

2023 SESSION

INTRODUCED

23100732D

HOUSE BILL NO. 1757

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact § 8.01-223.2 of the Code of Virginia, relating to immunity of persons; tort actions; assertion of immunity; attorney fees and costs.

Patron—Campbell, J.L.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-223.2 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-223.2. Immunity of persons for statements made at public hearing or communicated to third party.

A. A person shall be immune from civil tort liability for a violation of § 18.2-499, a claim of tortious interference with an existing contract or a business or contractual expectancy, or a claim of defamation if the tort is based solely on statements (i) regarding matters of public concern that would be protected under the First Amendment to the Constitution of the United States Constitution made by that person that are communicated to a third party or (ii) made at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies and authorities thereof, and other governing bodies of any local governmental entity concerning matters properly before such body. The immunity provided by this section shall not apply to any statements made with actual or constructive knowledge that they are false or with reckless disregard for whether they are false. An order resolving a plea of immunity under this section may be appealed in accordance with subsection B of § 8.01-675.5.

B. Any person who has a suit against him dismissed or a witness subpoena or subpoena duces tecum quashed pursuant to the immunity provided by this section may be awarded reasonable attorney fees and costs. When any assertion of immunity provided by this section is denied and is found by the court to violate § 8.01-271.1, reasonable attorney fees and costs may be awarded.

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