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SENATE BILL NO. 1029

Offered January 8, 2025

Prefiled January 7, 2025

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 17.1-275 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3704.02, relating to the Virginia Freedom of Information Act; procedure for responding to requests; charges; posting of notice of rights and responsibilities.

Patron—Roem

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

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 Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3704.02 as follows:

§ 2.2-2007. Powers of the CIO.

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

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

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

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

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

5. Provide for the effective management of information technology investments through their entire life cycles, including identification, business case development, selection, procurement, implementation, operation, performance evaluation, and enhancement or retirement. Such policies, standards, and guidelines shall include, at a minimum, the periodic review by the CIO of agency Commonwealth information technology projects.

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

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

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

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

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

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59 and cost information required to complete the RTIP Report to the CIO prior to May 31 immediately
60 preceding any budget biennium in which the project appears in the Governor's budget bill.

61 4. Provide oversight for executive branch agency efforts to modernize the planning, development,
62 implementation, improvement, operations and maintenance, and retirement of Commonwealth information
63 technology, including oversight for the selection, development and management of enterprise information
64 technology.

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

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

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

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

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

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

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

107 **§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and**
108 **responding to request; transfer of records for storage, etc.**

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

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

120 request, provide the requested records to the requester or make one of the following responses 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 shall
125 identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of
126 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 received the
128 request knows that another public body has the requested records, the response shall include contact
129 information for the other public body.

130 4. It is not practically possible to provide the requested records or to determine whether they are available
131 within the five-work-day period. Such response shall specify the conditions that make a response impossible.
132 If the response is made within five working days, the public body shall have an additional seven work days
133 or, in the case of a request for criminal investigative files pursuant to § 2.2-3706.1, 60 work days in which to
134 provide one of the four preceding responses.

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

145 D. Subject to the provisions of subsection G F, no public body shall be required to create a new record if
146 the record does not already exist. However, a public body may abstract or summarize information under such
147 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 constitute a
149 violation of this chapter.

150 F. ~~Except with regard to scholastic records requested pursuant to subdivision A 1 of § 2.2-3705.4 that~~
151 ~~must be made available for inspection pursuant to the federal Family Educational Rights and Privacy Act (20~~
152 ~~U.S.C. § 1232g) and such requests for scholastic records by a parent or legal guardian of a minor student or~~
153 ~~by a student who is 18 years of age or older, a public body may make reasonable charges not to exceed its~~
154 ~~actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall~~
155 ~~make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall~~
156 ~~impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with~~
157 ~~creating or maintaining records or transacting the general business of the public body. Any duplicating fee~~
158 ~~charged by a public body shall not exceed the actual cost of duplication. The public body may also make a~~
159 ~~reasonable charge for the cost incurred in supplying records produced from a geographic information system~~
160 ~~at the request of anyone other than the owner of the land that is the subject of the request. However, such~~
161 ~~charges shall not exceed the actual cost to the public body in supplying such records, except that the public~~
162 ~~body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the~~
163 ~~public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres.~~
164 ~~Prior to conducting a search for records, the public body shall notify the requester in writing that the public~~
165 ~~body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying,~~
166 ~~or searching for requested records and inquire of the requester whether he would like to request a cost~~
167 ~~estimate in advance of the supplying of the requested records. The public body shall provide the requester~~
168 ~~with a cost estimate if requested. The period within which the public body shall respond under this section~~
169 ~~shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the~~
170 ~~requester. If the public body receives no response from the requester within 30 days of sending the cost~~
171 ~~estimate, the request shall be deemed to be withdrawn. Any costs incurred by the public body in estimating~~
172 ~~the cost of supplying the requested records shall be applied toward the overall charges to be paid by the~~
173 ~~requester for the supplying of such requested records. Any local public body that charges for the production~~
174 ~~of records pursuant to this section may provide an electronic method of payment through which all payments~~
175 ~~for the production of such records to such locality may be made. For purposes of this subsection, "electronic~~
176 ~~method of payment" means any kind of noncash payment that does not involve a paper check and includes~~
177 ~~credit cards, debit cards, direct deposit, direct debit, electronic checks, and payment through the use of~~
178 ~~telephonic or similar communications.~~

