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## HOUSE BILL NO. 1658

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on February 11, 2013)

(Patron Prior to Substitute—Delegate Gilbert)

A *BILL to amend and reenact §§ 8.01-389, 8.01-446, 17.1-275, 17.1-275.5, 17.1-295, 46.2-383, 55-137.1, and 63.2-1245 of the Code of Virginia and to repeal § 17.1-247 of the Code of Virginia, relating to clerk's fees; electronic records; certification of records; etc.*

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

**1. That §§ 8.01-389, 8.01-446, 17.1-275, 17.1-275.5, 17.1-295, 46.2-383, 55-137.1, and 63.2-1245 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-389. Judicial records as evidence; full faith and credit; recitals in deeds, deeds of trust, and mortgages; "records" defined; certification.**

A. The records of any judicial proceeding and any other official records of any court of this Commonwealth shall be received as prima facie evidence provided that such records are ~~authenticated~~ and certified by the clerk of the court where preserved to be a true record. For the purposes of this section, judicial proceeding shall include the review of a petition and issuance of a temporary detention order under § 16.1-340.1 or 37.2-809.

A1. The records of any judicial proceeding and any other official record of any court of another state or country, or of the United States, shall be received as prima facie evidence provided that such records are ~~authenticated~~ *certified* by the clerk of the court where preserved to be a true record.

B. Every court of this Commonwealth shall give such records of courts not of this Commonwealth the full faith and credit given to them in the courts of the jurisdiction from whence they come.

B1. In any instance in which a court not of this Commonwealth shall have entered an order of injunction limiting or preventing access by any person to the courts of this Commonwealth without that person having had notice and an opportunity for a hearing prior to the entry of such foreign order, that foreign order is not required to be given full faith and credit in any Virginia court. The Virginia court may, in its discretion, hold a hearing to determine the adequacy of notice and opportunity for hearing in the foreign court.

C. Specifically, recitals of any fact in a deed or deed of trust of record conveying any interest in real property shall be prima facie evidence of that fact.

D. "Records" as used in this article, shall be deemed to include any memorandum, report, paper, data compilation, or other record in any form, or any combination thereof.

*E. The use of the term "copy teste," "true copy," or "certified copy" or a substantially similar term on a certification affixed or annexed to a copy of an official record maintained by a clerk of court that bears the signature of the clerk or any deputy clerk, and that has the name of the court where such record is preserved on the document or on the certification, shall be prima facie proof that such record is certified by such clerk to be a true copy of the official record kept in the office of the clerk. Nothing herein shall be construed to require or prevent a clerk from using an official seal or prevent a clerk from using any other acceptable method of certification for a court record.*

*F. The certification of any record pursuant to this section shall automatically authenticate such record for the purpose of its admission into evidence in any trial, hearing, or proceeding.*

**§ 8.01-446. Clerks to keep judgment dockets; what judgments to be docketed therein.**

The clerk of each court of every circuit shall keep in his office, in a well-bound book, or by microphotographic or electronic process allowed by § 17.1-240, a judgment docket, in which he shall docket, without delay, any judgment for a specific amount of money rendered in his court, and shall likewise docket without delay any judgment for a specific amount of money rendered in this Commonwealth by any other court of this Commonwealth or federal court, when he shall be required so to do by any person interested, on such person delivering to him an authenticated legible abstract of it and also upon the request of any person interested therein, any such judgment rendered by a district court judge whose book has been filed in his office under the provisions of Title 16.1 or of which a legible abstract is delivered to him certified by the district court judge who rendered it; provided, that judgments docketed in the clerk's office of the Circuit Court of the City of Williamsburg and the County of James City shall be docketed and indexed in one book. A specific judgment for money shall state that it is a judgment for money in a specific amount in favor of a named party, against a named party, with that party's address, if known, and it shall further state the time from which the judgment bears interest. An order of restitution docketed pursuant to § 19.2-305.2 shall have the same force and effect as a specific judgment for money and shall state that it is an order of restitution in a specific amount in favor of a named party, against a named party, with that party's address, if known, and it shall further

