

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 52-38 of the Code of Virginia, relating to the Department of State*
3 *Police; access to electronic evidence, documentation, and related materials.*

4 [H 1154]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 52-38 of the Code of Virginia is amended and reenacted as follows:**

8 § 52-38. Access to evidence, documentation, and related materials.

9 A. If the Department seeks evidence, documentation, and related materials *from an insurer or*
10 *insurance professional, whether in written or electronic format, that are located within this the*
11 *Commonwealth or that may be electronically accessed by an insurer or insurance professional*
12 *conducting business in the Commonwealth, and that are deemed by the Department as pertinent to an*
13 *investigation or examination and in the possession or control of an insurer or an insurance professional,*
14 *the Department may request access to the material such evidence, documentation, or related materials.*
15 *The person so requested shall either make the material available provide electronic or physical copies of*
16 *such evidence, documentation, or related materials to the Department, or shall make the material such*
17 *evidence, documentation, or related materials available for inspection or examination by a designated*
18 *representative of the Department.*

19 B. *The provider of evidence, documentation, and related materials under the provisions of subsection*
20 *A may authenticate any electronic or physical copies of such evidence, documentation, and related*
21 *materials, excluding the contents of any electronic communications, by providing an affidavit from the*
22 *custodian of those electronic or physical copies or from a person to whom the custodian reports*
23 *certifying that the copies are true and complete and that they are prepared in the regular course of*
24 *business. Any copies authenticated in accordance with this subsection are admissible in evidence as a*
25 *business record.*

ENROLLED

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