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HOUSE BILL NO. 1259

Offered January 19, 2010

A *BILL to amend and reenact §§ 16.1-69.54 and 17.1-225 of the Code of Virginia, relating to criminal records maintained by the clerk of the court; social security numbers.*

Patrons—Abbott, BaCote, Kory, McQuinn, Surovell, Tyler, Ward and Watts

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 16.1-69.54 and 17.1-225 of the Code of Virginia are amended and reenacted as follows:**

§ 16.1-69.54. General provisions.

Each district court shall retain and store its court records as provided in this article. *The clerk of the district court shall ensure that all nonconfidential court records maintained by his office regarding a person's conviction for a criminal offense or a traffic infraction shall contain the last four digits of the person's social security number.* The Committee on District Courts, after consultation with the Executive Secretary of the Supreme Court of Virginia, shall determine the methods of processing, retention, reproduction and disposal of records and information in district courts, including records required to be retained in district courts by statute.

Whenever a court record has been reproduced for the purpose of record retention under this article, such original may be disposed of upon completion of the Commonwealth's audit of the court records unless approval is given by the Auditor of Public Accounts for earlier disposition. In the event of such reproduction, the reproduction of the court record shall be retained in accordance with the retention periods specified in this section. The reproduction shall have the same force and effect as the original court record and shall be given the same faith and credit to which the original itself would have been entitled in any judicial or administrative proceeding.

§ 17.1-225. Remote access to nonconfidential court records.

The clerk of the circuit court of any county or city may provide remote access, including Internet access, to all nonconfidential court records maintained by his office and described in § 17.1-242. *The clerk shall ensure that any such records regarding a person's conviction for a criminal offense or a traffic infraction shall contain the last four digits of the person's social security number.* The clerk shall be responsible for insuring that proper security measures are implemented and maintained to prevent remote access users from obtaining any data that are confidential under this Code and to prevent the modification or destruction of any records by remote access users. For purposes of this section, remote access users are those individuals who are not employees of the clerk's office. Secure remote access to land records shall be governed by § 17.1-294.