

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Article 9 of Chapter 14 of Title 8.01 a section numbered*
3 *8.01-420.9, relating to subpoenas duces tecum; financial records of nonparty.*

4 [H 2565]

5 Approved

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

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

9 **§ 8.01-420.9. Subpoena duces tecum; financial records of nonparty.**

10 *A. Notwithstanding any other provision of law, when any party in a civil action issues a subpoena duces*
11 *tecum for the production of (i) records subject to attorney-client privilege or (ii) the financial records of a*
12 *nonparty account holder, such attorney holding privileged records or nonparty account holder may file a*
13 *motion to quash or modify such subpoena.*

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

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

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

ENROLLED

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