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## SENATE BILL NO. 1224

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 18, 2019)

(Patron Prior to Substitute—Senator Chafin)

A BILL to amend and reenact §§ 2.2-3705.7, 2.2-3711, 15.2-1627.5, and 63.2-1605 and of the Code of Virginia, relating to protective services; adult abuse, neglect, and exploitation; multidisciplinary teams.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.7, 2.2-3711, 15.2-1627.5, and 63.2-1605 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by

60 the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the  
61 waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and  
62 housing authority created pursuant to § 36-4 concerning persons participating in or persons on the  
63 waiting list for housing assistance programs funded by local governments or by any such authority; or  
64 (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other  
65 local government agency concerning persons who have applied for occupancy or who have occupied  
66 affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's  
67 own information shall not be denied.

68 9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if  
69 disclosure of such information would have a detrimental effect upon the negotiating position of a  
70 governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

71 10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled  
72 plant and animal species, natural communities, caves, and significant historic and archaeological sites if,  
73 in the opinion of the public body that has the responsibility for such information, disclosure of the  
74 information would jeopardize the continued existence or the integrity of the resource. This exclusion  
75 shall not apply to requests from the owner of the land upon which the resource is located.

76 11. Memoranda, graphics, video or audio tapes, production models, data, and information of a  
77 proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a  
78 specific lottery game design, development, production, operation, ticket price, prize structure, manner of  
79 selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of  
80 drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such  
81 information not been publicly released, published, copyrighted, or patented. Whether released, published,  
82 or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon  
83 the first day of sales for the specific lottery game to which it pertains.

84 12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local  
85 retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a  
86 trust established by one or more local public bodies to invest funds for post-retirement benefits other  
87 than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the  
88 board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of  
89 visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the  
90 Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or  
91 disposition of a security or other ownership interest in an entity, where such security or ownership  
92 interest is not traded on a governmentally regulated securities exchange, if disclosure of such  
93 information would (i) reveal confidential analyses prepared for the board of visitors of the University of  
94 Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared  
95 by the retirement system, a local finance board or board of trustees, or the Virginia College Savings  
96 Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia  
97 College Savings Plan under a promise of confidentiality of the future value of such ownership interest or  
98 the future financial performance of the entity and (ii) have an adverse effect on the value of the  
99 investment to be acquired, held, or disposed of by the retirement system, a local finance board or board  
100 of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of  
101 William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be  
102 construed to prevent the disclosure of information relating to the identity of any investment held, the  
103 amount invested, or the present value of such investment.

104 13. Financial, medical, rehabilitative, and other personal information concerning applicants for or  
105 recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority  
106 under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

107 14. Information held by the Virginia Commonwealth University Health System Authority pertaining  
108 to any of the following: an individual's qualifications for or continued membership on its medical or  
109 teaching staffs; proprietary information gathered by or in the possession of the Authority from third  
110 parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in  
111 awarding contracts for construction or the purchase of goods or services; information of a proprietary  
112 nature produced or collected by or for the Authority or members of its medical or teaching staffs;  
113 financial statements not publicly available that may be filed with the Authority from third parties; the  
114 identity, accounts, or account status of any customer of the Authority; consulting or other reports paid  
115 for by the Authority to assist the Authority in connection with its strategic planning and goals; the  
116 determination of marketing and operational strategies where disclosure of such strategies would be  
117 harmful to the competitive position of the Authority; and information of a proprietary nature produced  
118 or collected by or for employees of the Authority, other than the Authority's financial or administrative  
119 records, in the conduct of or as a result of study or research on medical, scientific, technical, or  
120 scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body  
121 or a private concern, when such information has not been publicly released, published, copyrighted, or

122 patented. This exclusion shall also apply when such information is in the possession of Virginia  
123 Commonwealth University.

124 15. Information held by the Department of Environmental Quality, the State Water Control Board,  
125 the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active  
126 federal environmental enforcement actions that are considered confidential under federal law and (ii)  
127 enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such  
128 information shall be disclosed after a proposed sanction resulting from the investigation has been  
129 proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure  
130 of information related to inspection reports, notices of violation, and documents detailing the nature of  
131 any environmental contamination that may have occurred or similar documents.

132 16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel  
133 itinerary, including vehicle identification data or vehicle enforcement system information; video or  
134 photographic images; Social Security or other identification numbers appearing on driver's licenses;  
135 credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll  
136 facility use.

