

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 415

An Act to amend the Code of Virginia by adding a section numbered 8.01-40.3, relating to the dissemination, etc., of criminal history record information; civil actions.

[H 1764]

Approved March 23, 2015

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-40.3 as follows:

§ 8.01-40.3. Unauthorized dissemination, etc., of criminal history record information; civil actions.

A. Any person who disseminates, publishes, or maintains or causes to be disseminated, published, or maintained the criminal history record information of an individual pertaining to that individual's charge or arrest for a criminal offense and solicits, requests, or accepts money or other thing of value for removing such criminal history record information shall be liable to the individual who is the subject of the information for actual damages or \$500, whichever is greater, in addition to reasonable attorney fees and costs.

B. Nothing in this section shall be construed to impose liability on:

1. An interactive computer service, as defined in 47 U.S.C. § 230(f), for content provided by another person.

2. Any speech protected by Article I, Section 12 of the Constitution of Virginia.

C. As used in this section, "criminal history record information" means the same as that term is defined in § 9.1-101.