

# CODE OF VIRGINIA



Title 42.1  
Libraries

# Title 42.1 - Libraries

## Chapter 1 - STATE LIBRARY AND LIBRARY BOARD

### Article 1 - IN GENERAL

#### § 42.1-1. The Library of Virginia.

The Library of Virginia is hereby declared an educational institution and an institution of learning. The Library of Virginia shall be the library agency of the Commonwealth, the archival agency of the Commonwealth, and the reference library at the seat of government. It shall have the following powers and duties:

(1) [Repealed.]

(2) To accept gifts, bequests and endowments for the purposes which fall within the general legal powers and duties of The Library of Virginia. Unless otherwise specified by the donor or legator, the Library may either expend both the principal and interest of any gift or bequest or may invest such sums as the Board deems advisable, with the consent of the State Treasurer, in securities in which sinking funds may be invested. The Library shall be deemed to be an institution of higher education within the meaning of § [23.1-101](#);

(3) To purchase and maintain a general collection of books, periodicals, newspapers, maps, films, audiovisual materials and other materials for the use of the people of the Commonwealth as a means for the promotion of knowledge within the Commonwealth. The scope of the Library's collections shall be determined by the Library Board on recommendation of the Librarian of Virginia, and, in making these decisions, the Board and Librarian of Virginia shall take into account the book collections of public libraries and libraries at institutions of higher education in the Commonwealth and the availability of such collections to the general public. The Board shall make available for circulation to libraries or to the public such of its materials as it deems advisable;

(4) To give assistance, advice and counsel to other agencies of the Commonwealth maintaining libraries and special reference collections as to the best means of establishing and administering such libraries and collections. It may establish in The Library of Virginia a union catalogue of all books, pamphlets and other materials owned and used for reference purposes by all other agencies of the Commonwealth and of all books, pamphlets and other materials maintained by libraries in the Commonwealth which are of interest to the people of the whole Commonwealth;

(5) To fix reasonable penalties for damage to or failure to return any book, periodical or other material owned by the Library, or for violation of any rule or regulation concerning the use of books, periodicals, and other materials in custody of the Library;

(6) To give direction, assistance and counsel to all libraries in the Commonwealth, to all communities which may propose to establish libraries, and to all persons interested in public libraries, as to means

of establishment and administration of such libraries, selection of books, retrieval systems, cataloging, maintenance, and other details of library management, and to conduct such inspections as are necessary;

(7) To engage in such activities in aid of city, county, town, regional and other public libraries as will serve to develop the library system of the Commonwealth;

(8) To administer and distribute state and federal library funds in accordance with law and its own regulations to the city, county, town and regional libraries of the Commonwealth; and

(9) To enter into contracts with other states or regions or districts for the purpose of providing cooperative library services.

Wherever in this title and the Code of Virginia the terms "State Library" or "Library" appear, they shall mean The Library of Virginia.

Code 1950, § 42-33; 1970, c. 606; 1984, cc. 389, 734; 1986, c. 565; 1987, c. 458; 1994, c. [64](#); 1998, c. [427](#).

#### **§ 42.1-2. The Library of Virginia under direction of Library Board; membership; chairman and vice-chairman; committees and advisory bodies.**

The Library of Virginia shall be directed by a board, consisting of fifteen members, to be appointed by the Governor, which shall be and remain a corporation under the style of "The Library Board," sometimes in this chapter called the Board. Prior to such appointments the Board may submit to the Governor lists of candidates based upon interest and knowledge, geographic representation, participation in community affairs, and concern for the welfare of the Commonwealth. In no case shall the Governor be bound to make any appointment from among the nominees of the Board. The Board shall meet and organize by electing from its number a chairman and vice-chairman. It shall have the power to appoint such committees and advisory bodies as it deems advisable.

Code 1950, § 42-34; 1968, c. 122; 1970, c. 606; 1986, c. 565; 1987, c. 458; 1994, c. [64](#).

##### **§ 42.1-2.1. Executive committee.**

The Board may also provide for an executive committee, composed of not fewer than five Board members, which committee may exercise powers vested in and perform duties imposed upon the Board by this chapter to the extent designated and permitted by the Board.

1986, c. 565.

##### **§ 42.1-3. Terms of office of members of Board; vacancies.**

Members serving on the Board on June 30, 1986, shall continue in their respective terms, and the Governor shall appoint the following additional members: one member for a one-year term, one member for a three-year term, two members for four-year terms, and two members for five-year terms. Thereafter, all appointments shall be for five-year terms beginning on July 1 of the year of appointment, provided that appointments to fill vacancies shall be for the unexpired term.

No person shall be eligible to serve as a member of the Board for more than two successive full terms.

Code 1950, § 42-35; 1968, c. 122; 1970, c. 606; 1986, c. 565.

**§ 42.1-3.1. Authority of Board generally.**

The Board shall be vested with full authority (i) to establish policy concerning what books and other library materials are to be kept, housed, or exhibited by The Library of Virginia; (ii) to enter into agreements with institutions and organizations with purposes similar to its own; (iii) to adopt and amend bylaws; (iv) to charge for such services as deemed proper; and (v) to do such other things as it deems proper to promote education in the realm of history and library and archival science throughout the Commonwealth through The Library of Virginia.

The Board is hereby authorized to sell, grant, and convey or to change the form of investments or control of any funds, securities or other property, provided such action is not inconsistent with the terms of the instrument under which the property may have been acquired.

The Board may confer the honorary degree of patron of letters on any person who has, in its opinion, made an outstanding contribution in the realm of history, or library or archival science.

1986, c. 565; 1994, c. [64](#).

**§ 42.1-4. Repealed.**

Repealed by Acts 1986, c. 565, effective April 7, 1986.

**§ 42.1-5. Expenses of members of Board.**

The members of the Board shall receive no compensation for their services as such; but reasonable expenses incurred as members of the Board in the discharge of their duties shall be paid out of the Library funds.

Code 1950, § 42-37; 1970, c. 606.

**§ 42.1-6. Minutes and records of Board.**

The Board shall keep minutes of all its proceedings, which shall be signed by the chairman and attested by the secretary, and a record of all receipts and disbursements, all of which shall be preserved as public records.

Code 1950, § 42-38; 1970, c. 606.

**§ 42.1-7. Repealed.**

Repealed by Acts 1985, c. 397.

**§ 42.1-8. Rules and regulations.**

The Board shall make rules and regulations, not inconsistent with law, for the government and use of The Library of Virginia, and may by general or special regulation determine what books and other possessions of the Library may not be removed therefrom.

Code 1950, § 42-41; 1970, c. 606; 1994, c. [64](#).

**§ 42.1-9. When Library to be kept open.**

The Library of Virginia shall be kept open for such days and hours each day as may be prescribed for other state agencies at the seat of government. But the Board may, in its discretion, prescribe additional hours in which the Library shall be kept open.

Code 1950, § 42-43; 1970, c. 606; 1994, c. [64](#).

**§ 42.1-10. Acquisition of books and other library matter.**

The Library may from time to time acquire books and other library matter by gift, purchase, exchange or loan. And the Library shall cause to be procured, from time to time, as opportunity may offer, a copy of any book, pamphlet, manuscript, or other library material, relating to the history of Virginia, not now in The Library of Virginia, which can be obtained on reasonable terms.

Code 1950, § 42-44; 1970, c. 606; 1994, c. [64](#).

**§ 42.1-11. Editing and publishing state records and other special matter; list of publications.**

The Board may edit, or cause to be edited, arranged and published, as the funds at its disposal permit, the state records now or hereafter deposited in The Library of Virginia and such other special matter as it deems of sufficient value.

The Board may cause to be printed any manuscript relating to the history of Virginia which has not been published, including such portions of the executive journals and letter books, and of the legislative papers, as the Board may deem proper, and shall cause the papers so to be printed to be arranged for that purpose and preserved for reference; and shall cause the records in the Library pertaining to the various wars in which the Commonwealth has been engaged to be edited, arranged, and published so as to show the service of citizens of the Commonwealth in such wars.

The Library may expend funds to list its publications in appropriate commercial listings.

Code 1950, § 42-45; 1956, c. 169; 1970, c. 606; 1994, c. [64](#).

**§ 42.1-12. Fees for copies made by Library staff.**

The Library may, in its discretion, charge and collect such fees as it may deem reasonable for copies or extracts from any books, papers, records, documents or manuscripts in the Library, made by the Library staff, for persons applying for the same. The Librarian of Virginia shall keep an accurate account of all such fees and pay the same into the general fund of the state treasury.

Code 1950, § 42-46; 1970, c. 606; 1998, c. [427](#).

