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SENATE BILL NO. 408

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact §§ 17.1-267 and 19.2-310.01 of the Code of Virginia, relating to transmission of sentencing documents to the Department of Health Professions and Department of Behavioral Health and Developmental Services.*

Patron—Dunnivant

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:**1. That §§ 17.1-267 and 19.2-310.01 of the Code of Virginia are 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 for copying or making for or furnishing to the Department of Health Professions or Department of Behavioral Health and Developmental Services a certified copy of a criminal judgment order or criminal sentencing order when such documents are requested in accordance with subsection B of § 19.2-310.01.

§ 19.2-310.01. Transmission of sentencing documents.

A. Within ~~thirty~~ 30 days of the receipt of a request from the Department of Corrections for certified copies of sentencing documents for any misdemeanor conviction, the clerk of the court receiving such request shall transmit the requested documents to the Director of the Department of Corrections. In accordance with the provisions of § 17.1-267, the requested documents shall be provided to the Director without the payment of any fee.

B. Within 21 days after a practitioner in the Commonwealth who is registered, certified, or licensed by a health regulatory board or who holds a multistate licensure privilege, or a person licensed by the Department of Behavioral Health and Developmental Services in accordance with § 37.2-404 has been convicted of a felony, crime involving moral turpitude, or crime that occurred during the course of practice for which such practitioner or person is licensed, the attorney for the Commonwealth or his designee shall request, to the extent the attorney for the Commonwealth has knowledge that such practitioner or person is licensed by a health regulatory board or the Department of Behavioral Health and Developmental Services, the clerk of the court to transmit certified copies of sentencing documents to the Director of the Department of Health Professions or to the Director of the Department of Behavioral Health and Developmental Services.

Within 30 days of the receipt of such request from the attorney for the Commonwealth or his designee, the clerk of the court receiving such request shall transmit the requested documents to the Director of the Department of Health Professions or to the Director of the Department of Behavioral Health and Developmental Services. In accordance with the provisions of § 17.1-267, the requested documents shall be provided to such Directors without the payment of any fee.

INTRODUCED

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