137 17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax  
138 identification number, state sales tax number, home address and telephone number, personal and lottery  
139 banking account and transit numbers of a retailer, and financial information regarding the nonlottery  
140 operations of specific retail locations and (ii) individual lottery winners, except that a winner's name,  
141 hometown, and amount won shall be disclosed.

142 18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a  
143 person regulated by the Board, where such person has tested negative or has not been the subject of a  
144 disciplinary action by the Board for a positive test result.

145 19. Information pertaining to the planning, scheduling, and performance of examinations of holder  
146 records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by  
147 or for the State Treasurer or his agents or employees or persons employed to perform an audit or  
148 examination of holder records.

149 20. Information held by the Virginia Department of Emergency Management or a local governing  
150 body relating to citizen emergency response teams established pursuant to an ordinance of a local  
151 governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or  
152 operating schedule of an individual participant in the program.

153 21. Information held by state or local park and recreation departments and local and regional park  
154 authorities concerning identifiable individuals under the age of 18 years. However, nothing in this  
155 subdivision shall operate to prevent the disclosure of information defined as directory information under  
156 regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the  
157 public body has undertaken the parental notification and opt-out requirements provided by such  
158 regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of  
159 such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction  
160 has restricted or denied such access. For such information of persons who are emancipated, the right of  
161 access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of  
162 the information may waive, in writing, the protections afforded by this subdivision. If the protections are  
163 so waived, the public body shall open such information for inspection and copying.

164 22. Information submitted for inclusion in the Statewide Alert Network administered by the  
165 Department of Emergency Management that reveal names, physical addresses, email addresses, computer  
166 or internet protocol information, telephone numbers, pager numbers, other wireless or portable  
167 communications device information, or operating schedules of individuals or agencies, where the release  
168 of such information would compromise the security of the Statewide Alert Network or individuals  
169 participating in the Statewide Alert Network.

170 23. Information held by the Judicial Inquiry and Review Commission made confidential by  
171 § 17.1-913.

172 24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local  
173 retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement  
174 system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

175 a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings  
176 Plan on the pursuit of particular investment strategies, or the selection or termination of investment  
177 managers, prior to the execution of such investment strategies or the selection or termination of such  
178 managers, if disclosure of such information would have an adverse impact on the financial interest of  
179 the retirement system or the Virginia College Savings Plan; and

180 b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a  
181 private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records  
182 would have an adverse impact on the financial interest of the retirement system or the Virginia College

183 Savings Plan.

184 For the records specified in subdivision b to be excluded from the provisions of this chapter, the  
185 entity shall make a written request to the retirement system or the Virginia College Savings Plan:

186 (1) Invoking such exclusion prior to or upon submission of the data or other materials for which  
187 protection from disclosure is sought;

188 (2) Identifying with specificity the data or other materials for which protection is sought; and

189 (3) Stating the reasons why protection is necessary.

190 The retirement system or the Virginia College Savings Plan shall determine whether the requested  
191 exclusion from disclosure meets the requirements set forth in subdivision b.

192 Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of  
193 any investment held or the present value and performance of all asset classes and subclasses.

194 25. Information held by the Department of Corrections made confidential by § 53.1-233.

195 26. Information maintained by the Department of the Treasury or participants in the Local  
196 Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the  
197 Department to establish accounts in accordance with § 2.2-4602.

198 27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident  
199 Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers,  
200 except that access shall not be denied to the person who is the subject of the information.

201 28. Information maintained in connection with fundraising activities by the Veterans Services  
202 Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone  
203 number, social security number or other identification number appearing on a driver's license, or credit  
204 card or bank account data of identifiable donors, except that access shall not be denied to the person  
205 who is the subject of the information. Nothing in this subdivision, however, shall be construed to  
206 prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or  
207 donation or the identity of the donor, unless the donor has requested anonymity in connection with or as  
208 a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply  
209 to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the  
210 foundation for the performance of services or other work or (ii) the terms and conditions of such grants  
211 or contracts.

212 29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the  
213 training of state prosecutors or law-enforcement personnel, where such information is not otherwise  
214 available to the public and the disclosure of such information would reveal confidential strategies,  
215 methods, or procedures to be employed in law-enforcement activities or materials created for the  
216 investigation and prosecution of a criminal case.

217 30. Information provided to the Department of Aviation by other entities of the Commonwealth in  
218 connection with the operation of aircraft where the information would not be subject to disclosure by the  
219 entity providing the information. The entity providing the information to the Department of Aviation  
220 shall identify the specific information to be protected and the applicable provision of this chapter that  
221 excludes the information from mandatory disclosure.

