

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 17.1-213 of the Code of Virginia, relating to retention of court records;*
 3 *sexually violent predator offenses.*

4 [S 914]
 5 Approved

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

7 **1. That § 17.1-213 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 17.1-213. Disposition of papers in ended cases.**

9 A. All case files for cases ended prior to January 1, 1913, shall be permanently maintained in
 10 hardcopy form, either in the locality served by the circuit court where such files originated or in The
 11 Library of Virginia in accordance with the provisions of § 42.1-86 and subsection C of § 42.1-87.

12 B. The following records for cases ending on or after January 1, 1913, shall be retained for 10 years
 13 after conclusion:

- 14 1. Conditional sales contracts;
- 15 2. Concealed weapons permit applications;
- 16 3. Minister appointments;
- 17 4. Petitions for appointment of trustee;
- 18 5. Name changes;
- 19 6. Nolle prosequi cases;
- 20 7. Civil actions that are voluntarily dismissed, including nonsuits, cases that are dismissed as settled
 21 and agreed, cases that are dismissed with or without prejudice, cases that are discontinued or dismissed
 22 under § 8.01-335, and district court appeals dismissed under § 16.1-113 prior to 1988;
- 23 8. Misdemeanor and traffic cases, except as provided in subdivision C 3, including those which were
 24 commenced on a felony charge but concluded as a misdemeanor;
- 25 9. Suits to enforce a lien;
- 26 10. Garnishments;
- 27 11. Executions except for those covered in § 8.01-484;
- 28 12. Miscellaneous oaths and qualifications, but only if the order or oath or qualification is spread in
 29 the appropriate order book; and
- 30 13. Civil cases pertaining to declarations of habitual offender status and full restoration of driving
 31 privileges.

32 C. All other records or cases ending on or after January 1, 1913, shall be retained subject to the
 33 following:

- 34 1. All civil case files to which subsection D does not pertain shall be retained 20 years from the
 35 court order date.
- 36 2. All criminal cases dismissed, including those not a true bill, acquittals, and not guilty verdicts,
 37 shall be retained 10 years from the court order date.
- 38 3. ~~All~~ *Except as otherwise provided in this subdivision*, criminal case files involving a felony
 39 conviction and all criminal case files involving a misdemeanor conviction under § 16.1-253.2, 18.2-57.2,
 40 or 18.2-60.4 shall be retained (i) 20 years from the sentencing date or (ii) until the sentence term ends,
 41 whichever comes later. *Case files involving a conviction for a sexually violent offense as defined in*
 42 *§ 37.2-900 shall be retained (a) 50 years from the sentencing date or (b) until the sentence term ends,*
 43 *whichever comes later.*

44 D. Under the provisions of subsections B and C, the entire file of any case deemed by the local clerk
 45 of court to have historical value, as defined in § 42.1-77, or genealogical or sensational significance shall
 46 be retained permanently as shall all cases in which the title to real estate is established, conveyed or
 47 condemned by an order or decree of the court. The final order for all cases in which the title to real
 48 estate is so affected shall include an appropriate notification thereof to the clerk.

49 E. Except as provided in subsection A, the clerk of a circuit court may cause (i) any or all papers or
 50 documents pertaining to civil and criminal cases; (ii) any unexecuted search warrants and affidavits for
 51 unexecuted search warrants, provided at least three years have passed since issued; (iii) any abstracts of
 52 judgments; and (iv) original wills, to be destroyed if such records, papers, documents, or wills no longer
 53 have administrative, fiscal, historical, or legal value to warrant continued retention, provided such
 54 records, papers, or documents have been microfilmed or converted to an electronic format. Such
 55 microfilm and microphotographic processes and equipment shall meet state archival microfilm standards
 56 pursuant to § 42.1-82, or such electronic format shall follow state electronic records guidelines, and such

57 records, papers, or documents so converted shall be placed in conveniently accessible files and
58 provisions made for examining and using same. The clerk shall further provide security negative copies
59 of any such microfilmed materials for storage in The Library of Virginia.