


Commonwealth of Virginia		
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Andrew Kubincanek, Program Coordinator		
Administrative Law Advisory Committee		

## Administrative Law Advisory Committee

### 2017 Appointments

#### Committee Member

#### Term Expiration

Mike Quinan - *Christian and Barton*

12/2016

**Mike Quinan** - Mike Quinan practices principally in the areas of business litigation, administrative law, and public utility regulation. He regularly handles cases at the Virginia State Corporation Commission and other state agencies, as well as in state and federal courts throughout the Commonwealth, and he maintains a wide range of expertise in regulatory matters. He serves as general counsel to the Virginia Bar Association, formerly served as the firm's managing partner, and has presented continuing legal education seminars statewide on issues relating to litigation, practice management, and law office technology.

Paul Kugelman - *OAG*

New Member

**Paul Kugelman** - Paul Kugelman has worked for the Office of the Attorney General for nearly 14 years and has chaired its APA Committee for about three years. He has been intimately involved in the office's review of APA bills and is the office's regulatory coordinator. He has represented the Virginia Marine Resources Commission, the Department of Game and Inland Fisheries, and the Commonwealth's 47 soil and water conservation districts, and currently represents the Department of Mines, Minerals and Energy, which includes advising the leadership of the Department and interacting with state and federal agencies. He is an advocacy instructor with the U.S. Office of Surface Mining's National Training Program, teaching on evidence preparation and testimony for APA matters and expert testimony in APA matters. He has chaired the Richmond Bar Association's Energy and Environmental Law Section for the past two and a half years and taught three continuing legal education courses on the Virginia APA.

Thomas A. Lisk, Chair  
Roger L. Chaffe  
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Edward A. Mullen  
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Mike Quinan  
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Brooks Smith  
Kristi Wright

## **THE EFFECT OF THE 1998 REVISION OF TITLE 17 ON PROVISIONS "NOT SET OUT" IN TITLE 17 OF THE CODE OF VIRGINIA**

### **HISTORY OF THE REVISION OF TITLE 17**

In 1997, the Virginia Code Commission (Commission) voted to revise Titles 14.1 (Costs, Fees, Salaries and Allowances) and 17 (Courts of Record) of the Code of Virginia. As expressed in the Commission's final report, the impetus for the revision was the desire to distribute the sections collected in Title 14.1 dealing with disparate subjects such as court fees and salaries of state and local officials to other parts of the Code more logically associated with the provisions in question.

Because Title 14.1 covered such diverse areas of the law of costs, fees, salaries and allowances as salaries of state and local officials, fees collected by courts, and distribution of law-enforcement funds, the Commission decided to retire Title 14.1 and distribute the various Code provisions into the more appropriate titles of the Code. Many of these provisions have been moved into new Title 17.1. The remainder appear as new language predominantly in Title 2.1 and Title 15.2.

*Recodification of Titles 14.1 and 17 of the Code of Virginia* (Jan. 1998), H. Doc. No. 87.

A bill to enact the Commission's recommended revisions was introduced in the 1998 Session of the General Assembly. The bill was enacted in substantially the same form as it was introduced with the only differences stemming from 13 relatively minor amendments from the Governor. 1998 Acts ch. 872.

### **"NOT SET OUT" PROVISIONS OF TITLE 17**

At the time of the revision in 1998, Title 17 contained 10 sections that were designated "not set out" because, in the judgment of the Commission, these sections did not have general and permanent application but were limited in their scope and purpose. These sections consisted of the following: Va. Code §§ 17-117.1, 17-118.1, 17-125, 17-126, 17-126.1, 17-126.2, 17-126.3, 17-126.4, 17-126.5, and 17-126.6.

Nine of these sections were set out in the Code until the Commission requested in 1988 that the publisher of the Code designate these sections as "not set out."<sup>1</sup> Letter from John A. Banks, Jr., Secretary, Virginia Code Commission, to Peter R. Roane, Senior Editor, The Michie Company (May 20, 1988). The full text of these sections was removed from the Code in the 1988 replacement volume containing Title 17 and replaced with the designation "not set out" and

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<sup>1</sup> Va. Code § 17-126.6, enacted in 1984, was never set out in the Code.

a brief description of each section. Eight of these sections provided for concurrent jurisdiction, concurrent venue, or both, for certain courts in specific counties and cities. With regard to the remaining two sections not set out in Title 17, Va. Code § 17-117.1 provided for the creation of a corporation court in the City of Martinsville and Va. Code § 17-118.1 related to the election and duties of circuit court clerks in certain cities. At the time of the 1998 revision, Va. Code §§ 17-117.1 and 17-118.1 had been rendered obsolete.

## **EFFECT OF 1998 TITLE REVISION**

The Act of Assembly enacting the revision of Title 17 contained two repeal clauses, set out as the tenth and eleventh enactment clauses in the Act. The first of the two repeal clauses (the tenth enactment clause) dealt generally with the repeal of Titles 14.1 and 17, stating that "Title 14.1 (§§ 14.1-1 through 14.1-201) and Title 17 (§§ 17-1 through 17-238) of the Code of Virginia are repealed." 1998 Acts ch. 872.

The second repeal clause (the eleventh enactment clause) expressly repealed certain sections not set out in Title 17, specifically Va. Code §§ 17-117.1 and 17-118.1, while omitting the other eight sections also not set out in that title.

11. That Chapter 71 of the 1966 Acts of Assembly (carried by reference as § 17-117.1), and Chapter 83 of the 1954 Acts of Assembly (carried by reference as 17-118.1) as amended by Chapter 346 of the 1956 Acts of Assembly are repealed.

1998 Acts ch. 872.

Taken alone, the first repeal clause would seem to repeal all the provisions of Title 17 within the range specified, including those not set out. However, the provisions of the second repeal clause clearly preclude this interpretation. If the first repeal clause was intended to be inclusive of all sections in Title 17, including those sections that were not set out, then the second repeal clause would have been wholly unnecessary to accomplish the repeal of Va. Code §§ 17-117.1 and 17-118.1, as those sections are obviously within the range of Title 17 sections set forth in the first repeal clause. Thus, an interpretation that the first repeal clause served to repeal all sections not set out in Title 17 would be in direct contravention of one of the bedrock canons of statutory construction, i.e., that effect must be given to all words used in a statute by the General Assembly. *See, e.g., Commonwealth v. Squire*, 278 Va. 746, 752, 685 S.E.2d 631, 634 (2009) ("We do not consider actions of the General Assembly to be superfluous; instead, we seek to provide meaning to all the words of a statute.").<sup>2</sup>

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<sup>2</sup> Further support that there was no intent to repeal the sections not set out in Title 17 that were not specifically repealed by the eleventh enactment clause is readily apparent from the provisions of the sixth enactment clause. This clause served as a savings clause providing that acts committed and proceedings pending on the effective date of Chapter 872 were not affected by the repeal of Titles 14.1 and 17. When listing the repealed provisions of Title 17,

The canons of statutory construction apply to all statutes, including those that repeal other statutes. As the Supreme Court of Virginia has noted, even legislation containing an express repeal may not be given effect if the legislative intent is clear that no such repeal was intended.

A statute purporting to repeal other statutes is subject to the same rules of interpretation as other enactments, and the legislative intent will prevail over a *literal* interpretation. Even words of absolute repeal may be qualified by the intention manifested in other parts of the same act; and, according to some authorities, *an express declaration that a particular statute is repealed will not be given effect, where it is apparent that the legislature did not so intend \* \* \*.*"

*Mandell v. Haddon*, 202 Va. 979, 984-85, 121 S.E.2d 516, 521 (1961) (quoting 82 C.J.S. *Statutes* § 282) (alteration in original).

Thus, despite the inclusive language used in the tenth enactment clause, it is evident from the presence of the two repeal clauses that the legislative intent was not to repeal all 10 sections not set out in Title 17, but only those two specifically included in the eleventh enactment clause. The fact that the remaining eight sections not set out were not carried forward into Title 17.1 does not serve to vitiate the intent of the General Assembly not to repeal these sections, as it is the language of the Acts of Assembly that constitutes the law of Virginia, not the Code. *See Eberhardt v. Fairfax Cnty. Emps. Ret. Sys.*, 283 Va. 190, 194, 721 S.E.2d 524, 526 (2012) ("However, while the Code of Virginia is often regarded as the complete statutory law of the Commonwealth, that is not the case. . . . Simply put, the language of the Acts of Assembly is the plain language of the statute.").

It is equally evident from the Commission's report that Va. Code §§ 17-125, 17-126, 17-126.1, 17-126.2, 17-126.3, 17-126.4, 17-126.5, and 17-126.6 were not to be repealed as part of the revision of Titles 14.1 and 17.<sup>3</sup> The table contained in the Commission's report entitled "Comparable Sections of Titles 17 and 17.1" clearly distinguishes between the intended fate of these eight sections and that of Va. Code §§ 17-117.1 and 17-118.1.

OLD SECTION	NEW SECTION
...	
§ 17-117.1	Not set out - repeal
...	
§ 17-118.1	Not set out - repeal

the sixth enactment clause omits the eight sections not set out in Title 17.1, referring only to "§§ 17-1 through 17-124 and 17-127.21 through 17-238." 1998 Acts ch. 872.

<sup>3</sup> The Commission's report is "persuasive authority" of the underlying legislative intent. *REVI, LLC v. Chicago Title Ins. Co.*, 290 Va. 203, 212, 776 S.E.2d 808, 813 (2015).

...	
§ 17-125	Not set out
§ 17-126	Not set out
§ 17-126.1	Not set out
§ 17-126.2	Not set out
§ 17-126.3	Not set out
§ 17-126.4	Not set out
§ 17-126.5	Not set out
§ 17-126.6	Not set out

*Recodification of Titles 14.1 and 17 of the Code of Virginia* (Jan. 1998), H. Doc. No. 87.

The Commission's report also includes a table entitled "Comparable Sections of Title 17 - Repealed Sections" that contains the same designations for all 10 sections not set out in Title 17.

§ 17-117.1	Not set out - Repeal
§ 17-118.1	Not set out - Repeal
§ 17-125	Not set out
§ 17-126	Not set out
§ 17-126.1	Not set out
§ 17-126.2	Not set out
§ 17-126.3	Not set out
§ 17-126.4	Not set out
§ 17-126.5	Not set out
§ 17-126.6	Not set out

*Id.* These tables in the Commission's report conclusively demonstrate that the intention to repeal only the obsolete sections in Title 17 is wholly consistent with the language used in the Act of Assembly.

## CONCLUSION

The plain language of the revision of Title 17, as reflected in the tenth and eleventh enactment clauses of Chapter 872 of the 1998 Acts of Assembly, clearly establishes that only two of the 10 sections in Title 17 not set out in the Code at the time of the revision were repealed. The remaining eight sections, specifically Va. Code §§ 17-125, 17-126, 17-126.1, 17-126.2, 17-126.3, 17-126.4, 17-126.5, and 17-126.6, having not been otherwise amended or repealed since 1998, necessarily remain valid and enforceable provisions of Virginia law. The inclusion or omission of these sections in the Code has no bearing on the continued validity of these sections.

