

19101848D

HOUSE BILL NO. 2111

Offered January 9, 2019

Prefiled January 8, 2019

A *BILL to amend and reenact § 8.01-223.2 of the Code of Virginia, relating to immunity of persons; abuse of process, malicious prosecution, or intentional infliction of emotional distress; statements made in the course of judicial proceedings or communications made relating to criminal conduct.*

Patrons—Hurst, Bourne, Kory and Simon

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; statements made in the course of judicial proceedings; communications regarding potential criminal conduct.

A. A person shall be immune from civil liability for a violation of § 18.2-499, a claim of tortious interference with an existing contract or a business or contractual expectancy, or a claim of defamation, *abuse of process, malicious prosecution, or intentional infliction of emotional distress* based solely on ~~statements~~ (i) *statements* 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) *statements* 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; (iii) *statements made in the course of judicial proceedings; or* (iv) *any written or oral communication made to any agent or officer of any federal, state, or local government branch or agency relating to potential criminal conduct.* 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.

INTRODUCED

HB2111