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HOUSE BILL NO. 2062

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on January 25, 2007)

(Patron Prior to Substitute—Delegate McQuigg)

A BILL to amend and reenact §§ 2.2-3703, 2.2-3808.1, 8.01-449, 17.1-208, 17.1-275, as it shall become effective, 17.1-279, and 20-121.03 of the Code of Virginia, to amend the Code of Virginia by adding in Chapter 2 of Title 17.1 an article numbered 8, consisting of sections numbered 17.1-292 through 17.1-294, and to repeal § 2.2-3808.2 of the Code of Virginia, relating to the applicability of FOIA to land records; secure remote access to land records; fees; Technology Trust Fund.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3703, 2.2-3808.1, 8.01-449, 17.1-208, 17.1-275, as it shall become effective, 17.1-279, and 20-121.03 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 17.1 an article numbered 8, consisting of sections numbered 17.1-292 through 17.1-294, as follows:

§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.

A. The provisions of this chapter shall not apply to:

1. The Virginia Parole Board, except that (i) information from the Virginia Parole Board providing the number of inmates considered by such Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by such Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § 2.2-3704 and (ii) all records concerning the finances of the Virginia Parole Board shall be public records and subject to the provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information;

2. Petit juries and grand juries;

3. Family assessment and planning teams established pursuant to § 2.2-5207; and

4. The Virginia State Crime Commission; and

5. The records required by law to be maintained by the clerks of the courts of record, as defined in § 1-212, and courts not of record, as defined in § 16.1-69.5. However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person incarcerated in a state, local or federal correctional facility, whether or not such facility is (i) located in the Commonwealth or (ii) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.). However, this subsection shall not be construed to prevent an incarcerated person from exercising his constitutionally protected rights, including, but not limited to, his rights to call for evidence in his favor in a criminal prosecution.

§ 2.2-3808.1. Agencies' disclosure of certain account information prohibited.

Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of this title or § 2.2-3802, it shall be unlawful for any agency or court clerk to disclose the social security number or other identification numbers appearing on driver's licenses or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to an agency or a court clerk for the purpose of paying fees, fines, taxes, or other charges collected by such agency or court clerk. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

§ 8.01-449. How judgments are docketed.

A. The judgment docket required by § 8.01-446 may be kept in a well-bound book, or any other media permitted by § 17.1-240. The date and time of docketing shall be recorded with each judgment docketed. The clerk of the circuit court of any county using card files on July 1, 1975, may continue to use the card file system. The docketing may be done by copying the wording of the judgment order verbatim or by abstracting the information therefrom into fixed columns of a book or into fixed fields of an electronic data storage system. Where a procedural microphotographic system is used, the docketing may be done by recording and storing a retrievable image of the judgment order, judgment abstract, or other source document such as a certificate of assignment or release. Where an electronic imaging system is used, the document image shall be stored in a data format which permits recall of the image.

B. Where a well-bound book is used for the judgment docket there shall be stated in separate columns (i) the date and amount of the judgment, (ii) the time from which it bears interest, (iii) the costs, (iv) the full names of all the parties thereto, including the address, date of birth and *the last four digits of the* social security number, if known, of each party against whom judgment is rendered, (v) the alternative value of any specific property recovered by it, (vi) the date and the time of docketing it, (vii) the amount and date of any credits thereon, (viii) the court by which it was rendered and the case number, and (ix) when paid off or discharged in whole or in part, the time of payment or discharge and by whom made when there is more than one defendant. And in case of a judgment or decree by confession, the clerk shall also enter in such docket the time of day at which the same was confessed, or at which the same was received in his office to be entered of record. There shall also be shown on such book the name of the plaintiff's attorney, if any.

C. Error or omission in the entry of the address or addresses or the social security number or numbers of each party against whom judgment is rendered shall in no way affect the validity, finality or priority of the judgment docketed.

D. *Beginning July 1, 2010, any judgment made available to subscribers via secure remote access pursuant to § 17.1-294 shall contain only the last four digits of the social security number of any party. However, the information otherwise required in the judgment docket pursuant to subsection B of this section shall be provided. The attorney or party who prepares or submits the judgment for recordation has the responsibility for ensuring that only the last four digits of the social security number are included in the judgment prior to the instrument's being submitted for recordation. The clerk has the authority to reject any judgment that does not comply with the provisions of this section.*

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

Except as otherwise provided by law, ~~the any records and papers of every circuit court maintained by the clerk of the circuit court~~ shall be open to inspection by any person and the clerk shall, when ~~required requested~~, 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 and may charge a fee therefor pursuant to § 17.1-275. 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.

