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SENATE BILL NO. 839

Offered January 13, 2027

Prefiled October 8, 2026

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 14 of Title 15.2 a section numbered 15.2-1414.01, relating to members of local governing bodies; nondisclosure agreements prohibited.

 Patron—Jones

 Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 14 of Title 15.2 a section numbered 15.2-1414.01 as follows:

§ 15.2-1414.01. Members of local governing bodies; nondisclosure agreements prohibited.

A. As used in this section:

"Member of a local governing body" means any duly elected member of a governing body of any locality.

"Matters of public concern" means those matters of interest to the community as a whole, whether for social, political, or other reasons, and includes discussions that disclose any (i) evidence of corruption, impropriety, or other malfeasance on the part of government officials; (ii) violation of law; or (iii) incidence of fraud, abuse, or gross mismanagement.

"Nondisclosure agreement" means any agreement or contract that includes a provision or clause prohibiting a member from disclosing, discussing, describing, or commenting on matters of public concern related to the member's performance of their official duties.

B. No member of a local governing body shall sign or execute a nondisclosure agreement during the course of their term of office that prohibits them from discussing matters of public concern related to the performance of their official duties, except as provided in subsection C. Any such agreement is against public policy and is void and unenforceable.

C. The provisions of this section shall not prohibit a member of a local governing body from signing or executing a nondisclosure agreement if such agreement is necessary to prevent disclosure of:

1. Factual circumstances relating to the member's performance of official duties that reasonably implicate privacy interests held by the member who is party to the agreement, if the member elects to restrict disclosure of such circumstances on such grounds;

2. Matters required to be kept confidential by any federal or state law or regulation; or

3. Information related to active civil or criminal investigations.

D. Nothing in this section shall invalidate, alter, or otherwise affect any contracts, covenants, or agreements entered into or renewed prior to July 1, 2027.

INTRODUCED

SB839