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SENATE BILL NO. 1189

Offered January 14, 2009

Prefiled January 13, 2009

A *BILL to amend and reenact §§ 42.1-65 and 42.1-70 of the Code of Virginia, relating to local law libraries.*

Patron—Puckett

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:**1. That §§ 42.1-65 and 42.1-70 of the Code of Virginia are amended and reenacted as follows:**

§ 42.1-65. Local law libraries in charge of circuit court clerks; computer research services; expenses.

A. If the members of the bar practicing in any county or city of the Commonwealth shall procure by voluntary contribution a law library of the value of \$500, at the least, for the use of the courts held in such county or city, and of the bar practicing therein, it shall be the duty of the circuit court of such county or city to require its clerk to take charge of the library so contributed and to keep the same in the courthouse or, clerk's office building *or local public library* according to the rules prescribed by the bar and approved by the court.

B. If the members of the bars practicing in two or more adjoining counties or cities of the Commonwealth shall jointly procure by voluntary contribution a law library of the value of \$500, at the least, for the joint use of the courts held in such counties and cities, and of the bars practicing therein, it shall be the joint duty of the circuit courts of such counties and cities to require one of its clerks to take charge of the library so contributed and to keep the same in the most convenient courthouse or clerk's office building according to the rules jointly prescribed by the bars and jointly approved by the courts.

C. Such local and regional law libraries may purchase or lease computer terminals for the purpose of retrieving available legal reference data, and if so, the library rules shall provide for the assessment and collection of fees, *which may include use of a flat rate or fee structure*, for the use of computer research services other than for official use of the courts, attorneys for the Commonwealth and public defenders, and their assistants, and counties and cities serviced by such libraries, which fees shall be sufficient to cover the expenses of such services. Such libraries, pursuant to rules of the Supreme Court and at costs to such libraries, may have access to computer research services of the State Law Library.

§ 42.1-70. Assessment for law library as part of costs in civil actions; contributions from bar associations.

Any county, city or town may, through its governing body, assess, as part of the costs incident to each civil action filed in the courts located within its boundaries, a sum not in excess of four dollars.

The imposition of such assessment shall be by ordinance of the governing body, which ordinance may provide for different sums in circuit courts and district courts, and the assessment shall be collected by the clerk of the court in which the action is filed, and remitted to the treasurer of such county, city or town and held by such treasurer subject to disbursements by the governing body for the acquisition of (i) law books, law periodicals and computer legal research services, *computer terminals for offsite placement to maximize access to the law library by the public*, and (ii) equipment for the establishment, use and maintenance of a law library which shall be open for the use of the public at hours convenient to the public. In addition to the acquisition of law books, law periodicals and computer legal research services and equipment, the disbursements may include compensation to be paid to librarians and other necessary staff for the maintenance of such library and acquisition of suitable quarters for such library. The compensation of such librarians and the necessary staff and the cost of suitable quarters for such library shall be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cost. Such libraries, pursuant to rules of the Supreme Court and at costs to such libraries, may have access to computer research services of the State Law Library. Disbursements may be made to purchase or lease computer terminals for the purpose of retaining such research services. The assessment provided for herein shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the Commonwealth or any political subdivision thereof or the federal government is a party and in which the costs are assessed against the Commonwealth, political subdivision thereof, or federal government. The governing body is authorized to accept contributions to the fund from any bar association.

Any such library established in the County of Wythe shall be located only in a town which is the seat of the county government.

INTRODUCED

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