**WALKTHROUGH**  
**THE EFFECT OF THE 1998 REVISION OF TITLE 17 ON PROVISIONS "NOT SET OUT" IN TITLE 17 OF THE CODE OF VIRGINIA**

**I. At the time of the revision of Title 17 into 17.1, there were 10 sections designated as "not set out" in Title 17.**

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|--------------|--------------|
| • § 17-117.1 | • § 17-126.2 |
| • § 17-118.1 | • § 17-126.3 |
| • § 17-125   | • § 17-126.4 |
| • § 17-126   | • § 17-126.5 |
| • § 17-126.1 | • § 17-126.6 |

**II. The General Assembly did not intend to make substantive changes to the law when it revised Titles 14.1 and 17 as stated in the Virginia Code Commission's report.**

Because Title 14.1 covered such diverse areas of the law of costs, fees, salaries and allowances as salaries of state and local officials, fees collected by courts, and distribution of law-enforcement funds, the Commission decided to retire Title 14.1 and distribute the various Code provisions into the more appropriate titles of the Code. Many of these provisions have been moved into new Title 17.1. The remainder appear as new language predominantly in Title 2.1 and Title 15.2.

*Recodification of Titles 14.1 and 17 of the Code of Virginia* (Jan. 1998), H. Doc. No. 87.

**III. The title revision bill contained two clauses that served to repeal provisions of Title 17.**

10. That Title 14.1 (§§ 14.1-1 through 14.1-201) and Title 17 (§§ 17-1 through 17-238) of the Code of Virginia are repealed." 1998 Acts ch. 872.

11. That Chapter 71 of the 1966 Acts of Assembly (carried by reference as § 17-117.1), and Chapter 83 of the 1954 Acts of Assembly (carried by reference as § 17-118.1) as amended by Chapter 346 of the 1956 Acts of Assembly are repealed.

1998 Acts ch. 872.

**IV. The plain language of the title revision bill establishes that only §§ 17-117.1 and 17-118.1 were repealed.**

Any interpretation that the tenth enactment clause repealed all the provisions of Title 17 within the range specified (§§ 17-1 through 17-238), including those not set out, would

necessarily render the eleventh enactment clause superfluous. Such an interpretation violates the basic canons of statutory construction. *See, e.g., Commonwealth v. Squire*, 278 Va. 746, 752, 685 S.E.2d 631, 634 (2009) ("We do not consider actions of the General Assembly to be superfluous; instead, we seek to provide meaning to all the words of a statute.").

**V. The Commission's report clearly demonstrates that §§ 17-125, 17-126, 17-126.1, 17-126.2, 17-126.3, 17-126.4, 17-126.5, and 17-126.6 were not to be repealed as part of the revision of Titles 14.1 and 17.**

The Commission's report contains two tables ("Comparable Sections of Titles 17 and 17.1" and "Comparable Sections of Title 17 - Repealed Sections") that distinguish between the intended fate of these eight sections and that of §§ 17-117.1 and 17-118.1. The Commission's report is "persuasive authority" of the underlying legislative intent. *REVI, LLC v. Chicago Title Ins. Co.*, 290 Va. 203, 212, 776 S.E.2d 808, 813 (2015).

**VI. It is within the discretion of the Commission to place §§ 17-125, 17-126, 17-126.1, 17-126.2, 17-126.3, 17-126.4, 17-126.5, and 17-126.6 into the Code.**

The various Acts of Assembly constitute the law of Virginia, not the Code. Therefore, the omission of any reference to these eight sections in the Code since 1998 has no effect on their continued validity. *See Eberhardt v. Fairfax Cnty. Emps. Ret. Sys.*, 283 Va. 190, 194, 721 S.E.2d 524, 526 (2012) ("However, while the Code of Virginia is often regarded as the complete statutory law of the Commonwealth, that is not the case. . . . Simply put, the language of the Acts of Assembly is the plain language of the statute.").

**VII. Additionally, the Commission may want to determine if any of the 13 sections currently in Title 16.1 designated as "not set out should be placed into the Code.**

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|------------------|---------------|
| • § 16.1-69.2    | • § 16.1-70.1 |
| • § 16.1-69.3    | • § 16.1-71   |
| • § 16.1-69.4    | • § 16.1-72   |
| • § 16.1-69.7:1  | • § 16.1-73   |
| • § 16.1-69.13   | • § 16.1-74   |
| • § 16.1-69.35:1 | • § 16.1-75   |
| • § 16.1-70      |               |

## **SECTIONS NOT SET OUT IN TITLE 17**

### **§ 17-125. Territorial jurisdiction of the Circuit Court for the City of Lynchburg.**

The territorial jurisdiction of the Circuit Court for the City of Lynchburg shall be the same with that of the Corporation Court for the city and shall extend to the corporate limits of the city and to a space of one mile without and around the city limits, except that the same shall not extend further into the County of Amherst than the corporate limits. Any judgment, order, or decree of the Circuit Court for the City of Lynchburg heretofore made in any case in which the court would have had jurisdiction had this section then been in operation shall have the same effect as if it had been at that time in force.

**RECOMMENDATION: Identical language is contained in § 24 of the Lynchburg Charter. 1928 Acts ch. 343; 1942 Acts ch. 167. Thus, § 17-125 could be codified or could be considered for repeal as an obsolete law.**

### **§ 17-126. Jurisdiction over courthouse, etc., in Portsmouth.**

The Circuit Court of Norfolk County and the trial justice of such county shall have, concurrently with the Court of Hustings of the City of Portsmouth and with the civil and police justice of such city, jurisdiction to enforce police regulations of Norfolk County, in or with respect to, and jurisdiction over all offenses committed in or upon, the premises, buildings, rooms or offices in the City of Portsmouth occupied or used by the Circuit Court of Norfolk County or its clerk, the trial justice of such county and by any officer, department or agency of such county.

**RECOMMENDATION: Do not codify and consider repeal as an obsolete law. Norfolk County no longer exists, as it and the City of South Norfolk were consolidated as the City of Chesapeake in 1962. 1962 Acts ch. 211.**

### **§ 17-126.1. Jurisdiction of Henrico courts over certain property in City of Richmond.**

The Circuit Court of Henrico County and the county court of such county shall have, concurrently with the courts of record of the City of Richmond and with the civil and police justice courts of such city, jurisdiction to enforce police regulations of Henrico County, in or with respect to, and jurisdiction over all offenses committed in or upon the hereinafter described real estate owned by the County of Henrico and situated within the corporate limits of the City of Richmond; and no act or thing done by any court, judge, clerk of any court, any officer, board, commission, department or agency of the county of Henrico in or upon the following described property shall thereby be rendered invalid by reason of its location in the City of Richmond but



shall have full force and effect as if such act or thing had been done or performed in the County of Henrico, such real estate being described as follows, to-wit:

Beginning at a stone marking the intersection of the north line of East Main Street with the east line of North 20th Street, thence northwardly along the east line of North 20th Street 165.09 feet to a point; thence, with a deflection to the right of 89° 58' 30", 143.00 feet to a point; thence, with a deflection to the right of 90° 01' 30", 49.48 feet to a point; thence with a deflection to the right of 90° 05' 30", 43.00 feet to a point; thence, with a deflection to the left of 90° 05' 30", 115.90 feet to a point, on the north line of East Main Street; thence, along the north line of East Main Street 100.00 feet to the corner stone and point of beginning.

**RECOMMENDATION: Do not codify and consider repeal as an obsolete law. Henrico County no longer maintains property in the City of Richmond in the area set forth in the section.**

**§ 17-126.2. Jurisdiction of circuit and district courts of Henry, Roanoke, Augusta and Rockbridge counties over certain property.**

The circuit and district courts of Henry County shall have, concurrently with the courts of record and the courts not of record, respectively, of the City of Martinsville, jurisdiction over criminal offenses committed in or upon the premises, buildings, rooms or offices located in the City of Martinsville which are owned or occupied by Henry County or any officer, agency or department of the county.

The circuit and district courts of Roanoke County shall have, concurrently with the courts of record and the courts not of record, respectively, of the City of Salem, jurisdiction over criminal offenses committed in or upon the premises, buildings, rooms or offices located in the City of Salem which are owned or occupied by Roanoke County or any officer, agency or department of the county.

The circuit and district courts of Augusta County shall have, concurrently with the courts of record and the courts not of record, respectively, of the City of Staunton, jurisdiction over criminal offenses committed in or upon the premises, buildings, rooms or offices located in the City of Staunton which are owned or occupied by Augusta County or any officer, agency or department of the county.

The circuit and district courts of Rockbridge County shall have jurisdiction over criminal offenses committed in or upon the premises, buildings, rooms or offices located in the City of Lexington which are owned or occupied by the County of Rockbridge or any officer, agency or department of the county.

**RECOMMENDATION: Codify; proposed section number § 17.1-515.1.****§ 17-126.3. Designation of courtrooms within twenty-first and twenty-third circuits for trial of certain cases.**

The chief judge of the twenty-first and the twenty-third judicial circuits may, by order, as in the interest of justice may appear, designate one or more of the courtrooms of any circuit court within their respective circuits as the courtroom or courtrooms in which civil and criminal cases whose venue is laid within the circuit may be tried; provided, that in criminal cases, jurors summoned to appear at such courtroom or courtrooms shall reside in the vicinage of which the crime is laid.

**RECOMMENDATION: Codify; proposed section number § 17.1-515.2.****§ 17-126.4. Designation of certain courtrooms within sixteenth circuit for trial of certain cases.**

When it appears to one or more of the judges of the sixteenth judicial circuit that such use is appropriate, the courthouse of the Circuit Court of Albemarle County may be used for the trial of civil and criminal cases whose venue is laid in the City of Charlottesville, or the courthouse of the Circuit Court of the City of Charlottesville may be used for the trial of civil or criminal cases whose venue is laid in the County of Albemarle; provided, that in criminal cases, jurors summoned to appear at any such courtroom shall reside in the vicinage of which the crime is laid.

**RECOMMENDATION: Codify; proposed section number § 17.1-515.3.****§ 17-126.5. Designation of certain courtrooms within twenty-fifth circuit for trial of certain cases.**

When it appears to one or more of the judges of the twenty-fifth judicial circuit that such use is appropriate, the courthouse of the Circuit Court of Augusta County may be used for the trial of civil and criminal cases when venue is laid in the City of Staunton; or the courthouse of the Circuit Court of the City of Staunton may be used for the trial of civil or criminal cases when venue is laid in the County of Augusta. However, jurors summoned to appear in any such courtroom shall reside in the jurisdiction where the venue is laid.

**RECOMMENDATION: Codify; proposed section number § 17.1-515.4.**

**§ 17-126.6. Concurrent law-enforcement jurisdiction over Joint Judicial Center in Winchester.**

The Frederick County Sheriff's Department shall have, concurrently with the City of Winchester Police Department, jurisdiction to arrest perpetrators of all offenses committed in or upon the premises, buildings, rooms, or offices of the Joint Judicial Center located in the City of Winchester.