222 31. Information created or maintained by or on the behalf of the judicial performance evaluation  
223 program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

224 32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are  
225 discussed by any sexual assault *response* team established pursuant to § 15.2-1627.4 or, (ii) individual  
226 child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child  
227 *sexual abuse response* teams established pursuant to § 15.2-1627.5, or (iii) *individual cases of abuse,*  
228 *neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams*  
229 *established pursuant to §§ 15.2-1627.5 and 63.2-1605.* The findings of any such team may be disclosed  
230 or published in statistical or other aggregated form that does not disclose the identity of specific  
231 individuals.

232 33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the  
233 Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target  
234 companies, specific allocation of resources and staff for marketing activities, and specific marketing  
235 activities that would reveal to the Commonwealth's competitors for economic development projects the  
236 strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial  
237 interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and  
238 operational plan shall not be redacted or withheld pursuant to this subdivision.

239 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

240 A. Public bodies may hold closed meetings only for the following purposes:

241 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,  
242 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public  
243 officers, appointees, or employees of any public body; and evaluation of performance of departments or  
244 schools of public institutions of higher education where such evaluation will necessarily involve

discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating

306 position of the governing body or the establishment of the terms, conditions and provisions of the siting  
307 agreement, or both. All discussions with the applicant or its representatives may be conducted in a  
308 closed meeting.

309 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic  
310 activity and estimating general and nongeneral fund revenues.

311 16. Discussion or consideration of medical and mental health records subject to the exclusion in  
312 subdivision 1 of § 2.2-3705.5.

313 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to  
314 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and  
315 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game  
316 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3  
317 and subdivision 11 of § 2.2-3705.7.

318 18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity  
319 of, or information tending to identify, any prisoner who (i) provides information about crimes or  
320 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the  
321 apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders  
322 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

323 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific  
324 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement  
325 or emergency service officials concerning actions taken to respond to such matters or a related threat to  
326 public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2,  
327 where discussion in an open meeting would jeopardize the safety of any person or the security of any  
328 facility, building, structure, information technology system, or software program; or discussion of reports  
329 or plans related to the security of any governmental facility, building or structure, or the safety of  
330 persons using such facility, building or structure.

331 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or  
332 of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of  
333 trustees of a trust established by one or more local public bodies to invest funds for postemployment  
334 benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title  
335 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the  
336 Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition,  
337 holding or disposition of a security or other ownership interest in an entity, where such security or  
338 ownership interest is not traded on a governmentally regulated securities exchange, to the extent that  
339 such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of  
340 Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia  
341 College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or  
342 the Virginia College Savings Plan under a promise of confidentiality, of the future value of such  
343 ownership interest or the future financial performance of the entity, and (ii) would have an adverse  
344 effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a  
345 local finance board or board of trustees, the board of visitors of the University of Virginia, or the  
346 Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure  
347 of information relating to the identity of any investment held, the amount invested or the present value  
348 of such investment.

349 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
350 Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which  
351 individual child death cases are discussed by a regional or local child fatality review team established  
352 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by  
353 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in  
354 which individual adult death cases are discussed by the state Adult Fatality Review Team established  
355 pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed  
356 by a local or regional adult fatality review team established pursuant to § 32.1-283.6, and those portions  
357 of meetings in which individual death cases are discussed by overdose fatality review teams established  
358 pursuant to § 32.1-283.7.

359 22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern  
360 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any  
361 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern  
362 Virginia Medical School, as the case may be, have been delegated, in which there is discussed  
363 proprietary, business-related information pertaining to the operations of the University of Virginia  
364 Medical Center or Eastern Virginia Medical School, as the case may be, including business development  
365 or marketing strategies and activities with existing or future joint venturers, partners, or other parties  
366 with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case  
367 may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such

information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files subject to the exclusion in subdivision B 1 of § 2.2-3706.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or

429 recover scholarship awards.

430 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion  
431 in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia  
432 Port Authority.

433 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting  
434 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26,  
435 by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College  
436 Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment  
437 Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in  
438 subdivision 24 of § 2.2-3705.7.

439 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of  
440 § 2.2-3705.6 related to economic development.

441 40. Discussion or consideration by the Board of Education of information relating to the denial,  
442 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

443 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created  
444 by executive order for the purpose of studying and making recommendations regarding preventing  
445 closure or realignment of federal military and national security installations and facilities located in  
446 Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization  
447 appointed by a local governing body, during which there is discussion of information subject to the  
448 exclusion in subdivision 8 of § 2.2-3705.2.

449 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
450 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable  
451 information of donors.

452 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of  
453 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information  
454 contained in grant applications.

