

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 2.2-2007, 2.2-3704, 2.2-3704.1, 2.2-3714, 2.2-3806, 16.1-77, and 17.1-
2 275 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-
3 3704.02, relating to the Virginia Freedom of Information Act; procedure for responding to
4 requests; charges; posting of notice of rights and responsibilities..

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

6 **1. That §§ 2.2-2007, 2.2-3704, 2.2-3704.1, 2.2-3714, 2.2-3806, 16.1-77, and 17.1-275 of the Code of**
7 **Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section**
8 **numbered 2.2-3704.02 as follows:**

9 **§ 2.2-2007. Powers of the CIO.**

10 A. The CIO shall promulgate regulations necessary or incidental to the performance of duties or
11 execution of powers conferred under this chapter. The CIO shall also develop policies, standards, and
12 guidelines for the planning, budgeting, procurement, development, maintenance, security, and operations
13 of information technology for executive branch agencies. Such policies, standards, and guidelines shall
14 include those necessary to:

15 1. Support state and local government exchange, acquisition, storage, use, sharing, and distribution
16 of data and related technologies.

17 2. Support the development of electronic transactions including the use of electronic signatures as
18 provided in § 59.1-496.

19 3. Support a unified approach to information technology across the totality of state government,
20 thereby assuring that the citizens and businesses of the Commonwealth receive the greatest possible
21 security, value, and convenience from investments made in technology.

22 4. Ensure that the costs of information technology systems, products, data, and services are
23 contained through the shared use of existing or planned equipment, data, or services.

24 5. Provide for the effective management of information technology investments through their
25 entire life cycles, including identification, business case development, selection, procurement,

26 implementation, operation, performance evaluation, and enhancement or retirement. Such policies,
27 standards, and guidelines shall include, at a minimum, the periodic review by the CIO of agency
28 Commonwealth information technology projects.

29 6. Establish an Information Technology Investment Management Standard based on acceptable
30 technology investment methods to ensure that all executive branch agency technology expenditures are
31 an integral part of the Commonwealth's performance management system, produce value for the agency
32 and the Commonwealth, and are aligned with (i) agency strategic plans, (ii) the Governor's policy
33 objectives, and (iii) the long-term objectives of the Council on Virginia's Future.

34 B. In addition to other such duties as the Secretary may assign, the CIO shall:

35 1. Oversee and administer the Virginia Technology Infrastructure Fund created pursuant to § 2.2-
36 2023.

37 2. Report annually to the Governor, the Secretary, and the Joint Commission on Technology and
38 Science created pursuant to § 30-85 on the use and application of information technology by executive
39 branch agencies to increase economic efficiency, citizen convenience, and public access to state
40 government.

41 3. Prepare annually a report for submission to the Secretary, the Information Technology Advisory
42 Council, and the Joint Commission on Technology and Science on a prioritized list of Recommended
43 Technology Investment Projects (RTIP Report) based upon major information technology projects
44 submitted for business case approval pursuant to this chapter. As part of the RTIP Report, the CIO shall
45 develop and regularly update a methodology for prioritizing projects based upon the allocation of points
46 to defined criteria. The criteria and their definitions shall be presented in the RTIP Report. For each project
47 recommended for funding in the RTIP Report, the CIO shall indicate the number of points and how they
48 were awarded. For each listed project, the CIO shall also report (i) all projected costs of ongoing operations
49 and maintenance activities of the project for the next three biennia following project implementation; (ii)
50 a justification and description for each project baseline change; and (iii) whether the project fails to
51 incorporate existing standards for the maintenance, exchange, and security of data. This report shall also
52 include trends in current projected information technology spending by executive branch agencies and

53 secretariats, including spending on projects, operations and maintenance, and payments to VITA.
54 Agencies shall provide all project and cost information required to complete the RTIP Report to the CIO
55 prior to May 31 immediately preceding any budget biennium in which the project appears in the
56 Governor's budget bill.

57 4. Provide oversight for executive branch agency efforts to modernize the planning, development,
58 implementation, improvement, operations and maintenance, and retirement of Commonwealth
59 information technology, including oversight for the selection, development and management of enterprise
60 information technology.

61 5. Develop statewide technical and data standards and specifications for information technology
62 and related systems, including (i) the efficient exchange of electronic information and technology,
63 including infrastructure, between the public and private sectors in the Commonwealth and (ii) the
64 utilization of nationally recognized technical and data standards for health information technology systems
65 or software purchased by an executive branch agency.

66 6. Direct the compilation and maintenance of an inventory of information technology, including
67 but not limited to personnel, facilities, equipment, goods, and contracts for services.