**RECOMMENDATION: Codify; proposed section number § 17.1-515.5.**

**SECTIONS NOT SET OUT IN TITLE 16.1****§ 16.1-69.2. Effect of repeal of Title 16 and amendment of Title 16.1.**

The repeal of Title 16 effective as of July 1, 1956, and amendment of Title 16.1 effective as of July 1, 1973, shall not affect any act or offense done or committed, or any penalty or forfeiture incurred, or any right established, accrued or accruing on or before such day, or any prosecution, suit or action pending on that day. Every such pending prosecution, suit and action shall be proceeded in, tried and determined in the same court, or in the court which succeeds to or has its jurisdiction, and any further action taken therein shall be valid and effective for all purposes, whether taken by the court in its present or former name or by the judge thereof under his present or former judicial title. All further proceedings therein shall conform, as far as practicable, to the provisions of Title 16.1, as amended.

**RECOMMENDATION: Current practice is that "savings" provisions included in title revisions take the form of enactment clauses and are not codified. However, similar provisions are in the Code (see, e.g., §§ 18.2-2 and 19.2-2). This section could be codified using its current section number or retain its "not set out" designation.**

**§ 16.1-69.3. Certain notices, recognizances and processes validated.**

Any notice given, recognizance taken, or process or writ issued before July 1, 1973, shall be valid although given, taken or to be returned to a day after such date, or to a court established by this title or the clerk's office thereof, in like manner as if this title, as amended, had been effective before the same was given, taken or issued.

**RECOMMENDATION: Current practice is that "savings" provisions included in title revisions take the form of enactment clauses and are not codified. However, similar provisions are in the Code (see, e.g., §§ 18.2-3 and 19.2-3). This section could be codified using its current section number or retain its "not set out" designation.**

**§ 16.1-69.4. References to former sections, articles or chapters of Title 16 or Title 16.1 as amended.**

Whenever in this title any of the conditions, requirements, provisions or contents of any section, article or chapter of Title 16, as such title existed prior to July 1, 1956, or Title 16.1, as such title existed prior to July 1, 1973, are transferred in the same or in modified form to a new section, article or chapter, and whenever such former section, article or chapter is given a new number in this title, all references to any such former section, article or chapter of Title 16 or Title 16.1 appearing elsewhere in this Code other than in this title shall be construed to apply to the new or

renumbered section, article or chapter containing such conditions, requirements, provisions or contents or portions thereof.

**RECOMMENDATION: Current practice is that "savings" provisions included in Title revisions take the form of enactment clauses and are not codified. However, similar provisions are in the Code (see, e.g., §§ 18.2-4 and 19.2-4). This section could be codified using its current section number or retain its "not set out" designation.**

**§ 16.1-69.7:1. Establishment of certain district courts.**

A. On and after July 1, 1973, there shall be established in the City of Galax, one general district court and one juvenile and domestic relations district court and for each such court there shall be one or more judges who shall be appointed and serve in accordance with Chapter 4.1 (§ 16.1-69.1 et seq.) of Title 16.1. Such courts shall possess all the jurisdiction and exercise all the powers and authority in cases therein granted to district courts according to general law, within the territory which they serve.

B. Each such judge shall cause to be collected such costs and fees as allowed by law for services performed by judges, clerks, or employees of the district courts. All fines and fees collected shall be accounted for according to general law and city ordinances and paid into the treasury of the city or to the State, whichever may be entitled thereto, pursuant to § 16.1-69.48.

**RECOMMENDATION: Place into the Code using its current section number.**

**§ 16.1-69.13. Compensation and benefits of incumbent judges not reduced.**

Nothing in this chapter shall be construed to impose any new limitation on or reduction in the compensation or benefits of any judge in office on July 1, 1973, for the duration of his term of office, and for each additional consecutive term thereafter, but not longer than July 1, 1980.

**RECOMMENDATION: Do not place into the Code and consider repeal as an obsolete law.**

**§ 16.1-69.35:1.**

The General District Court and the Juvenile and Domestic Relations District Court for Carroll County shall sit at the Carroll County Courthouse in Hillsville.

**RECOMMENDATION: Place into the Code using its current section number.**

**§ 16.1-70. Certain city and town courts of limited jurisdiction continued; to be known as police courts.**

All existing courts in cities and towns created under former § 16-129, and all similar courts created under the provisions of municipal charters, which courts are presided over by mayors, justices of the peace, police justices or other trial officers however designated and the jurisdiction of which is limited to cases involving violations of city or town ordinances or of cases instituted for the collection of city or town taxes or assessments or other debts due and owing to such city or town, are hereby continued with the same jurisdiction and powers heretofore conferred upon them and shall, on and after July 1, 1956, be designated and known as the police courts of the respective cities and towns. The trial officer presiding over each such court shall thereafter be known as the police justice of such city or town. Unless otherwise specifically provided such police courts shall not be included in the designation "courts not of record" as used in this title, nor shall this title be construed to repeal the provisions of municipal charters with respect to such courts except to the extent that such provisions are in conflict with this title.

Any such court which was created by resolution of the governing body of any city or town may be abolished by a resolution of such governing body, whereupon all jurisdiction and power conferred upon such court shall pass to and be exercised by the court or courts not of record having jurisdiction over such city or town.

**RECOMMENDATION: Do not place into the Code and consider repeal as an obsolete law.**

**§ 16.1-70.1. Abolition of courts of limited jurisdiction; municipal court of Herndon.**

The courts of limited jurisdiction continued or authorized pursuant to this chapter and in operation June 30, 1973, are hereby abolished, provided that any such court shall continue in operation until the incumbent trial officer completes his term of office or a vacancy shall occur, or until June 30, 1980, whichever shall first occur. No court of limited jurisdiction shall be established on or after July 1, 1973.

Provided further, however, where a municipal court having jurisdiction as provided in §§ 16.1-124 and 16.1-125 is within the Town of Herndon, the chief judge of the district shall designate a place within the town to hold court and thereafter so long as such town has a police department, it shall be designated by the chief judge as a place to hold court.

All jurisdiction and power conferred upon any such court in any city or town shall pass to and be exercised by the district courts having jurisdiction over such city or town.

**RECOMMENDATION: Do not place into the Code and consider repeal as an obsolete law.**

**§ 16.1-71. What provisions of municipal charters applicable; authority of city or town council.**

Any such police justice or other trial officer in office on July 1, 1956, or any successor to such police justice or trial officer hereafter appointed or elected, as prescribed by the charter of the city or town or by the council under the law effective immediately prior to July 1, 1956, shall serve for such time, receive such salary, collect such fees, subscribe to such oath, and give such bond as may be required by the charter of the city or town in which he serves or as shall be prescribed by the council thereof. The council may provide for a substitute police justice who shall have the same power and authority as the police justice while serving, and who shall receive such compensation as the council shall prescribe. The council shall provide a suitable place for the sessions of the court, and all necessary books, stationery and supplies. It may provide a clerk for the court or such clerical assistance as it deems necessary and prescribe the duties and fix the compensation of all such employees. The fees in such courts shall, unless otherwise provided by charter or by ordinance, be the same as those provided by law for county courts, and the council may provide that such fees and all fines imposed by the trial officer shall be paid into the treasury of the city or town.

**RECOMMENDATION: Do not place into the Code and consider repeal as an obsolete law.**

**§ 16.1-72. Removal of actions involving more than \$50.**

When the amount in controversy exceeds the sum or value of fifty dollars, exclusive of interest and costs, the action may be removed to a court having jurisdiction of appeals from such police court. No affidavit of substantial defense shall be required for such removal, but in all other respects the provisions of § 16.1-92 shall apply thereto.

**RECOMMENDATION: Do not place into the Code and consider repeal as an obsolete law.**

**§ 16.1-73. Appeals.**

Appeals from the decisions of the police justice may be had as in the case of appeals from county courts, but all such appeals shall be taken to the corporation court of the city if there be such court, and if not, then to the circuit court of the county having jurisdiction over such city or town. In civil matters there shall be an appeal of right if the matter in controversy is of greater value than twenty dollars, exclusive of interest and costs.

**RECOMMENDATION: Do not place into the Code and consider repeal as an obsolete law.**

**§ 16.1-74. Procedure.**

All provisions with respect to venue, process and order of publication, and procedure in county courts shall, except as otherwise provided, be applicable to all cases instituted and heard in such police courts, and all procedure in such courts shall conform as nearly as may be to the provisions of this title with respect to procedure in county courts.

**RECOMENDATION: Do not place into the Code and consider repeal as an obsolete law.**

**§ 16.1-75. Jurisdiction of mayors, etc., superseded; other powers continued.**

No mayor, except when serving as the presiding officer of a court of limited jurisdiction therein, shall, within any incorporated town, or in any city in which a county court has jurisdiction under the provisions of Chapter 4 (§ 16.1-64 et seq.) of this title, exercise any civil or criminal jurisdiction conferred upon such county court. Any mayor or other trial officer authorized to preside over a court of limited jurisdiction under this chapter shall, however, have within his territorial jurisdiction, the same power to issue attachments, warrants and subpoenas within the jurisdiction of such county court as is conferred upon the judge of the court, and he shall also have the power to grant bail in any case in which he is authorized by general law to grant bail, and to receive his fee therefor. But any such attachment, warrant or subpoena shall be made returnable before the county court for action thereon.

**RECOMMENDATION: Do not place into the Code and consider repeal as an obsolete law.**



## CHAPTER 872

*An Act to amend and reenact §§ 2.1-20.2, 2.1-38, 2.1-68, 2.1-180, 12.1-12, 22.1-32, 22.1-296, and 37.1-39 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 2.1 of Title 2.1 sections numbered 2.1-20.5 through 2.1-20.12; by adding sections numbered 2.1-38.3, 2.1-71.2, 8.01-609.1, 8.01-618.1, 9-178.1, and 9-178.2; by adding in Chapter 27 of Title 9 an article numbered 2.2, consisting of sections numbered 9-183.13 through 9-183.21; by adding in Chapter 14 of Title 15.2 an article numbered 1.1, consisting of sections numbered 15.2-1414.1 through 15.2-1414.7; by adding sections numbered 15.2-1508.1 through 15.2-1508.4, 15.2-1537.1, and 15.2-1605.1; by adding in Article 2 of Chapter 16 of Title 15.2 sections numbered 15.2-1608.1 and 15.2-1608.2; by adding sections numbered 15.2-1609.1 through 15.2-1609.9, 15.2-1612.1, 15.2-1614.1, 15.2-1615.1, 15.2-1627.1, 15.2-1627.2, and 15.2-1627.3; by adding in Article 5 of Chapter 16 of Title 15.2 a section numbered 15.2-1635.1; by adding in Chapter 16 of Title 15.2 an article numbered 6.1, consisting of sections numbered 15.2-1636.1 through 15.2-1636.19; by adding sections numbered 16.1-69.48:1 through 16.1-69.48:4; by adding a title numbered 17.1, containing chapters numbered 1 through 8, consisting of sections numbered 17.1-100 through 17.1-806; by adding sections numbered 19.2-46.1, 19.2-46.2, 19.2-47.1, and 30-14.01; by adding in Title 30 a chapter numbered 1.1, consisting of sections numbered 30-19.11 through 30-19.20; by adding a section numbered 37.1-42.3; and to repeal Title 14.1 (§§ 14.1-1 through 14.1-201) and Title 17 (§§ 17-1 through 17-238) of the Code of Virginia; and to repeal Chapter 71 of the 1966 Acts of Assembly (carried by reference as § 17-117.1), and Chapter 83 of the 1954 Acts of Assembly (carried by reference as § 17-118.1) as amended by Chapter 346 of the 1956 Acts of Assembly, relating to revising and recodifying the laws pertaining to costs, fees, salaries and allowances and the collection of those by certain officials; courts of record.*