60 state the time from which the judgment bears interest. If the clerk determines that an abstract is not  
61 legible, the clerk shall refuse to record it and shall return it to the person who tendered the abstract for  
62 recording. *No judgment for assessments described in subsection A of § 17.1-275.5 or for the fees*  
63 *provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, 17.1-275.9,*  
64 *17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12 shall be recorded as a judgment in favor of the*  
65 *Commonwealth if such fees or assessments have been fully paid by the defendant by the date of*  
66 *sentencing by the court.*

67 **§ 17.1-275. Fees collected by clerks of circuit courts; generally.**

68 A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the  
69 following fees:

70 1. [Repealed.]

71 2. For recording and indexing in the proper book any writing and all matters therewith, or for  
72 recording and indexing anything not otherwise provided for, \$16 for an instrument or document  
73 consisting of 10 or fewer pages or sheets; \$30 for an instrument or document consisting of 11 to 30  
74 pages or sheets; and \$50 for an instrument or document consisting of 31 or more pages or sheets.  
75 Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half  
76 inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of  
77 computing the recording fee due pursuant to this section. A fee of \$15 per page or sheet shall be  
78 charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a  
79 single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction  
80 that releases the original deed of trust and any corrected or revised deeds of trust. One dollar and fifty  
81 cents of the fee collected for recording and indexing shall be designated for use in preserving the  
82 permanent records of the circuit courts. The sum collected for this purpose shall be administered by The  
83 Library of Virginia in cooperation with the circuit court clerks.

84 3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other  
85 fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding  
86 \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall  
87 be charged for estates of \$5,000 or less.

88 4. For entering and granting and for issuing any license, other than a marriage license or a hunting  
89 and fishing license, and administering an oath when necessary, \$10.

90 5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths  
91 or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage  
92 pursuant to § 20-25, \$25 to be paid by the petitioner.

93 6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all  
94 necessary oaths and writing proper affidavits, \$3.

95 7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee  
96 shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

97 8. For making out a copy of any paper, record, or electronic record to go out of the office, which is  
98 not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record,  
99 each image. *The clerk may charge the Criminal Fund for copies of records provided to court-appointed*  
100 *counsel in criminal cases.* From such fees, the clerk shall reimburse the locality the costs of making out  
101 the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of  
102 making out the copies shall be deposited with the county or city treasurer or Director of Finance, and  
103 the governing body shall budget and appropriate such funds to be used to support the cost of copies  
104 pursuant to this subdivision. For purposes of this section, the costs of making out the copies *authorized*  
105 *under this section* shall include *costs included in the lease and maintenance agreements for the*  
106 *equipment and the technology needed to operate electronic systems in the clerk's office* used to make  
107 out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be  
108 determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final  
109 order or decree to send an attested copy to such party.

110 9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying  
111 it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do  
112 so, the clerk shall charge an additional \$0.50.

113 10. In any case in which a person is convicted of a violation of any provision of Article 1  
114 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk  
115 shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which  
116 shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and  
117 Treatment Fund.

118 11. In any case in which a person is convicted of a violation of any provision of Article 1  
119 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk  
120 shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251,  
121 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and

Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such

183 credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the  
184 transaction or a flat fee of \$2 per transaction. Nothing herein shall be construed to prohibit the clerk  
185 from outsourcing the processing of credit and debit card transactions to a third-party private vendor  
186 engaged by the clerk.

187 28. For the return of any check unpaid by the financial institution on which it was drawn or notice is  
188 received from the credit or debit card issuer that payment will not be made for any reason, the clerk  
189 shall collect, if allowed by the court, a fee of \$50 or 10 percent of the amount ~~to be paid of the~~  
190 ~~payment, whichever is greater, in accordance with § 19.2-353.3.~~

191 29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1,  
192 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee  
193 imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption  
194 filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, an  
195 additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Putative Father Registry  
196 Fund pursuant to § 63.2-1249.

