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SENATE BILL NO. 1061

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 16, 2017)

(Patron Prior to Substitute—Senator Black)

A BILL to amend and reenact § 2.2-3802 of the Code of Virginia, relating to Government Data Collection and Dissemination Practices Act; exemption for sheriff's departments.

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-3802 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3802. Systems to which chapter inapplicable.**

The provisions of this chapter shall not apply to personal information systems:

1. Maintained by any court of the Commonwealth;

2. Which may exist in publications of general circulation;

3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or in the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913;

4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through 16.1-225;

5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to engage in the practice of any profession, in which case the names and addresses of persons applying for or possessing the license may be disseminated upon written request to a person engaged in the profession or business of offering professional educational materials or courses for the sole purpose of providing the licensees or applicants for licenses with informational materials relating solely to available professional educational materials or courses, provided the disseminating agency is reasonably assured that the use of the information will be so limited;

6. (Effective until July 1, 2018) Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission, the Virginia Racing Commission, and the Department of Alcoholic Beverage Control;

6. (Effective July 1, 2018) Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission, the Virginia Racing Commission, and the Virginia Alcoholic Beverage Control Authority;

7. Maintained by ~~the~~ any of the following and that deal with investigations and intelligence gathering related to criminal activity:

a. The Department of State Police; ~~the~~

b. The police department of the Chesapeake Bay Bridge and Tunnel Commission; ~~police~~

c. Police departments of cities, counties, and towns; ~~and the campus~~

d. Sheriff's departments of counties and cities; and

e. Campus police departments of public institutions of higher education as established by Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1, and that deal with investigations and intelligence gathering relating to criminal activity; and maintained

8. Maintained by local departments of social services regarding alleged cases of child abuse or neglect while such cases are also subject to an ongoing criminal prosecution;

8- 9. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;

9- 10. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of travel or tourism in the Commonwealth, in which case names and addresses of persons requesting information on those subjects may be disseminated upon written request to a person engaged in the business of providing travel services or distributing travel information, provided the Virginia Tourism Authority is reasonably assured that the use of the information will be so limited;

~~10- 11.~~ 11. Maintained by the Division of Consolidated Laboratory Services of the Department of General Services and the Department of Forensic Science, which deal with scientific investigations relating to criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

~~11- 12.~~ 12. Maintained by the Department of Corrections or the Office of the State Inspector General that deal with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2 (§ 2.2-307 et seq.);

~~12- 13.~~ 13. Maintained by (i) the Office of the State Inspector General or internal audit departments of state agencies or institutions that deal with communications and investigations relating to the Fraud, Waste and Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city,

60 or town or a school board that deals with local investigations required by § 15.2-2511.2;
61 ~~13.~~ 14. Maintained by the Department of Social Services or any local department of social services
62 relating to public assistance fraud investigations; and
63 ~~14.~~ 15. Maintained by the Department of Social Services related to child welfare, adult services or
64 adult protective services, or public assistance programs when requests for personal information are made
65 to the Department of Social Services. Requests for information from these systems shall be made to the
66 appropriate local department of social services, which is the custodian of that record. Notwithstanding
67 the language in this section, an individual shall not be prohibited from obtaining information from the
68 central registry in accordance with the provisions of § 63.2-1515.
69 **2. That an emergency exists and this act is in force from its passage.**