

2002 SESSION

INTRODUCED

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HOUSE BILL NO. 1209

Offered January 15, 2002

A BILL to amend and reenact §§ 17.1-208 and 17.1-265 of the Code of Virginia, relating to clerk of circuit court; military service discharge records.

Patrons—Cox, Albo, Cole, Cosgrove, Devolites, Drake, Gear, Lingamfelter, McDonnell, Rapp, Sears, Wardrup, Welch and Wright

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-208 and 17.1-265 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-208. Records, etc., open to inspection; copies; exception.

The records and papers of every circuit court shall be open to inspection by any person and the clerk shall, when required, furnish copies thereof, except in cases in which it is otherwise specially provided. The certificate of the clerk to such copies shall, if the paper copied be recorded in a bound volume, contain the name and number of the volume and the page or folio at which the recordation of the paper begins. No person shall be permitted to use the clerk's office for the purpose of making copies of records in such manner, or to such extent, as will interfere with the business of the office or with its reasonable use by the general public.

Inspection of discharge certificates or reports of separation from active duty shall be subject to the provisions of § 17.1-265.

§ 17.1-265. Recordation of evidence of discharge generally; confidentiality.

A. The clerk of the circuit court of the county or city wherein a person discharged from the armed forces of the United States resides shall record, upon presentation, free of charge, the original or a properly authenticated copy of either the discharge certificate or the report of separation from active duty (Department of Defense Document DD-214), or both.

B. Discharge certificates and reports of separation from active duty shall be filed separately from other records of the court and shall be open for inspection and copying only by the following:

1. The subject of the record;

2. Family members of the subject;

3. Representatives acting on behalf or at the request of the subject or the family; or

4. Any agency of federal, state, or local government.

C. The clerk may permit the use of discharge certificates or reports of separation from active duty for bona fide research purposes if the subject of the record is deceased.

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