

17103876D

HOUSE BILL NO. 2414

Offered January 19, 2017

A BILL to amend the Code of Virginia by adding a section numbered 19.2-81.7, relating to limited immunity when reporting acts of self-defense; penalties.

Patron—Ware

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 19.2-81.7 as follows:****§ 19.2-81.7. Limited immunity for good faith reporting use of force; penalties.**

A. Any person who is directly or indirectly involved in an incident involving the threatened or actual use of justifiable physical or deadly physical force shall be granted limited immunity for all statements made in a good faith effort to promptly report such incident to the appropriate authorities in an effort to obtain emergency medical or law-enforcement assistance.

B. The term "limited immunity" shall mean that no statements made by a person in a good faith effort to promptly report an incident involving the threatened or actual use of justifiable physical or deadly physical force may be used against that person in any civil or criminal proceeding.

C. The limited immunity shall not apply to any prosecutions of false reporting, obstruction of justice, tampering with evidence, or perjury.

D. Any documents or reports, including any recordings, regarding a statement made by a person in a good faith effort to promptly report an incident involving the threatened or actual use of justifiable physical or deadly physical force, in a good faith effort to obtain emergency medical or law enforcement assistance, shall not be released to the public or news media prior to its use in a trial involving such incident if it is reasonably expected that a trial involving such incident will occur. If it is not reasonably expected that a trial involving such incident will occur, the contents of the report may be released to the public or news media at the discretion of the attorney for the Commonwealth or with the consent of the person who made the statement.

E. Any person who violates or attempts to violate the limited immunity provided in subsection A, or violates or attempts to violate subsection D, is guilty of a Class 1 misdemeanor for the first offense, a Class 6 felony for a second offense, and a Class 5 felony for a third or subsequent offense. Each violation shall constitute a separate and distinct offense regardless of whether the offenses are committed against the same or a different person, or related to the same or a different case, or regardless of the jurisdiction in which the violation or attempted violation occurs or any time that may pass between violations.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 780 of the Acts of Assembly of 2016 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB2414