179 G. Public records maintained by a public body in an electronic data processing system, computer
180 database, or any other structured collection of data shall be made available to a requester at a reasonable cost,

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

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

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

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

204 ~~J. G.~~ In the event a public body has transferred possession of public records to any entity, including but
205 not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the
206 transfer of such records shall remain the custodian of such records for purposes of responding to requests for
207 public records made pursuant to this chapter and shall be responsible for retrieving and supplying such public
208 records to the requester. In the event a public body has transferred public records for storage, maintenance, or
209 archiving and such transferring public body is no longer in existence, any public body that is a successor to
210 the transferring public body shall be deemed the custodian of such records. In the event no successor entity
211 exists, the entity in possession of the public records shall be deemed the custodian of the records for purposes
212 of compliance with this chapter; and shall retrieve and supply such records to the requester. Nothing in this
213 subsection shall be construed to apply to records transferred to the Library of Virginia for permanent
214 archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In
215 accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived
216 records and shall be responsible for responding to requests for such records made pursuant to this chapter.

217 **§ 2.2-3704.02. Charges for the production of public records.**

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

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

236 *With regard to this subsection, a public body may petition the appropriate court for relief from the fee cap*
237 *imposed by such clause upon showing by a preponderance of the evidence that there is no qualified*
238 *individual capable of fulfilling the request at the median hourly rate of pay or less. Upon hearing such*
239 *petition, the court in its discretion may set the hourly rate to be charged not to exceed the actual cost*
240 *incurred by the public body. Any such petition shall be heard within seven days of the date when the same is*
241 *made, provided that the public body has sent and the requester has received a copy of the petition at least*

242 three working days prior to filing. The hearing on any petition made outside of the regular terms of the
243 circuit court of a locality that is included in a judicial circuit with another locality or localities shall be given
244 precedence on the docket of such court over all cases that are not otherwise given precedence by law. The
245 period within which the public body shall respond under this section shall be tolled for the amount of time
246 that elapses between the requester's receipt of a copy of the petition and a final disposition of the court. A
247 public body shall not pass along to the requester or otherwise incorporate into allowable charges any court
248 costs or fees resulting from such petition.

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

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

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

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

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

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

281 **§ 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies;**
282 **assistance by the Freedom of Information Advisory Council.**

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

287 1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain
288 public records from the public body, and the responsibilities of the public body in complying with this
289 chapter. For purposes of this section, "plain English" means written in nontechnical, readily understandable
290 language using words of common everyday usage and avoiding legal terms and phrases or other terms and
291 words of art whose usage or special meaning primarily is limited to a particular field or profession;

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

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

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

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

300 6. The following statement:

301 "A public body may make reasonable charges not to exceed its actual cost incurred in accessing,
302 duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply

303 the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary,
 304 or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or
 305 transacting the general business of the public body. Any duplicating fee charged by a public body shall not
 306 exceed the actual cost of duplication.

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

316 Prior to conducting a search for records, the public body shall notify the requester in writing that the
 317 public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating,
 318 supplying, or searching for requested records and inquire of the requester whether he would like to request a
 319 cost estimate in advance of the supplying of the requested records as set forth in ~~subsection F of § 2.2-3704~~
 320 2.2-3704.02 of the Code of Virginia."; and

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

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

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

330 **§ 2.2-3714. Violations and penalties.**

331 A. In a proceeding commenced against any officer, employee, or member of a public body under §
 332 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, 2.2-3706.1,
 333 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 violation was
 334 willfully and knowingly made, shall impose upon such officer, employee, or member in his individual
 335 capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than
 336 \$500 nor more than \$2,000, which amount shall be paid into the Literary Fund. For a second or subsequent
 337 violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.

