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SENATE BILL NO. 1310

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 27, 2023)

(Patron Prior to Substitute—Senator Deeds)

A BILL to amend and reenact §§ 18.2-186.4, 18.2-186.4:1, and 24.2-418 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 9 of Title 18.2 a section numbered 18.2-419.1, relating to personal information of judges and magistrates; picketing or parading to obstruct or influence justice; penalties.

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 and that the Code of Virginia is amended by adding in Article 4 of Chapter 9 of Title 18.2 a section numbered 18.2-419.1 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, *an active or retired federal or Virginia judge, as defined in § 18.2-419.1, or a 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

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60 Internet or other online service.

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

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

65 **§ 18.2-419.1. Unlawful picketing or parading to obstruct or influence justice; penalty.**

66 A. As used in this section, "judge" means any justice or judge.

67 B. Any person who, with the intent of interfering with, obstructing, or impeding the administration of
68 justice, or with the intent of influencing or intimidating in the discharge of his duty any judge, juror,
69 witness, court officer, or court employee, of any court of the Commonwealth or any other state, the
70 District of Columbia, or the United States or any territory thereof, pickets or parades in or near a
71 residence occupied or used by such judge, juror, witness, court officer, or court employee, or any
72 immediate family member of such judge, juror, witness, court officer, or court employee, or with such
73 intent uses any sound truck, bullhorn, or similar device, or resorts to any other demonstration of any
74 kind in or near any such residence, whether or not such residence is occupied or believed to be
75 occupied at the time that the picket, parade, or other demonstration takes place, is guilty of a Class 1
76 misdemeanor.

77 C. Notwithstanding any other provision of law, the provisions of § 19.2-74 shall not apply to any
78 arrest of any person who violates this section in the presence of the arresting officer or whom the
79 arresting officer has reasonable grounds or probable cause to suspect of having violated this section not
80 in the presence of the arresting officer.

81 **§ 24.2-418. Application for registration.**

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

86 The form of the application to register shall require the applicant to provide the following
87 information: full name; gender; date of birth; social security number, if any; whether the applicant is
88 presently a United States citizen; address of residence in the precinct; place of last previous registration
89 to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or
90 convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall
91 contain a statement that whoever votes more than once in any election in the same or different
92 jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in
93 § 24.2-411.2 or 24.2-411.3, the registration application shall not be pre-populated with information the
94 applicant is required to provide.

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

97 B. The form shall permit any individual, as follows, or member of his household, to furnish, in
98 addition to his residence street address, a post office box address located within the Commonwealth to
99 be included in lieu of his street address on the lists of registered voters and persons who voted, which
100 are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for
101 public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to
102 § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the
103 post office box address provided under this subsection.

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

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

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

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

111 5. Any active or retired federal or Virginia justice ~~or~~, judge, or magistrate and any active or retired
112 attorney employed by the United States Attorney General or Virginia Attorney General; and

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

115 C. If the applicant formerly resided in another state, the general registrar shall send the information
116 contained in the applicant's registration application to the appropriate voter registration official or other
117 authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of
118 § 24.2-114.

119 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
120 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the**
121 **necessary appropriation cannot be determined for periods of imprisonment in state adult**

122 correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I,
123 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of
124 \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
125 appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile
126 Justice.