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SENATE BILL NO. 1051

Offered January 17, 2020

A BILL to amend and reenact § 42.1-78 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 7 of Title 42.1 a section numbered 42.1-91.1, relating to Virginia Public Records Act; availability of public records.

Patron—Deeds

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 42.1-78 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 7 of Title 42.1 a section numbered 42.1-91.1 as follows:

§ 42.1-78. Confidentiality safeguarded.

Any records made confidential by law shall be so treated. Records which by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this chapter. Records in the custody of The Library of Virginia which are required to be closed to the public shall be open for public access 75 years after the date of creation of the record. No provision of this chapter shall be construed to authorize or require the opening of any records ordered to be sealed by a court on or after January 1, 1901. All records of grand juries held before January 1, 1901, and all records sealed by law or by order of a court entered before January 1, 1901, shall be open for public access irrespective of who or what agency has custody of such records. All records deposited in the archives that are not made confidential by law shall be open to public access.

§ 42.1-91.1. Availability of public records.

A. Any images of records created prior to January 1, 1901, shall be in the public domain. Neither the Commonwealth nor its political subdivisions, nor any agency thereof, shall charge a fee or require an agency, organization, or entity to request permission to publish or display such records. Such records may be displayed in any format, including on the Internet.

B. Access to public records created prior to January 1, 1901, shall include the ability to photograph, copy, scan, or otherwise reproduce such records and may require an agency, organization, or entity that has control of such public records to establish reasonable guidelines as may be necessary to preserve the integrity of the records. A copy of any photographs or digital images taken of such public records shall be provided to the Library of Virginia, as well the agency, organization, or entity in whose custody the record is held.