**Article 2 - STATE LIBRARIAN, ASSISTANTS AND EMPLOYEES**

**§ 42.1-13. Appointment; terms of office; employment; duties.**

The Board shall appoint a librarian, to be known as the Librarian of Virginia, who shall serve at the pleasure of the Board. The Librarian of Virginia shall appoint principal assistants and approve the appointment of other employees. The terms of office and employment of such assistants and employees shall be subject to the personnel regulations of the Commonwealth.

The Librarian of Virginia shall supervise the administration of The Library of Virginia. The Librarian of Virginia shall make requests for appropriations of necessary funds and approve all expenditures of Library funds. Such expenditures shall be made as provided by law.

Code 1950, § 42-48; 1970, c. 606; 1984, c. 444; 1985, c. 397; 1986, c. 565; 1994, c. [64](#); 1996, c. [812](#); 1998, c. [427](#).

#### **§ 42.1-14. Compensation.**

The Librarian of Virginia, assistants and employees shall be paid such salaries from appropriations out of the public treasury as are provided by law.

Code 1950, § 42-49; 1970, c. 606; 1998, c. [427](#).

#### **§ 42.1-15. Duties of Librarian of Virginia.**

The Librarian of Virginia shall have charge of The Library of Virginia. He shall see that the Library is properly kept and that its contents are properly preserved and cared for.

He shall be secretary of the Board, and shall perform all duties belonging to that position. He shall keep a record of all proceedings of the Board and such financial records as are required by the Commonwealth.

Code 1950, § 42-50; 1970, c. 606; 1994, c. [64](#); 1998, c. [427](#).

#### **§ 42.1-15.1. Qualifications required to hold professional librarian position.**

Public libraries serving a political subdivision or subdivisions having a population greater than 15,000 and libraries operated by the Commonwealth or under its authority shall not employ, in the position of librarian or in any other full-time professional librarian position, a person who does not meet the qualifications established by the State Library Board.

A professional librarian position as used in this section is one that requires a knowledge of books and of library technique equivalent to that required for graduation from any accredited library school or one that requires graduation from a school of library science accredited by the American Library Association.

No funds derived from any state aid shall be paid to any person whose employment does not comply with this section.

This section shall not apply to law libraries organized pursuant to Chapter 4 (§ [42.1-60](#) et seq.), libraries in institutions of higher education, or public school libraries.

1988, c. 716; 2004, c. [559](#); 2006, c. [539](#); 2012, c. [296](#).

#### **§ 42.1-16. Bond of Librarian of Virginia.**

The Librarian of Virginia shall be bonded in accordance with § [2.2-1840](#) for the faithful discharge of his duties and the delivery over to his successor of all the property of the Commonwealth in his possession.

Code 1950, § 42-51; 1970, c. 606; 1998, c. [427](#); 2021, Sp. Sess. I, c. [152](#).



**§ 42.1-17. Repealed.**

Repealed by Acts 2006, c. [59](#), cl. 2.

**§ 42.1-18. Exchanges; donation, etc., of duplicate material.**

The Library may arrange for the exchange of the Virginia publications with such states and institutions, the general government and other governments, societies and others, as it sees fit. Publications received on exchange are to become the property of The Library of Virginia, except statute and law books, which shall be placed in the Law Library. The Library may also, when deemed advantageous, donate, exchange or sell any or all duplicate material now or hereafter the property of The Library of Virginia, and other printed material not within the scope of its collections. The Librarian of Virginia shall keep an accurate account of all such sales and pay the money arising therefrom into the general fund of the state treasury.

Code 1950, § 42-56; 1970, c. 606; 1994, c. [64](#); 1998, c. [427](#).

**§§ 42.1-19 through 42.1-19.4. Repealed.**

Repealed by Acts 2006, c. [59](#), cl. 2.

**Article 3 - PUBLIC RECORDS**

**§§ 42.1-20 through 42.1-28. Repealed.**

Repealed by Acts 1976, c. 746.

**Article 3.1 - RETURN OF PUBLIC RECORDS**

**§§ 42.1-29 through 42.1-29.2. Repealed.**

Repealed by Acts 1976, c. 746.

**Article 4 - Historical Material Relating to World War II**

**§ 42.1-30. Repealed.**

Repealed by Acts 2022, c. [355](#).

**§ 42.1-31. Repealed.**

Repealed by Acts 2022, c. [355](#).

**§ 42.1-32. Repealed.**

Repealed by Acts 2022, c. [355](#).

**Article 5 - Networking**

**§ 42.1-32.1. Repealed.**

Repealed by Acts 2022, c. [355](#).

**§ 42.1-32.2. Repealed.**

Repealed by Acts 2022, c. [355](#).

**§ 42.1-32.3. Repealed.**

Repealed by Acts 2022, c. [355](#).

**§ 42.1-32.4. Repealed.**

Repealed by Acts 2022, c. [355](#).

**§ 42.1-32.5. Repealed.**

Repealed by Acts 2022, c. [355](#).

**§ 42.1-32.6. Repealed.**

Repealed by Acts 2022, c. [355](#).

**§ 42.1-32.7. Repealed.**

Repealed by Acts 2003, c. [176](#).

## **Chapter 2 - Local and Regional Libraries**

**§ 42.1-33. Power of local governments to establish and support libraries.**

The governing body of any city, county or town shall have the power to establish a free public library for the use and benefit of its residents. The governing body shall provide sufficient support for the operation of the library by levying a tax therefor, either by special levy or as a fund of the general levy of the city, county or town. The word "support" as used in this chapter shall include but is not limited to, purchase of land for library buildings, purchase or erection of buildings for library purposes, purchase of library books, materials and equipment, compensation of library personnel, and all maintenance expenses for library property and equipment. Funds appropriated or contributed for public library purposes shall constitute a separate fund and shall not be used for any but public library purposes.

1970, c. 606.

**§ 42.1-34. Power of local governments to contract for library service.**

Any city, town or county shall have the power to enter into contracts with adjacent cities, counties, towns, or public institutions of higher education to receive or to provide library service on such terms and conditions as shall be mutually acceptable, or they may contract for a library service with a library not owned by a public corporation but maintained for free public use. The board of trustees of a free public library may enter into contracts with county, city or town school boards and boards of school trustees to provide library service for schools. Any city or county governing body contracting for library service shall, as a part of such contract, have the power to appoint at least one member to the board of trustees or other governing body of the library contracting to provide such service. Any city or county thus contracting for library service shall be entitled to the rights and benefits of regional free library systems established in accordance with the provisions of § [42.1-37](#). The board of trustees or other governing body of any library established under the provisions of § [42.1-33](#) may also, with the approval of and on terms satisfactory to the State Library Board, extend its services to persons in adjacent areas of other states.

1970, c. 606.

**§ 42.1-35. Library boards generally.**



A. The management and control of a free public library system shall be vested in a board of not less than five members or trustees. They shall be appointed by the governing body, chosen from the citizens at large with reference to their fitness for such office. However, one board member or trustee may be a member or an employee of the local governing body. Initially members shall be appointed as follows: one member for a term of one year, one member for a term of two years, one member for a term of three years, and the remaining members for terms of four years; thereafter all members shall be appointed for terms of four years. The governing body of any county or city entitled to representation on a library board of a library system of another jurisdiction pursuant to § [42.1-34](#) shall appoint a member to serve for a term of four years, or until the contract is terminated, whichever is shorter. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A member shall not receive a salary or other compensation for services as a member but necessary expenses actually incurred shall be paid from the library fund. However, the governing body of Fairfax County may pay members of its library board such compensation as it may deem proper. A member of a library board may be removed for misconduct or neglect of duty by the governing body making the appointment. The members shall adopt such bylaws, rules and regulations for their own guidance and for the government of the free public library system as may be expedient. They shall have control of the expenditures of all moneys credited to the library fund. The board shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of such free public library systems or endowments for same.

B. Notwithstanding the provisions of subsection A relating to the terms of library board members, a local governing body may alter the composition of its library board to create staggered terms of service in which approximately the same number of terms expire annually. To achieve this goal, the local governing body shall appoint in any year in which multiple terms expire members for terms of one, two, three, and four years as appropriate. Thereafter, all members shall be appointed for terms of four years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen.

1970, c. 606; 1974, c. 84; 1985, c. 278; 1998, c. [212](#).

#### **§ 42.1-36. Boards not mandatory.**

The formation, creation, or continued existence of boards shall not be considered or construed in any manner as mandatory upon (i) any city or town with a manager; (ii) any county with a county manager, county executive, urban county manager, or urban county executive form of government; (iii) any county that has adopted a charter; or (iv) the Counties of Botetourt, Caroline, Chesterfield, and Shenandoah, by virtue of this chapter.