[H 1114]

Approved April 22, 1998

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

**1. That §§ 2.1-20.2, 2.1-38, 2.1-68, 2.1-180, 12.1-12, 22.1-32, 22.1-296, and 37.1-39 of the Code of Virginia are amended and reenacted; that the Code of Virginia is amended by adding in Chapter 2.1 of Title 2.1 sections numbered 2.1-20.5 through 2.1-20.12; by adding sections numbered 2.1-38.3, 2.1-71.2, 8.01-609.1, 8.01-618.1, 9-178.1, and 9-178.2; by adding in Chapter 27 of Title 9 an article numbered 2.2, consisting of sections numbered 9-183.13 through 9-183.21; by adding in Chapter 14 of Title 15.2 an article numbered 1.1, consisting of sections numbered 15.2-1414.1 through 15.2-1414.7; by adding sections numbered 15.2-1508.1 through 15.2-1508.4, 15.2-1537.1, and 15.2-1605.1; by adding in Article 2 of Chapter 16 of Title 15.2 sections numbered 15.2-1608.1 and 15.2-1608.2; by adding sections numbered 15.2-1609.1 through 15.2-1609.9, 15.2-1612.1, 15.2-1614.1, 15.2-1615.1, 15.2-1627.1, 15.2-1627.2, and 15.2-1627.3; by adding in Article 5 of Chapter 16 of Title 15.2 a section numbered 15.2-1635.1; by adding in Chapter 16 of Title 15.2 an article numbered 6.1, consisting of sections numbered 15.2-1636.1 through 15.2-1636.19; by adding sections numbered 16.1-69.48:1 through 16.1-69.48:4; by adding a title numbered 17.1, containing chapters numbered 1 through 8, consisting of sections numbered 17.1-100 through 17.1-806; by adding sections numbered 19.2-46.1, 19.2-46.2, 19.2-47.1, and 30-14.01; by adding in Title 30 a chapter numbered 1.1, consisting of sections numbered 30-19.11 through 30-19.20; and by adding a section numbered 37.1-42.3 as follows:**

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## CHAPTER 2.1.

Compensation and Expenses of Commissions, Boards, etc.  
SALARIES, COMPENSATION AND EXPENSES.

## § 2.1-20.2. Definitions.

As used in this ~~article~~ chapter:

1- "Compensation" means any amount paid in addition to reimbursement for expenses.

2- "Expenses" means all reasonable and necessary expenses incurred in the performance of duties.

"Salary" means a fixed compensation for services, paid to part-time and full-time employees on a regular basis.

§ 2.1-20.5. How salaries, expenses and other allowances paid; time of payment.

The salaries, expenses and other allowances, including mileage, mentioned in this chapter, Chapter 5

Staunton	108
Suffolk	81
Virginia Beach	105
Waynesboro	95
Williamsburg	50
Winchester	135

§ 30-19.18. *How distance ascertained from place other than courthouse.*

*For the purpose of this chapter and Chapters 2.1 (§ 2.1-20.5 et seq.) and 5 (§ 2.1-38 et seq.) of Title 2.1 only, the distance of the City of Richmond from any place in any county or city other than the courthouse thereof, shall be ascertained by adding to or deducting from the number of miles between the City of Richmond and such courthouse, as declared by law, so many miles as such place may be farther from or nearer to the City of Richmond than such courthouse may be.*

§ 30-19.19. *Salaries of Clerks of House of Delegates and Senate.*

*The Clerk of the House of Delegates and the Senate shall each receive such salaries as shall be fixed from time to time by the general appropriation act.*

§ 30-19.20. *Employment and compensation of personnel.*

*The House of Delegates and the Senate and the clerks thereof are authorized to employ such personnel as may be deemed necessary for the efficient operation of the General Assembly as prescribed by the rules or resolutions of the respective houses.*

*The House of Delegates and the Senate shall by resolution or resolutions set the compensation of the personnel employed by each house, and the personnel shall be paid from the contingent fund of each house, respectively.*

§ 37.1-39. *Creation and supervision of Department.*

*The Department of Mental Health, Mental Retardation and Substance Abuse Services is hereby established in the executive department responsible to the Governor. The Department shall be under the supervision and management of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services. The Commissioner shall carry out his management and supervisory responsibilities in accordance with the policies, rules and regulations of the Board. In addition to his salary he shall receive his necessary traveling expenses, not to exceed the amount provided by law, while engaged in the duties of his office.*

§ 37.1-42.3. *Salaries of directors and other officers and employees of state facilities.*

*The directors and other officers and employees of the respective hospitals shall each annually receive such salaries as shall be fixed from time to time in the general appropriation acts, and when they occupy buildings on the grounds or belonging to the respective institutions, they shall pay therefor such rental as may be fixed in accordance with law.*

**2. That whenever any of the conditions, requirements, provisions or contents of any section or chapter of Title 14.1 or Title 17 or any other title of the Code of Virginia as such title existed prior to October 1, 1998, are transferred in the same or modified form to a new section or chapter of Title 17.1 or any other title of the Code and whenever any such former section or chapter is given a new number in Title 17.1 or any other title, all references to any such former section or chapter of Title 14.1 or Title 17 or other title appearing in this Code shall be construed to apply to the new or renumbered section or chapter containing such conditions, requirements, provisions, contents or portions thereof.**

**3. That the repeal of Title 14.1 and the revision of Title 17 as Title 17.1 shall not be construed to require the reappointment of any officer or any member of a board, council, committee or other appointed body referred to in Title 14.1 or Title 17 and each such officer and member shall continue to serve for the term for which appointed pursuant to the provisions of Title 14.1 or Title 17.**

**4. That the repeal of Title 14.1 and the revision of Title 17 as Title 17.1 shall not be construed to affect the term of office of any elected officeholder holding office on October 1, 1998.**

**5. That the provisions of § 9-77.11 of the Code of Virginia shall apply to the codification of Title 17.1 so as to give effect to other laws enacted by the 1998 Session of the General Assembly notwithstanding the delay in the effective date of this act.**

**6. That the repeal of Title 14.1 or §§ 17-1 through 17-124 and 17-127.21 through 17-238 effective October 1, 1998, shall not affect any act or offense done or committed, or any penalty incurred, or**

any right established, accrued or accruing on or before such date, or any proceeding, prosecution, suit or action pending on that day. Except as otherwise provided in this act, neither the repeal of Title 14.1 or §§ 17-1 through 17-124 and 17-127.21 through 17-238 nor the enactment by this act of any new section of the Code or of Title 17.1 shall apply to offenses committed prior to October 1, 1998, and prosecution for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purpose of this enactment, an offense was committed prior to October 1, 1998, if any of the essential elements of the offense occurred prior thereto.

7. That any notice given, recognizance taken, or process or writ issued before October 1, 1998, shall be valid although given, taken or to be returned on a day after such date, in like manner as if this title had been effective before the same was given, taken or issued.

8. That if any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged in any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which the judgment shall have been rendered, and to this end the provisions of this title are declared severable.

9. That whenever in this act a section is set out twice, the second version of that section is the family court version which is contingently effective June 1, 1998.

10. That Title 14.1 (§§ 14.1-1 through 14.1-201) and Title 17 (§§ 17-1 through 17-238) of the Code of Virginia are repealed.

11. That Chapter 71 of the 1966 Acts of Assembly (carried by reference as § 17-117.1), and Chapter 83 of the 1954 Acts of Assembly (carried by reference as § 17-118.1) as amended by Chapter 346 of the 1956 Acts of Assembly are repealed.

12. That the provisions of this act shall become effective on October 1, 1998, provided that §§ 17.1-255 through 17.1-258, and § 17.1-279 shall become effective on July 1, 1998.

## COMPARABLE SECTIONS OF TITLE 17

NEW SECTION	OLD SECTION
§ 17.1-101	§ 17-2
§ 17.1-102	§ 17-3.1
§ 17.1-103	§ 17-5
§ 17.1-104	§ 17-6
§ 17.1-105	§ 17-7
§ 17.1-106	§ 17-7.01
§ 17.1-107	§ 17-7.1
§ 17.1-108	§ 17-7.2
§ 17.1-109	§ 17-8
§ 17.1-109	§ 17-8
§ 17.1-110	§ 17-9
§ 17.1-110	§ 17-9
§ 17.1-111	§ 17-10
§ 17.1-112	§ 17-13
§ 17.1-113	§ 17-14
§ 17.1-114	§§ 17-15, 17-18
§ 17.1-115	§ 17-16
§ 17.1-116	§§ 17-17, 17-18
§ 17.1-117	§ 17-19
§ 17.1-118	§ 17-19.1
§ 17.1-119	§ 17-21
§ 17.1-120	§ 17-23
§ 17.1-121	§ 17-24
§ 17.1-122	§ 17-25
§ 17.1-123	§ 17-27
§ 17.1-124	§ 17-28
§ 17.1-124	§ 17-28
§ 17.1-125	§ 17-28.1
§ 17.1-126	§ 17-29
§ 17.1-127	§ 17-30
§ 17.1-128	§ 17-30.1
§ 17.1-129	§ 17-30.3
§ 17.1-130	§ 17-32

## COMPARABLE SECTIONS OF TITLE 17

NEW SECTION	OLD SECTION
§ 17.1-131	§ 17-32.1
§ 17.1-200	§ 17-33
§ 17.1-201	§ 17-34
§ 17.1-202	§ 17-35
§ 17.1-203	§ 17-37
§ 17.1-204	§ 17-39
§ 17.1-205	Reserved
§ 17.1-206	§ 17-40
§ 17.1-207	§ 17-41
§ 17.1-208	§ 17-43
§ 17.1-209	§ 17-44
§ 17.1-210	§ 17-45
§ 17.1-211	§ 17-46.1
§ 17.1-212	§ 17-47
§ 17.1-213	§ 17-47.4
§ 17.1-214	§ 17-50
§ 17.1-215	§ 17-51
§ 17.1-216	§ 17-52
§ 17.1-217	§ 17-53
§ 17.1-218	§ 17-54
§ 17.1-219	§ 17-55
§ 17.1-220	§ 17-56
§ 17.1-221	§ 17-57
§ 17.1-222	§ 17-58
§ 17.1-223	§ 17-59
§ 17.1-224	§ 17-59.1
§ 17.1-225	§ 17-59.2
§ 17.1-226	§ 17-59.3
§ 17.1-227	§ 17-60
§ 17.1-228	§ 17-60.1
§ 17.1-229	§ 17-61
§ 17.1-230	§ 17-62
§ 17.1-231	§ 17-63
§ 17.1-232	§ 17-64

