

2020 SESSION

HOUSE SUBSTITUTE

20109285D

SENATE BILL NO. 1051

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws
on February 27, 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 certain 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~~ *that* 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~~ *that* 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 created prior to January 1, 1901.

Notwithstanding any provisions of a previously executed contract with any department, agency, or institution of the Commonwealth or political subdivision, any individual or private entity lawfully in possession of public records created prior to January 1, 1901, or images of such records may display or publish such records in any format, including in an electronic database or on the Internet, without paying a fee to or requesting permission from the original custodian of such records.

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