1970, c. 606; 1978, c. 6; 2002, c. [111](#); 2017, cc. [64](#), [408](#); 2018, cc. [177](#), [213](#); 2022, c. [352](#).

#### **§ 42.1-36.1. Power and duty of library boards and certain governing bodies regarding acceptable Internet use policies.**

A. Every (i) library board established pursuant to § [42.1-35](#) or (ii) governing body of any county, city, or town that, pursuant to § [42.1-36](#), has not established a library board pursuant to § [42.1-35](#) shall establish an acceptable use policy for the Internet designed to (a) prohibit use by library employees and patrons of the library's computer equipment and communications services for sending, receiving, viewing, or downloading illegal material via the Internet, (b) prevent access by library patrons under the age of 18 to material that is harmful to juveniles, and (c) establish appropriate measures to be taken against persons who violate the policy. For libraries established under § [42.1-33](#), the policy shall also require the selection, installation, and activation of, on those computers that are accessible to the public and have Internet access, a technology protection measure to filter or block Internet access through such computers to child pornography as defined in § [18.2-374.1](#), obscenity as defined in § [18.2-372](#), and, with respect to minors, materials deemed harmful to juveniles as defined in § [18.2-390](#). Such policy shall provide that a person authorized by the library board shall disable or otherwise bypass the technology protection measure required by this section at the request of a patron to enable access for bona fide research or other lawful purposes. The policy required by this section shall be posted online; however, if the library does not have a website, the policy shall be available to the public upon request.

The library board or the governing body may include such other terms, conditions, and requirements in the library's policy as it deems appropriate, such as requiring written parental authorization for Internet use by juveniles or differentiating acceptable uses between elementary, middle, and high school students.

B. The library board or the governing body shall take such steps as it deems appropriate to implement and enforce the library's policy, which may include, but are not limited to, (i) the use of software programs designed to block access by (a) library employees and patrons to illegal material, (b) library patrons under the age of 18 to material that is harmful to juveniles, or (c) both; (ii) charging library employees to casually monitor patrons' Internet use; or (iii) installing privacy screens on computers that access the Internet. For libraries established under § [42.1-33](#), the library board or governing body shall direct such libraries to select and install on those computers that are accessible to the public and have Internet access a technology protection measure as required by the policy established pursuant to subsection A. No state funding shall be withheld and no other adverse action taken against a library by the Librarian of Virginia or any other official of state government when the technology protection measure fails, provided that such library promptly has taken reasonable steps to rectify and prevent such failures in the future.

1999, c. [64](#); 2006, c. [474](#); 2007, cc. [470](#), [583](#); 2012, cc. [805](#), [836](#); 2022, c. [355](#).

#### **§ 42.1-37. Establishment of regional library system.**

Two or more political subdivisions, (counties or cities), by action of their governing bodies, may join in establishing and maintaining a regional free library system under the terms of a contract between such political subdivisions; provided, that in the case of established county or city free library systems, the library boards shall agree to such action.

1970, c. 606.

**§ 42.1-38. Agreements to create regional boards.**

Two or more political subdivisions (counties or cities) which have qualified for participation in the state's regional library program, have been recognized as a region by the State Library Board, and have made the minimum local appropriation of funds as may now or hereafter be recommended by the Board, are hereby empowered and authorized to execute contracts with each other to create a regional library board to administer and control the regional library services within the region. Each jurisdiction shall, as a part of such contract, have the power to appoint at least one member to the regional library board.

1970, c. 606.

**§ 42.1-39. Regional library boards generally.**

The members of the board of a regional library system shall be appointed by the respective governing bodies represented. If the board of the regional library system is composed of two or more members from each county, city and town that is a part thereof, then each governing body represented on the board may appoint a member or an employee of the governing body to the board. Such members shall in the beginning draw lots for expiration of terms, to provide for staggered terms of office, and thereafter the appointment shall be for a term of four years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members are regularly chosen. No appointive member shall be eligible to serve more than two successive terms. A member shall not receive a salary or other compensation for services as member, but necessary expenses actually incurred shall be paid from the library fund. A regional board member may be removed for misconduct or neglect of duty by the governing body making the appointment. The board members shall elect officers and adopt such bylaws, rules and regulations for their own guidance and for the government of the regional free library system as may be expedient. They shall have control of the expenditure of all moneys credited to the regional free library fund. The regional board shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of such regional free library system or endowments for same.

1970, c. 606; 1985, c. 278.

**§ 42.1-40. Powers of regional library board.**

The regional library board shall have authority to execute contracts with the State Library Board, with the library boards of the respective jurisdictions, and any and all other agencies for the purpose of administering a public library service within the region, including contracts concerning allocation and expenditure of funds, to the same extent as the library board of any one of the jurisdictions which are parties to the agreement would be so authorized. In addition, to effectuate the purposes of this chapter, a regional library board is empowered to sell the surplus assets, including real estate, of the said regional library board if the net proceeds therefrom are used for public library services within the region.

1970, c. 606; 1986, c. 247.

**§ 42.1-41. Funds and expenses of regional library system.**

The expenses of the regional library system shall be apportioned among the participating political subdivisions on such basis as shall be agreed upon in the contract. The treasurer of the regional library board shall have the custody of the funds of the regional free library system; and the treasurers or other financial officers of the participating jurisdictions shall transfer quarterly to him all moneys collected or appropriated for this purpose in their respective jurisdictions. Such funds shall be expended only for the library service for which the county or city contracted and for no other purpose. The regional library board shall furnish a detailed report of receipts and disbursements of all funds at the regular meeting of the governing body of every participating jurisdiction after the close of the state's fiscal year. It shall make a similar report to The Library of Virginia. The treasurer of the board shall be bonded for an amount to be determined by the board. The board may authorize the treasurer to pay bond premiums from state aid library funds.

1970, c. 606; 1994, c. [64](#).

**§ 42.1-42. Withdrawal from regional library system.**

No county or city participating in a regional library system shall withdraw therefrom without two years' notice to the other participating counties and cities without the consent of such other participating political subdivisions.

1970, c. 606.

**§ 42.1-43. Appropriation for free library or library service conducted by company, society, or organization.**

The governing body of any county, city, or town in which no free public library system as provided in this chapter has been established may appropriate such sums of money as it determines is appropriate for the support and maintenance of any free library or library service operated and conducted in such county, city, or town by a company, society, or association organized under the provisions of Chapter 10 (§ [13.1-801](#) et seq.) of Title 13.1.

1970, c. 606; 2022, c. [355](#).

**§ 42.1-44. Cooperative library system for Henrico and Chesterfield Counties and City of Richmond.**

Notwithstanding the repeal of Title 42, §§ 42-12.1 to 42-12.5 of Chapter 2.1 of former Title 42 are continued in effect and are incorporated into this title by reference.

1970, c. 606.

**§ 42.1-45. Transfer of properties, etc., of public free library to governing body of city in which it is situated.**

The board of directors or trustees of any public free library established pursuant to Chapter 13, Acts of Assembly, 1924, approved February 13, 1924, may lease, convey, or transfer any interest to its properties, real or personal, to the governing body of the political subdivision in which such library be situated in order that such library may become a part of the public library system of such city, subject to

such restrictions and conditions as may be agreed to by such board of directors or trustees and such governing body.

1970, c. 367.

### **Chapter 3 - STATE AND FEDERAL AID**

#### **§ 42.1-46. Library policy of the Commonwealth.**

It is hereby declared to be the policy of the Commonwealth, as a part of its provision of essential service to communities and for public education, to promote the establishment and development of public library service throughout its various political subdivisions.

Code 1950, § 42-23; 1970, c. 606; 2020, c. [54](#).

#### **§ 42.1-47. Grants for development of library service.**

In order to provide state aid in the development of public library service throughout the Commonwealth, the Library Board, in this chapter sometimes called the Board, shall grant from such appropriations as are made for this purpose funds to provide library service.

Code 1950, § 42-24; 1952, c. 494; 1970, c. 606.

#### **§ 42.1-48. Grants to improve standards.**

In order to encourage the maintenance and development of proper standards, including personnel standards, and the combination of libraries or library systems into larger and more economical units of service, grants of state aid from funds available shall be made by the Board to any free public library or library system which qualifies under the standards set by the Board. The grants to each qualifying library or system in each fiscal year shall be as follows:

(a) Forty cents of state aid for every dollar expended, or to be expended, exclusive of state and federal aid, by the political subdivision or subdivisions operating or participating in the library or system. The grant to any county or city shall not exceed \$250,000;

(b) A per capita grant based on the population of the area served and the number of participating counties or cities: Thirty cents per capita for the first 600,000 persons to a library or system serving one city or county, and an additional ten cents per capita for the first 600,000 persons for each additional city or county served. Libraries or systems serving a population in excess of 600,000 shall receive ten cents per capita for the excess; and

(c) A grant of ten dollars per square mile of area served to every library or library system, and an additional grant of twenty dollars per square mile of area served to every library system serving more than one city or county.