## COMPARABLE SECTIONS OF TITLE 17

NEW SECTION	OLD SECTION
§ 17.1-233	§ 17-65
§ 17.1-234	§ 17-66
§ 17.1-235	§ 17-67
§ 17.1-236	§ 17-68
§ 17.1-237	§ 17-69
§ 17.1-238	§ 17-69.1
§ 17.1-239	§ 17-70
§ 17.1-240	§ 17-70.1
§ 17.1-241	§ 17-71
§ 17.1-242	§ 17-72
§ 17.1-243	§ 17-73
§ 17.1-244	§ 17-74
§ 17.1-245	§ 17-75
§ 17.1-246	§ 17-76
§ 17.1-247	§ 17-77
§ 17.1-248	§ 17-78
§ 17.1-249	§ 17-79
§ 17.1-250	§ 17-79.1
§ 17.1-251	§ 17-79.2
§ 17.1-252	§ 17-79.3
§ 17.1-253	§ 17-80
§ 17.1-253	§ 17-81
§ 17.1-253	§ 17-82
§ 17.1-253	§ 17-83
§ 17.1-254	§ 17-83.1
§ 17.1-255	§ 17-83.1:1
§ 17.1-256	§ 17-83.1:2
§ 17.1-257	§ 17-83.1:3
§ 17.1-258	§ 17-83.1:4
§ 17.1-259	§ 17-83.2
§ 17.1-259	§ 17-83.3
§ 17.1-260	§ 17-83.4
§ 17.1-261	§ 17-84
§ 17.1-262	§ 17-85

## COMPARABLE SECTIONS OF TITLE 17

NEW SECTION	OLD SECTION
§ 17.1-262	§ 17-86
§ 17.1-263	§ 17-87
§ 17.1-264	§ 17-90
§ 17.1-264	§ 17-91
§ 17.1-265	§ 17-92
§ 17.1-300	§ 17-93
§ 17.1-301	§ 17-95
§ 17.1-302	§ 17-95.1
§ 17.1-303	§ 17-93.1
§ 17.1-304	§ 17-99
§ 17.1-305	§ 17-100
§ 17.1-305	§ 17-101
§ 17.1-306	§ 17-102
§ 17.1-307	§ 17-103
§ 17.1-308	§ 17-94
§ 17.1-309	§ 17-96
§ 17.1-310	§ 17-97
§ 17.1-311	§ 17-98
§ 17.1-312	§ 17-110
§ 17.1-313	§ 17-110.1
§ 17.1-313	§ 17-110.2
§ 17.1-314	§ 17-111.1
§ 17.1-315	§ 17-111.2
§ 17.1-316	§ 17-111.3
§ 17.1-317	§ 17-111.4
§ 17.1-317	§ 17-111.4
§ 17.1-318	§ 17-111.5
§ 17.1-319	§ 17-111.6
§ 17.1-319	§ 17-111.6
§ 17.1-320	§ 17-111.7
§ 17.1-321	§ 17-113
§ 17.1-321	§ 17-114
§ 17.1-322	§ 17-115
§ 17.1-323	§ 17-116

## COMPARABLE SECTIONS OF TITLE 17

NEW SECTION	OLD SECTION
§ 17.1-400	§ 17-116.01
§ 17.1-401	§ 17-116.01:1
§ 17.1-402	§ 17-116.02
§ 17.1-403	§ 17-116.03
§ 17.1-404	§ 17-116.04
§ 17.1-405	§ 17-116.05
§ 17.1-405	§ 17-116.05
§ 17.1-406	§ 17-116.05:1
§ 17.1-407	§ 17-116.05:2
§ 17.1-408	§ 17-116.05:3
§ 17.1-409	§ 17-116.06
§ 17.1-410	§ 17-116.07
§ 17.1-411	§ 17-116.08
§ 17.1-412	§ 17-116.09
§ 17.1-413	§ 17-116.010
§ 17.1-414	§ 17-116.011
§ 17.1-415	§ 17-116.012
§ 17.1-416	§ 17-116.013
§ 17.1-417	§ 17-116.014
§ 17.1-500	§ 17-116.1
§ 17.1-501	§ 17-116.2
§ 17.1-502	§ 17-116.3
§ 17.1-503	§ 17-116.4
§ 17.1-505	§ 17-118
§ 17.1-506	§ 17-119.1:1
§ 17.1-507	§ 17-119.1:2
§ 17.1-508	§ 17-119.2
§ 17.1-509	§ 17-120
§ 17.1-510	§ 17-121
§ 17.1-511	§ 17-122
§ 17.1-512	§ 17-122.1
§ 17.1-513	§ 17-123
§ 17.1-514	§ 17-123.1
§ 17.1-515	§ 17-124



## COMPARABLE SECTIONS OF TITLE 17

NEW SECTION	OLD SECTION
§ 17.1-516	§ 17-1
§ 17.1-517	§ 17-127.21
§ 17.1-518	§ 17-129
§ 17.1-519	§ 17-130
§ 17.1-520	§ 17-131
§ 17.1-521	§ 17-132
§ 17.1-522	§ 17-133
§ 17.1-700	§ 17-222
§ 17.1-700	§ 17-222
§ 17.1-701	§ 17-223
§ 17.1-702	§ 17-224
§ 17.1-703	§ 17-225
§ 17.1-704	§ 17-226
§ 17.1-705	§ 17-227
§ 17.1-706	§ 17-228
§ 17.1-707	§ 17-229
§ 17.1-708	§ 17-230
§ 17.1-709	§ 17-231
§ 17.1-800	§ 17-232
§ 17.1-801	§ 17-233
§ 17.1-802	§ 17-234
§ 17.1-803	§ 17-235
§ 17.1-804	§ 17-236
§ 17.1-805	§ 17-237
§ 17.1-806	§ 17-238

## REPEALED SECTIONS

§ 17-3	Repealed 1971
§ 17-4	Repealed 1971
§ 17-11	Repealed 1973
§ 17-12	Repeal
§ 17-14.1	Repeal
§ 17-20	Repeal
§ 17-22	Repeal

## COMPARABLE SECTIONS OF TITLE 17

### REPEALED SECTIONS

§ 17-26	Repeal
§ 17-30.1:1	Repealed 1975
§ 17-30.2	Repealed 1975
§ 17-31	Repealed 1968
§ 17-36	Repeal
§ 17-38	Repeal
§ 17-46	Repeal
§ 17-47.1	Repealed 1981
§ 17-47.2	Repealed 1981
§ 17-47.3	Repealed 1981
§ 17-48	Repealed 1992
§ 17-49	Repealed 1972
§ 17-88	Repeal
§ 17-89	Repeal
§ 17-104	Repealed 1971
§ 17-105	Repealed 1971
§ 17-106	Repealed 1971
§ 17-107	Repealed 1971
§ 17-108	Repealed 1971
§ 17-109	Repealed 1971
§ 17-111	Repeal
§ 17-112	Repeal
§ 17-116.05:4	Repeal
§ 17-116.05:5	Repeal
§ 17-117	Repeal
§ 17-119	Repealed 1973
§ 17-119.1	Repealed 1973
§ 17-127 - 17-127.16	Repealed 1973
§ 17-127.17	Repealed 1966
§ 17-127.18 - 17-127.20	Repealed 1973
§ 17-128	Repeal
§ 17-134	Repeal
§ 17-135 - 17-144.1	Repealed 1973

## COMPARABLE SECTIONS OF TITLE 17

### REPEALED SECTIONS

§ 17-145 - 17-169.4	Repealed 1973
§ 17-170 - 17-182	Repealed 1954
§ 17-181 - 17-208.1	Repealed 1973
§ 17-209 - 17-221	Repealed 1973
§ 17-221.1 - 221.6	Repealed 1973
§ 17-221.7 - 17-221.8	Repealed 1973
§ 17-221.9	Repealed 1962
§ 17-221.10	Repealed 1973
§ 17-221.11 - 17-221.12	Repealed 1962
§ 17-221.13	Repealed 1973
§ 17-221.14	Repealed 1962
§ 17-221.15 - 17-221.29	Repealed 1973

§ 17-117.1	Not set out - Repeal
§ 17-118.1	Not set out - Repeal
§ 17-125	Not set out
§ 17-126	Not set out
§ 17-126.1	Not set out
§ 17-126.2	Not set out
§ 17-126.3	Not set out
§ 17-126.4	Not set out
§ 17-126.5	Not set out
§ 17-126.6	Not set out
§ 17-126.7	Not given effect - Repeal

§ 17-225.1	Expired
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## COMPARABLE SECTIONS OF TITLES 17 AND 17.1

OLD SECTION	NEW SECTION
§ 17-1	§ 17.1-516
§ 17-2	§ 17.1-101
§ 17-3	Repealed 1971
§ 17-3.1	§ 17.1-102
§ 17-4	Repealed 1971
§ 17-5	§ 17.1-103
§ 17-6	§ 17.1-104
§ 17-7	§ 17.1-105
§ 17-7.01	§ 17.1-106
§ 17-7.1	§ 17.1-107
§ 17-7.2	§ 17.1-108
§ 17-8	§ 17.1-109
§ 17-8	§ 17.1-109
§ 17-9	§ 17.1-110
§ 17-9	§ 17.1-110
§ 17-10	§ 17.1-111
§ 17-11	Repealed 1973
§ 17-12	Repeal
§ 17-13	§ 17.1-112
§ 17-14	§ 17.1-113
§ 17-14.1	Repeal
§ 17-15	§ 17.1-114
§ 17-16	§ 17.1-115
§ 17-17	§ 17.1-116
§ 17-18	§§ 17.1-114 and 17.1-116
§ 17-19	§ 17.1-117
§ 17-19.1	§ 17.1-118
§ 17-20	Repeal
§ 17-21	§ 17.1-119
§ 17-22	Repeal
§ 17-23	§ 17.1-120
§ 17-24	§ 17.1-121
§ 17-25	§ 17.1-122
§ 17-26	Repeal
§ 17-27	§ 17.1-123

## COMPARABLE SECTIONS OF TITLES 17 AND 17.1

OLD SECTION	NEW SECTION
§ 17-28	§ 17.1-124
§ 17-28	§ 17.1-124
§ 17-28.1	§ 17.1-125
§ 17-29	§ 17.1-126
§ 17-30	§ 17.1-127
§ 17-30.1	§ 17.1-128
§ 17-30.1:1	Repealed 1975
§ 17-30.2	Repealed 1975
§ 17-30.3	§ 17.1-129
§ 17-31	Repealed 1968
§ 17-32	§ 17.1-130
§ 17-32.1	§ 17.1-131
§ 17-33	§ 17.1-200
§ 17-34	§ 17.1-201
§ 17-35	§ 17.1-202
§ 17-36	Repeal
§ 17-37	§ 17.1-203
§ 17-38	Repeal
§ 17-39	§ 17.1-204
§ 17-40	§ 17.1-206
§ 17-41	§ 17.1-207
§ 17-42	Repeal
§ 17-43	§ 17.1-208
§ 17-44	§ 17.1-209
§ 17-45	§ 17.1-210
§ 17-46	Repeal
§ 17-46.1	§ 17.1-211
§ 17-47	§ 17.1-212
§ 17-47.1	Repealed 1981
§ 17-47.2	Repealed 1981
§ 17-47.3	Repealed 1981
§ 17-47.4	§ 17.1-213
§ 17-48	Repealed 1992
§ 17-49	Repealed 1972
§ 17-50	§ 17.1-214