§ 17.1-275. (Effective July 1, 2007) Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$16 for an instrument or document consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, *record*, or *electronic* record to go out of the office, which is not otherwise specifically provided for *herein*, a fee of \$0.50 for each page *or, if an electronic record, each image*. From such fees, the clerk shall reimburse the locality the costs of making out the copies

and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies shall include lease and maintenance agreements for the equipment used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$60 in cases seeking recovery not exceeding \$50,000, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132; \$110 in cases seeking recovery not exceeding \$100,000, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132; and \$160 in cases seeking recovery exceeding \$100,000, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of this Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19., 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such

183 bond pursuant to the provisions of § 8.01-529, \$1.

184 22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

185 23. For preparation and issuance of a subpoena duces tecum, \$5.

186 24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name,
187 \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to
188 a divorce.

189 25. For providing court records or documents on microfilm, per frame, ~~\$0.10~~ \$0.50.

190 26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one
191 or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be
192 \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to
193 be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly
194 certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the
195 filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged
196 for the filing of a cross-claim or setoff in any pending suit. In divorce cases, when there is a merger of
197 a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee
198 shall include the furnishing of a duly certified copy of both such decrees.

199 27. For the acceptance of credit cards in lieu of money to collect and secure all fees, including filing
200 fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect a service charge of four
201 percent of the amount paid.

202 28. For the return of any check unpaid by the financial institution on which it was drawn or notice is
203 received from the credit card issuer that payment will not be made for any reason, the clerk shall
204 collect, if allowed by the court, a fee of \$20 or 10 percent of the amount to be paid, whichever is
205 greater, in accordance with § 19.2-353.3.

206 29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1,
207 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee
208 imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption
209 filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an
210 additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Putative Father Registry
211 Fund pursuant to § 63.2-1249.

212 30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the
213 same amount as the fee for the original license.

214 31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of \$5 to
215 be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in
216 § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as
217 for recording a deed as provided for in this section, to be paid by the party upon whose request such
218 certificate is recorded or order is entered.

219 32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme
220 Court, including all papers necessary to be copied and other services rendered, except in cases in which
221 costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8,
222 or 17.1-275.9, a fee of \$20.

223 33. For issuance of hunting and trapping permits in accordance with § 10.1-1154, \$0.25.

224 34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees
225 shall be as prescribed in that Act.

226 35. For filing the appointment of a resident agent for a nonresident property owner in accordance
227 with § 55-218.1, a fee of \$10.

228 36. [Repealed.]

229 37. For recordation of certificate and registration of names of nonresident owners in accordance with
230 § 59.1-74, a fee of \$10.

231 38. For maintaining the information required under the Overhead High Voltage Line Safety Act
232 (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

233 39. For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of \$2.

234 40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed
235 under § 8.9A-525.

236 41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed
237 under § 8.9A-525.

238 42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as
239 prescribed under § 8.9A-525.

240 43. For filing a petition as provided in §§ 37.2-1001 and 37.2-1013, the fee shall be \$10.

241 44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

242 45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee
243 of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an
244 additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29 and A 31 to be designated for public law libraries.

E. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 17.1-279. Additional fee to be assessed by circuit court clerks for information technology.

A. In addition to the fees otherwise authorized by this chapter, the clerk of each circuit court shall assess a \$5 fee, known as the "Technology Trust Fund Fee," in each civil action, upon each instrument to be recorded in the deed books, and upon each judgment to be docketed in the judgment lien docket book. Such fee shall be deposited by the State Treasurer into a trust fund. The State Treasurer shall maintain a record of such deposits.

B. Four dollars of every \$5 fee shall be allocated by the Compensation Board from the trust fund for the purposes of: (i) developing and updating individual land records automation plans for individual circuit court clerks' offices; (ii) implementing automation plans to modernize land records in individual circuit court clerks' offices and provide secure remote access to land records throughout the Commonwealth pursuant to § 17.1-294; (iii) obtaining and updating office automation and information technology equipment including software and conversion services; (iv) preserving, maintaining and enhancing court records, including, but not limited to, the costs of repairs, maintenance, *land records, consulting services*, service contracts, *redaction of social security numbers from land records*, and system *replacements or* upgrades; and (v) improving public access to court records. The Compensation Board in consultation with circuit court clerks and other users of court records shall develop and update policies governing the allocation of funds for these purposes. However, such funds shall not be used for personnel costs within the circuit court clerks' offices. The Compensation Board policies governing the allocation of funds shall require that a clerk submit to the Compensation Board a written certification that the clerk's proposed technology improvements of his land records will provide secure remote access to those land records on or before July 1, 20072008.