The Board may establish procedures for the review and timely adjustment of such grants when the political subdivision or subdivisions operating such library or library system are affected by annexation.

Code 1950, § 42-26; 1952, c. 494; 1958, c. 513; 1960, c. 234; 1970, c. 606; 1978, c. 565; 1989, c. 85; 1990, c. 48.

**§ 42.1-49. Grants to municipal libraries.**

Every qualifying municipal library serving an area containing less than 5,000 population shall receive its proper share, but not less than \$400.

1970, c. 606.

**§ 42.1-50. Limitation of grants; proration of funds.**

The total amount of grants under §§ [42.1-48](#) and [42.1-49](#) shall not exceed the amount expended, exclusive of state and federal aid, by the political subdivision or subdivisions operating the library. If the state appropriations provided for grants under §§ [42.1-48](#) and [42.1-49](#) are not sufficient to meet approved applications, the Library Board shall prorate the available funds in such manner that each application shall receive its proportionate share of each type of grant. Applications must be received prior to June one of each calendar year.

Code 1950, § 42-25; 1952, c. 494; 1958, c. 426; 1970, c. 606.

**§ 42.1-51. Obligations of libraries and systems receiving aid.**

The obligations of the various library systems and libraries receiving state aid, shall consist of establishing and maintaining an organization as approved by the Board, provided that personnel standards of such library systems and libraries shall conform to the provisions of § [42.1-15.1](#). All books and book-mobiles purchased with state aid funds shall, if the Board so determines, become the property of The Library of Virginia in the case of any library system or library which does not meet its obligations as determined by the Board.

Code 1950, § 42-27; 1952, c. 494; 1970, c. 606; 1988, c. 716; 1994, c. [64](#).

**§ 42.1-52. Standards of eligibility for aid; reports on operation of libraries; supervision of services.**

The Board shall establish standards under which library systems and libraries shall be eligible for state aid and may require reports on the operation of all libraries receiving state aid.

As long as funds are available, grants shall be made to the various libraries, library systems or contracting libraries applying for state aid in the order in which they meet the standards established by the Board.

In the event that any library meets the standards of the State Library Board but is unable to conform to § [42.1-15.1](#) relating to the employment of qualified librarians, the Library Board may, under a contractual agreement with such library, provide professional supervision of its services and may grant state aid funds to it in reduced amounts under a uniform plan to be adopted by the State Library Board.

Code 1950, § 42-28; 1960, c. 235; 1970, c. 606; 1988, c. 716.

**§ 42.1-53. Repealed.**

Repealed by Acts 1999, c. [24](#).

**§ 42.1-54. Procedure for purchase of books, materials and equipment and payment on salaries.**

All proposals for books, materials and equipment to be purchased with state aid funds and all proposals for aid in the payment of salaries of certified librarians shall be submitted for approval to The Library of Virginia by the libraries, library systems or contracting libraries applying for state aid, in form prescribed by the Board, and those approved may be ordered by the libraries, library systems or contracting libraries. Payments and disbursements from the funds appropriated for this purpose shall be made by the State Treasurer upon the approval of the duly authorized representative of the Board, to the libraries, library systems or contracting libraries within thirty days of the beginning of each quarter.

Code 1950, § 42-30; 1952, c. 494; 1956, c. 168; 1970, c. 606; 1987, c. 458; 1994, c. [64](#).

**§ 42.1-55. Free service available to all.**

The service of books in library systems and libraries receiving state aid shall be free and shall be made available to all persons living in the county, region, or municipality.

Code 1950, § 42-31; 1970, c. 606.

**§ 42.1-56. Meaning of term "books."**

The term "books" as used in this chapter may be interpreted in the discretion of the Board to mean books, magazines, newspapers, appropriate audiovisual materials and other printed matter.

Code 1950, § 42-32; 1952, c. 494; 1970, c. 606.

**§ 42.1-57. Authority of Library Board to accept and distribute federal funds.**

The Library Board is empowered, subject to approval of the Governor, to accept grants of federal funds for libraries and to allocate such funds to libraries under any plan approved by the Board and the appropriate federal authorities. Such allocations shall not be subject to the restrictions of this chapter.

Code 1950, § 42-32.1; 1964, c. 325; 1970, c. 606; 1972, c. 167.

**§ 42.1-58. Agreements providing for expenditure of federal and matching funds.**

The Library Board and the cities and counties of the Commonwealth are authorized to enter into agreements providing for the supervision of the expenditure of federal funds allocated to such cities and counties and matching funds provided by such political subdivisions. Such agreement shall set forth the standards and conditions with respect to the expenditure of such funds.

Code 1950, § 42-32.2; 1964, c. 324; 1970, c. 606.

**§ 42.1-59. Reserved.**

Reserved.

## **Chapter 4 - Law Libraries**

**§ 42.1-60. State Law Library managed by Supreme Court.**

There shall be a State Law Library at Richmond maintained as at present, which shall be managed by the Supreme Court. The Court shall appoint the librarian and other employees to hold office at the pleasure of the Court.



Code 1950, § 42-13; 1970, c. 606; 1977, c. 397; 2022, c. [355](#).

**§ 42.1-61. Books, etc., constituting State Law Library.**

The State Law Library shall consist of the books, periodicals, audiovisual materials, and other media now in the law library at Richmond, with such additions as may be made thereto.

Code 1950, § 42-14; 1970, c. 606; 2022, c. [355](#).

**§ 42.1-62. Additions to Library.**

The Supreme Court shall, from time to time, make additions to the State Law Library by purchases, and may lease or purchase computer terminals for the purpose of retrieving available legal reference data, with funds at its disposal for these purposes, and may cause books to be transferred from one law library to another. All law books acquired by the Commonwealth by gift, or by exchange, from the United States, or other states and countries, shall be placed in the Library.

Code 1950, § 42-15; 1970, c. 606; 1977, c. 397; 2011, c. [537](#).

**§ 42.1-63. Regulation of State Law Library.**

The Supreme Court shall have the power to make and enforce such rules and orders for the regulation of the State Law Library, and the use thereof, as it determines is appropriate.

Code 1950, § 42-16; 1970, c. 606; 1977, c. 397; 1989, c. 704; 2022, c. [355](#).

**§ 42.1-64. Who may use Library.**

The Governor and other state officers at the seat of government, the Reporter of the Supreme Court, members of the General Assembly and an individual designated by a member of the General Assembly to perform legal research, judges of courts, and practicing attorneys in good standing, and such other persons as the Supreme Court shall designate, shall have the use of the State Law Library, under such rules and regulations as the Court shall make.

Code 1950, § 42-17; 1970, c. 606; 1977, c. 397; 2009, c. [584](#).

**§ 42.1-65. Local law libraries in charge of circuit court clerks; computer research services; expenses.**

A. If the members of the bar practicing in any county or city of the Commonwealth shall procure by voluntary contribution a law library with a value of at least \$500 for the use of the courts held in such county or city, and of the bar practicing therein, it shall be the duty of the circuit court of such county or city to require its clerk to take charge of the law library so contributed and to keep the law library in the courthouse or clerk's office building according to the rules prescribed by the bar and approved by the court. In addition, all or a portion of such law library may be housed in the local public library with the approval of and subject to the management and control of the local public library.

B. If the members of the bars practicing in two or more adjoining counties or cities of the Commonwealth shall jointly procure by voluntary contribution a law library with a value of at least \$500 for the joint use of the courts held in such counties and cities, and of the bars practicing therein, it shall be the joint duty of the circuit courts of such counties and cities to require one of its clerks to take charge

of the law library so contributed and to keep the law library in the most convenient courthouse or clerk's office building according to the rules jointly prescribed by the bars and jointly approved by the courts.

C. Such local and regional law libraries may purchase or lease computer terminals for the purpose of retrieving available legal reference data, and if so, the library rules shall provide for the assessment and collection of fees, which may include use of a flat rate or fee structure, for the use of computer research services other than for official use of the courts, attorneys for the Commonwealth and public defenders and their assistants, and counties and cities serviced by such libraries, which fees shall be sufficient to cover the expenses of such services.

Code 1950, § 42-18; 1962, c. 515; 1970, c. 606; 1977, c. 397; 1989, c. 704; 2009, c. [617](#); 2022, c. [355](#).

**§ 42.1-66. Circuit courts to enforce rules for government of such libraries.**

The observance of the rules so prescribed and approved may be enforced by a circuit court sitting within the area served by the particular local or regional library by such summary process and judgment as shall be provided by such rules.