197 30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the  
198 same amount as the fee for the original license.

199 31. For the filing of any petition as provided in §§ 33.1-124, 33.1-125, and 33.1-129, a fee of \$5 to  
200 be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in  
201 § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as  
202 for recording a deed as provided for in this section, to be paid by the party upon whose request such  
203 certificate is recorded or order is entered.

204 32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme  
205 Court, including all papers necessary to be copied and other services rendered, except in cases in which  
206 costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8,  
207 or 17.1-275.9, a fee of \$20.

208 33. [Repealed.]

209 34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees  
210 shall be as prescribed in that Act.

211 35. For filing the appointment of a resident agent for a nonresident property owner in accordance  
212 with § 55-218.1, a fee of \$10.

213 36. [Repealed.]

214 37. For recordation of certificate and registration of names of nonresident owners in accordance with  
215 § 59.1-74, a fee of \$10.

216 38. For maintaining the information required under the Overhead High Voltage Line Safety Act  
217 (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

218 39. (Effective until October 1, 2012) For lodging, indexing and preserving a will in accordance with  
219 § 64.1-56, a fee of \$2.

220 39. (Effective October 1, 2012) For lodging, indexing and preserving a will in accordance with  
221 § 64.2-409, a fee of \$2.

222 40. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed  
223 under § 8.9A-525.

224 41. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed  
225 under § 8.9A-525.

226 42. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as  
227 prescribed under § 8.9A-525.

228 43. (Effective until October 1, 2012) For filing a petition as provided in §§ 37.2-1001 and 37.2-1013,  
229 the fee shall be \$10.

230 43. (Effective October 1, 2012) For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the  
231 fee shall be \$10.

232 44. For issuing any execution, and recording the return thereof, a fee of \$1.50.

233 45. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee  
234 of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an  
235 additional fee of \$1.50, in accordance with subdivision A 44.

236 B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A  
237 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction,  
238 renovation or maintenance.

239 C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A  
240 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the  
241 poor, without charge, by a nonprofit legal aid program.

242 D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A  
243 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

244 E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into

a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

**§ 17.1-275.5. Amounts to be added; judgment in favor of the Commonwealth.**

A. The clerk shall assess, in addition to the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, ~~or~~ 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12, the following costs:

1. Any amount paid by the Commonwealth for legal representation of the defendant;
2. Any amount paid for trial transcripts;
3. Extradition costs;
4. Costs of psychiatric evaluation;
5. Costs taxed against the defendant as appellant under Rule 5A:30 of the Rules of the Supreme Court;
6. Any fee for a returned check or disallowed credit card charge assessed pursuant to subdivision A 28 of § 17.1-275;
7. Any jury costs;
8. Any assessment made pursuant to subdivision A 10 of § 17.1-275;
9. Any fees prescribed in §§ 18.2-268.8 and 46.2-341.26:8;
10. Any court costs related to an ignition interlock device;
11. Any fee for testing for HIV;
12. Any fee for processing an individual admitted to jail as prescribed in § 15.2-1613.1;
13. Any fee for courthouse security personnel as prescribed in § 53.1-120;
14. Any fee for a DNA sample as prescribed in § 19.2-310.2;
15. Reimbursement to the Commonwealth of medical fees as prescribed in § 19.2-165.1;
16. Any fee for a local criminal justice training academy as prescribed in § 9.1-106;
17. Any fee prescribed by §§ 16.1-69.48:1.01 and 17.1-275.11; and
18. Any expenses charged pursuant to subsection B or F of § 19.2-187.1.

B. The total amount of assessments described in subsection A, including the fees provided for by § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, ~~or~~ 17.1-275.9, 17.1-275.10, 17.1-275.11, 17.1-275.11:1, or 17.1-275.12, shall be docketed by the clerk as a judgment against the defendant in favor of the Commonwealth in accordance with § 8.01-446.