68 7. Provide for the centralized marketing, provision, leasing, and executing of licensing agreements
69 for electronic access to public information and government services through the Internet, wireless devices,
70 personal digital assistants, kiosks, or other such related media on terms and conditions as may be
71 determined to be in the best interest of the Commonwealth. VITA may fix and collect fees and charges
72 for (i) public information, media, and other incidental services furnished by it to any private individual or
73 entity, notwithstanding the charges set forth in § ~~2.2-3704~~ 2.2-3704.02, and (ii) such use and services it
74 provides to any executive branch agency or local government. Nothing in this subdivision authorizing
75 VITA to fix and collect fees for providing information services shall be construed to prevent access to the
76 public records of any public body pursuant to the provisions of the Virginia Freedom of Information Act
77 (§ 2.2-3700 et seq.). VITA is authorized, subject to the approval by the Secretary of Administration and
78 any other affected Secretariat, to delegate the powers and responsibilities granted in this subdivision to
79 any agency within the executive branch.

80 8. Periodically evaluate the feasibility of outsourcing information technology resources and
81 services, and outsource those resources and services that are feasible and beneficial to the Commonwealth.

82 9. Have the authority to enter into and amend contracts, including contracts with one or more other
83 public bodies, or public agencies or institutions or localities of the several states, of the United States or
84 its territories, or the District of Columbia, for the provision of information technology services.

85 C. Consistent with § 2.2-2012, the CIO may enter into public-private partnership contracts to
86 finance or implement information technology programs and projects. The CIO may issue a request for
87 information to seek out potential private partners interested in providing programs or projects pursuant to
88 an agreement under this subsection. The compensation for such services shall be computed with reference
89 to and paid from the increased revenue or cost savings attributable to the successful implementation of the
90 program or project for the period specified in the contract. The CIO shall be responsible for reviewing and
91 approving the programs and projects and the terms of contracts for same under this subsection. The CIO
92 shall determine annually the total amount of increased revenue or cost savings attributable to the
93 successful implementation of a program or project under this subsection and such amount shall be
94 deposited in the Virginia Technology Infrastructure Fund created in § 2.2-2023. The CIO is authorized to
95 use moneys deposited in the Fund to pay private partners pursuant to the terms of contracts under this
96 subsection. All moneys in excess of that required to be paid to private partners, as determined by the CIO,
97 shall be reported to the Comptroller and retained in the Fund. The CIO shall prepare an annual report to
98 the Governor, the Secretary, and General Assembly on all contracts under this subsection, describing each
99 information technology program or project, its progress, revenue impact, and such other information as
100 may be relevant.

101 D. Executive branch agencies shall cooperate with VITA in identifying the development and
102 operational requirements of proposed information technology systems, products, data, and services,
103 including the proposed use, functionality, and capacity, and the total cost of acquisition, operation, and
104 maintenance.

105 **§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and**
106 **responding to request; transfer of records for storage, etc.**

107 A. Except as otherwise specifically provided by law, all public records shall be open to citizens of
108 the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth,
109 and representatives of radio and television stations broadcasting in or into the Commonwealth during the
110 regular office hours of the custodian of such records. Access to such records shall be provided by the
111 custodian in accordance with this chapter by inspection or by providing copies of the requested records,
112 at the option of the requester. The custodian may require the requester to provide his name and legal
113 address. The custodian of such records shall take all necessary precautions for their preservation and
114 safekeeping.

115 B. A request for public records shall identify the requested records with reasonable specificity.
116 The request need not make reference to this chapter in order to invoke the provisions of this chapter or to
117 impose the time limits for response by a public body. Any public body that is subject to this chapter and
118 that is the custodian of the requested records shall promptly, but in all cases within five working days of
119 receiving a request, provide the requested records to the requester or make one of the following responses
120 in writing:

121 1. The requested records are being entirely withheld. Such response shall identify with reasonable
122 particularity the volume and subject matter of withheld records, and cite, as to each category of withheld
123 records, the specific Code section that authorizes the withholding of the records.

124 2. The requested records are being provided in part and are being withheld in part. Such response
125 shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each
126 category of withheld records, the specific Code section that authorizes the withholding of the records.

127 3. The requested records could not be found or do not exist. However, if the public body that
128 received the request knows that another public body has the requested records, the response shall include
129 contact information for the other public body.

130 4. It is not practically possible to provide the requested records or to determine whether they are
131 available within the five-work-day period. Such response shall specify the conditions that make a response
132 impossible. If the response is made within five working days, the public body shall have an additional

133 seven work days or, in the case of a request for criminal investigative files pursuant to § 2.2-3706.1, 60
134 work days in which to provide one of the four preceding responses.

135 C. Any public body may petition the appropriate general district or circuit court for additional time
136 to respond to a request for records when the request is for an extraordinary volume of records or requires
137 an extraordinarily lengthy search, and a response by the public body within the time required by this
138 chapter will prevent the public body from meeting its operational responsibilities. The period within which
139 the public body shall respond under this section shall be tolled while such petition is pending before the
140 court. The hearing on any such petition made outside of the regular terms of the court of a locality that is
141 included in a judicial circuit with another locality or localities shall be given precedence on the docket of
142 such court over all cases that are not otherwise given precedence by law. Before proceeding with the
143 petition, however, the public body shall make reasonable efforts to reach an agreement with the requester
144 concerning the production of the records requested.

145 D. Subject to the provisions of subsection ~~G F~~, no public body shall be required to create a new
146 record if the record does not already exist. However, a public body may abstract or summarize information
147 under such terms and conditions as agreed between the requester and the public body.

