

2020 SESSION

SENATE SUBSTITUTE

20107856D

SENATE BILL NO. 1051

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on February 5, 2020)

(Patron Prior to Substitute—Senator Deeds)

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.

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; *however, upon a petition filed with the clerk, a judge may enter an order releasing any record sealed prior to January 1, 1901.* 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.

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.

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