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**HOUSE BILL NO. 1764**

Offered January 14, 2015

Prefiled January 12, 2015

A *BILL 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.*

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Patrons—Loupassi and Surovell

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Referred to Committee for Courts of Justice**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 more than 120 days after confirmation by the State Police to the individual charged or arrested that such information has been expunged pursuant to Title 16.1 or Title 19.2 when such person knows or has reason to know that the information has been expunged 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. However, a person shall not be liable under this subsection if the dissemination, publication, or maintenance of such information was not prohibited at the time of the dissemination, publication, or maintenance.

B. 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.

INTRODUCED

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