338 B. In addition to any penalties imposed pursuant to subsection A, if the court finds that any officer,
 339 employee, or member of a public body failed to provide public records to a requester in accordance with the
 340 provisions of this chapter because such officer, employee, or member altered or destroyed the requested
 341 public records with the intent to avoid the provisions of this chapter with respect to such request prior to the
 342 expiration of the applicable record retention period set by the retention regulations promulgated pursuant to
 343 the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board, the court may impose upon
 344 such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or
 345 injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed, which amount shall
 346 be paid into the Literary Fund.

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

355 **§ 2.2-3806. Rights of data subjects.**

356 A. Any agency maintaining personal information shall:

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

360 2. Give notice to a data subject of the possible dissemination of part or all of this information to another
 361 agency, nongovernmental organization or system not having regular access authority, and indicate the use for
 362 which it is intended, and the specific consequences for the individual, which are known to the agency, of
 363 providing or not providing the information. However documented permission for dissemination in the hands

364 of the other agency or organization shall satisfy the requirement of this subdivision. The notice may be given
 365 on applications or other data collection forms prepared by data subjects.

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

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

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

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

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

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

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

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

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

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

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

395 c. If the investigation does not resolve the dispute, the data subject may file a statement of not more than
 396 200 words setting forth his position.

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

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

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

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

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

416 When, in the reasonable opinion of the public body, any such test or examination no longer has any
 417 potential for future use, and the security of future tests or examinations will not be jeopardized, the test or
 418 examination shall be made available to the public. Minimum competency tests administered to public school
 419 children shall be made available to the public contemporaneously with statewide release of the scores of
 420 those taking such tests, but in no event shall such tests be made available to the public later than six months
 421 after the administration of such tests.

422 C. Neither any provision of this chapter nor any provision of the Freedom of Information Act (§ 2.2-3700
 423 et seq.) shall be construed to deny public access to records of the position, job classification, official salary or
 424 rate of pay of, and to records of the allowances or reimbursements for expenses paid to any public officer,

425 official or employee at any level of state, local or regional government in the Commonwealth. The provisions
426 of this subsection shall not apply to records of the official salaries or rates of pay of public employees whose
427 annual rate of pay is \$10,000 or less.

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

430 **§ 16.1-77. Civil jurisdiction of general district courts; amending amount of claim.**

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

433 (1) Exclusive original jurisdiction of (i) any claim to specific personal property or to any debt, fine or
434 other money, or to damages for breach of contract or for injury done to property, real or personal, when the
435 amount of such claim does not exceed \$4,500, exclusive of interest and any attorney fees, and concurrent
436 jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount
437 thereof exceeds \$4,500 but does not exceed \$25,000, exclusive of interest and any attorney fees, and (ii) any
438 action for injury to person, regardless of theory, and any action for wrongful death as provided for in Article
439 5 (§ 8.01-50 et seq.) of Chapter 3 of Title 8.01 when the amount of such claim does not exceed \$4,500,
440 exclusive of interest and any attorney fees, and concurrent jurisdiction with the circuit courts having
441 jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed
442 \$50,000, exclusive of interest and any attorney fees. However, the jurisdictional limit shall not apply with
443 respect to distress warrants under the provisions of § 8.01-130.4, cases involving liquidated damages for
444 violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving forfeiture of a bond pursuant
445 to § 19.2-143. While a matter is pending in a general district court, upon motion of the plaintiff seeking to
446 increase the amount of the claim, the court shall order transfer of the matter to the circuit court that has
447 jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that
448 the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending
449 matter shall be unaffected by the transfer. Except for good cause shown, no such order of transfer shall issue
450 unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall pay filing and
451 other fees as otherwise provided by law to the clerk of the court to which the case is transferred, and such
452 clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare and present the order
453 of transfer to the transferring court for entry, after which time the case shall be removed from the pending
454 docket of the transferring court and the order of transfer placed among its records. The plaintiff shall provide
455 a certified copy of the transfer order to the receiving court.

