

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB630

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Scott A. Surovell

3. Committee: General Laws and Technology

4. Title: Virginia Freedom of Information Act (FOIA); civil penalty.

5. Summary: Provides that in addition to any penalties imposed under FOIA, (i) if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such officer, employee, or member of a public body intentionally altered or destroyed the requested public records prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board, the court shall impose upon such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed, which amount shall be paid into the Literary Fund, and (ii) if a court finds that a member of a public body voted to certify a closed meeting and at the time of such certification such certification was not in accordance with the requirements of FOIA, the court shall impose on each such member voting to certify in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of \$500, which amount shall be paid into the Literary Fund.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: None.

8. Fiscal Implications: No fiscal impact to state agencies. There is the potential for a positive increase to the Literary Fund from civil penalty fees incurred by individuals violating the regulations set by this bill; the amount cannot be determined at this time.

9. Specific Agency or Political Subdivisions Affected: All public bodies or entities with a public record.

10. Technical Amendment Necessary: No.

11. Other Comments: None.