**§ 17.1-295. Definitions.**

As used in this title:

"Electronic recording of land records" means the networks or systems maintained by a clerk of the circuit court, or the clerk's designated application services providers, for the submittal of instruments for electronic filing of land records in accordance with the Uniform Real Property Electronic Recording Act (§ 55-142.10 et seq.) and the provisions of Article 2.1 (§ 55-66.8 et seq.) of Chapter 4 of Title 55 regarding the satisfaction of mortgages.

"Operational expenses" means expenses of the clerk of court used to maintain the clerk's office and includes, but is not limited to, (i) computer support, maintenance, enhancements, upgrades, and replacements and office automation and information technology equipment, including software and conversion services; (ii) preserving, maintaining, and enhancing court records, including, but not limited to, the costs of repairs, maintenance, consulting services, service contracts, redaction of social security numbers from certain records, and system replacements or upgrades; and (iii) improving public access to records maintained by the clerk, including locating technology in an offsite facility for such purposes or for implementation of a disaster recovery plan.

"Public access" means that the clerk of the circuit court has made available to subscribers that are other than governmental agencies, secure remote access to land records maintained by the clerk in accordance with § 17.1-294.

"Secure remote access" means public access by electronic means on a network or system to land records maintained by the clerk of the circuit court or the clerk's designated application service providers, in compliance with the Secure Remote Access Standards developed by the Virginia Information Technologies Agency.

"Subscriber" means any person who has entered into a subscriber agreement with the clerk of the circuit court authorizing the subscriber to have secure remote access to land records maintained by the clerk or the clerk's designated application services providers. If the subscriber is an entity with more than one person who will use the network or system to access land records maintained by the clerk, or the clerk's designated application services providers, each individual user shall execute a subscriber agreement and obtain a separate "user id" and "password" from the clerk. The subscriber is responsible for the fees due under this title and the proper use of the secure remote access system pursuant to the subscriber agreement, applicable Virginia law, and Secure Remote Access Standards developed by the

306 Virginia Information Technologies Agency.

307 **§ 46.2-383. Courts to forward abstracts of records or furnish abstract data of conviction by**  
308 **electronic means in certain cases; records in office of Department; inspection; clerk's fee for**  
309 **reports.**

310 A. In the event (i) a person is convicted of a charge described in subdivision 1 or 2 of § 46.2-382 or  
311 § 46.2-382.1 or (ii) a person fails or refuses to pay any fine, costs, forfeiture, restitution or penalty, or  
312 any installment thereof, imposed in any traffic case, or (iii) a person forfeits bail or collateral or other  
313 deposit to secure the defendant's appearance on the charges, unless the conviction has been set aside or  
314 the forfeiture vacated, or (iv) a court assigns a defendant to a driver education program or alcohol  
315 treatment or rehabilitation program, or both such programs, as authorized by § 18.2-271.1, or (v)  
316 compliance with the court's probation order is accepted by the court in lieu of a conviction under  
317 § 18.2-266 or the requirements specified in § 18.2-271 as provided in § 18.2-271.1, or (vi) there is  
318 rendered a judgment for damages against a person as described in § 46.2-382, every district court or  
319 clerk of a circuit court shall forward an abstract of the record to the Commissioner within ~~eighteen~~ 18  
320 days; ~~or in the case of civil judgments, on the request of the judgment creditor or his attorney, thirty~~  
321 ~~days after the such conviction, failure or refusal to pay, forfeiture, assignment, or acceptance, or and in~~  
322 ~~the case of civil judgments, on the request of the judgment creditor or his attorney, within 30 days after~~  
323 ~~judgment has become final without appeal or has become final by affirmance on appeal. No abstract of~~  
324 ~~the record in a district court shall be forwarded to the Commissioner unless the period allowed for an~~  
325 ~~appeal has elapsed and no appeal has been perfected. On or after July 1, 2013, in the event that a~~  
326 ~~conviction or adjudication has been nullified by separate order of the court, the clerk shall forward to~~  
327 ~~the Commissioner an abstract of that record.~~

