

**Virginia Code Commission
Meeting Materials
October 22, 2025**

VIRGINIA CODE COMMISSION

Monday, May 18, 2025 - 10:00 a.m.

House Committee Room C - General Assembly Building

DRAFT

Meeting Minutes

Members Present: Marcus B. Simon, Katrina E. Callsen, Nicole S. Cheuk, Richard E. Gardiner, Michael P. Mullin, Christopher Nolen, Steven Poppo, Charles S. Sharp, Malfourd W. Trumbo, Amigo R. Wade

Members Present (Virtually): Ryan T. McDougale

Members Absent: Russet W. Perry

Staff Present: Holly Trice, Anne Bloomsburg, Keelin Cronin, Andrew Kubincanek, Meg Lamb, Casey Nelson, Division of Legislative Services

Others Present: Tom Lisk, ALAC; Rachel DeGraba, Supreme Court of Virginia; Dave Ress, Richmond Times-Dispatch

Call to order: Delegate Simon, chair, called the meeting to order at 10:03 and announced the live stream of the meeting was initially unavailable. However, the live stream would begin, then be streamed with the currently running Zoom call, and seamed together to create complete video documentation of the meeting.

A quorum of the commission was present.

Review of Proposed Electronic Meeting Policy under § 2.2-3708.3: Chair Simon explained the electronic meeting policy for 2024 remained effective until June 30, 2025, which covered Senator McDougale participating virtually for this meeting. Chair Simon then asked the commission to vote on adopting an electronic meeting policy for 2025; the only policy change from the 2024 version was that it was updated to allow all virtual meetings to occur no more than appear 2 times per year or 50% of the meetings held, whichever is greater. A motion was made, properly seconded, and passed unanimously.

Review and Approval of November 18, 2024, Meeting Minutes: Chair Simon asked the commission for amendments to the minutes from the November 18, 2024, meeting; there were none. A motion was made to approve the draft minutes, it was properly seconded, and the motion passed unanimously.

Request to Review 58.1-3221 E: Chair Simon requested background on a discrepancy in terminology in subsection E of 58.1-3221 of the Code of Virginia. Holly Trice, Registrar, gave background of the issue, which involves the instance of "historic landmark" being used instead of the term "historic district." Ms. Trice recounted the circumstances of the statute language. Assistant Attorney General, Steven Poppo stated that, according to Ms. Trice's information, the word choice does not seem to meet the Code Commission authorization for correction, which is that the correction be for an "unmistakable error." Chair Simon noted the commission had two options for corrections: draft a bill to fix the error, and a member carry it or establish a "recommendation from the Code Commission," and ask a different member to carry it. Judge Trumbo recommended, since it was a member of the public who identified the inconsistency, to have that individual contact their elected representative and that representative could introduce a bill. A motion was made to take no action on this topic; it was properly seconded and passed unanimously.

Request from Senator Surovell to Study Archaic Terms - Courts: The commission received two letters from Senator Surovell requesting the commission study "archaic" language in the forms of the Virginia Supreme Court. The goal of the request was removal of archaic language in court forms or in statute itself and replacement with plain language to improve the experience of pro se individuals with business before the court. Chair Simon asked the commission members their opinions on having a subcommittee workgroup conduct such a study. Judge Sharp weighed in to say this seems to be a legislative issue, which is consistent with his observation when the commission discussed the first of the two letters at November 18, 2024, meeting. Judge Trumbo asked which legislative committee would handle this. Chair Simon stated it would be the Courts of Justice and went on to describe the complicated process of creating a work group. Michael Mullin asked if any group had taken this issue up. Delegate Callsen said the Courts of Justice Committee should decide what language is considered inaccessible. Judge Sharp agreed. The commission discussed what the impact of "archaic" language may be on the general public's ability to access legal justice.

Chair Simon asked if anyone from Virginia Supreme Court were present. Rachel DeGraba, a representative from the court's forms committee addressed the commission and said that the forms committee did not feel it had the authority to change the statutory terms to plain language on its own. Chair Simon asked if the commission might authorize an individual member to work with the forms committee and come up with a work plan, but Ms. DeGraba indicated the forms committee would not be equipped for this type of project. Judge Trumbo asked if the forms committee had access to the Courts of Justice committee. Judge Gardiner pointed out that seemed appropriate, as the forms still must be consistent with statute. Judge Gardiner then asked if commission staff could study the issue. Ms. Trice indicated that she would reach out to the Access to Justice Commission to obtain a list of the terms they would like considered. Chair Simon asked for a motion to direct staff to look into which terms should be considered and where these terms are found in the Code. Judge Sharp suggested that scope be narrowed in some manner, then Judge Gardiner made such a motion; it was properly seconded and passed unanimously.

Recodification of Title 30: Meg Lamb, DLS, presented the current status of the recodification of Title 30 of the Code of Virginia. Ms. Lamb said staff had recommended three work groups and reviewed information in materials presented to the commission. Ms. Lamb described the contents and subject matter for each work group and number of and timeframe for meetings.

Chair Simon asked for questions from the commission. Director Wade described the agency's general approach to standardizing the language around creation of various commissions, councils, and collegial bodies. Chair Simon asked for volunteers to work on these work groups before he would begin assigning members to groups. Ms. Lamb introduced the team for recodification, including Casey Nelson, new attorney to recodification team, and current member, Keelin Cronin.

Status Update on House Bill 2660 Work Group: Director Wade updated the commission on the Work Group required by Chapter 100 of the 2025 Acts of Assembly, beginning with background information, then stating that the Work Group has had its first meeting of a planned five. The work group will present recommendations by the October commission meeting. Chair Simon thanked Director Wade for work.

Other Business:

Request for ALAC Reappointments: Tom Lisk, the Chair of the Administrative Law and Advisory Committee (ALAC), requested reappointment of 10 ALAC members and appointment of one new

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member. Mr. Lisk provided a complete list that included information on each member. The appointment terms are for two years. A motion was made to reappoint the 10 existing members; it was properly seconded and passed unanimously. A separate motion was made to appoint Craig Maxie, the new member; it was properly seconded and passed unanimously.

Status of Meeting Live Stream: Meeting live stream began about one-third of the way through the meeting.

Public comment: Chair Simon asked if there were any members of the public who wished to offer comment. No one present at the meeting wished to comment, and no one had commented virtually via the email address provided for comment.

Adjourn: A motion was made for adjournment, seconded, and passed unanimously.

Chair Simon adjourned the meeting at 10:44 a.m.

ACCESS TO JUSTICE COMMISSION:
TERMS FOR CONSIDERATION
IN THE CODE OF VIRGINIA



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"bill of particulars"

Found in Titles 16.1 and 19.2.

Title 16.1 – Courts Not of Record

§ 16.1-69.25:1. Judge shall order bill of particulars; time for motion

Upon request of either party, a judge of a district court may direct the filing of a written bill of particulars at any time before trial and within a period of time specified in the order so requiring. Motions for bills of particulars in criminal cases before general district courts shall be made before a plea is entered and at least seven days before the day fixed for trial.

1980, c. 338; 1998, cc. 482, 495.

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys

A. Any corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, the Fort Monroe Authority, and the Department of Military Affairs, when the amount claimed in any civil action pursuant to subdivision (1) or (3) of § 16.1-77 does not exceed the jurisdictional amounts authorized in such subsections, exclusive of interest, may prepare, execute, file, and have served on other parties in any proceeding in a general district court a warrant in debt, motion for judgment, warrant in detinue, distress warrant, summons for unlawful detainer, counterclaim, crossclaim, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, writ of fieri facias, interpleader and civil appeal notice without the intervention of an attorney. Such papers may be signed by a corporate officer, a manager of a limited liability company, a general partner of any form of partnership or a trustee of any business trust, or such corporate officer, with the approval of the board of directors, or manager, general partner or trustee may authorize in writing an employee, a person licensed under the provisions of § 54.1-2106.1, or the property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement to sign such papers as the agent of the business entity. Only an agency employee designated in writing by the Adjutant General may sign such papers on behalf of the Department of Military Affairs. However, this section shall not apply to an action under subdivision (1) or (3) of § 16.1-77 which was assigned to a corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, or individual solely for the purpose of enforcing an obligation owed or right inuring to another.

B. Nothing in this section shall allow a nonlawyer to file a bill of particulars or grounds of defense or to argue motions, issue a subpoena, rule to show cause, or capias; file or interrogate at debtor interrogatories; or to file, issue or argue any other paper, pleading or proceeding not set forth in subsection A.

C. The provisions of § 8.01-271.1 shall apply to any pleading, motion or other paper filed or made pursuant to this section.

D. Parties not represented by counsel, and who have made an appearance in the case, shall promptly notify in writing the clerk of court wherein the litigation is pending, and any adverse party, of any change in the party's address necessary for accurate mailing or service of any pleadings or notices. In the absence of such notification, a mailing to or service upon a party at the most recent address contained in the court file of the case shall be deemed effective service or other notice.

1990, c. 645; 1992, c. 814; 1993, cc. 473, 478; 2003, cc. 665, 667; 2004, cc. 338, 365; 2005, c. 136; 2006, c. 374; 2017, c. 690; 2019, cc. 180, 477, 700; 2020, cc. 84, 194.

Title 19.2 – Criminal Procedure

§ 19.2-230. Bill of particulars

A court of record may direct the filing of a bill of particulars at any time before trial. A motion for a bill of particulars shall be made before a plea is entered and at least seven days before the day fixed for trial and the bill of particulars shall be filed within such time as is fixed by the court.

1975, c. 495.

§ 19.2-266.2. Defense objections to be raised before trial; hearing; bill of particulars

A. Defense motions or objections seeking (i) suppression of evidence on the grounds such evidence was obtained in violation of the provisions of the Fourth, Fifth or Sixth Amendments to the Constitution of the United States or Article I, Section 8, 10 or 11 of the Constitution of Virginia proscribing illegal searches and seizures and protecting rights against self-incrimination; (ii) dismissal of a warrant, information, or indictment or any count or charge thereof on the ground that: (a) the defendant would be deprived of a speedy trial in violation of the provisions of the Sixth Amendment to the Constitution of the United States, Article I, Section 8 of the Constitution of Virginia, or § 19.2-243; or (b) the defendant would be twice placed in jeopardy in violation of the provisions of the Fifth Amendment to the Constitution of the United States or Article I, Section 8 of the Constitution of Virginia; or (iii) dismissal of a warrant, information, or indictment or any count or charge thereof on the ground that a statute upon which it was based is unconstitutional shall be raised by motion or objection.

