

HOUSE BILL NO. 1476
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Public Safety
on _____)
(Patron Prior to Substitute—Delegate Schmidt)

A BILL to amend and reenact §§ 2.2-3711, as it is currently effective and as it shall become effective, 16.1-301, and 19.2-11.2 of the Code of Virginia, relating to law-enforcement civilian oversight bodies; closed meetings; disclosure of certain law-enforcement records.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3711, as it is currently effective and as it shall become effective, 16.1-301, and 19.2-11.2 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.

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

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or 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 that 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, the Fort Monroe Authority, 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 that 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 position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

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

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

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

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

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

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

21. Those portions of meetings in which individual child death cases are discussed by the State Child

Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion University, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case 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 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, 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

151 the Authority where disclosure of such strategies or plans would adversely affect the competitive position of
152 the Authority; and members of the Authority's medical and teaching staffs and qualifications for
153 appointments thereto.

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

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

161 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee
162 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in
163 § 56-484.12, related to the provision of wireless E-911 service.

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

170 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6
171 by a responsible public entity or an affected locality or public entity, as those terms are defined in
172 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible
173 public entity concerning such records.

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

177 30. Discussion or consideration of grant or loan application information subject to the exclusion in
178 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

179 31. Discussion or consideration by the Commitment Review Committee of information subject to the
180 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent
181 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 § 24.2-410.2 or 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.

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 recover scholarship awards.

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

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

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

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

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and

213 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a
214 local governing body, during which there is discussion of information subject to the exclusion in subdivision
215 8 of § 2.2-3705.2.

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

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

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

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

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

235 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion
236 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)
237 of Chapter 22.

238 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
239 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
240 Board.

241 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
242 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
243 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases

involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established pursuant to § 15.2-1627.6.

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

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

56. Discussion or consideration by any law-enforcement civilian oversight body established pursuant to § 9.1-601 of the criminal investigative files, audit findings, and deliberations regarding police operations related to a specific complaint before the body.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a 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.

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

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

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

288 **§ 2.2-3711. (Effective July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

290 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment,
291 appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public
292 officers, appointees, or employees of any public body; and evaluation of performance of departments or
293 schools of public institutions of higher education where such evaluation will necessarily involve discussion of
294 the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting
295 in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some
296 student and the student involved in the matter is present, provided that the teacher makes a written request to
297 be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be
298 construed to authorize a closed meeting by a local governing body or an elected school board to discuss
299 compensation matters that affect the membership of such body or board collectively.

300 2. Discussion or consideration of admission or disciplinary matters or any other matters that would
301 involve the disclosure of information contained in a scholastic record concerning any student of any public
302 institution of higher education in the Commonwealth or any state school system. However, any such student,
303 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

333 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"
334 means any government other than the United States government or the government of a state or a political
335 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United
336 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by
337 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of
338 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)
339 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory
340 or protectorate thereof.

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

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

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

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

352 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
353 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in
354 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the
355 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.
356 All discussions with the applicant or its representatives may be conducted in a closed meeting.

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

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

361 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to

subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

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

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

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University

393 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the
394 disclosure of information relating to the identity of any investment held, the amount invested or the present
395 value of such investment.

396 21. Those portions of meetings in which individual child death cases are discussed by the State Child
397 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual
398 child death cases are discussed by a regional or local child fatality review team established pursuant to
399 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence
400 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual
401 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,
402 those portions of meetings in which individual adult death cases are discussed by a local or regional adult
403 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual
404 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those
405 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality
406 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of
407 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review
408 Committee established pursuant to § 37.2-314.1.

409 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion
410 University, as the case may be, and those portions of meetings of any persons to whom management
411 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
412 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,
413 business-related information pertaining to the operations of the University of Virginia Medical Center or the
414 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business
415 development or marketing strategies and activities with existing or future joint venturers, partners, or other
416 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center
417 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of
418 health care, if disclosure of such information would adversely affect the competitive position of the
419 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion
420 University, as the case may be.

421 23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or
422 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 Commonwealth Savers 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 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.

453 30. Discussion or consideration of grant or loan application information subject to the exclusion in
454 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

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

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

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

465 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security
466 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1 and review by the State Board of Elections
467 of complaints related to the personal use of campaign funds pursuant to § 24.2-948.7.