**COMPARABLE SECTIONS OF TITLES 17 AND 17.1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 17-51	§ 17.1-215
§ 17-52	§ 17.1-216
§ 17-53	§ 17.1-217
§ 17-54	§ 17.1-218
§ 17-55	§ 17.1-219
§ 17-56	§ 17.1-220
§ 17-57	§ 17.1-221
§ 17-58	§ 17.1-222
§ 17-59	§ 17.1-223
§ 17-59.1	§ 17.1-224
§ 17-59.2	§ 17.1-225
§ 17-59.3	§ 17.1-226
§ 17-60	§ 17.1-227
§ 17-60.1	§ 17.1-228
§ 17-61	§ 17.1-229
§ 17-62	§ 17.1-230
§ 17-63	§ 17.1-231
§ 17-64	§ 17.1-232
§ 17-65	§ 17.1-233
§ 17-66	§ 17.1-234
§ 17-67	§ 17.1-235
§ 17-68	§ 17.1-236
§ 17-69	§ 17.1-237
§ 17-69.1	§ 17.1-238
§ 17-70	§ 17.1-239
§ 17-70.1	§ 17.1-240
§ 17-71	§ 17.1-241
§ 17-72	§ 17.1-242
§ 17-73	§ 17.1-243
§ 17-74	§ 17.1-244
§ 17-75	§ 17.1-245
§ 17-76	§ 17.1-246
§ 17-77	§ 17.1-247
§ 17-78	§ 17.1-248
§ 17-79	§ 17.1-249

## COMPARABLE SECTIONS OF TITLES 17 AND 17.1

OLD SECTION	NEW SECTION
§ 17-79.1	§ 17.1-250
§ 17-79.2	§ 17.1-251
§ 17-79.3	§ 17.1-252
§ 17-80	§ 17.1-253
§ 17-81	§ 17.1-253
§ 17-82	§ 17.1-253
§ 17-83	§ 17.1-253
§ 17-83.1	§ 17.1-254
§ 17-83.1:1	§ 17.1-255
§ 17-83.1:2	§ 17.1-256
§ 17-83.1:3	§ 17.1-257
§ 17-83.1:4	§ 17.1-258
§ 17-83.2	§ 17.1-259
§ 17-83.3	§ 17.1-259
§ 17-83.4	§ 17.1-260
§ 17-84	§ 17.1-261
§ 17-85	§ 17.1-262
§ 17-86	§ 17.1-262
§ 17-87	§ 17.1-263
§ 17-88	Repeal
§ 17-89	Repeal
§ 17-90	§ 17.1-264
§ 17-91	§ 17.1-264
§ 17-92	§ 17.1-265
§ 17-93	§ 17.1-300
§ 17-93.1	§ 17.1-303
§ 17-94	§ 17.1-308
§ 17-95	§ 17.1-301
§ 17-95.1	§ 17.1-302
§ 17-96	§ 17.1-309
§ 17-97	§ 17.1-310
§ 17-98	§ 17.1-311
§ 17-99	§ 17.1-304
§ 17-100	§ 17.1-305
§ 17-101	§ 17.1-305

## COMPARABLE SECTIONS OF TITLES 17 AND 17.1

OLD SECTION	NEW SECTION
§ 17-102	§ 17.1-306
§ 17-103	§ 17.1-307
§ 17-104	Repealed 1971
§ 17-105	Repealed 1971
§ 17-106	Repealed 1971
§ 17-107	Repealed 1971
§ 17-108	Repealed 1971
§ 17-109	Repealed 1971
§ 17-110	§ 17.1-312
§ 17-110.1	§ 17.1-313
§ 17-110.2	§ 17.1-313
§ 17-111	Repeal
§ 17-111.1	§ 17.1-314
§ 17-111.2	§ 17.1-315
§ 17-111.3	§ 17.1-316
§ 17-111.4	§ 17.1-317
§ 17-111.4	§ 17.1-317
§ 17-111.5	§ 17.1-318
§ 17-111.6	§ 17.1-319
§ 17-111.6	§ 17.1-319
§ 17-111.7	§ 17.1-320
§ 17-112	Repeal
§ 17-113	§ 17.1-321
§ 17-114	§ 17.1-321
§ 17-115	§ 17.1-322
§ 17-116	§ 17.1-323
§ 17-116.01	§ 17.1-400
§ 17-116.01:1	§ 17.1-401
§ 17-116.02	§ 17.1-402
§ 17-116.03	§ 17.1-403
§ 17-116.04	§ 17.1-404
§ 17-116.05	§ 17.1-405
§ 17-116.05	§ 17.1-405
§ 17-116.05:1	§ 17.1-406
§ 17-116.05:2	§ 17.1-407



## COMPARABLE SECTIONS OF TITLES 17 AND 17.1

OLD SECTION	NEW SECTION
§ 17-116.05:3	§ 17.1-408
§ 17-116.05:4	Repeal
§ 17-116.05:5	Repeal
§ 17-116.06	§ 17.1-409
§ 17-116.07	§ 17.1-410
§ 17-116.08	§ 17.1-411
§ 17-116.09	§ 17.1-412
§ 17-116.010	§ 17.1-413
§ 17-116.011	§ 17.1-414
§ 17-116.012	§ 17.1-415
§ 17-116.013	§ 17.1-416
§ 17-116.014	§ 17.1-417
§ 17-116.1	§ 17.1-500
§ 17-116.2	§ 17.1-501
§ 17-116.3	§ 17.1-502
§ 17-116.4	§ 17.1-503
§ 17-117	Repeal
§ 17-117.1	Not set out - repeal
§ 17-118	§ 17.1-505
§ 17-118.1	Not set out - repeal
§ 17-119	Repealed 1973
§ 17-119.1	Repealed 1973
§ 17-119.1:1	§ 17.1-506
§ 17-119.1:2	§ 17.1-507
§ 17-119.2	§ 17.1-508
§ 17-120	§ 17.1-509
§ 17-121	§ 17.1-510
§ 17-122	§ 17.1-511
§ 17-122.1	§ 17.1-512
§ 17-123	§ 17.1-513
§ 17-123.1	§ 17.1-514
§ 17-124	§ 17.1-515
§ 17-125	Not set out
§ 17-126	Not set out
§ 17-126.1	Not set out

## COMPARABLE SECTIONS OF TITLES 17 AND 17.1

OLD SECTION	NEW SECTION
§ 17-126.2	Not set out
§ 17-126.3	Not set out
§ 17-126.4	Not set out
§ 17-126.5	Not set out
§ 17-126.6	Not set out
§ 17-126.7	Not given effect - Repeal
§§ 17-127 - 17-127.16	Repealed 1973
§ 17-127.17	Repealed 1966
§§ 17-127.18 - 17-127.20	Repealed 1973
§ 17-127.21	§ 17.1-517
§ 17-128	Repeal
§ 17-129	§ 17.1-518
§ 17-130	§ 17.1-519
§ 17-131	§ 17.1-520
§ 17-132	§ 17.1-521
§ 17-133	§ 17.1-522
§ 17-134	Repeal
§§ 17-135 - 17-144.1	Repealed 1973
§§ 17-145 - 17-169.4	Repealed 1973
§§ 17-170 - 17-182	Repealed 1954
§§ 17-181 - 17-208.1	Repealed 1973
§§ 17-209 - 17-221	Repealed 1973
§§ 17-221.1 - 221.6	Repealed 1973
§§ 17-221.7 - 17-221.8	Repealed 1973
§ 17-221.9	Repealed 1962
§ 17-221.10	Repealed 1973
§§ 17-221.11 - 17-221.12	Repealed 1962
§ 17-221.13	Repealed 1973
§ 17-221.14	Repealed 1962
§§ 17-221.15 - 17-221.29	Repealed 1973
§ 17-222	§ 17.1-700

**COMPARABLE SECTIONS OF TITLES 17 AND 17.1**

<b>OLD SECTION</b>	<b>NEW SECTION</b>
§ 17-222	§ 17.1-700
§ 17-223	§ 17.1-701
§ 17-224	§ 17.1-702
§ 17-225	§ 17.1-703
§ 17-225.1	Expired
§ 17-226	§ 17.1-704
§ 17-227	§ 17.1-705
§ 17-228	§ 17.1-706
§ 17-229	§ 17.1-707
§ 17-230	§ 17.1-708
§ 17-231	§ 17.1-709
§ 17-232	§ 17.1-800
§ 17-233	§ 17.1-801
§ 17-234	§ 17.1-802
§ 17-235	§ 17.1-803
§ 17-236	§ 17.1-804
§ 17-237	§ 17.1-805
§ 17-238	§ 17.1-806



DAVID B. ALBO

6367 ROLLING MILL PLACE, SUITE 102  
SPRINGFIELD, VIRGINIA 22152

FORTY-SECOND DISTRICT

COMMITTEE ASSIGNMENTS:  
COURTS OF JUSTICE (CHAIRMAN)  
PRIVILEGES AND ELECTIONS  
GENERAL LAWS

February 23, 2017

Virginia Code Commission  
C/O Mark Vucci, Acting Director  
Division of Legislative Services  
General Assembly Building  
201 North 9<sup>th</sup> Street  
Richmond, VA 23219

Dear Mr. Vucci,

I am writing to you in regards to legislation that was tabled in the House Courts of Justice Committee during Session. The Committee believes the Code Commission can fix by fiat the catch lines in the "resisting arrest" and "obstruction" sections of the Code by removing "resisting arrest" from § 18.2-479.1 and adding it to § 18.2-460. We ask that you review the catch lines above to determine whether or not they accurately represent the substance of the offenses described in the code sections. Could you please review this bill and the concepts it addresses and make recommendations for the 2018 Session?

SB 1474 (DeSteph)

Thank you for your consideration. Should you need any other information, please do not hesitate to contact me.

Best Regards,

A handwritten signature in blue ink, appearing to read "David B. Albo".  
David B. Albo

CC'ed: The Honorable Senator DeSteph

**§ 18.2-479.1. Resisting arrest; fleeing from a law-enforcement officer; penalty.**

A. Any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor.

B. For purposes of this section, intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and (b) a reasonable person who receives such communication knows or should know that he is not free to leave.

**§ 18.2-460. Obstructing justice; penalty.**

A. If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555 in the performance of his duties as such or fails or refuses without just cause to cease such obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the Commonwealth, witness, law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555, he shall be guilty of a Class 1 misdemeanor.

B. Except as provided in subsection C, any person who, by threats or force, knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, or an animal control officer employed pursuant to § 3.2-6555 lawfully engaged in his duties as such, or to obstruct or impede the administration of justice in any court, is guilty of a Class 1 misdemeanor.

C. If any person by threats of bodily harm or force knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law-enforcement officer, lawfully engaged in the discharge of his duty, or to obstruct or impede the administration of justice in any court relating to a violation of or conspiracy to violate § 18.2-248 or subdivision (a) (3), (b) or (c) of § 18.2-248.1, or § 18.2-46.2 or § 18.2-46.3, or relating to the violation of or conspiracy to violate any violent felony offense listed in subsection C of § 17.1-805, he shall be guilty of a Class 5 felony.