B. Such a motion or objection in a proceeding in circuit court shall be raised in writing, before trial. The motions or objections shall be filed and notice given to opposing counsel not later than seven days before trial in circuit court or, if made under clause (ii) of subsection A, at such time prior to trial in circuit court as the grounds for the motion or objection shall arise, whichever occurs last. A hearing on all such motions or objections shall be held not later than three days prior to trial in circuit court, unless such period is waived by the accused, as set by the trial judge. The circuit court may, however, for good cause shown and in the interest of justice, permit the motions or objections to be raised at a later time.

C. To assist the defense in filing such motions or objections in a timely manner, the circuit court shall, upon motion of the defendant, direct the Commonwealth to file a bill of particulars pursuant to § 19.2-230. The circuit court shall fix the time within which such bill of particulars is to be filed. Upon further motion of the defendant, the circuit court may, upon a showing of good cause, direct the Commonwealth to supplement its bill of particulars. The attorney for the Commonwealth shall certify that the matters stated in the bill of particulars are true and accurate to the best of his knowledge and belief.

D. In a criminal proceeding in district court, any motion or objection as described in subsection A may be raised prior to or at such proceeding. In the event such a motion or objection is raised, the district court shall, upon motion of the Commonwealth grant a continuance for good cause shown.

1987, c. 710; 2005, cc. 622, 694; 2006, cc. 578, 862.

"capias"

Found in Titles 8.01, 9.1, 16.1, 19.2, 20, 37.2, 53.1, and 63.2.

Title 8.01 – Civil Remedies and Procedures

§ 8.01-229. Suspension or tolling of statute of limitations; effect of disabilities; effect of death; injunction; prevention of service by defendant; dismissal, nonsuit or abatement; devise for payment of debts; new promises; debts proved in creditors' suits

A. Disabilities which toll the statute of limitations. — Except as otherwise specifically provided in §§ 8.01-237, 8.01-241, 8.01-242, 8.01-243, 8.01-243.1 and other provisions of this Code,

1. If a person entitled to bring any action is at the time the cause of action accrues an infant, except if such infant has been emancipated pursuant to Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, or incapacitated, such person may bring it within the prescribed limitation period after such disability is removed; or

2. After a cause of action accrues,

a. If an infant becomes entitled to bring such action, the time during which he is within the age of minority shall not be counted as any part of the period within which the action must be brought except as to any such period during which the infant has been judicially declared emancipated; or

b. If a person entitled to bring such action becomes incapacitated, the time during which he is incapacitated shall not be computed as any part of the period within which the action must be brought, except where a conservator, guardian or committee is appointed for such person in which case an action may be commenced by such conservator, committee or guardian before the expiration of the applicable period of limitation or within one year after his qualification as such, whichever occurs later.

For the purposes of subdivisions 1 and 2, a person shall be deemed incapacitated if he is so adjudged by a court of competent jurisdiction, or if it shall otherwise appear to the court or jury determining the issue that such person is or was incapacitated within the prescribed limitation period.

3. If a convict is or becomes entitled to bring an action against his committee, the time during which he is incarcerated shall not be counted as any part of the period within which the action must be brought.

B. Effect of death of a party. — The death of a person entitled to bring an action or of a person against whom an action may be brought shall toll the statute of limitations as follows:

1. Death of person entitled to bring a personal action. — If a person entitled to bring a personal action dies with no such action pending before the expiration of the limitation period for commencement thereof, then an action may be commenced by the decedent's personal representative before the expiration of the limitation period including the limitation period as provided by subdivision E 3 or within one year after his qualification as personal representative, whichever occurs later.

2. Death of person against whom personal action may be brought.

a. If a person against whom a personal action may be brought dies before the commencement of such action and before the expiration of the limitation period for commencement thereof then a claim may be filed against the decedent's estate or an action may be commenced against the decedent's personal representative before the expiration of the applicable limitation period or within one year after the qualification of such personal representative, whichever occurs later.

b. If a person against whom a personal action may be brought dies before suit papers naming such person as defendant have been filed with the court, then such suit papers may be amended to substitute the decedent's personal representative as party defendant before the expiration of the applicable limitation period or within two years after the date such suit papers were filed with the court, whichever occurs later, and such suit papers shall be taken as properly filed.

3. Effect of death on actions for recovery of realty, or a proceeding for enforcement of certain liens relating to realty. — Upon the death of any person in whose favor or against whom an action for recovery of realty, or a proceeding for enforcement of certain liens relating to realty, may be brought, such right of action shall accrue to or against his successors in interest as provided in Article 2 (§ 8.01-236 et seq.).

4. Accrual of a personal cause of action against the estate of any person subsequent to such person's death. — If a personal cause of action against a decedent accrues subsequent to his death, an action may be brought against the decedent's personal representative or a claim thereon may be filed against the estate of such decedent before the expiration of the applicable limitation period or within two years after the qualification of the decedent's personal representative, whichever occurs later.

5. Accrual of a personal cause of action in favor of decedent. — If a person dies before a personal cause of action which survives would have accrued to him, if he had continued to live, then an action may be commenced by such decedent's personal representative before the expiration of the applicable limitation period or within one year after the qualification of such personal representative, whichever occurs later.

6. Delayed qualification of personal representative. — If there is an interval of more than two years between the death of any person in whose favor or against whom a cause of action has accrued or shall subsequently accrue and the qualification of such person's personal representative, such personal representative shall, for the purposes of this chapter, be deemed to have qualified on the last day of such two-year period.

C. Suspension during injunctions. — When the commencement of any action is stayed by injunction, the time of the continuance of the injunction shall not be computed as any part of the period within which the action must be brought.

D. Obstruction of filing by defendant. — When the filing of an action is obstructed by a defendant's (i) filing a petition in bankruptcy or filing a petition for an extension or arrangement under the United States Bankruptcy Act or (ii) using any other direct or indirect means to obstruct the filing of an action, then the time that such obstruction has continued shall not be counted as any part of the period within which the action must be brought.

E. Dismissal, abatement, or nonsuit.

1. Except as provided in subdivision 3, if any action is commenced within the prescribed limitation period and for any cause abates or is dismissed without determining the merits, the time such action is pending shall not be computed as part of the period within which such action may be brought, and another action may be brought within the remaining period.

2. If a judgment or decree is rendered for the plaintiff in any action commenced within the prescribed limitation period and such judgment or decree is arrested or reversed upon a ground which does not preclude a new action for the same cause, or if there is occasion to bring a new action by reason of the loss or destruction of any of the papers or records in a former action which was commenced within the prescribed limitation period, then a new action may be brought within one year after such arrest or reversal or such loss or destruction, but not after.

3. If a plaintiff suffers a voluntary nonsuit as prescribed in § 8.01-380, the statute of limitations with respect to such action shall be tolled by the commencement of the nonsuited action, regardless of whether the statute of limitations is statutory or contractual, and the plaintiff may recommence his action within six months from the date of the order entered by the court, or within the original period of limitation, or within the limitation period as provided by subdivision B 1, whichever period is longer. This tolling provision shall apply irrespective of whether the action is originally filed in a federal or a state court and recommenced in any other court, and shall apply to all actions irrespective of whether they arise under common law or statute.

F. Effect of devise for payment of debts. — No provision in the will of any testator devising his real estate, or any part thereof, subject to the payment of his debts or charging the same therewith, or containing any other provision for the payment of debts, shall prevent this chapter from operating against such debts, unless it plainly appears to be the testator's intent that it shall not so operate.

G. Effect of new promise in writing.

1. If any person against whom a right of action has accrued on any contract, other than a judgment or recognizance, promises, by writing signed by him or his agent, payment of money on such contract, the person to whom the right has accrued may maintain an action for the money so promised, within such number of years after such promise as it might be maintained if such promise were the original cause of action. An acknowledgment in writing, from which a promise of payment may be implied, shall be deemed to be such promise within the meaning of this subsection.

2. The plaintiff may sue on the new promise described in subdivision 1 or on the original cause of action, except that when the new promise is of such a nature as to merge the original cause of action then the action shall be only on the new promise.

H. Suspension of limitations in creditors' suits. — When an action is commenced as a general creditors' action, or as a general lien creditors' action, or as an action to enforce a mechanics' lien, the running of the statute of limitations shall be suspended as to debts provable in such action from the commencement of the action, provided they are brought in before the commissioner in chancery under the first reference for an account of debts; but as to claims not so brought in the statute shall continue to run, without interruption by reason either of the commencement of the action or of the order for an account, until a later order for an account, under which they do come in, or they are asserted by petition or independent action.

In actions not instituted originally either as general creditors' actions, or as general lien creditors' actions, but which become such by subsequent proceedings, the statute of limitations shall be suspended by an order of reference for an account of debts or of liens only as to those creditors who come in and prove their claims under the order. As to creditors who come in afterwards by petition or under an order of recommittal, or a later order of reference for an account, the statute shall continue to run without interruption by reason of previous orders until filing of the petition, or until the date of the reference under which they prove their claims, as the case may be.

I. When an action is commenced within a period of 30 days prior to the expiration of the limitation period for commencement thereof and the defending party or parties desire to institute an action as third-party plaintiff against one or more persons not party to the original action, the running of the period of limitation against such action shall be suspended as to such new party for a period of 60 days from the expiration of the applicable limitation period.

J. If any award of compensation by the Workers' Compensation Commission pursuant to Chapter 5 (§ 65.2-500 et seq.) of Title 65.2 is subsequently found void ab initio, other than an award voided for fraudulent procurement of the award by the claimant, the statute of limitations applicable to any civil action upon the same claim or cause of action in a court of this Commonwealth shall be tolled for that period of time during which compensation payments were made.

K. Suspension of limitations during criminal proceedings. — In any personal action for damages or action for death by wrongful act pursuant to § 8.01-50, if a criminal prosecution arising out of the same facts is commenced, the time such prosecution is pending shall not be computed as part of the period within which such a civil action may be brought. For purposes of this subsection, the time during which a prosecution is pending shall be calculated from the date of the issuance of a warrant, summons, or **capias**, the return or filing of an indictment or information, or the defendant's first appearance in any court as an accused in such a prosecution, whichever date occurs first, until the date of the final judgment or order in the trial court, the date of the final disposition of any direct appeal, or the date on which the time for noting an appeal has expired, whichever date occurs last. Thereafter, the civil action may be brought within the remaining period of the statute or within one year, whichever is longer.

If a criminal prosecution is commenced and a grand jury indictment is returned or a grand jury indictment is waived after the period within which a civil action arising out of the same set of facts may be brought, a civil action may be brought within one year of the date of the final judgment or order in the trial court, the date of the final disposition of any direct appeal, or the date on which the time for noting an appeal has expired, whichever date occurs last, but no more than 10 years after the date of the crime or two years after the cause of action shall have accrued, whichever date occurs last.

