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HOUSE BILL NO. 457

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on March 4, 2002)

(Patron Prior to Substitute—Delegate Griffith)

A BILL to amend the Code of Virginia by adding a section numbered 19.2-267.2, relating to criminal subpoenas for information stored in electronic format.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-267.2 as follows:

§ 19.2-267.2. Response to subpoena for information stored in electronic format.

When a subpoena has been served pursuant to Rule 3A:12 of the Rules of the Supreme Court on a person who is not a party to the action requiring the production of information that is stored in an electronic format, the person shall produce a tangible copy of the information. If a tangible copy cannot be produced, the person shall permit the parties to review the information on a computer or by electronic means during normal business hours, provided that the information can be accessed and isolated. If a tangible copy cannot reasonably be produced and the information is commingled with information other than that requested in the subpoena and cannot reasonably be isolated, the person may file a motion for a protective order or motion to quash.

SENATE SUBSTITUTE

HB457S2