The annual budget submitted by each circuit court clerk pursuant to § 15.2-1636.7 may include a request for technology improvements in the upcoming fiscal year to be allocated by the Compensation Board from the trust fund. Such request shall not exceed the deposits into the trust fund credited to that locality. The Compensation Board shall allocate the funds requested by the clerks in an amount not to exceed the deposits into the trust fund credited to their respective localities.

C. The remaining \$1 of each such fee may be allocated by the Compensation Board from the trust fund (i) for the purposes of funding studies to develop and update individual land-records automation plans for individual circuit court clerks' offices, at the request of and in consultation with the individual circuit court clerk's offices, and (ii) for the purposes enumerated in subsection B to implement the plan to modernize land records in individual circuit court clerks' offices and provide secure remote access to land records throughout the Commonwealth. The allocations pursuant to this subsection may give priority to those individual clerks' offices whose deposits into the trust fund would not be sufficient to implement its modernization plan. The Compensation Board policies governing the allocation of funds shall require that a clerk submit to the Compensation Board a written certification that the clerk's proposed technology improvements of his land records will provide secure remote access to those land records on or before July 1, 20072008.

D. 1. Secure remote access to land records shall be by paid subscription service through individual circuit court clerk's offices pursuant to § 17.1-276, or through designated application service providers. Compliance with ~~security~~ *secure remote access* standards developed by the Virginia Information Technologies Agency pursuant to § 2.2-3808.2 17.1-294 shall be certified by the individual circuit court clerks' offices to the ~~Virginia Information Technologies Agency~~ and the Compensation Board. The individual circuit court clerk's office or its designated application service provider shall certify compliance with such ~~security~~ *secure remote access* standards. Nothing in this section shall prohibit the Compensation Board from allocating trust fund money to individual circuit court clerks' offices for the purpose of complying with such ~~security~~ *secure remote access* standards *or redaction of social security numbers from land records*.

2. If a circuit court clerk proceeds to accelerate the redaction of social security numbers from land records using local funds, the clerk may request reimbursement for such expenditures from the Technology Trust Fund in accordance with clause (iv) of subsection B to provide reimbursement to the locality for advancing such funds in the fiscal year in which such local expenditures are incurred. For

306 *local expenditures to accelerate the redaction of social security numbers from land records incurred in*
307 *prior fiscal years for which reimbursement has not been previously made, the Compensation Board may*
308 *approve payment to the locality in accordance with clause (iv) of subsection B upon certification by the*
309 *locality that it has advanced such funds.*

310 *3. Every circuit court clerk shall provide secure remote access to land records pursuant to*
311 *§ 17.1-294 on or before July 1, 2008.*

312 *E. Such fee shall not be assessed to any instrument to be recorded in the deed books nor any*
313 *judgment to be docketed in the judgment lien docket books tendered by any federal, state or local*
314 *government.*

315 *F. If a circuit court clerk provides secure remote access to land records on or before July 1,*
316 *2007/2008, then that clerk may apply to the Compensation Board for an allocation from the Technology*
317 *Trust Fund for automation and technology improvements in the civil divisions, or the criminal division,*
318 *of his office that are not related to land records. Such request shall not exceed the deposits into the*
319 *trust fund credited to that locality. The Compensation Board in approval of such application shall*
320 *consider what local funds have been spent by the jurisdiction to accelerate the implementation of the*
321 *technology plan approved by the Virginia Information Technologies Agency in each circuit court clerk's*
322 *office.*

323 *G. Information regarding the technology programs adopted by the circuit court clerks shall be shared*
324 *with the Virginia Information Technologies Agency, The Library of Virginia, and the Office of the*
325 *Executive Secretary of the Supreme Court.*

326 *H. Nothing in this section shall be construed to diminish the duty of local governing bodies to*
327 *furnish supplies and equipment to the clerks of the circuit courts pursuant to § 15.2-1656. Revenue*
328 *raised as a result of this section shall in no way supplant current funding to circuit court clerks' offices*
329 *by local governing bodies.*

330 *I. Effective July 1, 2006, except for transfers pursuant to this section, there shall be no transfers out*
331 *of the fund, including transfers to the general fund.*

332 *Article 8.*

333 *Secure Remote Access.*

334 *§ 17.1-292. Applicability; definitions.*

335 *A. The provisions of § 17.1-293 of this article shall apply to clerks of the courts of record as defined*
336 *in § 1-212 and courts not of record as defined in § 16.1-69.5.*

