

23106076D

HOUSE BILL NO. 2024

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 3, 2023)

(Patron Prior to Substitute—Delegate Leftwich)

A BILL to amend and reenact §§ 18.2-186.4, 18.2-186.4:1, and 24.2-418 of the Code of Virginia, relating to personal information of judges and magistrates; penalty.

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-186.4, 18.2-186.4:1, and 24.2-418 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-186.4. Use of a person's identity with the intent to coerce, intimidate, or harass; penalty.

It shall be unlawful for any person, with the intent to coerce, intimidate, or harass another person, to publish the person's name or photograph along with identifying information as defined in clauses (iii) through (ix), or clause (xii) of subsection C of § 18.2-186.3, or identification of the person's primary residence address. Any person who violates this section is guilty of a Class 1 misdemeanor.

Any person who violates this section knowing or having reason to know that person is a law-enforcement officer, as defined in § 9.1-101, or an active or retired federal or Virginia justice, judge, or magistrate is guilty of a Class 6 felony. The sentence shall include a mandatory minimum term of confinement of six months.

§ 18.2-186.4:1. Internet publication of personal information of certain public officials.

A. The Commonwealth shall not publish on the Internet the personal information of any public official if a court has, pursuant to subsection B, ordered that the official's personal information is prohibited from publication and the official has made a demand in writing to the Commonwealth, accompanied by the order of the court, that the Commonwealth not publish such information.

B. Any public official may petition a circuit court for an order prohibiting the publication on the Internet, by the Commonwealth, of the official's personal information. The petition shall set forth the specific reasons that the official seeks the order. The court shall issue such an order only if it finds that (i) there exists a threat to the official or a person who resides with him that would result from publication of the information or (ii) the official has demonstrated a reasonable fear of a risk to his safety or the safety of someone who resides with him that would result from publication of the information on the Internet.

C. If the Commonwealth publishes the public official's personal information on the Internet prior to receipt of a written demand by the official under subsection A or E, it shall remove the information from publication on the Internet within 48 hours of receipt of the written demand.

D. A written demand made by any public official pursuant to this section shall be effective for four years as follows:

1. For a law-enforcement officer, if the officer remains continuously employed as a law-enforcement officer throughout the four-year period; and

2. For a federal or state judge or justice, if such public official continuously serves throughout the four-year period; and

3. For an attorney for the Commonwealth, if such public official continuously serves throughout the four-year period.

E. The Commonwealth shall not publish on the Internet the personal information of any active or retired federal or Virginia justice, judge, or magistrate who has made a demand in writing to the Commonwealth that the Commonwealth not publish such information. A written demand made pursuant to this subsection shall be effective until such demand is rescinded in writing by such judge, justice, or magistrate.

F. For purposes of this section:

"Commonwealth" means any agency or political subdivision of the Commonwealth of Virginia.

"Law-enforcement officer" means the same as that term is defined in § 9.1-101, 5 U.S.C. § 8331(20), excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20), and any other federal officer or agent who is credentialed with the authority to enforce federal law.

"Personal information" means home address, home telephone numbers, personal cell phone numbers, or personal email address.

"Publication" and "publishes" means intentionally communicating personal information to, or otherwise making personal information available to, and accessible by, the general public through the Internet or other online service.

"Public official" means any state or federal judge or justice, law-enforcement officer, or attorney for the Commonwealth.

60 F. G. No provision of this section shall apply to lists of registered voters and persons who voted,
61 voter registration records, or lists of absentee voters prepared or provided under Title 24.2.

62 **§ 24.2-418. Application for registration.**

63 A. Each applicant to register shall provide, subject to felony penalties for making false statements
64 pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless
65 physically disabled, he shall sign the application. The application to register shall be only on a form or
66 forms prescribed by the State Board.

67 The form of the application to register shall require the applicant to provide the following
68 information: full name; gender; date of birth; social security number, if any; whether the applicant is
69 presently a United States citizen; address of residence in the precinct; place of last previous registration
70 to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or
71 convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall
72 contain a statement that whoever votes more than once in any election in the same or different
73 jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in
74 § 24.2-411.2 or 24.2-411.3, the registration application shall not be pre-populated with information the
75 applicant is required to provide.

76 The form of the application to register shall request that the applicant provide his telephone number
77 and email address, but no application shall be denied for failure to provide such information.

78 B. The form shall permit any individual, as follows, or member of his household, to furnish, in
79 addition to his residence street address, a post office box address located within the Commonwealth to
80 be included in lieu of his street address on the lists of registered voters and persons who voted, which
81 are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for
82 public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to
83 § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the
84 post office box address provided under this subsection.

85 1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20),
86 but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

87 2. Any party granted a protective order issued by or under the authority of any court of competent
88 jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

89 3. Any party who has furnished a signed written statement by the party that he is in fear for his
90 personal safety from another person who has threatened or stalked him;

91 4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

92 5. Any active or retired federal or Virginia justice of the peace, judge, or magistrate and any active or retired
93 attorney employed by the United States Attorney General or Virginia Attorney General; and

94 6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et
95 seq.) of Title 63.2.

96 C. If the applicant formerly resided in another state, the general registrar shall send the information
97 contained in the applicant's registration application to the appropriate voter registration official or other
98 authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of
99 § 24.2-114.

100 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
101 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
102 **necessary appropriation cannot be determined for periods of imprisonment in state adult**
103 **correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I,**
104 **requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of**
105 **\$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
106 **appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile**
107 **Justice.**