328 B. Abstract data of conviction may be furnished to the Commissioner by electronic means provided  
329 that the content of the abstract and the certification complies with the requirements of § 46.2-386. In  
330 cases where the abstract data is furnished by electronic means, the paper abstract shall not be required to  
331 be forwarded to the Commissioner. The Commissioner shall develop a method to ensure that all data is  
332 received accurately. The Commissioner, with the approval of the Governor, may destroy the record of  
333 any conviction, forfeiture, assignment, acceptance, or judgment, when three years has elapsed from the  
334 date thereof, except records of conviction or forfeiture on charges of reckless driving and speeding,  
335 which records may be destroyed when five years has elapsed from the date thereof, and further  
336 excepting those records that alone, or in connection with other records, will require suspension or  
337 revocation or disqualification of a license or registration under any applicable provisions of this title.

338 C. The records required to be kept may, in the discretion of the Commissioner, be kept by electronic  
339 media or by photographic processes and when so done the abstract of the record may be destroyed.

340 **§ 55-137.1. Recordation certificate not signed by clerk.**

341 All deeds, orders of probate, fiduciary accounts and all other papers and writings received prior to  
342 July 1, 1995, by any clerk of any court of this Commonwealth and transcribed, or purported to be  
343 transcribed, in the proper book or books in such clerk's office provided by law for the transcribing and  
344 recordation of such deeds, orders of probate, fiduciary accounts or other papers and writings, the  
345 certificate of receipt and of recordation of which had not received the attesting signature of such clerk  
346 on the date aforesaid, and which had not on such date been verified as required by ~~§ 17.1-247 law~~, shall  
347 prima facie be, and deemed to be, as truly received, recorded and verified as if the same had been so  
348 attested by the signature of such clerk.

349 Every clerk of any court of this Commonwealth, in whose office any such deed, order of probate,  
350 fiduciary account or other paper or writing as is mentioned in the preceding paragraph has been  
351 transcribed upon the proper book or books in such office, provided by law therefor, and which  
352 transcription has not received the attesting signature of the clerk who recorded the same, upon  
353 production before such clerk of the original of such deed, order of probate, fiduciary account or paper or  
354 writing shall verify the accuracy of such transcription by a careful examination and comparison of such  
355 transcription with the original paper so recorded and thereupon the clerk shall attest such transcription  
356 by signing thereto the name of the clerk who received the original paper for record and his own name  
357 as follows:

358 "Teste ....., former clerk per  
359 ....., his successor."

360 And the clerk shall likewise note such verification and the date thereof upon the margin of the  
361 record. For such service the clerk shall receive a fee of twenty-five cents, to be paid by the person for  
362 whose benefit the service was performed, and the record, so certified and verified, shall have the same  
363 effect as if it had been properly certified and verified by the clerk who received the same and who  
364 should have so certified and verified the same.

365 This section shall have a retroactive effect.

366 **§ 63.2-1245. Separate order book, file and index of adoption cases; to whom available;**  
367 **permanent retention.**

Each circuit court clerk shall establish and maintain a separate and exclusive order book, file and index of adoption cases, none of which shall be exposed to public view but which shall be made available by such clerk to attorneys of record, social service officials, court officials, and to such other persons as the circuit court shall direct in specific cases by order of the circuit court entered in accordance with § 63.2-1246.

Such records shall be retained permanently in original form or on microfilm *or converted to an electronic format in accordance with § 17.1-213*. Such microfilm and microphotographic process and equipment shall meet state archival standards ~~and such microfilm pursuant to § 42.1-82; such electronic format shall follow state electronic records guidelines; and such records~~ shall be available for examination to those persons listed ~~above~~ *in this section*. The clerk shall further provide security negative ~~microfilm~~ copies of any such ~~records~~ *microfilmed materials* for storage in ~~the Archives and Records Division of The Library of Virginia~~.

**2. That § 17.1-247 of the Code of Virginia is repealed.**