Code 1950, §§ 8-8, 8-13, 8-15, 8-20, 8-21, 8-25, 8-26, 8-29 through 8-34; 1964, c. 219; 1966, c. 118; 1972, c. 825; 1977, c. 617; 1978, cc. 65, 767; 1983, cc. 404, 437; 1986, c. 506; 1987, cc. 294, 645; 1988, c. 711; 1989, c. 588; 1990, c. 280; 1991, cc. 693, 722; 1993, c. 844; 1997, c. 801; 2000, c. 531; 2001, cc. 773, 781; 2016, cc. 189, 268; 2025, c. 37.

§ 8.01-293. Authorization to serve process, **capias** or show cause order; execute writ of possession or eviction and levy upon property

A. The following persons are authorized to serve process:

1. The sheriff within such territorial bounds as described in § 8.01-295;
2. Any person 18 years of age or older and who is not a party or otherwise interested in the subject matter in controversy. For purposes of this subdivision, an investigator employed by the Indigent Defense Commission shall not be considered to be a party or otherwise interested in the subject matter in controversy while engaged in the performance of his official duties when serving witness subpoenas. For purposes of this subdivision, an investigator employed by an attorney for the Commonwealth shall not be considered to be a party or otherwise interested in the subject matter in controversy while engaged in the performance of his official duties, provided that the sheriff in the jurisdiction where process is to be served has agreed that such investigator may serve process. If a sheriff has agreed that such investigator may serve process, then an investigator employed by an attorney for the Commonwealth may serve process. However, in any case in which custody or visitation of a minor child or children is at issue and a summons is issued for the attendance and testimony of a teacher or other school personnel who is not a party to the proceeding, if such summons is served on school property, it shall be served only by a sheriff or his deputy; or
3. A private process server. For purposes of this section, "private process server" means any person 18 years of age or older and who is not a party or otherwise interested in the subject matter in controversy, and who charges a fee for service of process.

Whenever in this Code the term "officer" or "sheriff" is used to refer to persons authorized to make, return, or do any other act relating to service of process, such term shall be deemed to refer to any person authorized by this section to serve process.

B. Notwithstanding any other provision of law (i) only a sheriff or high constable may execute an order or writ of possession for personal, real, or mixed property, including a writ of eviction arising out of an action in unlawful entry and detainer or ejectment; (ii) any sheriff, high constable, or law-enforcement officer as defined in § 9.1-101 may serve any **capias** or show cause order; and (iii) only a sheriff, the high constable for the City of Norfolk or Virginia Beach, or a treasurer may levy upon property.

Code 1950, §§ 8-52, 8-54; 1954, c. 543; 1960, c. 16; 1968, c. 484; 1977, c. 617; 1981, c. 110; 1986, c. 275; 1996, cc. 501, 608; 1997, c. 820; 2002, c. 342; 2004, cc. 210, 588; 2011, c. 766; 2018, c. 238; 2019, cc. 180, 700; 2022, cc. 248, 684.

[§ 8.01-467. What writs may not issue](#)

No writ of levavi facias, writ of extendi facias, writ of elegit, writ of **capias** ad satisfaciendum, or writ of distringas shall be issued hereafter.

Code 1950, § 8-400; 1977, c. 617; 1984, c. 94.

[§ 8.01-508. How debtor may be arrested and held to answer](#)

If any person summoned under § 8.01-506 fails to appear and answer, or makes any answers which are deemed by the commissioner or court to be evasive, or if, having answered, fails to make such conveyance and delivery as is required by § 8.01-507, the commissioner or court shall

issue (i) a **capias** directed to any sheriff requiring such sheriff to take the person in default and deliver him to the commissioner or court so that he may be compelled to make proper answers, or such conveyance or delivery, as the case may be or (ii) a rule to show cause why the person summoned should not appear and make proper answer or make conveyance and delivery. If the person in default fails to answer or convey and deliver he may be incarcerated until he makes such answers or conveyance and delivery. Where a **capias** is issued, the person in default shall be admitted to bail as provided in Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 if he cannot be brought promptly before the commissioner or court in the county or city to which the **capias** is returnable. Upon making such answers, or such conveyance and delivery, he shall be discharged by the commissioner or the court. He may also be discharged by the court from whose clerk's office the **capias** issued in any case where the court is of the opinion that he was improperly committed or is improperly or unlawfully detained in custody. If the person in default appeals the decision of the commissioner or court, he shall be admitted to bail as provided in Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2.

If the person held for failure to appear and answer interrogatories is detained in a jurisdiction other than that where the summons is issued, the sheriff in the requesting jurisdiction shall have the duty to transport such person to the place where interrogatories are to be taken.

Code 1950, § 8-438; 1977, c. 617; 1983, c. 278; 1985, c. 290; 1986, c. 326; 1999, cc. 829, 846.

Title 9.1 – Commonwealth Public Safety

§ 9.1-176.1. Duties and responsibilities of local community-based probation officers

A. Each local community-based probation officer, for the localities served, shall:

1. Supervise and assist all local-responsible adult offenders, residing within the localities served and placed on local community-based probation by any judge of any court within the localities served;
2. Ensure offender compliance with all orders of the court, including the requirement to perform community service;
3. Conduct, when ordered by a court, substance abuse screenings, or conduct or facilitate the preparation of assessments pursuant to state approved protocols;
4. Conduct, at his discretion, random drug and alcohol tests on any offender whom the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana or the abuse of alcohol or prescribed medication;
5. Facilitate placement of offenders in substance abuse education or treatment programs and services or other education or treatment programs and services based on the needs of the offender;
6. Seek a **capias** from any judicial officer in the event of failure to comply with conditions of local community-based probation or supervision on the part of any offender provided that noncompliance resulting from intractable behavior presents a risk of flight, or a risk to public safety or to the offender;
7. Seek a motion to show cause for offenders requiring a subsequent hearing before the court;

8. Provide information to assist any law-enforcement officer with the return to custody of defendants placed on supervision for which a **capias** has been sought;
9. Keep such records and make such reports as required by the Department of Criminal Justice Services;
10. Determine by reviewing the Department of Forensic Science DNA data bank sample tracking system upon intake and again prior to discharge whether a blood, saliva, or tissue sample is stored in the DNA data bank for each offender required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if an offender's sample is not stored in the data bank, require the offender to submit a sample for DNA analysis;
11. Monitor the collection and payment of restitution to the victims of crime for offenders placed on local supervised probation; and
12. Determine by reviewing the offender's criminal history record at least 60 days prior to discharge whether all offenses for which the offender is being supervised appear on such record and, if any such offense that is required to be reported to the Central Criminal Records Exchange pursuant to § 19.2-390 does not appear, (i) order the offender to report to the law-enforcement agency that made the arrest for such offense or to the Department of State Police and submit to having his fingerprints and photograph taken for each such offense, (ii) provide written or electronic notification to the Central Criminal Records Exchange within the Department of State Police that the offense does not appear on the offender's criminal history record, and (iii) verify that such fingerprints and photograph have been taken.

B. Each local probation officer may provide the following optional services, as appropriate and when available resources permit:

1. Supervise local-responsible adult offenders placed on home incarceration with or without home electronic monitoring as a condition of local community-based probation;
2. Investigate and report on any local-responsible adult offender and prepare or facilitate the preparation of any other screening, assessment, evaluation, testing or treatment required as a condition of probation;
3. Monitor placements of local-responsible adults who are required to perform court-ordered community service at approved work sites;
4. Assist the courts, when requested, by monitoring the collection of court costs and fines for offenders placed on local probation; and
5. Collect supervision and intervention fees pursuant to § 9.1-182 subject to local approval and the approval of the Department of Criminal Justice Services.

2003, c. 142; 2007, cc. 133, 528; 2011, cc. 384, 410; 2014, cc. 674, 719; 2018, cc. 316, 671; 2019, cc. 782, 783; 2022, cc. 41, 42.

[§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys](#)

A. Any corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, the Fort Monroe Authority, and

the Department of Military Affairs, when the amount claimed in any civil action pursuant to subdivision (1) or (3) of § 16.1-77 does not exceed the jurisdictional amounts authorized in such subsections, exclusive of interest, may prepare, execute, file, and have served on other parties in any proceeding in a general district court a warrant in debt, motion for judgment, warrant in detinue, distress warrant, summons for unlawful detainer, counterclaim, crossclaim, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, writ of fieri facias, interpleader and civil appeal notice without the intervention of an attorney. Such papers may be signed by a corporate officer, a manager of a limited liability company, a general partner of any form of partnership or a trustee of any business trust, or such corporate officer, with the approval of the board of directors, or manager, general partner or trustee may authorize in writing an employee, a person licensed under the provisions of § 54.1-2106.1, or the property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement to sign such papers as the agent of the business entity. Only an agency employee designated in writing by the Adjutant General may sign such papers on behalf of the Department of Military Affairs. However, this section shall not apply to an action under subdivision (1) or (3) of § 16.1-77 which was assigned to a corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, or individual solely for the purpose of enforcing an obligation owed or right inuring to another.

B. Nothing in this section shall allow a nonlawyer to file a bill of particulars or grounds of defense or to argue motions, issue a subpoena, rule to show cause, or **capias**; file or interrogate at debtor interrogatories; or to file, issue or argue any other paper, pleading or proceeding not set forth in subsection A.

C. The provisions of § 8.01-271.1 shall apply to any pleading, motion or other paper filed or made pursuant to this section.

D. Parties not represented by counsel, and who have made an appearance in the case, shall promptly notify in writing the clerk of court wherein the litigation is pending, and any adverse party, of any change in the party's address necessary for accurate mailing or service of any pleadings or notices. In the absence of such notification, a mailing to or service upon a party at the most recent address contained in the court file of the case shall be deemed effective service or other notice.

1990, c. 645; 1992, c. 814; 1993, cc. 473, 478; 2003, cc. 665, 667; 2004, cc. 338, 365; 2005, c. 136; 2006, c. 374; 2017, c. 690; 2019, cc. 180, 477, 700; 2020, cc. 84, 194.

Title 16.1 – Courts Not of Record

§ 16.1-247. Duties of person taking child into custody

A. A person taking a child into custody pursuant to the provisions of subsection A of § 16.1-246, during such hours as the court is open, shall, with all practicable speed, and in accordance with the provisions of this law and the orders of court pursuant thereto, bring the child to the judge or intake officer of the court and the judge, intake officer or arresting officer shall, in the most expeditious manner practicable, give notice of the action taken, together with a statement of the

reasons for taking the child into custody, orally or in writing to the child's parent, guardian, legal custodian or other person standing in loco parentis.