148 E. Failure to respond to a request for records shall be deemed a denial of the request and shall
149 constitute a violation of this chapter.

150 F. ~~Except with regard to scholastic records requested pursuant to subdivision A 1 of § 2.2-3705.4~~
151 ~~that must be made available for inspection pursuant to the federal Family Educational Rights and Privacy~~
152 ~~Act (20 U.S.C. § 1232g) and such requests for scholastic records by a parent or legal guardian of a minor~~
153 ~~student or by a student who is 18 years of age or older, a public body may make reasonable charges not~~
154 ~~to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested~~
155 ~~records and shall make all reasonable efforts to supply the requested records at the lowest possible cost.~~
156 ~~No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the~~
157 ~~general costs associated with creating or maintaining records or transacting the general business of the~~
158 ~~public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication.~~
159 ~~The public body may also make a reasonable charge for the cost incurred in supplying records produced~~

160 ~~from a geographic information system at the request of anyone other than the owner of the land that is the~~
161 ~~subject of the request. However, such charges shall not exceed the actual cost to the public body in~~
162 ~~supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost~~
163 ~~of creating topographical maps developed by the public body, for such maps or portions thereof, which~~
164 ~~encompass a contiguous area greater than 50 acres. Prior to conducting a search for records, the public~~
165 ~~body shall notify the requester in writing that the public body may make reasonable charges not to exceed~~
166 ~~its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire~~
167 ~~of the requester whether he would like to request a cost estimate in advance of the supplying of the~~
168 ~~requested records. The public body shall provide the requester with a cost estimate if requested. The period~~
169 ~~within which the public body shall respond under this section shall be tolled for the amount of time that~~
170 ~~elapses between notice of the cost estimate and the response of the requester. If the public body receives~~
171 ~~no response from the requester within 30 days of sending the cost estimate, the request shall be deemed~~
172 ~~to be withdrawn. Any costs incurred by the public body in estimating the cost of supplying the requested~~
173 ~~records shall be applied toward the overall charges to be paid by the requester for the supplying of such~~
174 ~~requested records. Any local public body that charges for the production of records pursuant to this section~~
175 ~~may provide an electronic method of payment through which all payments for the production of such~~
176 ~~records to such locality may be made. For purposes of this subsection, "electronic method of payment"~~
177 ~~means any kind of noncash payment that does not involve a paper check and includes credit cards, debit~~
178 ~~cards, direct deposit, direct debit, electronic checks, and payment through the use of telephonic or similar~~
179 ~~communications.~~

180 ~~G. Public records maintained by a public body in an electronic data processing system, computer~~
181 ~~database, or any other structured collection of data shall be made available to a requester at a reasonable~~
182 ~~cost, not to exceed the actual cost in accordance with subsection F. When electronic or other databases~~
183 ~~public records maintained by a public body in an electronic data processing system, computer database,~~
184 ~~or any other structured collection of data are combined or contain exempt and nonexempt records, the~~
185 ~~public body may provide access to the exempt records if not otherwise prohibited by law; but shall provide~~
186 ~~access to the nonexempt records as provided by this chapter.~~

187 Public bodies shall produce nonexempt records maintained in an electronic database in any
188 tangible medium identified by the requester, including, where the public body has the capability, the option
189 of posting the records on a website or delivering the records through an electronic mail address provided
190 by the requester; if that medium is used by the public body in the regular course of business. No public
191 body shall be required to produce records from an electronic database in a format not regularly used by
192 the public body. However, the public body shall make reasonable efforts to provide records in any format
193 under such terms and conditions as agreed between the requester and the public body, including the
194 payment of reasonable costs in accordance with § 2.2-3704.02. The excision of exempt fields of
195 information from a database or the conversion of data from one available format to another shall not be
196 deemed the creation, preparation, or compilation of a new public record.

197 ~~H. In any case where a public body determines in advance that charges for producing the requested~~
198 ~~records are likely to exceed \$200, the public body may, before continuing to process the request, require~~
199 ~~the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be~~
200 ~~credited toward the final cost of supplying the requested records. The period within which the public body~~
201 ~~shall respond under this section shall be tolled for the amount of time that elapses between notice of the~~
202 ~~advance determination and the response of the requester.~~

203 ~~I. Before processing a request for records, a public body may require the requester to pay any~~
204 ~~amounts owed to the public body for previous requests for records that remain unpaid 30 days or more~~
205 ~~after billing.~~

206 J.G. In the event a public body has transferred possession of public records to any entity, including
207 but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating
208 the transfer of such records shall remain the custodian of such records for purposes of responding to
209 requests for public records made pursuant to this chapter and shall be responsible for retrieving and
210 supplying such public records to the requester. In the event a public body has transferred public records
211 for storage, maintenance, or archiving and such transferring public body is no longer in existence, any
212 public body that is a successor to the transferring public body shall be deemed the custodian of such
213 records. In the event no successor entity exists, the entity in possession of the public records shall be

214 deemed the custodian of the records for purposes of compliance with this chapter, and shall retrieve and
215 supply such records to the requester. Nothing in this subsection shall be construed to apply to records
216 transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the
217 Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia
218 shall be the custodian of such permanently archived records and shall be responsible for responding to
219 requests for such records made pursuant to this chapter.

