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HOUSE JOINT RESOLUTION NO. 631

Offered January 8, 2003

Prefiled January 8, 2003

Continuing the Joint Subcommittee Studying the Protection of Court Records. Report.

Patron—Devolites

Referred to Committee on Rules

WHEREAS, House Joint Resolution No. 89 (2002) established the Joint Subcommittee Studying the Protection of Court Records and the information contained in the records, documents, and cases filed in the courts of the Commonwealth; and

WHEREAS, the Conference for Chief Justices and the Conference of State Court Administrators adopted guidelines in August 2002 on public access to court records after a lengthy investigation of all categories of courts records, and records that are held by the courts for governmental or public convenience; and

WHEREAS, the joint subcommittee identified several areas of immediate concern in Virginia's laws and rules on public access to records especially where these records are to be available on the Internet at some point in the future. These areas of concern include, but are not limited to, divorce records and records that contain social security numbers; and

WHEREAS, recognizing the need to do more thorough identification and evaluation of (i) "court records" and "records held by courts," (ii) the appropriate level of public access to the documents that comprise these 2 categories of records, (iii) privacy concerns as to certain information contained in these records, and (iv) information which may be gathered unnecessarily by entities and filed in court records or being held by the courts; and

WHEREAS, the joint subcommittee recommends that the Office of the Executive Secretary of the Supreme Court of Virginia seek grant funds to assist in the collection and consideration of the above-stated issues and any other issues that may arise, and the recommendations of the Conference of Chief Justices and Court Administrators; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee Studying the Protection of Court Records be continued. The joint subcommittee shall consist of 10 members that includes 6 legislative members, 3 nonlegislative citizen members, and 1 ex officio member. Members shall be appointed as follows: 4 members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates and 2 nonlegislative citizen members (1 of whom shall be a clerk of a circuit court and 1 shall be a representative from the Virginia Freedom of Information Advisory Council) to be appointed by the Speaker of the House of Delegates. Current members appointed by the Senate Committee on Privileges and Elections and ex officio members shall continue to serve. Vacancies shall be filled by the original appointing authority. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall review the findings and recommendations of the Executive Secretary's Office and recommend to the General Assembly any necessary changes in statutory law.

Administrative staff support shall continue to be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue to be provided by the Division of Legislative Services. Technical assistance shall continue to be provided by the Executive Secretary of the Supreme Court. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to 4 meetings for the 2003-2004 interim, and the direct costs of this study shall not exceed \$ 6,800 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

INTRODUCED

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59 Upon the election of a majority of the members of the House of Delegates appointed to the joint
60 subcommittee or a majority of the Senate members appointed to the joint subcommittee, no
61 recommendation of the joint subcommittee shall be adopted without the approval of a majority of such
62 members of the House of Delegates and a majority of such members of the Senate. For the purpose of
63 this provision, a "majority" constitutes the members present and voting at the meeting of the joint
64 subcommittee.

65 The joint subcommittee shall complete its meetings by November 30, 2004, and the chairman shall
66 submit to the Division of Legislative Automated Systems an executive summary of its findings and
67 recommendations no later than the first day of the 2005 Regular Session of the General Assembly. The
68 executive summary shall state whether the joint subcommittee intends to submit to the Governor and the
69 General Assembly a report of its findings and recommendations. The executive summary and report
70 shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for
71 the processing of legislative documents and reports and shall be posted on the General Assembly's
72 website.

73 Implementation of this resolution is subject to subsequent approval and certification by the Joint
74 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
75 delay the period for the conduct of the study, or authorize additional meetings during the 2003-2004
76 interim.