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HOUSE BILL NO. 2565

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 17, 2025)

(Patron Prior to Substitute—Delegate Leftwich)

A *BILL* to amend the Code of Virginia by adding in Article 9 of Chapter 14 of Title 8.01 a section numbered 8.01-420.9, relating to subpoenas duces tecum; financial records of nonparty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 9 of Chapter 14 of Title 8.01 a section numbered 8.01-420.9 as follows:

§ 8.01-420.9. Subpoena duces tecum; financial records of nonparty.

A. Notwithstanding any other provision of law, when any party in a civil action issues a subpoena duces tecum for the production of the financial records of a nonparty account holder, such nonparty account holder may file a motion to quash or modify such subpoena.

B. Upon receiving a valid subpoena duces tecum for financial records, no commercial business providing credit history or credit reports, issuer as defined in § 6.2-424, financial institution as defined in § 6.2-604, or money transmitter as defined in § 6.2-1900 shall condition compliance with such subpoena upon the payment of any fees for the costs of producing such records, but such commercial business, issuer, financial institution, or money transmitter may impose reasonable charges not to exceed the actual costs incurred in accessing, duplicating, supplying, or searching for the requested records. Nothing in this section shall be construed to create a cause of action against such commercial business, issuer, financial institution, or money transmitter that complies with a subpoena duces tecum.

2. That the Supreme Court of Virginia shall revise the relevant provisions of Rules 4:1 and 4:9A of the Rules of the Supreme Court of Virginia to be consistent with the provisions of this act.

3. That the Boyd-Graves Conference shall conduct a study on whether the Code of Virginia should be further amended to allow a nonparty to file a motion to quash or modify a subpoena duces tecum for other types of records that may be sought by a party in a civil proceeding. The Boyd-Graves Conference shall report any findings of such study to the Chairmen of the Senate and House Committees for Courts of Justice by November 1, 2025.

SENATE
SUBSTITUTE

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