

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB1051

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

2. Patron: Deeds

3. Committee: General Laws

4. Title: Virginia Public Records Act; availability of public records.

5. Summary: Provides that upon a petition filed with the clerk, a judge may enter an order releasing any record in the custody of The Library of Virginia that was sealed prior to January 1, 1901. The bill also provides that any images of public records created prior to January 1, 1901, shall be in the public domain and free from certain restrictions.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications: Circuit Courts currently charge a fee for access to the records specified in this legislation, and a portion of those fees goes to the locality to cover the expenses of providing the copies. Additionally, credit/debit card convenience fees assessed partly to cover the costs of processing credit card transactions (which would not need to be covered if there is no fee assessed) are maintained in a clerks' fund locally also used for operational expenses, so a loss of these fees creates an impact in reducing funds available for operational expenses.

It is not possible to quantify the number of pre-1901 records that may be requested and the subsequent decrease in fee collections that would occur. Further, this legislation could drastically increase demands on clerks' workload, as the fee would no longer be a deterrent to requesting large numbers of records.

The Library of Virginia does not currently charge a fee for access to records specified in this legislation.

9. Specific Agency or Political Subdivisions Affected: Circuit Courts. Library of Virginia.

10. Technical Amendment Necessary: No.

11. Other Comments: None.