D. Any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer or an animal control officer employed pursuant to § 3.2-6555 who is in the course of conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

**CHAPTER 112**

*An Act to amend the Code of Virginia by adding a section numbered 18.2-479.1, relating to resisting arrest.*

Approved March 16, 2003

[S 1336]

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

**1. That the Code of Virginia is amended by adding a section numbered 18.2-479.1 as follows:**

*§ 18.2-479.1. Resisting lawful arrest; penalty.*

*A. Any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor.*

*B. For purposes of this section, intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and (b) a reasonable person who receives such communication knows or should know that he is not free to leave.*

**§ 30-146. Publication of Code of Virginia, Administrative Code, and Register of Regulations; authority regarding type and form.**

The Commission is charged with the responsibility of publishing and maintaining a Code of the general and permanent statutes of the Commonwealth. The Commission shall also have the responsibility of publishing and maintaining the Virginia Administrative Code, and publishing the Virginia Register of Regulations as provided for in § 2.2-4031.

The Commission may arrange for the Code of Virginia, the Virginia Administrative Code, and the Virginia Register of Regulations to be (i) printed and published by or at the expense of the Commonwealth and sold and otherwise distributed by the Commonwealth or (ii) privately printed and published, under the direction and supervision of the Commission and upon such terms as the Commission may provide, and sold and distributed by the publisher upon such terms, including terms as to price, as the Commission may provide.

The Commission shall have full discretion to arrange for the publication of annotated or unannotated copies of the Code of Virginia, the Virginia Administrative Code, and the Virginia Register of Regulations; to fix the number of volumes; and to decide all questions of form, makeup and arrangement, including title pages, prefaces, annotations, indices, tables of contents and reference, appendices, paper, type, binding and lettering. The Commission may arrange for the Code of Virginia and the Virginia Administrative Code to be made permanent editions and kept current by means of supplements and replacement volumes.

1983, c. 260, § 9-77.7; 1992, c. 216; 2001, c. [844](#); 2003, c. [212](#).

**§ 30-34.10:2. Access to Code of Virginia, Virginia Administrative Code, and Virginia Register of Regulations.**

The text of the Code of Virginia, the Virginia Administrative Code, and the Virginia Register of Regulations shall be a part of the legislative electronic information system and the Internet subject to such conditions and restrictions as may be established by the Virginia Code Commission in accordance with its responsibilities for publishing and maintaining the Codes and Register as set forth in § 30-146. Copyright interests of the Code publisher, which include case annotations, cross-reference notes, editor's notes, collateral reference notes and effect of amendment notes, shall not be violated.

1987, c. 214; 1996, c. 338; 2003, c. 212.

## COMMONWEALTH OF VIRGINIA

SUSAN CLARKE SCHAAR

CLERK OF THE SENATE  
POST OFFICE BOX 396  
RICHMOND, VIRGINIA 23218

SENATE

March 9, 2017

The Honorable John S. Edwards  
Chair, Virginia Code Commission  
P. O. Box 1179  
Roanoke, VA 24006-1179

Dear Senator Edwards:

This is to inform you that, pursuant to Rule 20 (o) of the Rules of the Senate of Virginia, the subject matters of the following bills have been referred by the Senate Committees indicated below to the Virginia Code Commission for study. It is requested that the appropriate committee chairs and bill patrons receive written reports, with copies to this office, by November 1, 2017.

Bill Number:

SB 782 and SB 832

SJR 216

Senate Committees:

Courts of Justice

Privileges and Elections

With kind regards, I am

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Susan Schaar".

Susan Clarke Schaar

SCS:dhl

cc: Sen. Mark D. Obenshain, Chair, Senate Committee for Courts of Justice  
Sen. Jill Holtzman Vogel, Chair, Senate Committee on Privileges and Elections  
Sen. Adam P. Ebbin, Patron of SB 782 and SJR 216  
Sen. William R. DeSteph, Jr., Patron of SB 832  
Mark Vucci, Director, Division of Legislative Services



## 2017 SESSION

**SJ 216 Constitutional amendment marriage; marriage (first reference).**

Introduced by: Adam P. Ebbin | all patrons ... notes | add to my profiles

edit: summary | title | catch | history

**SUMMARY AS INTRODUCED:**

**Constitutional amendment (first resolution); marriage.** Proposes the repeal of the constitutional amendment dealing with marriage that was approved by referendum at the November 2006 election. That amendment to the Bill of Rights (i) defines marriage as "only a union between one man and one woman"; (ii) prohibits the Commonwealth and its political subdivisions from creating or recognizing "a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage"; and (iii) prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." The provisions of this section of the Constitution of Virginia are no longer valid as a result of the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (June 26, 2015).

**FULL TEXT**

07/18/16 Senate: Prefiled and ordered printed; offered 01/11/17 17100124D pdf

01/31/17 Senate: Committee substitute printed 17104944D-S1 pdf

**HISTORY**

07/18/16 Senate: Prefiled and ordered printed; offered 01/11/17 17100124D

07/18/16 Senate: Referred to Committee on Privileges and Elections

01/20/17 Senate: Assigned to P&amp;E sub: Constitutional Amendments

01/31/17 Senate: Committee substitute printed 17104944D-S1

01/31/17 Senate: Incorporates SJ216 (Locke)

01/31/17 Senate: Passed by indefinitely in Privileges and Elections with letter (8-Y 6-N)

**2017 SESSION****SENATE SUBSTITUTE**

17104944D

**SENATE JOINT RESOLUTION NO. 216****AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Privileges and Elections

on January 31, 2017)

(Patrons Prior to Substitute—Senators Ebbin and Locke [SJ 220])

*Proposing the repeal of Section 15-A of Article I of the Constitution of Virginia, relating to marriage.*

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Repeal Section 15-A of Article I of the Constitution of Virginia as follows:

**ARTICLE I****BILL OF RIGHTS****~~Section 15-A. Marriage.~~**

~~That only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions.~~

~~This Commonwealth and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage. Nor shall this Commonwealth or its political subdivisions create or recognize another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage.~~

**SENATE SUBSTITUTE**

SJ216S1

**2017 SESSION****SB 782 Same-sex marriages; civil unions.**

Introduced by: Adam P. Ebbin | all patrons ... notes | add to my profiles

**SUMMARY AS INTRODUCED:**

**Same-sex marriages; civil unions.** Repeals the statutory prohibitions on same-sex marriages and civil unions or other arrangements between persons of the same sex purporting to bestow the privileges and obligations of marriage. These prohibitions are no longer valid due to the United States Supreme Court decision in *Obergefell v. Hodges*, 576 U.S. \_\_\_\_ (June 26, 2015).

**FULL TEXT**

**07/18/16 Senate:** Prefiled and ordered printed; offered 01/11/17 17100125D pdf

**HISTORY**

**07/18/16 Senate:** Prefiled and ordered printed; offered 01/11/17 17100125D

**07/18/16 Senate:** Referred to Committee for Courts of Justice

**01/16/17 Senate:** Passed by indefinitely in Courts of Justice with letter (10-Y 2-N)

## 2017 SESSION

INTRODUCED

17100125D

## SENATE BILL NO. 782

Offered January 11, 2017

Prefiled July 18, 2016

A BILL to repeal §§ 20-45.2 and 20-45.3 of the Code of Virginia, relating to same-sex marriages; civil unions.

Patrons—Ebbin, Edwards and Lewis; Delegates: Kory, Levine and Sickles

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-45.2 and 20-45.3 of the Code of Virginia are repealed.

INTRODUCED

SB782

## TEXT OF SECTIONS

**§ 20-45.2. Marriage between persons of same sex.**

A marriage between persons of the same sex is prohibited. Any marriage entered into by persons of the same sex in another state or jurisdiction shall be void in all respects in Virginia and any contractual rights created by such marriage shall be void and unenforceable.

1975, c. 644; 1997, cc. 354, 365.

**§ 20-45.3. Civil unions between persons of same sex.**

A civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage is prohibited. Any such civil union, partnership contract or other arrangement entered into by persons of the same sex in another state or jurisdiction shall be void in all respects in Virginia and any contractual rights created thereby shall be void and unenforceable.

2004, c. 983.

**2017 SESSION****SB 832 Firearm transactions; voluntary background checks, clarification of provisions.**

Introduced by: **Bill R. DeSteph, Jr.** | [all patrons](#) ... [notes](#) | [add to my profiles](#)

**SUMMARY AS INTRODUCED:**

**Firearm transactions; voluntary background checks; clarification.** Clarifies the provisions that apply to voluntary background checks performed at a firearms show by translating the Latin term of art *mutatis mutandis* into English.

**FULL TEXT**

11/15/16 Senate: Prefiled and ordered printed; offered 01/11/17 17100017D [pdf](#)

**HISTORY**

11/15/16 Senate: Prefiled and ordered printed; offered 01/11/17 17100017D

11/15/16 Senate: Referred to Committee for Courts of Justice

01/18/17 Senate: Passed by indefinitely in Courts of Justice with letter (14-Y 1-N)

## 2017 SESSION

INTRODUCED

17100017D

## SENATE BILL NO. 832

Offered January 11, 2017

Prefiled November 15, 2016

A BILL to amend and reenact § 54.1-4201.2 of the Code of Virginia, relating to firearm transactions; voluntary background checks; clarification.

Patron—DeSteph

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 54.1-4201.2 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-4201.2. Firearm transactions by persons other than dealers; voluntary background checks.**

A. The Department of State Police shall be available at every firearms show held in the Commonwealth to make determinations in accordance with the procedures set out in § 18.2-308.2:2 of whether a prospective purchaser or transferee is prohibited under state or federal law from possessing a firearm. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police.

Unless otherwise required by state or federal law, any party involved in the transaction may decide whether or not to have such a determination made.

The Department of State Police may charge a reasonable fee for the determination.

B. The promoter, as defined in § 54.1-4201.1, shall give the Department of State Police notice of the time and location of a firearms show at least 30 days prior to the show. The promoter shall provide the Department of State Police with adequate space, at no charge, to conduct such prohibition determinations. The promoter shall ensure that a notice that such determinations are available is prominently displayed at the show.

C. No person who sells or transfers a firearm at a firearms show after receiving a determination from the Department of State Police that the purchaser or transferee is not prohibited by state or federal law from possessing a firearm shall be liable for selling or transferring a firearm to such person.

D. The provisions of § 18.2-308.2:2, including definitions, procedures, and prohibitions, shall apply, ~~mutatis mutandis~~ with the necessary changes having been made, to the provisions of this section.