Code 1950, § 42-19; 1962, c. 515; 1970, c. 606; 1977, c. 397.

**§§ 42.1-67 through 42.1-69. Repealed.**

Repealed by Acts 1977, c. 397.

**§ 42.1-70. Assessment for law library as part of costs in civil actions; contributions from bar associations.**

Any county, city, or town may, through its governing body, assess as part of the costs incident to each civil action filed in the courts located within its boundaries a sum not in excess of \$4.

The imposition of such assessment shall be by ordinance of the governing body, which ordinance may provide for different sums in circuit courts and district courts, and the assessment shall be collected by the clerk of the court in which the action is filed and remitted to the treasurer of such county, city, or town and held by such treasurer subject to disbursements by the governing body for the acquisition of (i) law books, law periodicals and computer legal research services, and computer terminals for offsite placement to maximize access to the law library by the public and (ii) equipment for the establishment, use, and maintenance of a law library that shall be open for the use of the public at hours convenient to the public. In addition to the acquisition of law books, law periodicals and computer legal research services, and equipment, the disbursements may include compensation to be paid to librarians and other necessary staff for the maintenance of such library and acquisition of suitable quarters for such library. The compensation of such librarians and the necessary staff and the cost of suitable quarters for such library shall be fixed by the governing body and paid out of the fund created by the imposition of such assessment of cost. Disbursements may be made to purchase or lease computer terminals for the purpose of retaining such research services. The assessment provided for in this section shall be in addition to all other costs prescribed by law, but shall not apply to any action in which the Commonwealth or any political subdivision thereof or the federal

government is a party and in which the costs are assessed against the Commonwealth or any political subdivision thereof or the federal government. The governing body is authorized to accept contributions to the fund from any bar association.

Any such library established in the County of Wythe shall be located only in a town that is the seat of the county government.

Code 1950, § 42-19.4; 1964, c. 439; 1964, Ex. Sess., c. 26; 1966, c. 225; 1970, c. 606; 1972, c. 343; 1977, c. 397; 1981, c. 48; 1982, c. 607; 1983, cc. 309, 355; 1984, c. 16; 1985, c. 381; 1988, c. 571; 2009, c. [617](#); 2022, c. [355](#).

#### **§ 42.1-71. Establishment of regional law libraries by governing bodies.**

Any two or more adjoining counties or cities assessing costs as provided in § [42.1-70](#) may jointly establish a regional law library, and each such regional library shall be open to the public.

1977, c. 145.

## **Chapter 5 - OFFENSES**

#### **§ 42.1-72. Injuring or destroying books and other property of libraries.**

Any person who willfully, maliciously or wantonly writes upon, injures, defaces, tears, cuts, mutilates, or destroys any book or other library property belonging to or in the custody of any public, county or regional library, The Library of Virginia, other repository of public records, museums or any library or collection belonging to or in the custody of any educational, eleemosynary, benevolent, hereditary, historical library or patriotic institution, organization or society, shall be guilty of a Class 1 misdemeanor.

Code 1950, § 42-20; 1970, c. 606; 1975, c. 318; 1994, c. [64](#).

#### **§ 42.1-73. Concealment of book or other property while on premises of library; removal of book or other property from library.**

Whoever, without authority, with the intention of converting to his own or another's use, willfully conceals a book or other library property, while still on the premises of such library, or willfully or without authority removes any book or other property from any of the above libraries or collections shall be deemed guilty of larceny thereof, and upon conviction thereof shall be punished as provided by law. Proof of the willful concealment of such book or other library property while still on the premises of such library shall be prima facie evidence of intent to commit larceny thereof.

Code 1950, § 42-21; 1970, c. 606; 1975, c. 318.

#### **§ 42.1-73.1. Exemption from liability for arrest of suspected person; electronic article surveillance devices.**

A library or agent or employee of the library causing the arrest of any person pursuant to the provisions of § [42.1-73](#), shall not be held civilly liable for unlawful detention, slander, malicious prosecution, false imprisonment, false arrest, or assault and battery of the person so arrested, whether such arrest takes place on the premises of the library or after close pursuit from such premises by such agent or employee, if, in causing the arrest of such person, the library or agent or employee of the

library had at the time of such arrest probable cause to believe that the person committed willful concealment of books or other library property.

The activation of an electronic article surveillance device as a result of a person exiting the premises or an area within the premises of a library where an electronic article surveillance device is located shall constitute probable cause for the detention of such person by such library or agent or employee of the library, provided that such person is detained only in a reasonable manner and only for such time as is necessary for an inquiry into the circumstances surrounding the activation of the device, and provided that clear and visible notice is posted at each exit and location within the premises where such device is located indicating the presence of an anti-theft device. For purposes of this section, "electronic article surveillance device" means an electronic device designed and operated for the purpose of detecting the removal from the premises or a protected area within such premises, of any specially marked or tagged book or other library property.

1975, c. 318; 1986, c. 33.

#### **§ 42.1-74. Failure to return book or other library property.**

Any person having in his possession any book or other property of any of the above libraries or collections, which he shall fail to return within thirty days after receiving notice in writing from the custodian, shall be guilty of a misdemeanor and punished according to law; provided, however, that if such book should be lost or destroyed, such person may, within thirty days after being so notified, pay to the custodian the value of such book, the value to be determined by the governing board having jurisdiction.

Code 1950, § 42-22; 1970, c. 606.

#### **§ 42.1-74.1. "Book or other library property" defined.**

The terms "book or other library property" as used in this chapter shall include any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, or other documentary, written, or printed material, regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of any library, museum, repository of public or other records institution as specified in [§ 42.1-72](#).

1975, c. 318.

## **Chapter 6 - INTERSTATE LIBRARY COMPACT**

#### **§ 42.1-75. Compact entered into and enacted into law.**

The Interstate Library Compact is enacted into law and entered into by this State in the form substantially as follows:

The contracting states solemnly agree:

Article I

## Policy and Purpose

Because the desire for the services provided by libraries transcends governmental boundaries and can most effectively be satisfied by giving such services to communities and people regardless of jurisdictional lines, it is the policy of the states party to this compact to cooperate and share their responsibilities; to authorize cooperation and sharing with respect to those types of library facilities and services which can be more economically or efficiently developed and maintained on a cooperative basis, and to authorize cooperation and sharing among localities, states and others in providing joint or cooperative library services in areas where the distribution of population or of existing and potential library resources make the provision of library service on an interstate basis the most effective way of providing adequate and efficient service.

## Article II

### Definitions

As used in this compact:

- (a) "Public library agency" means any unit or agency of local or State government operating or having power to operate a library.
- (b) "Private library agency" means any nongovernmental entity which operates or assumes a legal obligation to operate a library.
- (c) "Library agreement" means a contract establishing an interstate library district pursuant to this compact or providing for the joint or cooperative furnishing of library services.

## Article III

### Interstate Library Districts

- (a) Any one or more public library agencies in a party state in cooperation with any public library agency or agencies in one or more other party states may establish and maintain an interstate library district. Subject to the provisions of this compact and any other laws of the party states which pursuant hereto remain applicable, such district may establish, maintain and operate some or all of the library facilities and services for the area concerned in accordance with the terms of a library agreement therefor. Any private library agency or agencies within an interstate library district may cooperate therewith, assume duties, responsibilities and obligations thereto, and receive benefits therefrom as provided in any library agreement to which such agency or agencies become party.
- (b) Within an interstate library district, and as provided by a library agreement, the performance of library functions may be undertaken on a joint or cooperative basis or may be undertaken by means of one or more arrangements between or among public or private library agencies for the extension of library privileges to the use of facilities or services operated or rendered by one or more of the individual library agencies.

(c) If a library agreement provides for joint establishment, maintenance or operation of library facilities or services by an interstate library district, such district shall have power to do any one or more of the following in accordance with such library agreement:

1. Undertake, administer and participate in programs or arrangements for securing, lending or servicing of books and other publications, any other materials suitable to be kept or made available by libraries, library equipment or for the dissemination of information about libraries, the value and significance of particular items therein, and the use thereof.
2. Accept for any of its purposes under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, (conditional or otherwise), from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and receive, utilize and dispose of the same.
3. Operate mobile library units or equipment for the purpose of rendering bookmobile service within the district.
4. Employ professional, technical, clerical and other personnel and fix terms of employment, compensation and other appropriate benefits; and where desirable, provide for the in-service training of such personnel.
5. Sue and be sued in any court of competent jurisdiction.
6. Acquire, hold, and dispose of any real or personal property or any interest or interests therein as may be appropriate to the rendering of library service.
7. Construct, maintain and operate a library, including any appropriate branches thereof.
8. Do such other things as may be incidental to or appropriate for the carrying out of any of the foregoing powers.