B. A person taking a child into custody pursuant to the provisions of subsection B, C, or D of § 16.1-246, during such hours as the court is open, shall, with all practicable speed, and in accordance with the provisions of this law and the orders of court pursuant thereto:

1. Release the child to such child's parents, guardian, custodian or other suitable person able and willing to provide supervision and care for such child and issue oral counsel and warning as may be appropriate; or
2. Release the child to such child's parents, guardian, legal custodian or other person standing in loco parentis upon their promise to bring the child before the court when requested; or
3. If not released, bring the child to the judge or intake officer of the court and, in the most expeditious manner practicable, give notice of the action taken, together with a statement of the reasons for taking the child into custody, in writing to the judge or intake officer, and the judge, intake officer or arresting officer shall give notice of the action taken orally or in writing to the child's parent, guardian, legal custodian or other person standing in loco parentis. Nothing herein shall prevent the child from being held for the purpose of administering a blood or breath test to determine the alcoholic content of his blood where the child has been taken into custody pursuant to § 18.2-266.

C. A person taking a child into custody pursuant to the provisions of subsections E and F of § 16.1-246, during such hours as the court is open, shall, with all practicable speed and in accordance with the provisions of this law and the orders of court pursuant thereto:

1. Release the child to the institution, facility or home from which he ran away or escaped; or
2. If not released, bring the child to the judge or intake officer of the court and, in the most expeditious manner practicable, give notice of the action taken, together with a statement of the reasons for taking the child into custody, in writing to the judge or intake officer, and the judge, intake officer or arresting officer shall give notice of the action taken orally or in writing to the institution, facility or home in which the child had been placed and orally or in writing to the child's parent, guardian, legal custodian or other person standing in loco parentis.

D. A person taking a child into custody pursuant to the provisions of subsection A of § 16.1-246, during such hours as the court is not open, shall with all practicable speed and in accordance with the provisions of this law and the orders of court pursuant thereto:

1. Release the child taken into custody pursuant to a warrant on bail or recognizance pursuant to Chapter 9 (§ 19.2-119 et seq.) of Title 19.2; or
2. Place the child in a detention home or in shelter care; or
3. Place the child in a jail subject to the provisions of § 16.1-249.

E. A person taking a child into custody pursuant to the provisions of subsection B, C, or D of § 16.1-246 during such hours as the court is not open, shall:

1. Release the child pursuant to the provisions of subdivision B 1 or B 2 of this section; or
2. Release the child on bail or recognizance pursuant to Chapter 9 (§ 19.2-119 et seq.) of Title 19.2; or

3. Place the child taken into custody pursuant to subsection B of § 16.1-246 in shelter care after the issuance of a detention order pursuant to § 16.1-255; or

4. Place the child taken into custody pursuant to subsection C or D of § 16.1-246 in shelter care or in a detention home after the issuance of a warrant by a magistrate; or

5. Place the child in a jail subject to the provisions of § 16.1-249 after the issuance of a warrant by a magistrate or after the issuance of a detention order pursuant to § 16.1-255; or

6. In addition to any other provisions of this subsection, detain the child for a reasonably necessary period of time in order to administer a breath or blood test to determine the alcohol content of his blood, if such child was taken into custody pursuant to § 18.2-266.

F. A person taking a child into custody pursuant to the provisions of subsection E of § 16.1-246, during such hours as the court is not open, shall:

1. Release the child to the institution or facility from which he ran away or escaped; or

2. Detain the child in a detention home or in a jail subject to the provisions of § 16.1-249 after the issuance of a warrant by a magistrate or after the issuance of a detention order pursuant to § 16.1-255.

G. A person taking a child into custody pursuant to the provisions of subsection F of § 16.1-246, during such hours as the court is not open, shall:

1. Release the child to the facility or home from which he ran away; or

2. Detain the child in shelter care after the issuance of a detention order pursuant to § 16.1-255 or after the issuance of a warrant by a magistrate.

H. If a parent, guardian or other custodian fails, when requested, to bring the child before the court as provided in subdivisions B 2 and E 1, the court may issue a detention order directing that the child be taken into custody and be brought before the court.

I. A law-enforcement officer taking a child into custody pursuant to the provisions of subsection G of § 16.1-246 shall notify the intake officer of the juvenile court of the action taken. The intake officer shall determine if the child's conduct or situation is within the jurisdiction of the court and if a petition should be filed on behalf of the child. If the intake officer determines that a petition should not be filed, the law-enforcement officer shall as soon as practicable:

1. Return the child to his home;

2. Release the child to such child's parents, guardian, legal custodian or other person standing in loco parentis;

3. Place the child in shelter care for a period not longer than 24 hours after the issuance of a detention order pursuant to § 16.1-255; or

4. Release the child.

During the period of detention authorized by this subsection no child shall be confined in any detention home, jail or other facility for the detention of adults.

J. If a child is taken into custody pursuant to the provisions of subsection B, F, or G of § 16.1-246 by a law-enforcement officer during such hours as the court is not in session and the child is not released or transferred to a facility or institution in accordance with subsection E, G, or I of

this section, the child shall be held in custody only so long as is reasonably necessary to complete identification, investigation and processing. The child shall be held under visual supervision in a nonlocked, multipurpose area which is not designated for residential use. The child shall not be handcuffed or otherwise secured to a stationary object.

K. When an adult is taken into custody pursuant to a warrant, detention order, or **capias** alleging a delinquent act committed when he was a juvenile, he may be released on bail or recognizance pursuant to Chapter 9 (§ 19.2-119 et seq.) of Title 19.2. An intake officer shall have the authority to issue a **capias** for an adult under the age of 21 who is alleged to have committed, before attaining the age of 18, an offense that would be a crime if committed by an adult.

Code 1950, § 16.1-197; 1956, c. 550; 1958, c. 344; 1973, c. 440; 1974, c. 584; 1975, c. 248; 1977, c. 559; 1978, c. 643; 1979, c. 701; 1984, c. 567; 1992, cc. 728, 830; 2004, cc. 415, 439; 2012, c. 253; 2016, c. 626.

[§ 16.1-271. Subsequent offenses by juvenile](#)

Conviction of a juvenile as an adult pursuant to the provisions of this chapter shall preclude the juvenile court from taking jurisdiction of such juvenile for subsequent offenses committed by that juvenile.

Any juvenile who is tried and convicted in a circuit court as an adult under the provisions of this article shall be considered and treated as an adult in any criminal proceeding resulting from any alleged future criminal acts and any pending allegations of delinquency which have not been disposed of by the juvenile court at the time of the criminal conviction.

All procedures and dispositions applicable to adults charged with such a criminal offense shall apply in such cases, including, but not limited to, arrest; probable cause determination by a magistrate or grand jury; the use of a warrant, summons, or **capias** instead of a petition to initiate the case; adult bail; preliminary hearing and right to counsel provisions; trial in a court having jurisdiction over adults; and trial and sentencing as an adult. The provisions of this article regarding a transfer hearing shall not be applicable to such juveniles.

1977, c. 559; 1989, c. 675; 1990, c. 668; 1994, cc. 859, 949; 2007, c. 221.

[§ 16.1-278.16. Failure to comply with support obligation; payroll deduction; commitment](#)

In cases involving (i) the custody, visitation, or support of a child arising under subdivision A 3 of § 16.1-241, (ii) spousal support arising under subsection L of § 16.1-241, (iii) support, maintenance, care, and custody of a child or support and maintenance of a spouse transferred to the juvenile and domestic relations district court pursuant to § 20-79, or (iv) motions to enforce administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, when the court finds that the respondent (a) has failed to perform or comply with a court order concerning the custody and visitation of a child or a court or administrative order concerning the support and maintenance of a child or a court order concerning the support and maintenance of a spouse or (b) under existing circumstances, is under a duty to render support or additional support to a child or pay the support and maintenance of a spouse, the court may order a payroll deduction as provided in § 20-79.1, or the giving of a recognizance as provided in § 20-114. If the court finds that the respondent has failed to perform or comply with such order, and personal

or substitute service has been obtained, the court may issue a civil show cause summons or a **capias** pursuant to this section. The court also may order the commitment of the person as provided in § 20-115 or the court may, in its discretion, impose a sentence of up to 12 months in jail, notwithstanding the provisions of §§ 16.1-69.24 and 18.2-458, relating to punishment for contempt. If the court finds that an employer, who is under a payroll deduction order pursuant to § 20-79.1, has failed to comply with such order after being given a reasonable opportunity to show cause why he failed to comply with such order, then the court may proceed to impose sanctions on the employer pursuant to subdivision B 9 of § 20-79.3.

1991, c. 534; 2003, cc. 929, 942; 2004, c. 219; 2020, c. 722.

Title 19.2 – Criminal Procedures

§ 19.2-60.1. Use of unmanned aircraft systems by public bodies; search warrant required

A. As used in this section, unless the context requires a different meaning:

"Unmanned aircraft" means an aircraft that is operated without the possibility of human intervention from within or on the aircraft.

"Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links, sensing devices, and the components that control the unmanned aircraft.

B. No state or local government department, agency, or instrumentality having jurisdiction over criminal law enforcement or regulatory violations, including but not limited to the Department of State Police, and no department of law enforcement as defined in § 15.2-836 of any county, city, or town shall utilize an unmanned aircraft system except during the execution of a search warrant issued pursuant to this chapter or an administrative or inspection warrant issued pursuant to law.

C. Notwithstanding the prohibition in this section, an unmanned aircraft system may be deployed without a warrant (i) when an Amber Alert is activated pursuant to § 52-34.3; (ii) when a Senior Alert is activated pursuant to § 52-34.6; (iii) when a Blue Alert is activated pursuant to § 52-34.9; (iv) where use of an unmanned aircraft system is determined to be necessary to alleviate an immediate danger to any person; (v) by a law-enforcement officer, an employee of the Department of State Police, or an employee of a local law-enforcement agency following an accident where a report is required pursuant to § 46.2-373, to survey the scene of such accident for the purpose of crash reconstruction and record the scene by photographic or video images; (vi) by the Department of Transportation when assisting a law-enforcement officer to prepare a report pursuant to § 46.2-373; (vii) for training exercises related to such uses; (viii) if a person with legal authority consents to the warrantless search; (ix) by a law-enforcement officer or an employee of a law-enforcement agency to (a) aerially survey a primary residence of the subject of the arrest warrant to formulate a plan to execute an existing arrest warrant or **capias** for a felony offense or (b) locate a person sought for arrest when such person has fled from a law-enforcement officer and a law-enforcement officer remains in hot pursuit of such person; or (x) by a law-enforcement officer investigating unmanned aircraft systems surrounding or over property of the federal or state government, public critical infrastructure as defined in § 44-146.28:2, or nongovernment-operated prison or jail facilities.