220 **§ 2.2-3704.02. Charges for the production of public records.**

221 A. Except with regard to scholastic records requested pursuant to subdivision A 1 of § 2.2-3705.4
222 that must be made available for inspection pursuant to the federal Family Educational Rights and Privacy
223 Act (20 U.S.C. § 1232g) and such requests for scholastic records by a parent or legal guardian of a minor
224 student or by a student who is 18 years of age or older, a public body may make reasonable charges not
225 to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested
226 records and shall make all reasonable efforts to supply the requested records at the lowest possible cost.
227 No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the
228 general costs associated with creating or maintaining records or transacting the general business of the
229 public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication.

230 B. If the public body chooses to charge, any charges for staff time shall be calculated based on the
231 median hourly rate of pay of employees of the public body as of the previous July 1 or the actual hourly
232 rate of pay of the employee who is accessing, duplicating, supplying, or searching for the requested
233 records, whichever is the lesser amount. The hourly rate of pay calculated shall not include the cost of
234 fringe benefits or any overhead costs. When calculating the median hourly rate of pay, the hourly rate of
235 pay of full-time and part-time employees shall be included, but the hourly rate of pay of temporary
236 employees shall not be included. A public body that has multiple departments or divisions may calculate
237 separately the median hourly rate of pay for each such department or division based on the hourly rate of
238 pay of employees of that department or division.

239 With regard to this subsection, a public body may petition the appropriate court for relief from the
240 fee cap imposed by such clause upon showing by a preponderance of the evidence that there is no qualified

241 individual capable of fulfilling the request at the median hourly rate of pay or less. Upon hearing such
242 petition, the court in its discretion may set the hourly rate to be charged not to exceed the actual cost
243 incurred by the public body. Any such petition shall be heard within seven days of the date when the same
244 is made, provided that the public body has sent and the requester has received a copy of the petition at
245 least three working days prior to filing. The hearing on any petition made outside of the regular terms of
246 the circuit court of a locality that is included in a judicial circuit with another locality or localities shall be
247 given precedence on the docket of such court over all cases that are not otherwise given precedence by
248 law. The period within which the public body shall respond under this section shall be tolled for the
249 amount of time that elapses between the requester's receipt of a copy of the petition and a final disposition
250 of the court. A public body shall not pass along to the requester or otherwise incorporate into allowable
251 charges any court costs or fees resulting from such petition.

252 C. The public body may also make a reasonable charge for the cost incurred in supplying records
253 produced from a geographic information system at the request of anyone other than the owner of the land
254 that is the subject of the request. However, such charges shall not exceed the actual cost to the public body
255 in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the
256 cost of creating topographical maps developed by the public body, for such maps or portions thereof, that
257 encompass a contiguous area greater than 50 acres.

258 D. Prior to conducting a search for records, the public body shall notify the requester in writing
259 that the public body may make reasonable charges not to exceed its actual cost incurred in accessing,
260 duplicating, supplying, or searching for requested records and inquire of the requester whether he would
261 like to request a cost estimate in advance of the supplying of the requested records. The public body shall
262 provide the requester with a cost estimate if requested. The period within which the public body shall
263 respond under this section shall be tolled for the amount of time that elapses between notice of the cost
264 estimate and the response of the requester. If the public body receives no response from the requester
265 within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. Any costs
266 incurred by the public body in estimating the cost of supplying the requested records shall be applied
267 toward the overall charges to be paid by the requester for the supplying of such requested records.

268 E. Any local public body that charges for the production of records pursuant to this section may
269 provide an electronic method of payment through which all payments for the production of such records
270 to such locality may be made. For purposes of this subsection, "electronic method of payment" means any
271 kind of noncash payment that does not involve a paper check and includes credit cards, debit cards, direct
272 deposit, direct debit, electronic checks, and payment through the use of telephonic or similar
273 communications.

274 F. Public records maintained by a public body in an electronic data processing system, computer
275 database, or any other structured collection of data shall be made available to a requester at a reasonable
276 cost, not to exceed the actual cost in accordance with this section.

277 G. In any case where a public body determines in advance that charges for producing the requested
278 records are likely to exceed \$200, the public body may, before continuing to process the request, require
279 the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be
280 credited toward the final cost of supplying the requested records. The period within which the public body
281 shall respond under this section shall be tolled for the amount of time that elapses between notice of the
282 advance determination and the response of the requester.

283 H. Before processing a request for records, a public body may require the requester to pay any
284 amounts owed to the public body for previous requests for records that remain unpaid 30 days or more
285 after billing.

