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SENATE BILL NO. 375

Offered January 8, 2020

Prefiled January 6, 2020

A BILL to amend and reenact § 8.01-223.2 of the Code of Virginia, relating to immunity of persons; statements regarding matters of public concern or made at a public hearing; special plea to dismiss; stay of discovery.

Patron—Edwards

Referred to Committee on the Judiciary

**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, 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. A person claiming immunity pursuant to this section may file a special plea to dismiss the underlying claim. Upon the filing of such a plea, discovery proceedings related to such underlying claim shall be stayed pending the entry of an order adjudicating such a plea. An order granting or denying such a plea shall be an interlocutory order and is appealable as provided by § 8.01-670.1.

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

INTRODUCED

SB375