D. The warrant requirements of this section shall not apply when such systems are utilized to support the Commonwealth or any locality for purposes other than law enforcement, including damage assessment, traffic assessment, flood stage assessment, and wildfire assessment. Nothing herein shall prohibit use of unmanned aircraft systems for private, commercial, or recreational use or solely for research and development purposes by institutions of higher education and other research organizations or institutions.

E. Evidence obtained through the utilization of an unmanned aircraft system in violation of this section is not admissible in any criminal or civil proceeding.

F. In no case may a weaponized unmanned aircraft system be deployed in the Commonwealth or its use facilitated in the Commonwealth by a state or local government department, agency, or instrumentality or department of law enforcement in the Commonwealth except in operations at the Space Port and Naval/Aegis facilities at Wallops Island. No weaponized unmanned aircraft systems shall be construed to include such systems designed and used for the purpose of disabling another unmanned aircraft system.

G. Nothing herein shall apply to the Armed Forces of the United States or the Virginia National Guard while utilizing unmanned aircraft systems during training required to maintain readiness for its federal mission or when facilitating training for other U.S. Department of Defense units.

2015, cc. 764, 774; 2018, cc. 419, 546, 654; 2019, c. 781; 2025, c. 400.

[§ 19.2-76. Execution and return of warrant, **capias** or summons; arrest outside county or city where charge is to be tried](#)

A law-enforcement officer may execute within his jurisdiction a warrant, **capias** or summons issued anywhere in the Commonwealth. A jail officer as defined in § 53.1-1 employed at a regional jail or jail farm may execute upon a person being held in his jail a warrant, **capias** or summons issued anywhere in the Commonwealth. A warrant or **capias** shall be executed by the arrest of the accused, and a summons shall be executed by delivering a copy to the accused personally.

If the accused is a corporation, partnership, unincorporated association or legal entity other than an individual, a summons may be executed by service on the entity in the same manner as provided in Title 8.01 for service of process on that entity in a civil proceeding. However, if the summons is served on the entity by delivery to a registered agent or to any other agent who is not an officer, director, managing agent or employee of the entity, such agent shall not be personally subject to penalty for failure to appear as provided in § 19.2-128, nor shall the agent be subject to punishment for contempt for failure to appear under his summons as provided in § 19.2-129.

The law-enforcement officer or jail officer executing a warrant or **capias** shall endorse the date of execution thereon and make return thereof to a judicial officer. The law-enforcement officer executing a summons shall endorse the date of execution thereon and make return thereof to the court to which the summons is returnable.

Whenever a person is arrested upon a warrant or **capias** in a county or city other than that in which the charge is to be tried, the law-enforcement officer or jail officer making the arrest shall either (i) bring the accused forthwith before a judicial officer in the locality where the arrest was made or where the charge is to be tried or (ii) commit the accused to the custody of an officer

from the county or city where the charge is to be tried who shall bring the accused forthwith before a judicial officer in the county or city in which the charge is to be tried. The judicial officer before whom the accused is brought shall immediately conduct a bail hearing and either admit the accused to bail or commit him to jail for transfer forthwith to the county or city where the charge is to be tried.

Code 1950, §§ 19.1-98, 19.1-99; 1960, c. 366; 1975, c. 495; 1979, c. 661; 1993, c. 431; 1994, c. 933; 1997, c. 10; 1998, c. 615; 2013, c. 207.

§ 19.2-76.1. Submission of quarterly reports concerning unexecuted felony and misdemeanor warrants and other criminal process; destruction; dismissal

It shall be the duty of the chief law-enforcement officer of the police department or sheriff's office, whichever is responsible for such service, in each county, town or city of the Commonwealth to submit quarterly reports to the attorney for the Commonwealth for the county, town or city concerning unexecuted felony and misdemeanor arrest warrants, summonses, **capiases** or other unexecuted criminal processes as hereinafter provided. The reports shall list those existing felony arrest warrants in his possession that have not been executed within seven years of the date of issuance, those misdemeanor arrest warrants, summonses and **capiases** and other criminal processes in his possession that have not been executed within three years from the date of issuance, and those unexecuted misdemeanor arrest warrants, summonses and **capiases** in his possession that were issued for a now deceased person, based on mistaken identity or as a result of any other technical or legal error. The reports shall be submitted in writing no later than the tenth day of April, July, October, and January of each year, together with the unexecuted felony and misdemeanor warrants, or other unexecuted criminal processes listed therein. Upon receipt of the report and the warrants listed therein, the attorney for the Commonwealth shall petition the circuit court of the county or city for the destruction of such unexecuted felony and misdemeanor warrants, summonses, **capiases** or other unexecuted criminal processes. The attorney for the Commonwealth may petition that certain of the unexecuted warrants, summonses, **capiases** and other unexecuted criminal processes not be destroyed based upon justifiable continuing, active investigation of the cases. The circuit court shall order the destruction of each such unexecuted felony warrant and each unexecuted misdemeanor warrant, summons, **capias** and other criminal process except (i) any warrant that charges aggravated murder and (ii) any unexecuted criminal process whose preservation is deemed justifiable by the court. No arrest shall be made under the authority of any warrant or other process which has been ordered destroyed pursuant to this section. Nothing in this section shall be construed to relate to or affect the time within which a prosecution for a felony or a misdemeanor shall be commenced.

Notwithstanding the foregoing, an attorney for the Commonwealth may at any time move for the dismissal and destruction of any unexecuted warrant or summons issued by a magistrate upon presentation of such warrant or summons to the court in which the warrant or summons would otherwise be returnable. The court shall not order the dismissal and destruction of any warrant that charges aggravated murder and shall not order the dismissal and destruction of an unexecuted criminal process whose preservation is deemed justifiable by the court. Dismissal of such a warrant or summons shall be without prejudice.

As used herein, the term "chief law-enforcement officer" refers to the chiefs of police of cities, counties and towns and sheriffs of cities and counties, unless a political subdivision has otherwise designated its chief law-enforcement officer by appropriate resolution or ordinance, in which case the local designation shall be controlling.

1976, c. 252; 1979, c. 34; 1982, c. 608; 1985, c. 199; 1990, c. 626; 1991, c. 542; 1993, c. 550; 2003, c. 147; 2010, c. 652; 2011, cc. 336, 347; 2021, Sp. Sess. I, cc. 344, 345.

[§ 19.2-80. Duty of arresting officer; bail](#)

In any case in which an officer does not issue a summons pursuant to § 19.2-74 or § 46.2-936, a law-enforcement officer making an arrest under a warrant or **capias** shall bring the arrested person without unnecessary delay before a judicial officer. The judicial officer shall immediately conduct a bail hearing and either admit the accused to bail or commit him to jail. However, if (i) the accused is charged with a misdemeanor and is brought before a judge of the court having jurisdiction to try the case and (ii) both the accused and the Commonwealth consent, the judge may proceed to trial instead of conducting a bail hearing.

Code 1950, § 19.1-98; 1960, c. 366; 1975, c. 495; 1979, c. 679; 1986, c. 327; 1997, c. 10.

[§ 19.2-81. Arrest without warrant authorized in certain cases](#)

A. The following officers shall have the powers of arrest as provided in this section:

1. Members of the State Police force of the Commonwealth;
2. Sheriffs of the various counties and cities, and their deputies;
3. Members of any county police force or any duly constituted police force of any city or town of the Commonwealth;
4. The Commissioner, members and employees of the Marine Resources Commission granted the power of arrest pursuant to § 28.2-900;
5. Regular conservation police officers appointed pursuant to § 29.1-200;
6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty officers authorized under § 29.1-205 to make arrests;
7. Conservation officers appointed pursuant to § 10.1-115;
8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217;
9. Special agents of the Virginia Alcoholic Beverage Control Authority;
10. Campus police officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and
11. Members of the Division of Capitol Police.

B. Such officers may arrest without a warrant any person who commits any crime in the presence of the officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a felony not in his presence.

Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another officer, who may obtain a warrant based upon statements made to him by the arresting officer.

C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such accident has been transported, or in the apprehension of any person charged with the theft of any motor vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based upon personal investigation, including information obtained from eyewitnesses, that a crime has been committed by any person then and there present, apprehend such person without a warrant of arrest. For purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the clearing of the highway or to ensure the safety of the motoring public.

D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether or not the offense was committed in such officer's presence. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4, whether or not the offense was committed in such officer's presence.

E. Such officers may arrest, without a warrant or a **capias**, persons duly charged with a crime in another jurisdiction upon receipt of a photocopy of a warrant or a **capias**, telegram, computer printout, facsimile printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably accurate description of such person wanted and the crime alleged.

F. Such officers may arrest, without a warrant or a **capias**, for an alleged misdemeanor not committed in his presence when the officer receives a radio message from his department or other law-enforcement agency within the Commonwealth that a warrant or **capias** for such offense is on file.

G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii) carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such property is located on premises used for business or commercial purposes, or a similar local ordinance, when any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged offense. The arresting officer may issue a summons to any person arrested under this section for a misdemeanor violation involving shoplifting.

Code 1950, § 19.1-100; 1960, c. 366; 1974, c. 241; 1975, c. 495; 1976, cc. 515, 570; 1977, c. 97; 1979, c. 268; 1982, c. 272; 1983, c. 206; 1984, c. 534; 1985, c. 507; 1988, cc. 353, 744, 752, 853; 1989, c. 726; 1990, cc. 635, 744, 784; 1995, c. 465; 1996, cc. 866, 929, 1015; 1998, c. 684; 2004, c. 949; 2005, cc. 88, 435; 2008, cc. 460, 737; 2010, c. 840; 2011, cc. 510, 643; 2012, c. 776; 2013, c. 787; 2014, c. 543; 2015, cc. 38, 730; 2017, c. 208.

§ 19.2-121. Fixing terms of bail

A. If the person is admitted to bail, the terms thereof shall be such as, in the judgment of any official granting or reconsidering the same, will be reasonably fixed to ensure the appearance of the accused and to ensure his good behavior pending trial. The judicial officer shall take into account (i) the nature and circumstances of the offense; (ii) whether a firearm is alleged to have been used in the offense; (iii) the weight of the evidence; (iv) the financial resources of the accused or juvenile and his ability to pay bond; (v) the character of the accused or juvenile including his family ties, employment or involvement in education; (vi) his length of residence in the community; (vii) his record of convictions; (viii) his appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings; (ix) whether the person is likely to obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness, juror, or victim; and (x) any other information available which the court considers relevant to the determination of whether the accused or juvenile is unlikely to appear for court proceedings.

