

2023 SESSION

SENATE SUBSTITUTE

23107409D

HOUSE BILL NO. 1757

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Petersen
on February 23, 2023)

(Patron Prior to Substitute—Delegate Campbell, J.L.)

A BILL to amend and reenact § 8.01-223.2 of the Code of Virginia, relating to immunity of persons at public hearing; statements made by employee against employer.

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 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 based solely on statements (i) regarding matters of public concern that would be protected under the First Amendment to 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. *Such statements shall include those made by an employee against his employer where retaliatory action against such employee by his employer is prohibited by § 40.1-27.3.* 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.

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.

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