468 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee
469 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

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

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

478 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting
479 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by
480 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan
481 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee
482 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

483 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6

related to economic development.

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

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

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

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

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

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

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

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

515 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26
516 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity
517 Board.

518 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team
519 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a
520 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases
521 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and
522 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established
523 pursuant to § 15.2-1627.6.

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

528 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development
529 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information
530 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the
531 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

532 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the
533 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of
534 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

535 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or
536 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of
537 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to
538 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

539 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding
540 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting
541 and any discussion, consideration, or review of matters related to investigations excluded from mandatory
542 disclosure under subdivision 1 of § 2.2-3705.3.

543 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of
544 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

545 56. Discussion or consideration by any law-enforcement civilian oversight body established pursuant to

§ 9.1-601 of the criminal investigative files, audit findings, and deliberations regarding police operations related to a specific complaint before the body.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a 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.

§ 16.1-301. Confidentiality of juvenile law-enforcement records; disclosures to school principal and others.

A. The court shall require all law-enforcement agencies to take special precautions to ensure that law-enforcement records concerning a juvenile are protected against disclosure to any unauthorized person. The police departments of the cities of the Commonwealth, and the police departments or sheriffs of the counties of the Commonwealth, as the case may be, shall keep separate records as to violations of law committed by juveniles other than violations of motor vehicle laws. Such records with respect to such juvenile shall not be open to public inspection nor their contents disclosed to the public unless a juvenile 14 years of age or older is charged with a violent juvenile felony as specified in subsections B and C of § 16.1-269.1.

B. Notwithstanding any other provision of law, the chief of police or sheriff of a jurisdiction or his

576 designee shall disclose, for the protection of the juvenile, his fellow students and school personnel, to the
577 school principal that a juvenile has been charged with or may disclose when a juvenile is a suspect in (i) a
578 violent juvenile felony, as specified in subsections B and C of § 16.1-269.1; (ii) a violation of any of the
579 provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; (iii) a violation of law involving any
580 weapon as described in subsection A of § 18.2-308; or (iv) a violation of law as described in subsection G of
581 § 16.1-260. If a chief of police or sheriff or a designee has disclosed to a school principal pursuant to this
582 section that a juvenile is a suspect in or has been charged with a crime as specified in clauses (i) through (iv),
583 upon a court disposition of a proceeding regarding such crime in which a juvenile is adjudicated delinquent,
584 convicted, found not guilty or the charges are reduced, the chief of police or sheriff or a designee shall, within
585 15 days of the expiration of the appeal period, if there is no notice of appeal, provide notice of the disposition
586 ordered by the court to the school principal to whom disclosure was made. If the court defers disposition or if
587 charges are withdrawn, dismissed or nolle prosequi, the chief of police or sheriff or a designee shall, within
588 15 days of such action provide notice of such action to the school principal to whom disclosure was made. If
589 charges are withdrawn in intake or handled informally without a court disposition or if charges are not filed
590 within 90 days of the initial disclosure, the chief of police or sheriff or a designee shall so notify the school
591 principal to whom disclosure was made. In addition to any other disclosure that is permitted by this
592 subsection, the principal in his discretion may provide such information to a threat assessment team
593 established by the local school division. No member of a threat assessment team shall (a) disclose any
594 juvenile record information obtained pursuant to this section or (b) use such information for any purpose
595 other than evaluating threats to students and school personnel. For the purposes of this subsection, "principal"
596 also refers to the chief administrator of any private primary or secondary school.