B. When a magistrate conducts a bail hearing for a person arrested on a warrant or **capias** for a jailable offense, the magistrate shall describe the information considered under subsection A on a form provided by the Executive Secretary of the Supreme Court and shall transmit the completed form to the circuit court or district court before which the warrant or **capias** is returnable, and if such jailable offense is an act of violence as defined in § 19.2-297.1, then such magistrate shall transmit within 24 hours a copy of the completed form to the attorney for the Commonwealth for the jurisdiction where the warrant or **capias** is returnable. Transmission of such copy to the attorney for the Commonwealth may be by facsimile or other electronic means.

C. In any case where the accused has appeared and otherwise met the conditions of bail, no bond therefor shall be used to satisfy fines and costs unless agreed to by the person who posted such bond.

1975, c. 495; 1978, c. 755; 1980, c. 190; 1991, c. 581; 1992, c. 576; 1993, c. 636; 1999, cc. 829, 846; 2019, c. 176; 2022, cc. 47, 48.

§ 19.2-123. Release of accused on secured or unsecured bond or promise to appear; conditions of release

A. Any person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be released only upon a secure bond. This provision may be waived with the approval of the judicial officer and with the concurrence of the attorney for the Commonwealth or the attorney for the county, city or town. Subject to the foregoing, when a person is arrested for either a

felony or a misdemeanor, any judicial officer may impose any one or any combination of the following conditions of release:

1. Place the person in the custody and supervision of a designated person, organization or pretrial services agency which, for the purposes of this section, shall not include a court services unit established pursuant to § 16.1-233;

2. Place restrictions on the travel, association or place of abode of the person during the period of release and restrict contacts with household members for a specified period of time;

2a. Require the execution of an unsecured bond;

3. Require the execution of a secure bond which at the option of the accused shall be satisfied with sufficient solvent sureties, or the deposit of cash in lieu thereof. Only the actual value of any interest in real estate or personal property owned by the proposed surety shall be considered in determining solvency and solvency shall be found if the value of the proposed surety's equity in the real estate or personal property equals or exceeds the amount of the bond;

3a. Require that the person do any or all of the following: (i) maintain employment or, if unemployed, actively seek employment; (ii) maintain or commence an educational program; (iii) avoid all contact with an alleged victim of the crime and with any potential witness who may testify concerning the offense; (iv) comply with a specified curfew; (v) refrain from possessing a firearm, destructive device, or other dangerous weapon; (vi) refrain from excessive use of alcohol, or use of any illegal drug or any controlled substance not prescribed by a health care provider; and (vii) submit to testing for drugs and alcohol until the final disposition of his case;

3b. Place a prohibition on a person who holds an elected constitutional office and who is accused of a felony arising from the performance of his duties from physically returning to his constitutional office;

3c. Require the accused to accompany the arresting officer to the jurisdiction's fingerprinting facility and submit to having his photograph and fingerprints taken prior to release; or

4. Impose any other condition deemed reasonably necessary to assure appearance as required, and to assure his good behavior pending trial, including a condition requiring that the person return to custody after specified hours or be placed on home electronic incarceration pursuant to § 53.1-131.2 or, when the person is required to execute a secured bond, be subject to monitoring by a GPS (Global Positioning System) tracking device, or other similar device. The defendant may be ordered by the court to pay the cost of the device.

Upon satisfaction of the terms of recognizance, the accused shall be released forthwith.

In addition, where the accused is an individual receiving services in a state training center for individuals with intellectual disability, the judicial officer may place the individual in the custody of the director of the training center, if the director agrees to accept custody. The director is hereby authorized to take custody of the individual and to maintain him at the training center prior to a trial or hearing under such circumstances as will reasonably assure the appearance of the accused for the trial or hearing.

B. In any jurisdiction served by a pretrial services agency which offers a drug or alcohol screening or testing program approved for the purposes of this subsection by the chief general district court judge, any such person charged with a crime may be requested by such agency to give voluntarily a urine sample, submit to a drug or alcohol screening, or take a breath test for

presence of alcohol. A sample may be analyzed for the presence of phencyclidine (PCP), barbiturates, cocaine, opiates or such other drugs as the agency may deem appropriate prior to any hearing to establish bail. The judicial officer and agency shall inform the accused or juvenile being screened or tested that test results shall be used by a judicial officer only at a bail hearing and only to determine appropriate conditions of release or to reconsider the conditions of bail at a subsequent hearing. All screening or test results, and any pretrial investigation report containing the screening or test results, shall be confidential with access thereto limited to judicial officers, the attorney for the Commonwealth, defense counsel, other pretrial service agencies, any criminal justice agency as defined in § 9.1-101 and, in cases where a juvenile is screened or tested, the parents or legal guardian or custodian of such juvenile. However, in no event shall the judicial officer have access to any screening or test result prior to making a bail release determination or to determining the amount of bond, if any. Following this determination, the judicial officer shall consider the screening or test results and the screening or testing agency's report and accompanying recommendations, if any, in setting appropriate conditions of release. In no event shall a decision regarding a release determination be subject to reversal on the sole basis of such screening or test results. Any accused or juvenile whose urine sample has tested positive for such drugs and who is admitted to bail may, as a condition of release, be ordered to refrain from use of alcohol or illegal drugs and may be required to be tested on a periodic basis until final disposition of his case to ensure his compliance with the order. Sanctions for a violation of any condition of release, which violations shall include subsequent positive drug or alcohol test results or failure to report as ordered for testing, may be imposed in the discretion of the judicial officer and may include imposition of more stringent conditions of release, contempt of court proceedings, or revocation of release. Any report of a violation of any pretrial condition of release provided to the court shall be sent by the pretrial services agency to the attorney for the Commonwealth and the counsel of record for the accused or juvenile, or directly to the accused or juvenile if such person is not represented by counsel. Any test given under the provisions of this subsection which yields a positive drug or alcohol test result shall be reconfirmed by a second test if the person tested denies or contests the initial drug or alcohol test positive result. The results of any drug or alcohol test conducted pursuant to this subsection shall not be admissible in any judicial proceeding other than for the imposition of sanctions for a violation of a condition of release.

C. [Repealed.]

D. Nothing in this section shall be construed to prevent an officer taking a juvenile into custody from releasing that juvenile pursuant to § 16.1-247. If any condition of release imposed under the provisions of this section is violated, a judicial officer may issue a **capias** or order to show cause why the recognizance should not be revoked.

E. Nothing in this section shall be construed to prevent a court from imposing a recognizance or bond designed to secure a spousal or child support obligation pursuant to § 16.1-278.16, Chapter 5 (§ 20-61 et seq.) of Title 20, or § 20-114 in addition to any recognizance or bond imposed pursuant to this chapter.

Code 1950, § 19.1-109.2; 1973, c. 485; 1975, c. 495; 1978, cc. 500, 755; 1979, c. 518; 1981, c. 528; 1984, c. 707; 1989, c. 369; 1991, cc. 483, 512, 581, 585; 1992, c. 576; 1993, c. 636; 1999, cc. 829, 846; 2000, cc. 885, 1020, 1041; 2001, c. 201; 2006, c. 296; 2008, cc. 129, 884; 2011, cc. 799, 837; 2012, cc. 476, 507; 2013, c. 614; 2014, c. 466; 2024, c. 74.

§ 19.2-124. Appeal from bail, bond, or recognizance order

A. If a judicial officer denies bail to a person, requires excessive bond, or fixes unreasonable terms of a recognizance under this article, the person may appeal the decision of the judicial officer.

If the initial bail decision on a charge brought by a warrant or district court **capias** is made by a magistrate, clerk, or deputy clerk, the person shall first appeal to the district court in which the case is pending.

If the initial bail decision on a charge brought by direct indictment or presentment or circuit court **capias** is made by a magistrate, clerk, or deputy clerk, the person shall first appeal to the circuit court in which the case is pending.

If the appeal of an initial bail decision is taken on any charge originally pending in a district court after that charge has been appealed, certified, or transferred to a circuit court, the person shall first appeal to the circuit court in which the case is pending.

Any bail decision made by a judge of a court may be appealed successively by the person to the next higher court, up to and including the Supreme Court of Virginia, where permitted by law.

The bail decision of the higher court on such appeal, unless the higher court orders otherwise, shall be remanded to the court in which the case is pending for enforcement and modification. The court in which the case is pending shall not modify the bail decision of the higher court, except upon a change in the circumstances subsequent to the decision of the higher court.

B. The attorney for the Commonwealth may appeal a bail, bond, or recognizance decision to the same court to which the accused person is required to appeal under subsection A.

C. The court granting or denying such bail may, upon appeal thereof, and for good cause shown, stay execution of such order for so long as reasonably practicable for the party to obtain an expedited hearing before the next higher court.

No such stay under this subsection may be granted after any person who has been granted bail has been released from custody on such bail.

D. No filing or service fees shall be assessed or collected for any appeal taken pursuant to this section.

Code 1950, §§ 19.1-109.3, 19.1-112; 1960, c. 366; 1973, cc. 130, 485; 1975, c. 495; 1978, c. 755; 1984, c. 703; 1991, c. 581; 1999, cc. 829, 846; 2007, cc. 462, 549; 2010, cc. 404, 592; 2013, cc. 408, 474; 2016, c. 621; 2019, c. 616; 2021, Sp. Sess. I, c. 337.

§ 19.2-130.1. Bail terms set by court on a **capias** to be honored by magistrate

A magistrate who is to set the terms of bail of a person arrested and brought before him pursuant to § 19.2-234 shall, unless circumstances exist that require him to set more restrictive terms, set the terms of bail in accordance with the order of the court that issued the **capias**, if such an order is affixed to or made a part of the **capias** by the court.

2010, cc. 312, 375; 2011, c. 112.

