

# VIRGINIA ACTS OF ASSEMBLY -- 2012 SESSION

## CHAPTER 143

*An Act to amend and reenact § 18.2-186.4:1 of the Code of Virginia, relating to Internet publication of personal information of certain public officials.*

[H 556]

Approved March 7, 2012

**Be it enacted by the General Assembly of Virginia:**

**1. That § 18.2-186.4:1 of the Code of Virginia is amended and reenacted as follows:**

§ 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 ~~law-enforcement officer~~ *public official* if a court has, pursuant to subsection B, ordered that the ~~officer's~~ *official's* personal information is prohibited from publication and the ~~officer~~ *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 ~~law-enforcement officer~~ *public official* may petition a circuit court for an order prohibiting the publication on the Internet, by the Commonwealth, of the ~~officer's~~ *official's* personal information. The petition shall set forth the specific reasons that the ~~officer~~ *official* seeks the order. The court shall ~~hold a hearing on the petition and shall~~ issue such an order only if it finds that (i) there exists a threat to the ~~officer~~ *official* or a person who resides with him that would result from publication of the information; or (ii) the ~~officer~~ *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 ~~law-enforcement officer's~~ *public official's* personal information on the Internet prior to receipt of a written demand by the ~~officer~~ *official* under subsection A, 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 ~~an officer~~ *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.

E. For purposes of this section:

"Commonwealth" ~~includes~~ *means* any agency or political subdivision of the Commonwealth of Virginia;

"Law-enforcement officer" ~~shall have~~ *means* the same definition as set forth 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 ~~or any personal~~, home telephone numbers; ~~and, 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 and any law-enforcement officer.

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