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SENATE BILL NO. 348

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 23, 1994)

(Patron Prior to Substitute—Senator Calhoun)

A BILL to amend and reenact §§ 2.1-341 and 19.2-269.2 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1.1 of Title 19.2 a section numbered 19.2-11.2, relating to crime victims; right to confidentiality.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-341 and 19.2-269.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1.1 of Title 19.2 a section numbered 19.2-11.2 as follows:

§ 2.1-341. Definitions.

The following terms, whenever used or referred to in this chapter, shall have the following meanings, unless a different meaning clearly appears from the context:

"Criminal incident information" means a general description of the criminal activity reported, the date and general location the alleged crime was committed, the identity of the investigating officer, and a general description of any injuries suffered or property damaged or stolen; however, the identity of any victim, witness, undercover officer, or investigative techniques or procedures need not but may be disclosed *unless disclosure is prohibited or restricted under § 19.2-11.2*. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

"Executive meeting" or "closed meeting" means a meeting from which the public is excluded.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.1-343.1, as a body or entity, or as an informal assemblage of (i) as many as three members, or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body, including any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties; municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors of state institutions of higher education; and other organizations, corporations or agencies in the Commonwealth, supported wholly or principally by public funds. The notice provisions of this chapter shall not apply to the said informal meetings or gatherings of the members of the General Assembly. Nothing in this chapter shall be construed to make unlawful the gathering or attendance of two or more members of a body or entity at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the body or entity. The gathering of employees of a public body shall not be deemed a "meeting" subject to the provisions of this chapter.

No meeting shall be conducted through telephonic, video, electronic or other communication means where the members are not physically assembled to discuss or transact public business, except as provided in § 2.1-343.1 or as may specifically be provided in Title 54.1 for the summary suspension of professional licenses.

"Official records" means all written or printed books, papers, letters, documents, maps and tapes, photographs, films, sound recordings, reports or other material, regardless of physical form or characteristics, prepared, owned, or in the possession of a public body or any employee or officer of a public body in the transaction of public business.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any of the groups, agencies or organizations enumerated in the definition of "meeting" as provided in this section, including any committees or subcommittees of the public body created to perform delegated functions of the public body or to advise the public body. Corporations organized by the Virginia Retirement System, RF&P Corporation and its wholly owned subsidiaries also are "public bodies" for purposes of this chapter.

"Scholastic records" means those records, files, documents, and other materials containing information about a student and maintained by a public body which is an educational agency or institution or by a person acting for such agency or institution, but, for the purpose of access by a student, does not include (i) financial records of a parent or guardian nor (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except

60 a substitute.

61 § 19.2-11.2. *Crime victim's right to nondisclosure of certain information; exceptions; testimonial*
62 *privilege.*

63 *Upon request of any crime victim, neither a law-enforcement agency, the Commonwealth's attorney,*
64 *a court nor the Department of Corrections, nor any employee of any of them, may disclose, except*
65 *among themselves, the residential address, telephone number, or place of employment of the victim or a*
66 *member of the victim's family, except to the extent that disclosure is (i) of the site of the crime, (ii)*
67 *required by law or Rules of the Supreme Court, (iii) necessary for law-enforcement purposes, or (iv)*
68 *permitted by the court for good cause.*

69 *A law-enforcement agency may not disclose to the public information which directly or indirectly*
70 *identifies the victim of a crime involving any sexual assault or abuse, except to the extent that disclosure*
71 *is (i) of the site of the crime, (ii) required by law, (iii) necessary for law-enforcement purposes, or (iv)*
72 *permitted by the court for good cause.*

73 *Nothing herein shall limit the right to examine witnesses in a court of law or otherwise affect the*
74 *conduct of any criminal proceeding.*

75 § 19.2-269.2. *Nondisclosure of addresses or telephone numbers of crime victims and witnesses.*

76 *During any criminal proceeding, upon motion of the defendant or the attorney for the*
77 *Commonwealth, a judge may prohibit testimony as to the current residential or business address or*
78 *telephone number of a victim or witness if the judge determines that this information is not material*
79 *under the circumstances of the case.*