455 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority  
456 of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or  
457 charges for the use of projects of, the sale of products of, or services rendered by the Authority and  
458 certain proprietary information of a private entity provided to the Authority.

459 45. Discussion or consideration of personal and proprietary information related to the resource  
460 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii)  
461 subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records  
462 that contain information that has been certified for release by the person who is the subject of the  
463 information or transformed into a statistical or aggregate form that does not allow identification of the  
464 person who supplied, or is the subject of, the information.

465 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control  
466 Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to  
467 investigations of applicants for licenses and permits and of licensees and permittees.

468 47. Discussion or consideration of grant or loan application records subject to the exclusion in  
469 subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the  
470 Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title  
471 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of  
472 § 23.1-3133 or by the Virginia Research Investment Committee.

473 48. Discussion or development of grant proposals by a regional council established pursuant to  
474 Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth  
475 and Opportunity Board.

476 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault *response*  
477 team established pursuant to § 15.2-1627.4 ~~or~~, (ii) individual child abuse or neglect cases or sex offenses  
478 involving a child by a child *sexual abuse response* team established pursuant to § 15.2-1627.5, *or* (iii)  
479 *individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to*  
480 *§§ 15.2-1627.5 and 63.2-1605.*

481 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership  
482 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the  
483 portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to  
484 subdivision 33 of § 2.2-3705.7.

485 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic  
486 Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and  
487 discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of  
488 § 60.2-114.

489 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a  
490 closed meeting shall become effective unless the public body, following the meeting, reconvenes in open



meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

**§ 15.2-1627.5. Coordination of multidisciplinary response to child sexual abuse and the abuse, neglect, and exploitation of adults.**

A. The attorney for the Commonwealth in each jurisdiction in the Commonwealth shall establish a multidisciplinary child sexual abuse response team, which may be an existing multidisciplinary team. The multidisciplinary team shall conduct regular reviews of new and ongoing reports of felony sex offenses in the jurisdiction involving a child and the investigations thereof and, at the request of any member of the team, may conduct reviews of any other reports of child abuse and neglect or sex offenses in the jurisdiction involving a child and the investigations thereof. The multidisciplinary team shall meet frequently enough to ensure that no new or ongoing reports go more than 60 days without being reviewed by the team.

B. The following individuals, or their designees, shall participate in review meetings of the multidisciplinary team *established pursuant to subsection A*: the attorney for the Commonwealth; law-enforcement officials responsible for the investigation of sex offenses involving a child in the jurisdiction; a representative of the local child protective services unit; a representative of a child advocacy center serving the jurisdiction, if one exists; and a representative of an Internet Crimes Against Children task force affiliate agency serving the jurisdiction, if one exists. In addition, the attorney for the Commonwealth may invite other individuals, or their designees, including the school superintendent of the jurisdiction; a representative of any sexual assault crisis center serving the jurisdiction, if one exists; the director of the victim/witness program serving the jurisdiction, if one exists; and a health professional knowledgeable in the treatment and provision of services to children who have been sexually abused.

*C. The attorney for the Commonwealth in each jurisdiction may also establish a multidisciplinary adult abuse, neglect, and exploitation response team to review cases of abuse, neglect, and exploitation of adults as defined in § 63.2-1603. The multidisciplinary team may be established separately or in conjunction with any already existing multidisciplinary team.*

**§ 63.2-1605. Protective services for adults by local departments.**

A. Each local board, to the extent that federal or state matching funds are made available to each locality, shall provide, pursuant to regulations and subject to supervision of the Commissioner for Aging and Rehabilitative Services, adult protective services for adults who are found to be abused, neglected, or exploited and who meet one of the following criteria: (i) the adult is 60 years of age or older or (ii) the adult is 18 years of age or older and is incapacitated. The requirement to provide such services shall not limit the right of any individual to refuse to accept any of the services so offered, except as provided in § 63.2-1608.

B. Upon receipt of the report pursuant to § 63.2-1606, the local department shall determine the validity of such report and shall initiate an investigation within 24 hours of the time the report is received in the local department. Local departments shall consider valid any report meeting all of the following criteria: (i) the subject of the report is an adult as defined in this article, (ii) the report concerns a specific adult and there is enough information to locate the adult, and (iii) the report describes the circumstances of the alleged abuse, neglect, or exploitation.

