

2006 SESSION

LEGISLATION NOT PREPARED BY DLS
ENGROSSED

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SENATE BILL NO. 461

Senate Amendments in [] — January 30, 2006

A *BILL to amend and reenact § 42.1-86.1 of the Code of Virginia, relating to the Virginia Public Records Act; disposition of public records.*

Patron Prior to Engrossment—Senator Devolites Davis

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 42.1-86.1 of the Code of Virginia is amended and reenacted as follows:

§ 42.1-86.1. Disposition of public records.

A. No agency shall sell or give away public records. No agency shall destroy or discard a public record unless (i) the record appears on a records retention and disposition schedule approved pursuant to § 42.1-82 and the record's retention period has expired; (ii) a certificate of records destruction, as designated by the Librarian of Virginia, has been properly completed and approved by the agency's designated records officer; and (iii) there is no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series. After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia.

B. *Each agency shall ensure that records authorized to be destroyed or discarded in accordance with subsection A, are destroyed or discarded [~~in a timely manner~~ within six months of the expiration of the record's retention period] in accordance with the provisions of this chapter. [All records previously authorized to be destroyed must be destroyed by July 1, 2007.]*

ENGROSSED

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