337 *B. As used in this article:*

338 *"Land records" means any writing authorized by law to be recorded on paper or in electronic format*
339 *that the clerk records affecting title to real property, including but not limited to instruments, orders, or*
340 *any other writings recorded under this title, Article 5 (§ 8.01-446 et seq.) of Chapter 17 of Title 8.01,*
341 *Title 8.9A and Chapter 6 (§ 55-106 et seq.) of Title 55.*

342 *"Internet" means the international computer network of interoperable packet-switched data networks.*

343 *§ 17.1-293 Posting and availability of certain information on the Internet; prohibitions.*

344 *A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B of this section, it*
345 *shall be unlawful for any court clerk to disclose the social security number or other identification*
346 *numbers appearing on driver's licenses or information on credit cards, debit cards, bank accounts, or*
347 *other electronic billing and payment systems that was supplied to a court clerk for the purpose of*
348 *paying fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall not apply*
349 *where disclosure of such information is required (i) to conduct or complete the transaction for which*
350 *such information was submitted or (ii) by other law or court order.*

351 *B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains*
352 *the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth*
353 *identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with*
354 *a particular person, (v) any financial account number or numbers, or (vi) the name and age of any*
355 *minor child.*

356 *C. Each such clerk shall post notice that includes a list of the documents routinely posted on its*
357 *website.*

358 *D. Nothing in this section shall be construed to prohibit access to any original document as provided*
359 *by law.*

360 *E. This section shall not apply to the following:*

361 *1. Providing access to any document among the land records via secure remote access pursuant to*
362 *§ 17.1-294;*

363 *2. Postings related to legitimate law-enforcement purposes;*

364 *3. Postings of historical, genealogical, interpretive, or educational documents and information about*
365 *historic persons and events;*

366 *4. Postings of instruments and records filed or recorded prior to 1907; and*

367 *5. Providing secure remote access to any person and his counsel to documents filed in matters to*

which such person is a party.

F. Nothing in this section shall prohibit the Supreme Court or any other court from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth.

G. The court clerk shall be immune from suit arising from any acts or omissions relating to providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2005.

§ 17.1-294. Secure remote access to land records.

A. No circuit court clerk shall provide secure remote access to any land record that does not comply with the provisions of this section and the secure remote access standards developed by the Virginia Information Technologies Agency in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, the Compensation Board, and users of land and other court records.

B. 1. Beginning July 1, 2010, any land record made available to subscribers via secure remote access shall not contain the social security number of any party.

2. However, the original record maintained by the clerk may contain a social security number if otherwise provided by law, but that original record shall not be made available via secure remote access unless it complies with this section.

3. Except in cases where the original record is required by law to contain a social security number, the attorney or party who prepares or submits the land record for recordation has the responsibility for ensuring that the social security number has been removed from the writing prior to the instrument's being submitted for recordation.

C. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

D. The clerk of the circuit court of any jurisdiction shall be immune from suit arising from any acts or omissions relating to providing secure remote access to land records pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

§ 20-121.03. Identifying information confidential; separate addendum.

*Any petition, pleading, motion, order, or decree filed under this chapter, including any agreements of the parties or transcripts, shall not contain the social security number of any party or of any minor child of any party, or any financial information of any party that provides identifying account numbers for specific assets, liabilities, accounts, or credit cards. Such information if required by law to be provided to a governmental agency or required to be recorded for the benefit or convenience of the parties, shall be contained in a separate addendum filed by the attorney or party. Such separate addendum shall be used to distribute the information only as required by law. Such addendum shall otherwise be made available only to the parties, their attorneys, and to such other persons as the court in its discretion may allow. The attorney or party who prepares or submits a petition, pleading, motion, agreement, order, or decree shall ensure that any information protected pursuant to this section is removed prior to filing with the clerk and that any separate addendum is incorporated by reference into the petition, pleading, motion, agreement, order or decree. *The clerk has the authority to reject any petition, pleading, motion, agreement, order, or decree for recordation as a land record that does not comply with the provisions of this section.**

2. That any clerk of a circuit court shall have the authority to redact social security numbers from any land record made available via secure remote access pursuant to § 17.1-294 of the Code of Virginia, and that this is declarative of existing law.

3. That any clerk of a circuit court may engage a vendor to redact social security numbers from all land records made available via secure remote access pursuant to § 17.1-294 of the Code of Virginia, using a software redaction system, for records beginning January 1, 1935, to the date of redaction, and that the redaction shall be completed on or before July 1, 2010.

4. That the provisions of subdivision B 1 of § 17.1-294 of the Code of Virginia of this act shall not become effective unless an appropriation of general funds effectuating the purposes of this act is included in a general appropriation act passed by the 2007 Session of the General Assembly, which becomes law.

5. That § 2.2-3808.2 of the Code of Virginia is repealed.