C. The local department or the adult protective services hotline shall immediately refer the matter and all relevant documentation to the local law-enforcement agency where the adult resides or where the alleged abuse, neglect, or exploitation took place or, if these places are unknown, where the alleged abuse, neglect, or exploitation was discovered for investigation, upon receipt of an initial report pursuant to § 63.2-1606 involving any of the following or upon determining, during the course of an investigation pursuant to this article, the occurrence of any of the following:

- 552 1. Sexual abuse as defined in § 18.2-67.10;  
553 2. Death that is believed to be the result of abuse or neglect;  
554 3. Serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse  
555 or neglect;  
556 4. Suspected financial exploitation of an adult; or  
557 5. Any other criminal activity involving abuse or neglect that places the adult in imminent danger of  
558 death or serious bodily harm.

559 Local law-enforcement agencies shall provide local departments and the adult protective services  
560 hotline with a preferred point of contact for referrals.

561 D. The local department shall refer any appropriate matter and all relevant documentation, to the  
562 appropriate licensing, regulatory, or legal authority for administrative action or criminal investigation.

563 E. If a local department is denied access to an adult for whom there is reason to suspect the need for  
564 adult protective services, then the local department may petition the circuit court for an order allowing  
565 access or entry or both. Upon a showing of good cause supported by an affidavit or testimony in person,  
566 the court may enter an order permitting such access or entry.

567 F. In any case of suspected adult abuse, neglect, or exploitation, local departments, with the informed  
568 consent of the adult or his legal representative, shall take or cause to be taken photographs, video  
569 recordings, or appropriate medical imaging of the adult and his environment as long as such measures  
570 are relevant to the investigation and do not conflict with § 18.2-386.1. However, if the adult is  
571 determined to be incapable of making an informed decision and of giving informed consent and either  
572 has no legal representative or the legal representative is the suspected perpetrator of the adult abuse,  
573 neglect, or exploitation, consent may be given by an agent appointed under an advance medical directive  
574 or medical power of attorney, or by a person authorized, pursuant to § 54.1-2986. In the event no agent  
575 or authorized representative is immediately available, then consent shall be deemed to be given.

576 G. Local departments shall foster the development, implementation, and coordination of adult  
577 protective services to prevent adult abuse, neglect, and exploitation.

578 H. Local departments shall not investigate allegations of abuse, neglect, or exploitation of adults  
579 incarcerated in state correctional facilities.

580 I. The report and evidence received by the local department and any written findings, evaluations,  
581 records, and recommended actions shall be confidential and shall be exempt from disclosure  
582 requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that such  
583 information may be disclosed to persons having a legitimate interest in the matter in accordance with  
584 §§ 63.2-102 and 63.2-104 and pursuant to official interagency agreements or memoranda of  
585 understanding between state agencies.

586 J. All written findings and actions of the local department or its director regarding adult protective  
587 services investigations are final and shall not be (i) appealable to the Commissioner for Aging and  
588 Rehabilitative Services or (ii) considered a final agency action for purposes of judicial review pursuant  
589 to the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

590 K. *Each local department may foster, when practicable, the creation, maintenance, and coordination*  
591 *of community-based multidisciplinary teams that shall include, where possible, members of the medical,*  
592 *mental health, social work, nursing, education, legal, and law-enforcement professions. Such teams*  
593 *shall:*

594 1. *Assist the local department in identifying abused, neglected, and exploited adults as defined in*  
595 *§ 63.2-1603.*

596 2. *Coordinate medical, social, and legal services for abused, neglected, and exploited adults and*  
597 *their families.*

598 3. *Develop innovative programs for detection and prevention of the abuse, neglect, and exploitation*  
599 *of adults.*

600 4. *Promote community awareness and action to address the abuse, neglect, and exploitation of*  
601 *adults.*

602 5. *Disseminate information to the general public regarding the problem of abuse, neglect, and*  
603 *exploitation of adults, strategies and methods for preventing such abuse, neglect, and exploitation, and*  
604 *treatment options for abused, neglected, and exploited adults.*

605 *Such multidisciplinary teams may share information among the parties in the performance of their*  
606 *duties but shall be bound by confidentiality and shall execute a sworn statement to honor the*  
607 *confidentiality of the information they share. A violation of this subsection is punishable as a Class 3*  
608 *misdemeanor. All such information and records shall be used by the team only in the exercise of its*  
609 *proper function and shall not be disclosed. No person who participated in the team and no member of*  
610 *the team shall be required to make any statement as to what transpired during a meeting or what*  
611 *information was collected during the meeting. Upon the conclusion of a meeting, all information and*  
612 *records concerning the adult shall be returned to the originating agency or destroyed. Any information*  
613 *exchanged in accordance with the multidisciplinary review team shall not be considered to be a*

**614** *violation of any of the provisions of § 63.2-102, 63.2-104, or 63.2-105.*