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HOUSE BILL NO. 384**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the Governor
on April 11, 2022)

(Patron Prior to Substitute—Delegate Davis)

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

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

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

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