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SENATE BILL NO. 1282

Offered January 10, 2007

Prefiled January 10, 2007

A BILL to amend and reenact § 2.2-3808.2 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 12 of Title 18.2 a section numbered 18.2-511.1, relating to public records; protection of law-enforcement officers; penalty.

Patron—Stosch

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3808.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 12 of Title 18.2 a section numbered 18.2-511.1 as follows:

§ 2.2-3808.2. Posting and availability of certain information on the Internet; prohibitions.

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

B. Each such clerk shall post notice that includes a list of the documents routinely posted on its website.

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

D. This section shall not apply to the following:

1. Providing secure remote access to any document among the land records by means of a network or system that complies with security 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, interested citizens, and users of land and other court records. Such standards shall include, but not be limited to, a requirement, as a precondition for access, for registration by users in person or by means of a notarized or otherwise sworn application that establishes the prospective user's identity, business or residence address, and citizenship status;

2. Postings related to legitimate law-enforcement purposes;

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

4. Postings of instruments and records filed or recorded prior to 1905; and

5. Providing secure remote access to any person and his counsel to documents filed in matters to which such person is a party.

E. As used in this section, "land records" means any writing authorized by law to be recorded on paper or in electronic format which the clerk records affecting title to real property.

F. Upon written request of a law-enforcement officer, as defined in § 9.1-101, a court clerk shall remove any land records posted on the Internet in accordance with subsection A or available via secure remote access pursuant to subsection D that indicate the law-enforcement officer's place of residence or place of residence of any spouse or child of the law-enforcement officer.

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

GH. The clerk of the circuit court of any jurisdiction 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 the effective date of this subsection.

§ 18.2-511.1. Use of public records to perpetrate a crime prohibited; penalty.

Any person who perpetrates a crime pursuant to Chapter 4 (§ 18.2-30 et seq.) of this title and uses a public record to identify, locate, or choose the victim shall be guilty of a Class 1 misdemeanor. If the victim is a law-enforcement officer, it shall be a Class 6 felony. A violation of this section is a separate and distinct crime.

INTRODUCED

SB1282

59 2. That the provisions of this act may result in a net increase in periods of imprisonment or
60 commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot
61 be determined for periods of imprisonment in state adult correctional facilities and is \$0 for
62 periods of commitment to the custody of the Department of Juvenile Justice.