§ 19.2-149. How surety on a bond in recognizance may surrender principal and be discharged from liability; deposit for surrender of principal

A. A bail bondsman or his licensed bail enforcement agent on a bond in a recognizance may at any time arrest his principal and surrender him to the court before which the recognizance was taken or before which such principal's appearance is required, or to the sheriff, sergeant or jailer of the county or city wherein the court before which such principal's appearance is required is located; in addition to the above authority, upon the application of the surety, the court, or the clerk thereof, before which the recognizance was taken, or before which such principal's appearance is required, or any magistrate shall issue a **capias** for the arrest of such principal, and such **capias** may be executed by such bail bondsman or his licensed bail enforcement agent, or by any sheriff, sergeant or police officer, and the person executing such **capias** shall deliver such principal and such **capias** to the sheriff or jailer of the county or the sheriff, sergeant or jailer of the city in which the appearance of such principal is required, and thereupon the surety or the property bail bondsman shall be discharged from liability for any act of the principal subsequent thereto. Upon application of the surety for a **capias**, the surety shall state the basis for which the **capias** is being requested. Such sheriff, sergeant or jailer shall thereafter deliver such **capias** to the clerk of such court, with his endorsement thereon acknowledging delivery of such principal to his custody.

If a magistrate issues a **capias** pursuant to this section, the magistrate shall transmit a copy of the **capias** to the court before which such principal's appearance is required by the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

B. If a bail bondsman on a bond in a recognizance surrenders his principal for any reason other than the principal's failure to appear in any court, the bondsman shall deposit with the clerk or magistrate the greater of 10 percent of the amount of the bond or \$50, which shall be made at such time the bondsman makes application for a **capias**. The bondsman shall petition the court within 15 days from the surrender of the principal to show cause, if any can be shown, why the bondsman is entitled to the amount deposited. If the court finds that there was sufficient cause to surrender the principal, the court shall return the deposited funds to the bondsman. If the court finds that the surrender of the principal by the bondsman was unreasonable, the deposited funds shall be returned to the payer. Remission of funds shall not be issued by the court until the sixteenth day after the finding. If the bondsman does not petition the court for the return of the deposited funds within 15 days from the surrender of the principal, the deposited funds shall be paid into the state treasury to be credited to the Literary Fund. Nothing in this subsection shall apply to a private citizen who posted cash or real estate to secure the release of a defendant.

Code 1950, § 19.1-144; 1960, c. 366; 1975, c. 495; 1991, c. 581; 2004, c. 460; 2015, c. 622; 2019, cc. 176, 205; 2020, cc. 20, 531.

§ 19.2-152.4:1. Form of oath of office for local pretrial services officer; authorization to seek **capias**

Every pretrial services officer who is an employee of a local pretrial services agency established by any city, county or combination thereof or operated pursuant to this article shall take an oath

of office as prescribed in § 49-1 and to provide services pursuant to the requirements of this article before entering the duties of his office. The oath of office shall be taken before any general district or circuit court judge in any county or city which has established services for use by judicial officers pursuant to this article.

In addition, any officer of a pretrial services agency established or operated pursuant to this article may seek a **capias** from any judicial officer for the arrest of any person under the agency's custody and supervision for failure to comply with any conditions of release imposed by a judicial officer, for failure to comply with the conditions of pretrial supervision as established by a pretrial services agency, or when there is reason to believe that the person will fail to appear, will leave, or has left the jurisdiction to avoid prosecution.

2000, c. 1040; 2007, c. 133.

[§ 19.2-152.4:3. Duties and responsibilities of local pretrial services officers](#)

A. Each local pretrial services officer, for the jurisdictions served, shall:

1. Investigate and interview defendants arrested on state and local warrants and who are detained in jails located in jurisdictions served by the agency while awaiting a hearing before any court that is considering or reconsidering bail, at initial appearance, advisement or arraignment, or at other subsequent hearings;
2. Present a pretrial investigation report with recommendations to assist courts in discharging their duties related to granting or reconsidering bail;
3. Supervise and assist all defendants residing within the jurisdictions served and placed on pretrial supervision by any judicial officer within the jurisdictions to ensure compliance with the terms and conditions of bail;
4. Conduct random drug and alcohol tests on any defendant under supervision for whom a judicial officer has ordered testing or who has been required to refrain from excessive use of alcohol or use of any illegal drug or controlled substance or other defendant-specific condition of bail related to alcohol or substance abuse;
5. Seek a **capias** from any judicial officer pursuant to § 19.2-152.4:1 for any defendant placed under supervision or the custody of the agency who fails to comply with the conditions of bail or supervision, when continued liberty or noncompliance presents a risk of flight, a risk to public safety or risk to the defendant;
6. Seek an order to show cause why the defendant should not be required to appear before the court in those cases requiring a subsequent hearing before the court;
7. Provide defendant-based information to assist any law-enforcement officer with the return to custody of defendants placed on supervision for which a **capias** has been sought; and
8. Keep such records and make such reports as required by the Commonwealth of Virginia Department of Criminal Justice Services.

B. Each local pretrial services officer, for the jurisdictions served, may provide the following optional services, as appropriate and when available resources permit:

1. Conduct, subject to court approval, drug and alcohol screenings, or tests at investigation pursuant to subsection B of § 19.2-123 or following release to supervision, and conduct or facilitate the preparation of screenings or assessments or both pursuant to state approved protocols;
2. Facilitate placement of defendants in a substance abuse education or treatment program or services or other education or treatment service, including referral to screening for participation in a behavioral health docket that has been established in accordance with § 18.2-254.3 as a treatment service, when ordered as a condition of bail;
3. Sign for the custody of any defendant investigated by a pretrial services officer, and released by a court to pretrial supervision as the sole term and condition of bail or when combined with an unsecured bond;
4. Provide defendant information and investigation services for those who are detained in jails located in jurisdictions served by the agency and are awaiting an initial bail hearing before a magistrate;
5. Supervise defendants placed by any judicial officer on home electronic monitoring as a condition of bail and supervision;
6. Prepare, for defendants investigated, the financial statement-eligibility determination form for indigent defense services; and
7. Subject to approved procedures and if so requested by the court, coordinate for defendants investigated, services for court-appointed counsel and for interpreters for foreign-language speaking and deaf or hard of hearing defendants.

2003, c. 603; 2007, c. 133; 2008, cc. 551, 691; 2019, c. 288; 2022, c. 327.

[§ 19.2-163. Compensation of court-appointed counsel](#)

Upon submission to the court, for which appointed representation is provided, of a detailed accounting of the time expended for that representation, made within 30 days of the completion of all proceedings in that court, counsel appointed to represent an indigent accused in a criminal case shall be compensated for his services on an hourly basis at a rate set by the Supreme Court of Virginia in a total amount not to exceed the amounts specified in this section, or other such amount as may be provided by law. Such amounts shall be allowed in any case wherein counsel conducts the defense of a single charge against the indigent accused through to its conclusion or a charge of violation of probation at any hearing conducted under § 19.2-306; thereafter, compensation for additional charges against the same accused also conducted by the same counsel shall be allowed on the basis of additional time expended as to such additional charges:

1. In a district court, except as provided in subdivisions 2 and 3, (i) a sum not to exceed \$330 or (ii) for a charge of violation of probation for any misdemeanor offense, a sum not to exceed \$180, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees provided under clause (i) or (ii) up to an additional \$120 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver;

2. For a misdemeanor charge in a district court for a violation of § 18.2-266, 18.2-266.1, 18.2-270, or 46.2-341.24, (i) a sum not to exceed \$448 or (ii) for a charge of violation of probation for such a misdemeanor offense, a sum not to exceed \$180, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees provided under clause (i) or (ii) up to an additional \$120 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver;

3. For a juvenile charge in a district court, (i) a sum not to exceed \$680 or (ii) for a charge of violation of probation for any offense, a sum not to exceed \$180, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees provided under clause (i) or (ii) up to (a) an additional \$120 or (b) an additional \$650 for an offense that would be a felony if committed by an adult that may be punishable by confinement in the state correctional facility for a period of more than 20 years or a charge of violation of probation for such offense when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver;

4. In a circuit court (i) to defend a Class 1 felony charge, compensation for each appointed attorney in an amount deemed reasonable by the court; (ii) to defend a felony charge that may be punishable by confinement in the state correctional facility for a period of more than 20 years or any felony violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1, or 18.2-371.1, a sum not to exceed \$1,692, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees up to an additional \$850 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; (iii) to defend any other felony charge, except those described in clause (i) or (ii), a sum not to exceed \$834, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees up to an additional \$155 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; (iv) for a charge of violation of probation for any felony offense, except Class 1 felonies, a sum not to exceed \$445, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees up to (a) an additional \$850 for a charge of violation of probation for any felony described in clause (ii) or (b) an additional \$155 for a charge of violation of probation of any other felony when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; (v) to defend a misdemeanor violation of § 18.2-266, 18.2-266.1, 18.2-270, or 46.2-341.24, a sum not to exceed \$448 and to defend any other misdemeanor charge punishable by confinement in jail, a sum not to exceed \$330; (vi) for a charge of violation of probation for any misdemeanor offense, a sum not to exceed \$180; (vii) for a juvenile adjudication appealed from a district court, a sum not to exceed \$680; or (viii) for a charge of violation of probation for any juvenile adjudication appealed from a district court, a sum not to exceed \$180. In the event any case is required to be

retried due to a mistrial for any cause or reversed on appeal, the court may allow an additional fee for each case in an amount not to exceed the amounts allowable in the initial trial. In the event counsel is appointed to defend an indigent charged with a felony that is punishable as a Class 1 felony, each attorney appointed shall continue to receive compensation as provided in this paragraph for defending such a felony, regardless of whether the charge is reduced or amended to a lesser felony, prior to final disposition of the case. In the event counsel is appointed to defend an indigent charged with any other felony, such counsel shall receive compensation as provided in this paragraph for defending such a felony, regardless of whether the charge is reduced or amended to a misdemeanor or lesser felony prior to final disposition of the case in either the district court or circuit court.

Counsel appointed to represent an indigent accused in a criminal case, who are not public defenders, may request an additional waiver exceeding the amounts provided for in this section. The request for any additional amount shall be submitted to the presiding judge, in writing, with a detailed accounting of the time spent and the justification for the additional amount. The presiding judge shall determine, subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia, whether the request for an additional amount is justified in whole or in part, by considering the effort expended and the time reasonably necessary for the particular representation, and, if so, shall forward the request as approved to the chief judge of the circuit court or district court for approval. If the presiding judge determines that the request for an additional amount is not justified in whole or in part, such presiding judge shall provide to the requesting attorney, in writing, the reasons for such determination and shall, if such request has been approved in part, include a copy of such writing when forwarding the request as approved to the chief judge of the circuit court or district court for approval. If the chief judge of the circuit court or district court, upon review of the request as approved, determines, subject to the guidelines issued by the Executive Secretary of the Supreme Court of Virginia, that any part of the request for an additional amount is not justified, such chief judge shall provide to the requesting attorney and to the presiding judge, in writing, the reason for such determination.

If at any time the funds appropriated to pay for waivers under this section become insufficient, the Executive Secretary of the Supreme Court of Virginia shall so certify to the courts and no further waivers shall be approved.

