

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 2.2-3703 of the Code of Virginia, relating to the Virginia Freedom of
2 Information Act; public access to copyrighted records.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 2.2-3703 of the Code of Virginia is amended and reenacted as follows:**

5 **§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and**
6 **election records; access by persons incarcerated in a state, local, or federal correctional facility.**

7 A. The provisions of this chapter shall not apply to:

8 1. The Virginia Parole Board, except that (i) information from the Virginia Parole Board
9 providing the number of inmates considered by such Board for discretionary parole, the number of
10 inmates granted or denied parole, and the number of parolees returned to the custody of the Department
11 of Corrections solely as a result of a determination by such Board of a violation of parole shall be open
12 to inspection and available for release, on a monthly basis, as provided by § 2.2-3704 and (ii) all records
13 concerning the finances of the Virginia Parole Board shall be public records and subject to the
14 provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race,
15 age of the inmate, and the locality in which the conviction was obtained, upon the request of the party
16 seeking the information;

17 2. Petit juries and grand juries;

18 3. Family assessment and planning teams established pursuant to § 2.2-5207;

19 4. The Virginia State Crime Commission; and

20 5. The records required by law to be maintained by the clerks of the courts of record, as defined
21 in § 1-212, and courts not of record, as defined in § 16.1-69.5. However, other records maintained by the
22 clerks of such courts shall be public records and subject to the provisions of this chapter.

23 B. Public access to voter registration and election records shall be governed by the provisions of
24 Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

25 C. Public access to copyrighted records shall be governed by the provisions of copyright law and
26 this chapter. Copyright law shall be controlling in the event of any conflict.

27 D. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to
28 afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or
29 not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private
30 Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent
31 Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such
32 persons from exercising their constitutionally protected rights, including, but not limited to, their right to
33 call for evidence in their favor in a criminal prosecution.

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