286 **§ 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies;**
287 **assistance by the Freedom of Information Advisory Council.**

288 A. All state public bodies subject to the provisions of this chapter, any county or city, any town
289 with a population of more than 250, and any school board shall make available the following information
290 to the public upon request and shall post a link to such information on the homepage of their respective
291 official public government websites:

292 1. A plain English explanation of the rights of a requester under this chapter, the procedures to
293 obtain public records from the public body, and the responsibilities of the public body in complying with
294 this chapter. For purposes of this section, "plain English" means written in nontechnical, readily

295 understandable language using words of common everyday usage and avoiding legal terms and phrases
296 or other terms and words of art whose usage or special meaning primarily is limited to a particular field
297 or profession;

298 2. Contact information for the FOIA officer designated by the public body pursuant to § 2.2-3704.2
299 to (i) assist a requester in making a request for records or (ii) respond to requests for public records;

300 3. A general description, summary, list, or index of the types of public records maintained by such
301 public body;

302 4. A general description, summary, list, or index of any exemptions in law that permit or require
303 such public records to be withheld from release;

304 5. Any policy the public body has concerning the type of public records it routinely withholds from
305 release as permitted by this chapter or other law;

306 6. The following statement:

307 "A public body may make reasonable charges not to exceed its actual cost incurred in accessing,
308 duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to
309 supply the requested records at the lowest possible cost. No public body shall impose any extraneous,
310 intermediary, or surplus fees or expenses to recoup the general costs associated with creating or
311 maintaining records or transacting the general business of the public body. Any duplicating fee charged
312 by a public body shall not exceed the actual cost of duplication.

313 If the public body chooses to charge, any charges for staff time shall be calculated based on the
314 median hourly rate of pay of employees of the public body as of the previous July 1 or the actual hourly
315 rate of pay of the employee who is accessing, duplicating, supplying, or searching for the requested
316 records, whichever is the lesser amount. The hourly rate of pay calculated shall not include the cost of
317 fringe benefits or any overhead costs. When calculating the median hourly rate of pay, the hourly rate of
318 pay of full-time and part-time employees shall be included, but the hourly rate of pay of temporary
319 employees shall not be included. A public body that has multiple departments or divisions may calculate
320 separately the median hourly rate of pay for each such department or division based on the hourly rate of
321 pay of employees of that department or division.

322 Prior to conducting a search for records, the public body shall notify the requester in writing that
323 the public body may make reasonable charges not to exceed its actual cost incurred in accessing,
324 duplicating, supplying, or searching for requested records and inquire of the requester whether he would
325 like to request a cost estimate in advance of the supplying of the requested records as set forth in ~~subsection~~
326 ~~F of § 2.2-3704~~ 2.2-3704.02 of the Code of Virginia."; and

327 7. A written policy (i) explaining how the public body assesses charges for accessing or searching
328 for requested records and (ii) noting the current fee charged, if any, for accessing and searching for such
329 requested records.

330 B. Any state public body subject to the provisions of this chapter and any county or city, and any
331 town with a population of more than 250, shall post a link on its official public government website to the
332 online public comment form on the Freedom of Information Advisory Council's website to enable any
333 requester to comment on the quality of assistance provided to the requester by the public body.

334 C. The Freedom of Information Advisory Council, created pursuant to § 30-178, shall assist in the
335 development and implementation of the provisions of subsection A, upon request.

336 **§ 2.2-3714. Violations and penalties.**

337 A. In a proceeding commenced against any officer, employee, or member of a public body under
338 § 2.2-3713 for a violation of § 2.2-3704, 2.2-3704.02, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-
339 3706.1, 2.2-3707, 2.2-3708.2, 2.2-3708.3, 2.2-3710, 2.2-3711, or 2.2-3712, the court, if it finds that a
340 violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his
341 individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of
342 not less than \$500 nor more than \$2,000, which amount shall be paid into the Literary Fund. For a second
343 or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.

344 B. In addition to any penalties imposed pursuant to subsection A, if the court finds that any officer,
345 employee, or member of a public body failed to provide public records to a requester in accordance with
346 the provisions of this chapter because such officer, employee, or member altered or destroyed the
347 requested public records with the intent to avoid the provisions of this chapter with respect to such request
348 prior to the expiration of the applicable record retention period set by the retention regulations

349 promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board,
350 the court may impose upon such officer, employee, or member in his individual capacity, whether or not
351 a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or
352 destroyed, which amount shall be paid into the Literary Fund.

353 C. In addition to any penalties imposed pursuant to subsections A and B, if the court finds that a
354 public body voted to certify a closed meeting in accordance with subsection D of § 2.2-3712 and such
355 certification was not in accordance with the requirements of clause (i) or (ii) of subsection D of § 2.2-
356 3712, the court may impose on the public body, whether or not a writ of mandamus or injunctive relief is
357 awarded, a civil penalty of up to \$1,000, which amount shall be paid into the Literary Fund. In determining
358 whether a civil penalty is appropriate, the court shall consider mitigating factors, including reliance of
359 members of the public body on (i) opinions of the Attorney General, (ii) court cases substantially
360 supporting the rationale of the public body, and (iii) published opinions of the Virginia Freedom of
361 Information Advisory Council.

362 **§ 2.2-3806. Rights of data subjects.**

363 A. Any agency maintaining personal information shall:

364 1. Inform an individual who is asked to supply personal information about himself whether he is
365 legally required, or may refuse, to supply the information requested, and also of any specific consequences
366 that are known to the agency of providing or not providing the information.

