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HOUSE BILL NO. 1772

Offered January 9, 2019

Prefiled December 26, 2018

A BILL to amend and reenact § 30-179 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 37 of Title 2.2 a section numbered 2.2-3715, relating to the Virginia Freedom of Information Advisory Council; advisory opinions; evidence in civil proceeding.

Patrons—Mullin, Hurst and Roem

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 30-179 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 37 of Title 2.2 a section numbered 2.2-3715:

§ 2.2-3715. *Effect of advisory opinions from the Freedom of Information Advisory Council on liability for willful and knowing violations.*

Any officer, employee, or member of a public body who is alleged to have committed a willful and knowing violation pursuant to § 2.2-3714 shall have the right to introduce at any proceeding a copy of a relevant advisory opinion issued pursuant to § 30-179 as evidence that he did not willfully and knowingly commit the violation if the alleged violation resulted from his good faith reliance on the advisory opinion.

§ 30-179. Powers and duties of the Council.

The Council shall:

1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information regarding the Freedom of Information Act (§ 2.2-3700 et seq.) to any person or ~~agency of state or local government~~ *public body*, in an expeditious manner;

2. Conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the Freedom of Information Act (§ 2.2-3700 et seq.);

3. Publish such educational materials as it deems appropriate on the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.);

4. Request from any ~~agency of state or local government~~ *public body* such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an ~~agency of state or local government~~ *a public body* shall not be released to any other party unless authorized by such ~~agency~~ *public body*;

5. Assist in the development and implementation of the provisions of § 2.2-3704.1;

6. Develop the public comment form for use by designated public bodies in accordance with subdivision D 6 of § 2.2-3708.2;

7. Develop an online public comment form to be posted on the Council's official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body; and

8. Report annually on or before December 1 of each year on its activities and findings regarding the Freedom of Information Act (§ 2.2-3700 et seq.), including recommendations for changes in the law, to the General Assembly and the Governor. The annual report shall be published as a state document.

INTRODUCED

HB1772