

# 2011 SESSION

INTRODUCED

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## SENATE BILL NO. 1169

Offered January 12, 2011

Prefiled January 12, 2011

A *BILL to amend and reenact § 8.01-390 of the Code of Virginia, relating to subpoenaed nonjudicial records; costs.*

Patron—Marsden

Referred to Committee for Courts of Justice

### Be it enacted by the General Assembly of Virginia:

#### 1. That § 8.01-390 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-390. Nonjudicial records as evidence.

A. Copies of records of this Commonwealth, of another state, of the United States, of another country, or of any political subdivision or agency of the same, other than those located in a clerk's office of a court, shall be received as prima facie evidence provided that such copies are authenticated to be true copies either by the custodian thereof or by the person to whom the custodian reports, if they are different.

B. An affidavit signed by an officer deemed to have custody of such an official record, or by his deputy, stating that after a diligent search, no record or entry of such record is found to exist among the records in his office is admissible as evidence that his office has no such record or entry.

C. *The party requesting a subpoena or on whose behalf an attorney-issued subpoena duces tecum was issued for nonjudicial records shall be liable for the reasonable charges of the Commonwealth or of any political subdivision or agency of the Commonwealth, including searching, copying, and mailing the items produced.*

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