#### Article IV

##### Interstate Library Districts, Governing Board

(a) An interstate library district which establishes, maintains or operates any facilities or services in its own right shall have a governing board which shall direct the affairs of the district and act for it in all matters relating to its business. Each participating public library agency in the district shall be represented on the governing board which shall be organized and conduct its business in accordance with provision therefor in the library agreement. But in no event shall a governing board meet less often than twice a year.

(b) Any private library agency or agencies party to a library agreement establishing an interstate library district may be represented on or advise with the governing board of the district in such manner as the library agreement may provide.

#### Article V

##### State Library Agency Cooperation

Any two or more state library agencies of two or more of the party states may undertake and conduct joint or cooperative library programs, render joint or cooperative library services, and enter into and perform arrangements for the cooperative or joint acquisition, use, housing and disposition of items or collections of materials which, by reason of expense, rarity, specialized nature, or infrequency of demand therefor would be appropriate for central collection and shared use. Any such programs, services or arrangements may include provision for the exercise on a cooperative or joint basis of any power exercisable by an interstate library district and an agreement embodying any such program, service or arrangement shall contain provisions covering the subjects detailed in Article VI of this compact for interstate library agreements.

## Article VI

### Library Agreements

(a) In order to provide for any joint or cooperative undertaking pursuant to this compact, public and private library agencies may enter into library agreements. Any agreement executed pursuant to the provisions of this compact shall, as among the parties to the agreement:

1. Detail the specific nature of the services, programs, facilities, arrangements or properties to which it is applicable.
2. Provide for the allocation of costs and other financial responsibilities.
3. Specify the respective rights, duties, obligations and liabilities of the parties.
4. Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriate to the proper effectuation and performance of the agreement.

(b) No public or private library agency shall undertake to exercise itself, or jointly with any other library agency, by means of a library agreement any power prohibited to such agency by the constitution or statutes of its state.

(c) No library agreement shall become effective until filed with the compact administrator of each state involved, and approved in accordance with Article VII of this compact.

## Article VII

### Approval of Library Agreements

(a) Every library agreement made pursuant to this compact shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general of each state in which a public library agency party thereto is situated, who shall determine whether the agreement is in proper form and compatible with the laws of his state. The attorneys general shall approve any agreement submitted to them unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public library agencies concerned the specific respects



in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within ninety days of its submission shall constitute approval thereof.

(b) In the event that a library agreement made pursuant to this compact shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control, and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorneys general pursuant to paragraph (a) of this article. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorneys general.

## Article VIII

### Other Laws Applicable

Nothing in this compact or in any library agreement shall be construed to supersede, alter or otherwise impair any obligation imposed on any library by otherwise applicable law, nor to authorize the transfer or disposition of any property held in trust by a library agency in a manner contrary to the terms of such trust.

## Article IX

### Appropriations and Aid

(a) Any public library agency party to a library agreement may appropriate funds to the interstate library district established thereby in the same manner and to the same extent as to a library wholly maintained by it and, subject to the laws of the state in which such public library agency is situated, may pledge its credit in support of an interstate library district established by the agreement.

(b) Subject to the provisions of the library agreement pursuant to which it functions and the laws of the states in which such district is situated, an interstate library district may claim and receive any state and federal aid which may be available to library agencies.

## Article X

### Compact Administrator

Each state shall designate a compact administrator with whom copies of all library agreements to which his state or any public library agency thereof is party shall be filed. The administrator shall have such other powers as may be conferred upon him by the laws of his state and may consult and cooperate with the compact administrators of other party states and take such steps as may effectuate the purposes of this compact. If the laws of a party state so provide, such state may designate one or more deputy compact administrators in addition to its compact administrator.

## Article XI

### Entry Into Force and Withdrawal

(a) This compact shall enter into force and effect immediately upon its enactment into law by any two states. Thereafter, it shall enter into force and effect as to any other state upon the enactment thereof by such state.

(b) This compact shall continue in force with respect to a party state and remain binding upon such state until six months after such state has given notice to each other party state of the repeal thereof. Such withdrawal shall not be construed to relieve any party to a library agreement entered into pursuant to this compact from any obligation of that agreement prior to the end of its duration as provided therein.

## Article XII

### Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

1970, c. 267.

## Chapter 7 - VIRGINIA PUBLIC RECORDS ACT

### § 42.1-76. Legislative intent; title of chapter.

The General Assembly intends by this chapter to establish a single body of law applicable to all public officers and employees on the subject of public records management and preservation and to ensure that the procedures used to manage and preserve public records will be uniform throughout the Commonwealth.

This chapter may be cited as the Virginia Public Records Act.

1976, c. 746.

### § 42.1-76.1. Notice of Chapter.

Any person elected, reelected, appointed, or reappointed to the governing body of any agency subject to this chapter shall (i) be furnished by the agency or public body's administrator or legal counsel with a copy of this chapter within two weeks following election, reelection, appointment, or reappointment and (ii) read and become familiar with the provisions of this chapter.

2006, c. [60](#).

### § 42.1-77. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Agency" means all boards, commissions, departments, divisions, institutions, and authorities, and parts thereof, of the Commonwealth or its political subdivisions and includes the offices of constitutional officers.

"Archival record" means a public record of continuing and enduring value useful to the citizens of the Commonwealth and necessary to the administrative functions of public agencies in the conduct of services and activities mandated by law that is identified on a Library of Virginia approved records retention and disposition schedule as having sufficient informational value to be permanently maintained by the Commonwealth.

"Archives" means the program administered by The Library of Virginia for the preservation of archival records.

"Board" means the State Library Board.

"Conversion" means the act of moving electronic records to a different format, especially data from an obsolete format to a current format.

"Custodian" means the public official in charge of an office having public records.

"Disaster plan" means the information maintained by an agency that outlines recovery techniques and methods to be followed in case of an emergency that impacts the agency's records.

"Electronic record" means a public record whose creation, storage, and access require the use of an automated system or device. Ownership of the hardware, software, or media used to create, store, or access the electronic record has no bearing on a determination of whether such record is a public record.

"Essential public record" means records that are required for recovery and reconstruction of any agency to enable it to resume its core operations and functions and to protect the rights and interests of persons.

"Librarian of Virginia" means the State Librarian of Virginia or his designated representative.

"Lifecycle" means the creation, use, maintenance, and disposition of a public record.

"Migration" means the act of moving electronic records from one information system or medium to another to ensure continued access to the records while maintaining the records' authenticity, integrity, reliability, and usability.

"Original record" means the first generation of the information and is the preferred version of a record. Archival records should to the maximum extent possible be original records.

"Preservation" means the processes and operations involved in ensuring the technical and intellectual survival of authentic records through time.

"Public official" means all persons holding any office created by the Constitution of Virginia or by any act of the General Assembly, the Governor and all other officers of the executive branch of the state

government, and all other officers, heads, presidents, or chairmen of boards, commissions, departments, and agencies of the state government or its political subdivisions.

"Public record" or "record" means recorded information that documents a transaction or activity by or with any public officer, agency, or employee of an agency. Regardless of physical form or characteristic, the recorded information is a "public record" if it is produced, collected, received, or retained in pursuance of law or in connection with the transaction of public business. The medium upon which such information is recorded has no bearing on the determination of whether the recording is a "public record."

For purposes of this chapter, "public record" does not include (i) nonrecord materials, meaning materials made or acquired and preserved solely for reference use or exhibition purposes, extra copies of documents preserved only for convenience or reference, or stocks of publications or (ii) records that are not related to or affect the carrying out of the constitutional, statutory, or other official ceremonial duties of a public official, including the correspondence, diaries, journals, or notes that are not prepared for, utilized for, circulated, or communicated in the course of the transaction of public business.

"Records retention and disposition schedule" means a Library of Virginia-approved timetable stating the required retention period and disposition action of a records series. The administrative, fiscal, historical, and legal value of a public record shall be considered in appraising its appropriate retention schedule. The terms "administrative," "fiscal," "historical," and "legal" value shall be defined as:

1. "Administrative value": Records shall be deemed of administrative value if they have continuing utility in the operation of an agency.
2. "Fiscal value": Records shall be deemed of fiscal value if they are needed to document and verify financial authorizations, obligations, and transactions.
3. "Historical value": Records shall be deemed of historical value if they contain unique information, regardless of age, that provides understanding of some aspect of the government and promotes the development of an informed and enlightened citizenry.
4. "Legal value": Records shall be deemed of legal value if they document actions taken in the protection and proving of legal or civil rights and obligations of individuals and agencies.

