

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-10.2 of the Code of Virginia, relating to administrative subpoena*
3 *for electronic communication service or remote computing service records; abduction and*
4 *prostitution offenses.*

5 [H 485]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 19.2-10.2 of the Code of Virginia is amended and reenacted as follows:**9 **§ 19.2-10.2. Administrative subpoena issued for record from provider of electronic**
10 **communication service or remote computing service.**11 A. A provider of electronic communication service or remote computing service that is transacting or
12 has transacted any business in the Commonwealth shall disclose a record or other information pertaining
13 to a subscriber to or customer of such service, excluding the contents of electronic communications as
14 required by § 19.2-70.3, to an attorney for the Commonwealth pursuant to an administrative subpoena
15 issued under this section.16 1. In order to obtain such records or other information, the attorney for the Commonwealth shall
17 certify on the face of the subpoena that there is reason to believe that the records or other information
18 being sought are relevant to a legitimate law-enforcement investigation concerning violations of §§
19 18.2-47, 18.2-48, 18.2-49, 18.2-346, 18.2-347, 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357,
20 18.2-374.1, and 18.2-374.1:1, former § 18.2-374.1:2, and § 18.2-374.3.21 2. On a motion made promptly by the electronic communication service or remote computing service
22 provider, a court of competent jurisdiction may quash or modify the administrative subpoena if the
23 records or other information requested are unusually voluminous in nature or if compliance with the
24 subpoena would otherwise cause an undue burden on the service provider.25 B. All records or other information received by an attorney for the Commonwealth pursuant to an
26 administrative subpoena issued under this section shall be used only for a reasonable length of time not
27 to exceed 30 days and only for a legitimate law-enforcement purpose. Upon completion of the
28 investigation the records or other information held by the attorney for the Commonwealth shall be
29 destroyed if no prosecution is initiated.30 C. No cause of action shall lie in any court against an electronic communication service or remote
31 computing service provider, its officers, employees, agents, or other specified persons for providing
32 information, facilities, or assistance in accordance with the terms of an administrative subpoena issued
33 under this section.34 D. Records or other information pertaining to a subscriber to or customer of such service means
35 name, address, local and long distance telephone connection records, or records of session times and
36 durations, length of service, including start date, and types of service utilized, telephone or instrument
37 number or other subscriber number or identity, including any temporarily assigned network address, and
38 means and source of payment for such service.

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