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HOUSE BILL NO. 556

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Science and Technology)

(Patron Prior to Substitute—Delegate Albo)

House Amendments in [] — February 6, 2012

A BILL 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.

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; [and in ,] 5 U.S.C. § 8331(20), [but] 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.

ENGROSSED

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