

2007 SESSION

INTRODUCED

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SENATE BILL NO. 1250

Offered January 10, 2007

Prefiled January 10, 2007

A *BILL to amend and reenact § 15.2-1405 of the Code of Virginia, relating to immunity of citizens at public hearings.*

Patron—Herring

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1405 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1405. Immunity of members of local governmental entities; exception.

A. The members of the governing bodies of any locality or *other* political subdivision and the members of boards, commissions, agencies and authorities thereof and other governing bodies of any local governmental entity, whether compensated or not, shall be immune from suit arising from the exercise or failure to exercise their discretionary or governmental authority as members of the governing body, board, commission, agency or authority which does not involve the unauthorized appropriation or misappropriation of funds. However, the immunity granted by this ~~section~~ subsection shall not apply to conduct constituting intentional or willful misconduct or gross negligence.

B. Any citizen appearing 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, shall be immune from suit arising from the exercise of the citizen's right to speak to matters properly before the governing body, board, commission, agency or authority. However, the immunity granted by this subsection shall not apply to conduct constituting libel or slander.

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SB1250