597 C. Inspection of law-enforcement records concerning juveniles shall be permitted only by the following:

- 598 1. A court having the juvenile currently before it in any proceeding;
- 599 2. The officers of public and nongovernmental institutions or agencies to which the juvenile is currently
600 committed, and those responsible for his supervision after release;
- 601 3. Any other person, agency, or institution, by order of the court, having a legitimate interest in the case or
602 in the work of the law-enforcement agency;
- 603 4. Law-enforcement officers of other jurisdictions, by order of the court, when necessary for the discharge
604 of their current official duties;
- 605 5. The probation and other professional staff of a court in which the juvenile is subsequently convicted of

a criminal offense for the purpose of a presentence report or other dispositional proceedings, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him;

6. The juvenile, the parent, guardian, or other custodian of the juvenile, and counsel for the juvenile only if (i) no other law or rule of the Supreme Court of Virginia requires or allows withholding of the record; (ii) the parent, guardian, or other custodian requesting the record is not a suspect, offender, or person of interest in the record; and (iii) any identifying information of any other involved juveniles is redacted; ~~and~~

7. As provided in §§ 19.2-389.1 and 19.2-390; *and*

8. *Law-enforcement civilian oversight bodies established pursuant to § 9.1-601 when required to perform their duties and any independent policing auditor, manager, director, or other person responsible for duties enumerated in subsection C of § 9.1-601 when designated by the local governing body.*

D. The police departments of the cities and towns and the police departments or sheriffs of the counties may release, upon request to one another and to state and federal law-enforcement agencies, and to law-enforcement agencies in other states, current information on juvenile arrests. The information exchanged shall be used by the receiving agency for current investigation purposes only and shall not result in the creation of new files or records on individual juveniles on the part of the receiving agency.

E. Upon request, the police departments of the cities and towns and the police departments or sheriffs of the counties may release current information on juvenile arrests or juvenile victims to the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an award to the victim of a crime, and such information shall not be disseminated or used by the Commission for any other purpose than provided in § 19.2-368.3.

F. Nothing in this section shall prohibit the exchange of other criminal investigative or intelligence information among law-enforcement agencies.

G. Nothing in this section shall prohibit the disclosure of law-enforcement records concerning a juvenile to a court services unit-authorized diversion program in accordance with this chapter, which includes programs authorized by subdivision 1 of § 16.1-227 and § 16.1-260. Such records shall not be further disclosed by the authorized diversion program or any participants therein. Law-enforcement officers may prohibit a disclosure to such a program to protect a criminal investigation or intelligence information.

H. Nothing in this section shall prohibit the disclosure of accident reports and other reports required to be made to the Department of Motor Vehicles pursuant to § 46.2-374 involving a juvenile even if such reports

636 are in the custody of a law-enforcement agency or were created by a law-enforcement officer.

637 **§ 19.2-11.2. Crime victim's right to nondisclosure of certain information; exceptions; testimonial**
638 **privilege.**

639 Upon request of any witness in a criminal prosecution under § 18.2-46.2, 18.2-46.3, or 18.2-248 or of any
640 violent felony as defined by subsection C of § 17.1-805, or any crime victim, neither a law-enforcement
641 agency, the attorney for the Commonwealth, the counsel for a defendant, a court nor the Department of
642 Corrections, nor any employee of any of them, may disclose, except among themselves, the residential
643 address, any telephone number, email address, or place of employment of the witness or victim or a member
644 of the witness' or victim's family, except to the extent that disclosure is (i) of the site of the crime, (ii)
645 required by law or Rules of the Supreme Court, (iii) necessary for law-enforcement purposes or preparation
646 for court proceedings, or (iv) permitted by the court for good cause.

647 Except with the written consent of the victim of any crime involving any sexual assault, sexual abuse, or
648 family abuse or the victim's next of kin if the victim is a minor and the victim's death results from any crime,
649 a law-enforcement agency may not disclose to the public information that directly or indirectly identifies the
650 victim of such crime except to the extent that disclosure is (a) of the site of the crime, (b) required by law, (c)
651 necessary for law-enforcement purposes, ~~or~~ (d) *to a law-enforcement civilian oversight body established*
652 *pursuant to § 9.1-601 and any independent policing auditor, manager, director, or other person responsible*
653 *for duties enumerated in subsection C of § 9.1-601 when designated by the local governing body, or (e)*
654 permitted by the court for good cause. In addition, at the request of the victim to the Court of Appeals of
655 Virginia or the Supreme Court of Virginia hearing, on or after July 1, 2007, the case of a crime involving any
656 sexual assault or sexual abuse, no appellate decision shall contain the first or last name of the victim.

657 Nothing herein shall limit the right to examine witnesses in a court of law or otherwise affect the conduct
658 of any criminal proceeding.