

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**Engrossed**

**Committee Substitute**

**for**

**Senate Bill 265**

BY SENATORS BLAIR AND SNYDER

[Originating in the Committee on the Judiciary;

reported on February 2, 2016.]



1 A BILL to amend and reenact §10-1-22 of the Code of West Virginia, 1931, as amended, relating  
2 to confidentiality of certain library records; and clarifying that unpaid library volunteers may  
3 have necessary access to user records.

*Be it enacted by the Legislature of West Virginia:*

1 That §10-1-22 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 1. PUBLIC LIBRARIES.**

**§10-1-22. Confidential nature of certain library records.**

1 (a) Circulation and similar records of any public library in this state which identify the user  
2 of library materials are not public records but shall be confidential and may not be disclosed  
3 except:

4 (1) To members of the library staff in the ordinary course of business, including paid  
5 employees and unpaid volunteers upon completing a written confidentiality agreement outlining  
6 the terms of this subsection and obtaining written permission from the library director of the library  
7 system wherein he or she will be working;

8 (2) Upon written consent of the user of the library materials or the user's parents or  
9 guardian if the user is a minor or ward; or

10 (3) Upon appropriate court order or subpoena.

11 (b) Any disclosure authorized by subsection (a) of this section or any unauthorized  
12 disclosure of materials made confidential by that subsection (a) does not in any way destroy the  
13 confidential nature of that material, except for the purpose for which an authorized disclosure is  
14 made. A person disclosing material as authorized by subsection (a) of this section is not liable  
15 therefor.