367 2. Give notice to a data subject of the possible dissemination of part or all of this information to
368 another agency, nongovernmental organization or system not having regular access authority, and indicate
369 the use for which it is intended, and the specific consequences for the individual, which are known to the
370 agency, of providing or not providing the information. However documented permission for dissemination
371 in the hands of the other agency or organization shall satisfy the requirement of this subdivision. The
372 notice may be given on applications or other data collection forms prepared by data subjects.

373 3. Upon request and proper identification of any data subject, or of his authorized agent, grant the
374 data subject or agent the right to inspect, in a form comprehensible to him:

375 a. All personal information about that data subject except as provided in subdivision 1 of § 2.2-
376 3705.1, subdivision A 1 of § 2.2-3705.4, and subdivision 1 of § 2.2-3705.5.

377 b. The nature of the sources of the information.

378 c. The names of recipients, other than those with regular access authority, of personal information
379 about the data subject including the identity of all persons and organizations involved and their
380 relationship to the system when not having regular access authority, except that if the recipient has
381 obtained the information as part of an ongoing criminal investigation such that disclosure of the
382 investigation would jeopardize law-enforcement action, then no disclosure of such access shall be made
383 to the data subject.

384 4. Comply with the following minimum conditions of disclosure to data subjects:

385 a. An agency shall make disclosures to data subjects required under this chapter, during normal
386 business hours, in accordance with the procedures set forth in subsections B and C of § 2.2-3704 for
387 responding to requests under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or within a
388 time period as may be mutually agreed upon by the agency and the data subject.

389 b. The disclosures to data subjects required under this chapter shall be made (i) in person, if he
390 appears in person and furnishes proper identification, or (ii) by mail, if he has made a written request, with
391 proper identification. Copies of the documents containing the personal information sought by a data
392 subject shall be furnished to him or his representative at reasonable charges for document search and
393 duplication in accordance with ~~subsection F of § 2.2-3704~~ 2.2-3704.02.

394 c. The data subject shall be permitted to be accompanied by a person of his choosing, who shall
395 furnish reasonable identification. An agency may require the data subject to furnish a written statement
396 granting the agency permission to discuss the individual's file in such person's presence.

397 5. If the data subject gives notice that he wishes to challenge, correct, or explain information about
398 him in the information system, the following minimum procedures shall be followed:

399 a. The agency maintaining the information system shall investigate, and record the current status
400 of that personal information.

401 b. If, after such investigation, the information is found to be incomplete, inaccurate, not pertinent,
402 not timely, or not necessary to be retained, it shall be promptly corrected or purged.

403 c. If the investigation does not resolve the dispute, the data subject may file a statement of not
404 more than 200 words setting forth his position.

405 d. Whenever a statement of dispute is filed, the agency maintaining the information system shall
406 supply any previous recipient with a copy of the statement and, in any subsequent dissemination or use of
407 the information in question, clearly note that it is disputed and supply the statement of the data subject
408 along with the information.

409 e. The agency maintaining the information system shall clearly and conspicuously disclose to the
410 data subject his rights to make such a request.

411 f. Following any correction or purging of personal information the agency shall furnish to past
412 recipients notification that the item has been purged or corrected whose receipt shall be acknowledged.

413 B. Nothing in this chapter shall be construed to require an agency to disseminate any
414 recommendation or letter of reference from or to a third party that is a part of the personnel file of any
415 data subject nor to disseminate any test or examination used, administered or prepared by any public body
416 for purposes of evaluation of (i) any student or any student's performance, (ii) any seeker's qualifications
417 or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate
418 issued by any public body.

419 As used in this subsection, "test or examination" includes (i) any scoring key for any such test or
420 examination and (ii) any other document that would jeopardize the security of the test or examination.
421 Nothing contained in this subsection shall prohibit the release of test scores or results as provided by law,
422 or to limit access to individual records as provided by law; however, the subject of the employment tests
423 shall be entitled to review and inspect all documents relative to his performance on those employment
424 tests.

425 When, in the reasonable opinion of the public body, any such test or examination no longer has
426 any potential for future use, and the security of future tests or examinations will not be jeopardized, the
427 test or examination shall be made available to the public. Minimum competency tests administered to

428 public school children shall be made available to the public contemporaneously with statewide release of
429 the scores of those taking such tests, but in no event shall such tests be made available to the public later
430 than six months after the administration of such tests.

431 C. Neither any provision of this chapter nor any provision of the Freedom of Information Act (§
432 2.2-3700 et seq.) shall be construed to deny public access to records of the position, job classification,
433 official salary or rate of pay of, and to records of the allowances or reimbursements for expenses paid to
434 any public officer, official or employee at any level of state, local or regional government in the
435 Commonwealth. The provisions of this subsection shall not apply to records of the official salaries or rates
436 of pay of public employees whose annual rate of pay is \$10,000 or less.

437 D. Nothing in this section or in this chapter shall be construed to require an agency to disseminate
438 information derived from tax returns prohibited from release pursuant to § 58.1-3.

