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HOUSE BILL NO. 520

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee for Courts of Justice
on _____)

(Patron Prior to Substitute—Delegate Hernandez)

A BILL to amend and reenact § 17.1-267 of the Code of Virginia, relating to clerk fees; secure remote access to nonconfidential court records by certain attorneys.

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-267 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-267. Services for which clerks may not charge.

A. No clerk shall charge for taking bond from, administering oath to, or making or copying orders as to the appointment or qualification of any judge, magistrate, sheriff, treasurer, commissioner of the revenue, or of a deputy of any of them, or of any escheator, supervisor, or of a guardian or conservator, when his bond is in a penalty not exceeding \$1,000.00, or for making or copying orders as to county allowances, or grand juries, and administering the necessary oaths.

B. No clerk shall charge for copying or making for or furnishing to the Department of Corrections or a federal probation officer a certified copy of a criminal judgment order or criminal sentencing order.

C. No clerk shall charge a fee for (i) executing any order of publication under § 17.1-626; (ii) keeping, preserving, and holding available for public inspection judgment records, and making entries in and indexing such judgments, or discharging, or marking satisfied, a lien under §§ 15.2-2604, 15.2-2605 and 15.2-2120; (iii) docketing judgment on forfeited recognizance or bond under § 19.2-147; (iv) making out reports to the Central Criminal Records Exchange under § 19.2-390; (v) recording a lien in the miscellaneous lien book under § 43-42 or § 43-43; or (vi) filing an appraiser's report under § 56-436.

D. No clerk shall charge a fee for (i) recording the reports of special receivers and commissioners as required by § 8.01-617; (ii) copying in the Induction and Discharge Record information obtained from draft boards or recording the discharge papers, or certified copy of such, of a person who has served in the armed forces of the United States; or (iii) receiving any mark of designation under § 59.1-103.

E. No clerk shall charge a fee to an attorney for secure remote access to nonconfidential court records under Article 8 (§ 17.1-292 et seq.) when such attorney is certified by the Virginia Indigent Defense Commission in the jurisdiction served by such clerk, provided that such attorney is currently appointed to represent a defendant in such jurisdiction and agrees to continue accepting appointments in such jurisdiction.

If, after receiving secure remote access for nonconfidential court records, such attorney (i) is found to have abused such privilege of such secure remote access; (ii) is removed from the Virginia Indigent Defense Commission's court-appointed attorney list; or (iii) ceases to accept appointments for representation from the granting court, the clerk may terminate the agreement granting such secure remote access.