INTRODUCED

SB832

**2017 Session of the General Assembly**

<b>Legislation Recommended by the Virginia Code Commission</b>			
<b>Subject (Bill #)</b>	<b>Description</b>	<b>Status</b>	<b>Patron</b>
<b>Revision and recodification of Title 23; corrections. (<a href="#">HB 1538</a>)</b>	Corrects typographical errors and makes other technical amendments relating to the revision and recodification of Title 23 and declares such corrections and amendments to be effective retroactively to October 1, 2016.	<a href="#">Chapter 314</a> Passed with amendment	LeMunyon
<b>Nonresident Violator Compact of 1977; codification. (<a href="#">SB 1272</a>)</b>	Codifies the text of the Nonresident Violator Compact of 1977. The bill removes duplicative provisions of the Code of Virginia.	<a href="#">Chapter 164</a> Passed as introduced	McDougle
<b>Virginia taxable income of residents; reorganization of additions, subtractions, and deductions. (<a href="#">SB 912</a>)</b>	Reorganizes the provisions of the Code of Virginia related to the calculation of Virginia taxable income of residents. Current law sets out the additions, subtractions, deductions, and other modifications in one lengthy section. The reorganization creates four new, smaller sections for additions, subtractions, deductions, and other modifications, respectively, but does not make any substantive changes to the calculation of Virginia taxable income. The bill contains numerous technical amendments.	<a href="#">Chapter 444</a> Passed as introduced	Edwards
<b>Virginia Register Act; guidance documents; duty to file with the Registrar. (<a href="#">SB 916</a>)</b>	Consolidates provisions relating to the availability of guidance documents in a single section in the Virginia Register Act. In addition, the bill requires agencies that do not have regulatory authority to annually file with the Virginia Registrar of Regulations for publication in the Virginia Register of Regulations a list of any guidance documents upon which such agencies currently rely. Under current law, the requirement for filing guidance documents applies only to agencies with regulatory authority. As introduced, the bill is a recommendation of the Administrative Law Advisory Committee.	<a href="#">Chapter 488</a> Passed with Senate substitute	Edwards
<b>Ohio River Basin Commission; repeals sections relating to participation by the Commonwealth. (<a href="#">SB 1270</a>)</b>	Repeals two sections of the Code of Virginia relating to the participation by the Commonwealth in the Ohio River Basin Commission. The Commission, established by federal executive order in 1971, was terminated by executive order in 1981.	<a href="#">Chapter 128</a> Passed as introduced	McDougle

**2017 Session of the General Assembly****Other Legislation Affecting the Virginia Code Commission***(Note: This bill was not a recommendation of the Code Commission)*

Subject (Bill #)	Description	Status	Patron
<b>Virginia Code Commission; duties. (<a href="#">HB 1653</a>)</b>	<p>Limits the duties of the Virginia Code Commission relating to the codification of laws enacted by the General Assembly to codifying only those laws for which the General Assembly has expressed its intent for such laws to be codified through the title of the bills relating to such laws. The bill also prohibits the Commission from excluding from the Code of Virginia a law for which the General Assembly has expressed its intent for the same to be codified through the title of the bill.</p> <p>In addition, beginning with the 2017 Regular Session of the General Assembly, the Commission will be required to arrange for the printing and publication of all enactments appearing in bills that become law. Such enactments will be printed and published as they appear in such bills.</p> <p>Currently, the Commission is charged with maintaining a Code of the general and permanent statutes of the Commonwealth. In carrying out this charge, the Commission may codify laws for which the title of the related bill did not provide for any change to the Code (Section 1 bills) and may exclude from the Code laws for which the title of the related bill actually provided for changes to the Code.</p>	Left in Senate Rules	Habeeb





## Editing Responsibilities in Publishing the Code of Virginia

Under § 30-148, the Virginia Code Commission (Commission) is charged with arranging for the codification of and incorporation into the Code of Virginia all general and permanent statutes.

Under § 30-149, the Commission may correct printer's errors and misspellings; may renumber, rename, and rearrange Code of Virginia titles, chapters, articles, and sections in statutes adopted; correct unmistakable errors and correct cross references; and may omit from the "statutes incorporated into the Code of Virginia provisions which, in the judgment of the Commission, are inappropriate in a code, such as emergency clauses, clauses providing for specific nonrecurring appropriations and general repealing clauses."

Pursuant to §§ 30-148 and 30-149, each year the Commission:

- Resolves Code of Virginia section numbering when the General Assembly passes two or more Acts of Assembly adding the same section number;
- Updates cross references;
- Makes other technical changes to the Code of Virginia; and
- Uses its authority to determine if certain enactment clauses and bills that do not have an assigned code section number should be assigned a code section number so that the provision can be found in the Code.

A special committee of the Commission (Executive Committee) makes these determinations as there is not sufficient time for the full Commission to meet while ensuring the timely publication of the Code of Virginia.

See [Code of Virginia FAQs](#) for more information.

### Laws & Regulations



[Virginia Administrative Code](#)



[Virginia Register of Regulations](#)



[Code of Virginia](#)

### FAQs

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### Supporting Agency

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## Code of Virginia FAQs

### What is the Code of Virginia, and who is responsible for publishing it?

The Code of Virginia contains the general and permanent laws of the Commonwealth of Virginia that have been passed by the General Assembly and signed by the Governor.

Under § 30-148, the Virginia Code Commission is charged with arranging for the codification of and incorporation into the Code of Virginia all general and permanent statutes.

### How do I find a law in the online Code of Virginia if I don't know the section number?

Use the search feature of the online Code on the main page at <http://law.lis.virginia.gov/vacode>. Search by key words or phrases, the popular name (e.g., Freedom of Information Act), or view the table of contents, which has all the Code titles with links to the chapters and sections.

### What are Code titles?

Code titles are the first level of organization for the Code of Virginia. Code titles are organized alphabetically by subject and numbered sequentially. The Code of Virginia is organized into 76 titles, numbered from Title 1 to Title 67.

### What are Code chapters?

Each title is divided by subject area into chapters, and some chapters are further divided into articles. Chapter names give you a general idea about the subject matter of the sections contained in the chapter. Sometimes the chapter name can be the name of the Act of Assembly that created the chapter, like the "Scenic River Act." Chapters within each title are also numbered, but the chapter number is not used in the numbering system for the sections (or individual laws) of the Code.

### What is a Code section, and how is it referenced?

Sections, or laws, are the fundamental building blocks of the Code of Virginia. Sections are designated by the symbol "§," followed by the title number, a dash, and the section number. For example, a simple code section reference would be § 1-1, referring to Title 1, Section 1. Another example is § 2.2-3704, which is one of the laws that make up the Virginia Freedom of Information Act.

Code title numbers appear in a variety of formats, such as 1, 2.2, 8.01, or 8.1A. Section numbers can range into the thousands, and some have decimal-points and colons. The organizational framework for the Code was adopted in 1950 and has resulted in some complex code references. An example of a complex code reference is § 45.1-161.311:1, referring to Section 161.311:1 of Title 45.1.

## Laws & Regulations



Virginia Administrative Code



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For more information on the Virginia Code Commission's editing responsibilities in publishing the Code of Virginia, go to <http://codecommission.dls.virginia.gov/code-of-virginia-codification-policies.shtml>.

**When is the Code of Virginia updated?**

Bills that pass during a General Assembly session are effective on July 1 of that session year. Sometimes they may have a different effective date than July 1 and if they do, the date is written in an enactment clause at the end of the legislation. The Virginia Code of Virginia as presented on the Virginia Law Portal is updated July 1 of each year and includes amendments to the Code through the General Assembly session of that year, even the sections that have effective dates after July 1.

**Where can I find a print copy of the Code of Virginia?**

Print copies of the Code of Virginia are available in most Virginia public library systems (<http://www.lva.virginia.gov/public/libraries.asp>). The Code of Virginia is not copyrighted material; however, the print volumes contain copyrighted material such as annotations and case histories.

**Why doesn't the online Code of Virginia have annotations?**

The Code of Virginia online database excludes material copyrighted by the publisher. Copyrighted material includes annotations and editors' notes, which may be found in the print version of the Code of Virginia.

**How can I see the history of a particular Code section?**

The Code of Virginia has links to the legislation (i.e., Acts of Assembly chapters) that amends it beginning in 1994. To find older legislation, call or visit a local law or public library and ask for the Acts of Assembly for the particular year you are researching. For example, if the reference is to Code 1968, c. 477, you would ask for the Virginia Acts of Assembly for 1968, and look for Chapter 477.

You can check when a Code section was implemented or amended by checking the section's history listed at the bottom of each section. See the following code section history as an example. This section was first implemented in 1950 and has been amended during seven sessions of the General Assembly, as noted by the years indicated, since 1950.

Code 1950, § 37-145; 1950, p. 923; 1968, c. 477, § 37.1-137; 1971, Ex. Sess., c. 155; 1976, c. 671; 1997, c. 921, § 37.1-134.19; 1998, c. 787; 2005, cc. 712, 716, § 37.2-1015; 2012, cc. 614, 803, 835.

**What does (c. #) mean in a Code section history reference?**

The notation c. stands for chapter, specifically a chapter in the Acts of Assembly for that year. When a House or Senate bill passes the General Assembly, that bill becomes a chapter, by sequence of passage, in the Acts of Assembly for that year. For example, the first bill that passes, whether it is a House or Senate bill, becomes Chapter 1 of the Acts of Assembly for that session year.



For titles revised after 1982, most section numbers include the chapter number reference in the Code section. For example, § 6.2-500 is the first section in Chapter 5 of Title 6.2 and § 54.1-4413.5 is located in Chapter 44 of Title 54.1.

**What are the Acts of Assembly?**

The Acts of Assembly are bills passed by the General Assembly and signed by the Governor during a particular legislative session. The Acts of Assembly include both **codified** and **uncodified** laws. A codified law amends, repeals, or adds a section to the Code and is generally of a permanent nature and of general application to citizens of the Commonwealth. An uncodified law is not given a Code section number and may be of limited duration or effect. For example, the state budget, claims bills, charter bills, bills of strictly local application, or miscellaneous bills are designated as "Section 1" bills.

**Are all laws passed by the General Assembly in the Code of Virginia?**

Not all laws passed by the General Assembly are included in the Code of Virginia. Generally, Section 1 bills and other enactments that do not have a Code section number are not included in the Code. However, sometimes when it is determined that these provisions have general and permanent application, the Virginia Code Commission will assign a Code section number to these provisions so they are included in the Code.

**What laws are missing from the Code, and where can I find them?**

Laws that are not permanent and of a general application (e.g., are limited in duration or have only local or regional application) may be excluded from the Code. Such bills are often enacted without a Code section number (referred to as "Section 1" bills).

You can find uncodified Acts of Assembly, by year, on the Virginia Law Portal at <http://law.lis.virginia.gov/uncodifiedacts>.

**What does "Not Set Out" mean in the Code of Virginia?**

The general policy has been to exclude from the Code the full text of sections determined not to be general and permanent in nature; however, the Virginia Code Commission is steering away from this practice. Most "not set out" sections currently found in the Code were designated as such 10 or more years ago and consist of (i) legislative findings, purpose, intent, and policy statements; (ii) provisions with local applicability only; and (iii) property tax exemptions for various individually designated organizations.

**What other changes does the Virginia Code Commission make to the Code of Virginia?**

Under § 30-149, the Virginia Code Commission may correct printer's errors and misspellings; may renumber, rename, and rearrange Code of Virginia titles, chapters, articles, and sections in statutes adopted; correct unmistakable errors and correct cross references; and may omit from the statutes incorporated into the Code of Virginia provisions that, in the judgment of the Commission, are inappropriate in a code, such as emergency clauses, clauses providing for specific nonrecurring appropriations, and general repealing clauses.