1976, c. 746; 1977, c. 501; 1981, c. 637; 1987, c. 217; 1990, c. 778; 1994, cc. [390](#), [955](#); 1998, cc. [427](#), [470](#); 2005, c. [787](#); 2006, c. [60](#); 2022, c. [355](#).

#### **§ 42.1-78. Confidentiality safeguarded.**

Any records made confidential by law shall be so treated. Records that by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this chapter. Records in the custody of The Library of Virginia that are required to be closed to the public shall be open for public access 75 years after the date of creation of the record. No provision of this chapter shall be construed to authorize or require the opening of any records ordered to be sealed by a court; however, upon a petition filed with the clerk, a judge may enter an order releasing any record

sealed prior to January 1, 1901. Medical and educational records made confidential by law shall remain so after being deposited in the archives. All records deposited in the archives that are not made confidential by law shall be open to public access.

1976, c. 746; 1979, c. 110; 1990, c. 778; 1994, c. [64](#); 2006, c. [60](#); 2020, c. [773](#); 2023, cc. [126](#), [127](#).

#### **§ 42.1-79. Records management function vested in The Library of Virginia.**

A. The archival and records management function shall be vested in The Library of Virginia. The Library of Virginia shall be the official custodian and trustee for the Commonwealth of all public records of whatever kind, and regardless of physical form or characteristics, that are transferred to it from any agency. As the Commonwealth's official repository of public records, The Library of Virginia shall assume ownership and administrative control of such records on behalf of the Commonwealth. The Library of Virginia shall own and operate any equipment necessary to manage and retain control of electronic archival records in its custody, but may, at its discretion, contract with third-party entities to provide any or all services related to managing archival records on equipment owned by the contractor, by other third parties, or by The Library of Virginia.

B. The Librarian of Virginia shall name a State Archivist who shall perform such functions as the Librarian of Virginia assigns.

C. Whenever legislation affecting public records management and preservation is under consideration, The Library of Virginia shall review the proposal and advise the General Assembly on the effects of its proposed implementation.

1976, c. 746; 1986, c. 565; 1990, c. 778; 1994, c. [64](#); 1998, c. [427](#); 2005, c. [787](#); 2006, c. [60](#).

#### **§ 42.1-79.1. Repealed.**

Repealed by Acts 2005, c. [787](#), cl. 2.

#### **§§ 42.1-80, 42.1-81. Repealed.**

Repealed by Acts 2003, c. [177](#).

#### **§ 42.1-82. Duties and powers of Library Board.**

A. The State Library Board shall:

1. Issue regulations concerning procedures for the disposal, physical destruction or other disposition of public records containing social security numbers. The procedures shall include all reasonable steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social security numbers in those records to make them unreadable or undecipherable by any means.
2. Issue regulations and guidelines designed to facilitate the creation, preservation, storage, filing, reformatting, management, and destruction of public records by agencies. Such regulations shall mandate procedures for records management and include recommendations for the creation, retention, disposal, or other disposition of public records.

B. The State Library Board may establish advisory committees composed of persons with expertise in the matters under consideration to assist the Library Board in developing regulations and guidelines.

1976, c. 746; 1977, c. 501; 1981, c. 637; 1990, c. 778; 1994, cc. [64](#), [955](#); 2003, cc. [914](#), [918](#); 2005, c. [787](#); 2006, c. [60](#).

**§ 42.1-83. Repealed.**

Repealed by Acts 2006, c. [60](#), cl. 2.

**§ 42.1-84. Repealed.**

Repealed by Acts 2005, c. [787](#), cl. 2.

**§ 42.1-85. Records Management Program; agencies to cooperate; agencies to designate records officer.**

A. The Library of Virginia shall administer a records management program for the application of efficient and economical methods for managing the lifecycle of public records consistent with regulations and guidelines promulgated by the State Library Board, including operation of a records center or centers. The Library of Virginia shall establish procedures and techniques for the effective management of public records, make continuing surveys of records and records keeping practices, and recommend improvements in current records management practices, including the use of space, equipment, software, and supplies employed in creating, maintaining, and servicing records.

B. Any agency with public records shall cooperate with The Library of Virginia in conducting surveys. Each agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of such agency. The agency shall be responsible for ensuring that its public records are preserved, maintained, and accessible throughout their lifecycle, including converting and migrating electronic records as often as necessary so that information is not lost due to hardware, software, or media obsolescence or deterioration. Any public official who converts or migrates an electronic record shall ensure that it is an accurate copy of the original record. The converted or migrated record shall have the force of the original.

C. Each state agency and political subdivision of this Commonwealth shall designate as many as appropriate, but at least one, records officer to serve as a liaison to The Library of Virginia for the purposes of implementing and overseeing a records management program, and coordinating legal disposition, including destruction, of obsolete records. Designation of state agency records officers shall be by the respective agency head. Designation of a records officer for political subdivisions shall be by the governing body or chief administrative official of the political subdivision. Each entity responsible for designating a records officer shall provide The Library of Virginia with the name and contact information of the designated records officer, and shall ensure that such information is updated in a timely manner in the event of any changes.

D. The Library of Virginia shall develop and make available training and education opportunities concerning the requirements of and compliance with this chapter for records officers in the Commonwealth.

1976, c. 746; 1990, c. 778; 1994, c. [64](#); 1998, c. [427](#); 2006, c. [60](#).

**§ 42.1-86. Essential public records; security recovery copies; disaster plans.**

A. In cooperation with the head of each agency, The Library of Virginia shall establish and maintain a program for the selection and preservation of essential public records. The program shall provide for preserving, classifying, arranging, and indexing essential public records so that such records are made available to the public. The program shall provide for making recovery copies or designate as recovery copies existing copies of such essential public records.

B. Recovery copies shall meet quality standards established by The Library of Virginia and shall be made by a process that accurately reproduces the record and forms a durable medium. A recovery copy may also be made by creating a paper or electronic copy of an original electronic record. Recovery copies shall have the same force and effect for all purposes as the original record and shall be as admissible in evidence as the original record whether the original record is in existence or not. Recovery copies shall be preserved in the place and manner prescribed by the State Library Board and the Governor.

C. The Library of Virginia shall develop a plan to ensure preservation of public records in the event of disaster or emergency as defined in § [44-146.16](#). This plan shall be coordinated with the Department of Emergency Management and copies shall be distributed to all agency heads. The plan shall be reviewed and updated at least once every five years. The personnel of the Library shall be responsible for coordinating emergency recovery operations when public records are affected. Each agency shall ensure that a plan for the protection and recovery of public records is included in its comprehensive disaster plan.

1976, c. 746; 1980, c. 365; 1990, c. 778; 1994, c. [64](#); 1998, c. [427](#); 2005, c. [787](#); 2006, c. [60](#).

#### **§ 42.1-86.01. Records may be retained in electronic medium.**

Notwithstanding any provision of law requiring a public record to be retained in a tangible medium, an agency may retain any public record in an electronic medium, provided that the record remains accessible for the duration of its retention schedule and meets all other requirements of this chapter. Nothing herein shall affect any law governing the retention of exhibits received into evidence in a criminal case in any court.

2018, c. [252](#).

#### **§ 42.1-86.1. Disposition of public records.**

A. No agency shall sell or give away public records. No agency shall destroy or discard a public record unless (i) the record appears on a records retention and disposition schedule approved pursuant to § [42.1-82](#) and the record's retention period has expired; (ii) a certificate of records destruction, as designated by the Librarian of Virginia, has been properly completed and approved by the agency's designated records officer; and (iii) there is no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.), or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series. After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia.



B. No agency shall destroy any public record created before 1912 without first offering it to The Library of Virginia.

C. Each agency shall ensure that records created after July 1, 2006 and authorized to be destroyed or discarded in accordance with subsection A, are destroyed or discarded in a timely manner in accordance with the provisions of this chapter; provided, however, such records that contain identifying information as defined in clauses (iii) through (ix), or clause (xii) of subsection C of § [18.2-186.3](#), shall be destroyed within six months of the expiration of the records retention period.

1990, c. 778; 1998, c. [427](#); 2005, c. [787](#); 2006, cc. [60](#), [909](#).

#### **§ 42.1-87. Archival public records.**

A. Custodians of archival public records shall keep them in fire-resistant, environmentally controlled, physically secure rooms designed to ensure proper preservation and in such arrangement as to be easily accessible. Current public records should be kept in the buildings in which they are ordinarily used. It shall be the duty of each agency to consult with The Library of Virginia to determine the best manner in which to store long-term or archival electronic records. In entering into a contract with a third-party storage provider for the storage of public records, an agency shall require the third-party to cooperate with The Library of Virginia in complying with rules and regulations promulgated by the Board.