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

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

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

466 (5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the
467 amount of money or value of the property is not more than the maximum jurisdictional limits of the general
468 district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any
469 claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest
470 money deposit pursuant to a real estate purchase contract. The action shall be brought in accordance with the
471 procedures for interpleader as set forth in § 8.01-364. However, the general district court shall not have any
472 power to issue injunctions. Actions in interpleader may be brought by either the stakeholder or any of the
473 claimants. The initial pleading shall be either by motion for judgment, by warrant in debt, or by other uniform
474 court form established by the Supreme Court of Virginia. The initial pleading shall briefly set forth the
475 circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff.

476 (6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of Information
477 Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination Practices Act (§
478 2.2-3800 et seq.), for writs of mandamus or for injunctions.

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

481 (8) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to Chapter 21
482 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional limits of the
483 general district court. Any party that disagrees with an order by a general district court granting an
484 application to compel arbitration may appeal such decision to the circuit court pursuant to § 8.01-581.016.

485 (9) *Jurisdiction to try and decide any cases pursuant to § 2.2-3704 of the Virginia Freedom of*

486 *Information Act (§ 2.2-3700 et seq.) for additional time to respond to a request for public records.*

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

489 **§ 17.1-275. Fees collected by clerks of circuit courts; generally.**

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

491 1. [Repealed.]

492 2. For recording and indexing in the proper book any writing and all matters therewith, or for recording
493 and indexing anything not otherwise provided for, \$18 for an instrument or document consisting of 10 or
494 fewer pages or sheets; \$32 for an instrument or document consisting of 11 to 30 pages or sheets; and \$52 for
495 an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded
496 includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets
497 shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this
498 section. A fee of \$17 per page or sheet shall be charged with respect to plat or map sheets larger than eight
499 and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for
500 recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds
501 of trust. Three dollars and fifty cents of the fee collected for recording and indexing shall be designated for
502 use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be
503 administered by The Library of Virginia in cooperation with the circuit court clerks.

504 3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other
505 fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000,
506 \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for
507 estates of \$5,000 or less.

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

510 5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or
511 affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to §
512 20-25, \$25 to be paid by the petitioner.

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

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

517 8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not
518 otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image.
519 From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the
520 remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be
521 deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and
522 appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of
523 this section, the costs of making out the copies authorized under this section shall include costs included in
524 the lease and maintenance agreements for the equipment and the technology needed to operate electronic
525 systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The
526 costs of copies shall otherwise be determined in accordance with § ~~2.2-3704~~ 2.2-3704.02. However, there
527 shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

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

531 10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et
532 seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of
533 \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to
534 the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

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

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

543 13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee
544 chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases
545 seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding
546 \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars

547 of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of
548 \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees.
549 There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees
550 prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a
551 third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the
552 commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court
553 of Virginia.

554 13a. For the filing of any petition seeking court approval of a settlement where no action has yet been
555 filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing
556 the petition.

557 14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by
558 confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or
559 certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of
560 the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and
561 (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A
562 17.

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

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

567 17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and
568 indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not
569 when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of
570 \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing,
571 docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

572 18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by
573 law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this
574 subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce
575 from the bond of matrimony.

576 19, 20. [Repealed.]

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

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

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

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

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

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

594 27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including
595 filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting
596 such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such
597 convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per
598 transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings
599 pursuant to § 17.1-258.3. Nothing herein shall be construed to prohibit the clerk from outsourcing the
600 processing of credit and debit card transactions to a third-party private vendor engaged by the clerk.
601 Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.

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

605 29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1,
606 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 imposed
607 under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to

§ 63.2-1201, except those filed pursuant to subdivisions 4 and 5 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Virginia Birth Father Registry Fund pursuant to § 63.2-1249.

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

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

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which 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, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

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

35. [Repealed.]

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

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

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

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

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

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

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

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

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

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

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, 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 poor, without charge, by a nonprofit legal aid program.

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

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

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