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HOUSE BILL NO. 166**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice
on February 5, 2018)

(Patron Prior to Substitute—Delegate Miyares)

A *BILL to amend and reenact §§ 17.1-240 and 17.1-258.6 of the Code of Virginia and to repeal § 55-111 of the Code of Virginia, relating to clerks of court; court records.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-240 and 17.1-258.6 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-240. Recording by microphotographic or electronic process.

A procedural microphotographic process, digital reproduction, or any other micrographic process ~~which~~ *that* stores images of documents in reduced size or in electronic format, may be used to accomplish the recording of writings otherwise required by any provision of law to be spread in a book or retained in the circuit court clerk's office, including, ~~but not limited to,~~ the civil and criminal order books, the Will Book or Fiduciary Account Book, the Juvenile Order Book, the Adoption Order Book, the Trust Fund Order Book, the Deed Book, the Plat Book, the Land Book, *the Bond Book*, the Judgment Docket Book, the Partnership or Assumed Name Certificate Book, marriage records, and financing statements. Any such micrographic, microphotographic, or electronic recording process shall meet archival standards as recommended by The Library of Virginia.

§ 17.1-258.6. Acceptability of electronic medium; submission of trial court record to appellate court.

A. In connection with civil proceedings in circuit court, any statutory requirement for an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript shall be satisfied if such is in an electronic form approved for filing under the Rules of Supreme Court of Virginia. However, this section shall not apply to documents the form of which is specified in any statute governing the creation and execution of wills, codicils, testamentary trusts, premarital agreements, and negotiable instruments.

B. Notwithstanding any other provision of law, any statutory authorization for the use of copies or reproductions in civil proceedings in circuit court shall be satisfied by use of such copies or reproductions in hard copy or electronic form approved for filing under the Rules of Supreme Court of Virginia.

C. Any clerk of a circuit court with an electronic filing system that complies with the Rules of Supreme Court of Virginia may provide the trial court record in electronic form to the appropriate clerk of any appellate court. The clerk of the Supreme Court and the clerk of the Court of Appeals shall accept the official civil or criminal record in electronic form as otherwise required by law. *The clerk in the appellate court may also request that any paper trial court records be forwarded to such clerk.*

D. The Rules of Supreme Court of Virginia shall not prohibit the use of a private vendor electronic filing system if such system is in compliance with the filing standards established by the Court.

2. That § 55-111 of the Code of Virginia is repealed.