B. Public records deemed unnecessary for the transaction of the business of any state agency, yet deemed to be of archival value, may be transferred with the consent of the Librarian of Virginia to the custody of the Library of Virginia.

C. Public records deemed unnecessary for the transaction of the business of any county, city, or town, yet deemed to be of archival value, shall be stored either in The Library of Virginia or in the locality, at the decision of the local officials responsible for maintaining public records. Archival public records shall be returned to the locality upon the written request of the local officials responsible for maintaining local public records. Microfilm shall be stored in The Library of Virginia but the use thereof shall be subject to the control of the local officials responsible for maintaining local public records.

D. Record books deemed archival should be copied or repaired, renovated or rebound if worn, mutilated, damaged or difficult to read. Whenever the public records of any public official are in need of repair, restoration or rebinding, a judge of the court of record or the head of such agency or political subdivision of the Commonwealth may authorize that the records in need of repair be removed from the building or office in which such records are ordinarily kept, for the length of time necessary to repair, restore or rebind them, provided such restoration and rebinding preserves the records without loss or damage to them. Before any restoration or repair work is initiated, a treatment proposal from the contractor shall be submitted and reviewed in consultation with The Library of Virginia. Any public official who causes a record book to be copied shall attest it and shall certify an oath that it is an accurate copy of the original book. The copy shall then have the force of the original.

E. Nothing in this chapter shall be construed to divest agency heads of the authority to determine the nature and form of the records required in the administration of their several departments or to compel the removal of records deemed necessary by them in the performance of their statutory duty.

1976, c. 746; 1994, cc. [64](#), [955](#); 2005, c. [787](#); 2006, c. [60](#).

**§ 42.1-88. Custodians to deliver all records at expiration of term; penalty for noncompliance.**

Any custodian of any public records shall, at the expiration of his term of office, appointment or employment, deliver to his successor, or, if there be none, to The Library of Virginia, all books, writings, letters, documents, public records, or other information, recorded on any medium kept or received by him in the transaction of his official business; and any such person who shall refuse or neglect for a period of ten days after a request is made in writing by the successor or Librarian of Virginia to deliver the public records as herein required shall be guilty of a Class 3 misdemeanor.

1976, c. 746; 1994, c. [64](#); 1998, c. [427](#).

**§ 42.1-89. Petition and court order for return of public records not in authorized possession.**

The Librarian of Virginia or his designated representative such as the State Archivist or any public official who is the custodian of public records in the possession of a person or agency not authorized by the custodian or by law to possess such public records shall petition the circuit court in the city or county in which the person holding such records resides or in which the materials in issue, or any part thereof, are located for the return of such records. The court shall order such public records be delivered to the petitioner upon finding that the materials in issue are public records and that such public records are in the possession of a person not authorized by the custodian of the public records or by law to possess such public records. If the order of delivery does not receive compliance, the plaintiff shall request that the court enforce such order through its contempt power and procedures.

1975, c. 180; 1976, c. 746; 1998, c. [427](#).

**§ 42.1-90. Seizure of public records not in authorized possession.**

A. At any time after the filing of the petition set out in § [42.1-89](#) or contemporaneous with such filing, the person seeking the return of the public records may by ex parte petition request the judge or the court in which the action was filed to issue an order directed at the sheriff or other proper officer, as the case may be, commanding him to seize the materials which are the subject of the action and deliver the same to the court under the circumstances hereinafter set forth.

B. The judge aforesaid shall issue an order of seizure upon receipt of an affidavit from the petitioner which alleges that the material at issue may be sold, secreted, removed out of this Commonwealth or otherwise disposed of so as not to be forthcoming to answer the final judgment of the court respecting the same; or that such property may be destroyed or materially damaged or injured if permitted to remain out of the petitioner's possession.

C. The aforementioned order of seizure shall issue without notice to the respondent and without the posting of any bond or other security by the petitioner.

1975, c. 180; 1976, c. 746.

### **§ 42.1-90.1. Auditing.**

The Librarian may, in his discretion, conduct an audit of the records management practices of any agency. Any agency subject to the audit shall cooperate and provide the Library with any records or assistance that it requests. The Librarian shall compile a written summary of the findings of the audit and any actions necessary to bring the agency into compliance with this chapter. The summary shall be a public record, and shall be made available to the agency subject to the audit, the Governor, and the chairmen of the House and Senate Committees on General Laws, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations of the General Assembly.

2006, c. [60](#).

### **§ 42.1-91. Repealed.**

Repealed by Acts 2006, c. [60](#), cl. 2.

### **§ 42.1-91.1. Availability of public records created prior to January 1, 1901.**

Notwithstanding any provisions of a previously executed contract with any department, agency, or institution of the Commonwealth or political subdivision, any individual or private entity lawfully in possession of public records created prior to January 1, 1901, or images of such records may display or publish such records in any format, including in an electronic database or on the Internet, without paying a fee to or requesting permission from the original custodian of such records.

2020, c. [773](#).

## **Chapter 8 - State Publications Depository Program**

### **§ 42.1-92. Short title; policy.**

A. This chapter may be cited as the "State Publications Depository Program."

B. By enacting this chapter, the General Assembly recognizes that an informed citizenry is indispensable to the proper functioning of a democratic society. In order to remain informed, citizens must know about the activities of their government and benefit from information developed at public expense. Through the administration of the State Publications Depository Program, citizens will be ensured continued access to state publications, regardless of geographical location in the Commonwealth. This chapter shall be enacted to ensure that The Library of Virginia, as the official repository of state publications for the Commonwealth, is able to provide continued access to all state government publications, regardless of physical form or characteristics, and to prescribe conditions for the collection and preservation of state publications throughout the Commonwealth. Nothing in this chapter shall be construed to alter or diminish the responsibilities of public bodies with respect to public records under the Virginia Freedom of Information Act (§ [2.2-3700](#) et seq.) or the Virginia Public Records Act (§ [42.1-76](#) et seq.).

2006, c. [59](#).

### **§ 42.1-93. Definitions.**

As used in this chapter:

"Local or regional agency" means all political subdivisions, including counties, cities, and towns, and other governmental agencies in the Commonwealth, other than state agencies.

"Publication" means all documents, regardless of physical form or characteristics and issued by or for a state, local, or regional agency, in full or in part at government expense, that are created for the research or informational use of the public. "Publication" shall not include documents that are developed solely for the agency's administrative and internal operations.

"State agency" means every agency, institution, collegial body, or other state governmental entity of any branch of government.

2006, c. [59](#).

#### **§ 42.1-94. Duties of Librarian of Virginia; agencies to cooperate.**

A. The Library of Virginia shall establish and administer the State Publications Depository Program for the collection and dissemination of publications to the libraries designated by The Library of Virginia as depository libraries, consistent with the rules, regulations, or standards promulgated by the State Library Board, which shall include guidance in determining which documents are publications for purposes of the State Publications Depository Program.

B. Pursuant to § [2.2-609](#), state agencies shall furnish or otherwise make available publications or publication information designated by The Library of Virginia in the administration of the State Publications Depository Program.

C. Upon request, local and regional agencies shall provide to The Library of Virginia, free of charge, copies of specifically requested publications. The number of copies required for each requested printed publication shall not exceed two copies.

2006, c. [59](#).

#### **§ 42.1-95. Catalog.**

A. The Librarian of Virginia shall prepare, publish, and make available annually a catalog of publications produced by state agencies. Each such publication shall be indexed by subject, author, issuing agency, and the format of the publication. The date of publication of each listed publication shall be noted in the catalog. To the extent such information is available, the catalog shall set forth the price charged, if any, of each publication and how and where the same may be obtained.

B. Pursuant to § [2.2-609](#), state agencies shall provide information requested by The Library of Virginia to assist in the preparation of the catalog.

2006, c. [59](#).

#### **§ 42.1-96. Distribution of catalog.**

The catalog shall be made available without cost to persons indicating a continued interest in such catalog. Copies sent out of state shall be on an exchange basis or at a price sufficient to equal the unit cost of printing and mailing; complimentary copies may be made available by the Librarian of Virginia.

A copy of the catalog shall be available at the libraries designated by The Library of Virginia as depository libraries for public inspection and use.

2006, c. [59](#).

**§ 42.1-97. Annual report.**

The Librarian of Virginia shall report annually to the Governor and the chairmen of the House and Senate Committees on General Laws, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations of the General Assembly, indicating which, if any, state agencies did not furnish or otherwise make available copies of their publications or other information required under this chapter, and which, if any, local or regional agencies did not provide access to publications upon request. Such report shall be filed no later than November 1 of each year.

2006, c. [59](#).