439 **§ 16.1-77. Civil jurisdiction of general district courts; amending amount of claim.**

440 Except as provided in Article 5 (§ 16.1-122.1 et seq.), each general district court shall have, within
441 the limits of the territory it serves, civil jurisdiction as follows:

442 (1) Exclusive original jurisdiction of (i) any claim to specific personal property or to any debt, fine
443 or other money, or to damages for breach of contract or for injury done to property, real or personal, when
444 the amount of such claim does not exceed \$4,500, exclusive of interest and any attorney fees, and
445 concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when
446 the amount thereof exceeds \$4,500 but does not exceed \$25,000, exclusive of interest and any attorney
447 fees, and (ii) any action for injury to person, regardless of theory, and any action for wrongful death as
448 provided for in Article 5 (§ 8.01-50 et seq.) of Chapter 3 of Title 8.01 when the amount of such claim does
449 not exceed \$4,500, exclusive of interest and any attorney fees, and concurrent jurisdiction with the circuit
450 courts having jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but
451 does not exceed \$50,000, exclusive of interest and any attorney fees. However, the jurisdictional limit
452 shall not apply with respect to distress warrants under the provisions of § 8.01-130.4, cases involving
453 liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving
454 forfeiture of a bond pursuant to § 19.2-143. While a matter is pending in a general district court, upon

455 motion of the plaintiff seeking to increase the amount of the claim, the court shall order transfer of the
456 matter to the circuit court that has jurisdiction over the amended amount of the claim without requiring
457 that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes
458 of limitations governing the pending matter shall be unaffected by the transfer. Except for good cause
459 shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10
460 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk of
461 the court to which the case is transferred, and such clerk shall process the claim as if it were a new civil
462 action. The plaintiff shall prepare and present the order of transfer to the transferring court for entry, after
463 which time the case shall be removed from the pending docket of the transferring court and the order of
464 transfer placed among its records. The plaintiff shall provide a certified copy of the transfer order to the
465 receiving court.

466 (2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does
467 not exceed \$25,000 exclusive of interest and any attorney fees.

468 (3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et
469 seq.) of Chapter 3 of Title 8.01, and in Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, and the maximum
470 jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or cross-
471 claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person
472 obligated on the lease or guarantee of such lease.

473 (4) Except where otherwise specifically provided, all jurisdiction, power and authority over any
474 civil action or proceeding conferred upon any general district court judge or magistrate under or by virtue
475 of any provisions of the Code.

476 (5) Jurisdiction to try and decide suits in interpleader involving personal or real property where
477 the amount of money or value of the property is not more than the maximum jurisdictional limits of the
478 general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not
479 apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition
480 of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in
481 accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district

482 court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the
483 stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment, by warrant
484 in debt, or by other uniform court form established by the Supreme Court of Virginia. The initial pleading
485 shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who
486 are not parties plaintiff.

487 (6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of
488 Information Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination
489 Practices Act (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions.

490 (7) Jurisdiction to try and decide any cases pursuant to § 55.1-1819 of the Property Owners'
491 Association Act (§ 55.1-1800 et seq.) or § 55.1-1959 of the Virginia Condominium Act (§ 55.1-1900 et
492 seq.).

493 (8) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to
494 Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional
495 limits of the general district court. Any party that disagrees with an order by a general district court
496 granting an application to compel arbitration may appeal such decision to the circuit court pursuant to §
497 8.01-581.016.

498 (9) Jurisdiction to try and decide any cases pursuant to § 2.2-3704 of the Virginia Freedom of
499 Information Act (§ 2.2-3700 et seq.) for additional time to respond to a request for public records.

500 For purposes of this section, the territory served by a county general district court expressly
501 authorized by statute to be established in a city includes the general district court courtroom.

502 **§ 17.1-275. Fees collected by clerks of circuit courts; generally.**

503 A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the
504 following fees:

505 1. [Repealed.]

506 2. For recording and indexing in the proper book any writing and all matters therewith, or for
507 recording and indexing anything not otherwise provided for, \$18 for an instrument or document consisting
508 of 10 or fewer pages or sheets; \$32 for an instrument or document consisting of 11 to 30 pages or sheets;

509 and \$52 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing
510 to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat
511 or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due
512 pursuant to this section. A fee of \$17 per page or sheet shall be charged with respect to plat or map sheets
513 larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall
514 be charged for recording a certificate of satisfaction that releases the original deed of trust and any
515 corrected or revised deeds of trust. Three dollars and fifty cents of the fee collected for recording and
516 indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum
517 collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit
518 court clerks.

519 3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other
520 fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding
521 \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be
522 charged for estates of \$5,000 or less.

523 4. For entering and granting and for issuing any license, other than a marriage license or a hunting
524 and fishing license, and administering an oath when necessary, \$10.

525 5. For issuing a marriage license, attaching certificate, administering or receiving all necessary
526 oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage
527 pursuant to § 20-25, \$25 to be paid by the petitioner.

528 6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering
529 all necessary oaths and writing proper affidavits, \$3.

