

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding sections numbered 2.2-2902.2 and 15.2-1512.4:1,*
3 *relating to administration of government; rights of state and local employees; freedoms of conscience*
4 *and expression.*

5 [H 384]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That the Code of Virginia is amended by adding sections numbered 2.2-2902.2 and**
9 **15.2-1512.4:1 as follows:**

10 **§ 2.2-2902.2. Rights of employees of the Commonwealth to conscience and expression.**

11 *A. An employee of the Commonwealth shall not be penalized by his employer for expressing his*
12 *opinion regarding a current or proposed regulation, rule, policy, position, or other action or purpose of*
13 *a unit of state government at a hearing of a public body during the time designated for public comment*
14 *when such employee is speaking on his own behalf as a member of the public. Nothing in this section*
15 *shall be construed to allow any speech that is unprotected under the First Amendment to the United*
16 *States Constitution, including, but not limited to, speech that (i) incites violence; (ii) is obscene,*
17 *defamatory, or fraudulent; or (iii) discloses privileged and confidential information.*

18 *B. For the purposes of this section, "employee of the Commonwealth" does not include any person*
19 *appointed to a position in a unit of state government by an elected official or a government body*
20 *comprised in whole or in part of elected officials.*

21 **§ 15.2-1512.4:1. Rights of local government employees to conscience and expression.**

22 *A. An employee of any unit of local government shall not be penalized by his employer for*
23 *expressing his opinion regarding a current or proposed regulation, rule, policy, position, or other action*
24 *or purpose of a unit of local government at a hearing of a public body during the time designated for*
25 *public comment when such employee is speaking on his own behalf as a member of the public. Nothing*
26 *in this section shall be construed to allow any speech that is unprotected under the First Amendment to*
27 *the United States Constitution, including, but not limited to, speech that (i) incites violence; (ii) is*
28 *obscene, defamatory, or fraudulent; or (iii) discloses privileged and confidential information.*

29 *B. For the purposes of this section, "employee of any unit of local government" does not include any*
30 *person appointed to a position in a unit of local government by an elected official or a government*
31 *body comprised in whole or in part of elected officials.*

ENROLLED

HB384ER