

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 19.2-10.2, relating to*
3 *administrative subpoenas; electronic communication or remote computing services.*

4 [S 1357]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 19.2-10.2 as follows:**

8 § 19.2-10.2. Administrative subpoena issued for record from provider of electronic communication
9 service or remote computing service.

10 A. A provider of electronic communication service or remote computing service that is transacting or
11 has transacted any business in the Commonwealth shall disclose a record or other information
12 pertaining to a subscriber to or customer of such service, excluding the contents of electronic
13 communications as required by § 19.2-70.3, to an attorney for the Commonwealth pursuant to an
14 administrative subpoena issued under this section.

15 1. In order to obtain such records or other information, the attorney for the Commonwealth shall
16 certify on the face of the subpoena that there is reason to believe that the records or other information
17 being sought are relevant to a legitimate law-enforcement investigation concerning violations of
18 §§ 18.2-374.1, 18.2-374.1:1, 18.2-374.1:2, and 18.2-374.3.

19 2. On a motion made promptly by the electronic communication service or remote computing service
20 provider, a court of competent jurisdiction may quash or modify the administrative subpoena if the
21 records or other information requested are unusually voluminous in nature or if compliance with the
22 subpoena would otherwise cause an undue burden on the service provider.

23 B. All records or other information received by an attorney for the Commonwealth pursuant to an
24 administrative subpoena issued under this section shall be used only for a reasonable length of time not
25 to exceed 30 days and only for a legitimate law-enforcement purpose. Upon completion of the
26 investigation the records or other information held by the attorney for the Commonwealth shall be
27 destroyed if no prosecution is initiated.

28 C. No cause of action shall lie in any court against an electronic communication service or remote
29 computing service, its officers, employees, agents, or other specified persons for providing information,
30 facilities, or assistance in accordance with the terms of an administrative subpoena issued under this
31 section.

32 D. Records or other information pertaining to a subscriber to or customer of such service means
33 name, address, local and long distance telephone connection records, or records of session times and
34 durations, length of service, including start date, and types of service utilized, telephone or instrument
35 number or other subscriber number or identity, including any temporarily assigned network address,
36 and means and source of payment for such service.

37 E. Nothing in this section shall require the disclosure of information in violation of any federal law.

ENROLLED

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