530 7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's
531 fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

532 8. For making out a copy of any paper, record, or electronic record to go out of the office, which
533 is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record,
534 each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and
535 pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the

536 copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body
537 shall budget and appropriate such funds to be used to support the cost of copies pursuant to this
538 subdivision. For purposes of this section, the costs of making out the copies authorized under this section
539 shall include costs included in the lease and maintenance agreements for the equipment and the technology
540 needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include
541 salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § ~~2.2-~~
542 ~~3704~~ 2.2-3704.02. However, there shall be no charge to the recipient of a final order or decree to send an
543 attested copy to such party.

544 9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying
545 it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so,
546 the clerk shall charge an additional \$0.50.

547 10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-
548 247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess
549 a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed
550 as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

551 11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-
552 247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess
553 a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall
554 be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment
555 Fund as provided in § 17.1-275.8.

556 12. Upon the defendant's being required to successfully complete traffic school, a mature driver
557 motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the
558 court shall charge the defendant fees and costs as if he had been convicted.

559 13. In all civil actions that include one or more claims for the award of monetary damages the
560 clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200
561 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery
562 exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding

563 \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established
564 under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case,
565 in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any
566 pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a
567 counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected
568 upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable
569 to cases filed in the Supreme Court of Virginia.

570 13a. For the filing of any petition seeking court approval of a settlement where no action has yet
571 been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time
572 of filing the petition.

573 14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments
574 by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or
575 certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount
576 of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12;
577 and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in
578 subdivision A 17.

579 15. For qualifying notaries public, including the making out of the bond and any copies thereof,
580 administering the necessary oaths, and entering the order, \$10.

581 16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required
582 thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

583 17. For docketing and indexing a judgment from any other court of the Commonwealth, for
584 docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of §
585 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant
586 to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a
587 fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

588 18. For all services rendered by the clerk in any court proceeding for which no specific fee is
589 provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing;

590 however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a
591 decree of divorce from the bond of matrimony.

592 19, 20. [Repealed.]

593 21. For making the endorsements on a forthcoming bond and recording the matters relating to such
594 bond pursuant to the provisions of § 8.01-529, \$1.

595 22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

596 23. For preparation and issuance of a subpoena duces tecum, \$5.

597 24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name,
598 \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a
599 divorce.

600 25. For providing court records or documents on microfilm, per frame, \$0.50.

601 26. In all divorce and separate maintenance proceedings, and all civil actions that do not include
602 one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be
603 \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be
604 paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified
605 copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a
606 counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the
607 filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other
608 responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases,
609 when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the
610 above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

611 27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees,
612 including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person
613 presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit
614 card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat
615 fee of \$2 per transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal
616 proceedings pursuant to § 17.1-258.3. Nothing herein shall be construed to prohibit the clerk from

617 outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by
618 the clerk. Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.

619 28. For the return of any check unpaid by the financial institution on which it was drawn or notice
620 is received from the credit or debit card issuer that payment will not be made for any reason, the clerk may
621 collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

622 29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1,
623 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee
624 imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed
625 pursuant to § 63.2-1201, except those filed pursuant to subdivisions 4 and 5 of § 63.2-1210, an additional
626 \$50 filing fee as required under § 63.2-1201 shall be deposited in the Virginia Birth Father Registry Fund
627 pursuant to § 63.2-1249.

628 30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the
629 same amount as the fee for the original license.

630 31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of
631 \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in
632 § 33.2-1021, as well as for any order of the court relating thereto, the clerk shall charge the same fee as
633 for recording a deed as provided for in this section, to be paid by the party upon whose request such
634 certificate is recorded or order is entered.

635 32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme
636 Court, including all papers necessary to be copied and other services rendered, except in cases in which
637 costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8,
638 or 17.1-275.9, a fee of \$20.

639 33. [Repealed.]

640 34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55.1-653 et seq.), the fees
641 shall be as prescribed in that Act.

642 35. [Repealed.]

643 36. For recordation of certificate and registration of names of nonresident owners in accordance
644 with § 59.1-74, a fee of \$10.

645 37. For maintaining the information required under the Overhead High Voltage Line Safety Act
646 (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

647 38. For lodging, indexing, and preserving a will in accordance with § 64.2-409, a fee of \$5.

648 39. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed
649 under § 8.9A-525.

650 40. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed
651 under § 8.9A-525.

652 41. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as
653 prescribed under § 8.9A-525.

654 42. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

655 43. For issuing any execution, and recording the return thereof, a fee of \$1.50.

656 44. For the preparation and issuance of a summons for interrogation by an execution creditor, a
657 fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed
658 an additional fee of \$1.50, in accordance with subdivision A 44.

659 B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16,
660 A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction,
661 renovation or maintenance.

662 C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16,
663 A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the
664 poor, without charge, by a nonprofit legal aid program.

665 D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16,
666 A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

667 E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk
668 into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

669 F. The provisions of this section shall control the fees charged by clerks of circuit courts for the
670 services above described.

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