

Department of Planning and Budget

2019 Fiscal Impact Statement

1. Bill Number: SB1554

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Scott A. Surovell

3. Committee: General Laws and Technology

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

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 may 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: Virginia Freedom of Information Advisory Council; The Division of Legislative Services; All public bodies or entities with a public record.

10. Technical Amendment Necessary: No.

11. Other Comments: None.