used in this section, a "Crime Stoppers," "crime solvers," "crime line," or other similarly  
368 named organization is defined as a private, nonprofit Virginia corporation governed by a civilian  
369 volunteer board of directors that is operated on a local or statewide level that (i) offers anonymity to  
370 persons providing information to the organization, (ii) accepts and expends donations for cash rewards to  
371 persons who report to the organization information about alleged criminal activity and that the  
372 organization forwards to the appropriate law-enforcement agency, and (iii) is established as a cooperative  
373 alliance between the news media, the community, and law-enforcement officials.

374 B. Evidence of a communication or any information contained therein between a person submitting a  
375 report of an alleged criminal act to a "Crime Stoppers" organization and the person who accepted the  
376 report on behalf of the organization is not admissible in a court proceeding. Law-enforcement agencies  
377 receiving information concerning alleged criminal activity from a "Crime Stoppers" organization shall  
378 maintain confidentiality pursuant to subdivision A 3 C of § 2.2-3706.