The circuit or district court shall direct the payment of such reasonable expenses incurred by such court-appointed counsel as it deems appropriate under the circumstances of the case. Counsel appointed by the court to represent an indigent charged with repeated violations of the same section of the Code of Virginia, with each of such violations arising out of the same incident, occurrence, or transaction, shall be compensated in an amount not to exceed the fee prescribed for the defense of a single charge, if such offenses are tried as part of the same judicial proceeding. The trial judge shall consider any guidelines established by the Supreme Court but shall have the sole discretion to fix the amount of compensation to be paid counsel appointed by the court to defend a felony charge that is punishable as a Class 1 felony.

The circuit or district court shall direct that the foregoing payments shall be paid out by the Commonwealth, if the defendant is charged with a violation of a statute, or by the county, city, or town, if the defendant is charged with a violation of a county, city, or town ordinance, to the attorney so appointed to defend such person as compensation for such defense.

Counsel representing a defendant charged with a Class 1 felony may submit to the court, on a monthly basis, a statement of all costs incurred and fees charged by him in the case during that month. Whenever the total charges as are deemed reasonable by the court for which payment has not previously been made or requested exceed \$1,000, the court may direct that payment be made as otherwise provided in this section.

When such directive is entered upon the order book of the court, the Commonwealth, county, city, or town, as the case may be, shall provide for the payment out of its treasury of the sum of money so specified. If the defendant is convicted, the amount allowed by the court to the attorney appointed to defend him shall be taxed against the defendant as a part of the costs of prosecution and, if collected, the same shall be paid to the Commonwealth, or the county, city, or town, as the case may be. In the event that counsel for the defendant requests a waiver of the limitations on compensation, the court shall assess against the defendant an amount equal to the pre-waiver compensation limit specified in this section for each charge for which the defendant was convicted. An abstract of such costs shall be docketed in the judgment docket and execution lien book maintained by such court. Notwithstanding any provision to the contrary, no person found indigent pursuant to § 19.2-159 who is represented by either a public defender or court-appointed counsel shall have fees assessed against him for his legal representation pursuant to this chapter in an amount greater than the amount such defendant would have owed if the assessment took place on or before June 30, 2024.

Any statement submitted by an attorney for payments due him for indigent representation or for representation of a child pursuant to § 16.1-266 shall, after the submission of the statement, be forwarded forthwith by the clerk to the Commonwealth, county, city, or town, as the case may be, responsible for payment. Notwithstanding any provision to the contrary, if the court has determined such child's parents or other persons responsible for his care to be indigent pursuant to § 19.2-159 and such child was represented by either a public defender or court-appointed counsel, no fee shall be taxed by the clerk against any such child in an amount greater than the amount the clerk would have taxed against such child if the assessment took place on or before June 30, 2024.

For the purposes of this section, the defense of a case may be considered conducted through to its conclusion and an appointed counsel entitled to compensation for his services in the event an indigent accused fails to appear in court subject to a **capias** for his arrest or a show cause summons for his failure to appear and remains a fugitive from justice for one year following the issuance of the **capias** or the summons to show cause, and appointed counsel has appeared at a hearing on behalf of the accused.

Effective July 1, 2007, the Executive Secretary of the Supreme Court of Virginia shall track and report the number and category of offenses charged involving adult and juvenile offenders in cases in which court-appointed counsel is assigned. The Executive Secretary shall also track and report the amounts paid by waiver above the initial cap to court-appointed counsel. The Executive Secretary shall provide these reports to the Governor, members of the House Committee on Appropriations, and members of the Senate Committee on Finance and Appropriations on a quarterly basis.

Code 1950, §§ 14.1-184, 14.1-184.1, 19.1-241.5, 19.1-241.11; 1964, cc. 386, 651, 657; 1968, c. 481; 1973, c. 316; 1975, c. 495; 1976, c. 553; 1980, c. 626; 1981, cc. 472, 486; 1985, c. 525; 1986, c. 425; 1987, c. 638; 1988, cc. 465, 472; 1989, c. 565; 1994, c. 451; 1995, cc. 571, 713;

1997, c. 492; 1998, cc. 440, 451; 2000, cc. 436, 448; 2001, c. 509; 2006, c. 332; 2007, cc. 938, 946; 2008, c. 760; 2009, c. 284; 2021, Sp. Sess. I, cc. 344, 345; 2023, cc. 228, 332; 2024, cc. 714, 770; 2025, cc. 73, 89.

§ 19.2-169.2. Disposition when defendant found incompetent

A. Upon finding pursuant to subsection E or F of § 19.2-169.1 that the defendant, including a juvenile transferred pursuant to § 16.1-269.1, is incompetent, the court shall order that the defendant receive treatment to restore his competency on an outpatient basis or, if the court specifically finds that the defendant requires inpatient hospital treatment, at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge. Outpatient treatment may occur in a local correctional facility or at a location determined by the appropriate community services board or behavioral health authority. Notwithstanding the provisions of § 19.2-178, if the court orders inpatient hospital treatment, the defendant shall be transferred to and accepted by the hospital designated by the Commissioner as soon as practicable, but no later than 10 days, from the receipt of the court order requiring treatment to restore the defendant's competency. If the 10-day period expires on a Saturday, Sunday, or other legal holiday, the 10 days shall be extended to the next day that is not a Saturday, Sunday, or legal holiday. Any psychiatric records and other information that have been deemed relevant and submitted by the attorney for the defendant pursuant to subsection C of § 19.2-169.1 and any reports submitted pursuant to subsection D of § 19.2-169.1 shall be made available to the director of the community services board or behavioral health authority or his designee or to the director of the treating inpatient facility or his designee within 96 hours of the issuance of the court order requiring treatment to restore the defendant's competency. If the 96-hour period expires on a Saturday, Sunday, or other legal holiday, the 96 hours shall be extended to the next day that is not a Saturday, Sunday, or legal holiday.

B. If, at any time after the defendant is ordered to undergo treatment under subsection A, the director of the community services board or behavioral health authority or his designee or the director of the treating inpatient facility or his designee believes the defendant's competency is restored, the director or his designee shall immediately send a report to the court as prescribed in subsection D of § 19.2-169.1. The court shall make a ruling on the defendant's competency according to the procedures specified in subsection E of § 19.2-169.1.

C. Notwithstanding the provisions of subsection A, in cases in which (i) the defendant has been charged with a misdemeanor violation of Article 3 (§ 18.2-95 et seq.) of Chapter 5 of Title 18.2 or a misdemeanor violation of § 18.2-119, 18.2-137, 18.2-388, 18.2-415, or 19.2-128; (ii) the defendant has been found to be incompetent pursuant to subsection E or F of § 19.2-169.1; and (iii) the competency report described in subsection D of § 19.2-169.1 recommends that the defendant be evaluated to determine whether he meets the criteria for temporary detention pursuant to § 37.2-809, the court may order the community services board or behavioral health authority serving the jurisdiction in which the defendant is located to (a) conduct an evaluation of the defendant and (b) if the community services board or behavioral health authority determines that the defendant meets the criteria for temporary detention, file a petition for issuance of an order for temporary detention pursuant to § 37.2-809. The community services

board or behavioral health authority shall notify the court, in writing, within 72 hours of the completion of the evaluation and, if appropriate, file a petition for issuance of an order for temporary detention. Upon receipt of such notice, the court may dismiss the charges without prejudice against the defendant. However, the court shall not enter an order or dismiss charges against a defendant pursuant to this subsection if the attorney for the Commonwealth is involved in the prosecution of the case and the attorney for the Commonwealth does not concur in the motion.

D. If a defendant for whom an evaluation has been ordered pursuant to subsection C fails or refuses to appear for the evaluation, the community services board or behavioral health authority shall notify the court and the court shall issue a mandatory examination order and **capias** directing the primary law-enforcement agency for the jurisdiction in which the defendant resides to transport the defendant to the location designated by the community services board or behavioral health authority for examination.

E. The clerk of the court shall certify and forward forthwith to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of an order for treatment issued pursuant to subsection A.

1982, c. 653; 2003, c. 735; 2007, c. 781; 2008, cc. 751, 788; 2009, cc. 813, 840; 2014, cc. 373, 408; 2017, c. 461; 2020, c. 937; 2022, c. 508; 2023, cc. 229, 230.

§ 19.2-219. When **capias** need not be issued; summons; judgment

No **capias** need be issued on a presentment or indictment of an offense for which there is no punishment but a fine or forfeiture, limited to an amount not exceeding twenty dollars; but a summons to answer such presentment or indictment may be issued against the accused; and if it be served ten days before the return day thereof, and he does not appear, judgment may be rendered against him for the penalty. If he appear, the court may, unless he demand a jury, hear and determine the matter and give judgment thereon.

Code 1950, § 19.1-164; 1960, c. 366; 1975, c. 495.

§ 19.2-232. What process to be awarded against accused on indictment, etc.

When an indictment or presentment is found or made, or information filed, the court, or the judge thereof, shall award process against the accused to answer the same, if he be not in custody. Such process, if the prosecution be for a felony, shall be a **capias**; if it be for a misdemeanor, for which imprisonment may be imposed, it may be a **capias** or summons, in the discretion of the court or judge; in all other cases, it shall be, in the first instance a summons, but if a summons be returned executed and the defendant does not appear, or be returned not found, the court or judge may award a **capias**. The officer serving the summons or **capias** shall also serve a copy of the indictment, presentment, or information therewith.

If the accused is in custody when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall so notify the court of such at the time of first appearance for each indictment, presentment, or information for which a report is required upon arrest pursuant to subsection A of § 19.2-390, and the court shall order that the fingerprints and photograph of the accused be taken for each offense by a law-

enforcement officer or by the agency that has custody of the accused at the time of first appearance. The law-enforcement officer or agency taking the fingerprints and photograph shall submit a report to the Central Criminal Records Exchange for each offense pursuant to subsection A of § 19.2-390.

Code 1950, § 19.1-178; 1960, c. 366; 1975, c. 495; 1980, c. 349; 2019, cc. 782, 783.

§ 19.2-233. How awarded, directed, returnable and executed

Sections 8.01-292 and 8.01-295 shall apply to process in criminal, as well as in civil cases; and the court may, in the same case against the same person, award at the same time, or different times, several writs of summons or **capias** directed to officers of different counties or cities. An officer having a **capias** under which the accused is let to bail shall give a certificate of the fact, which shall protect him against any other **capias** which may have been issued for the same offense. A summons shall be served by delivering a copy thereof to the party in person and the clerk issuing such summons shall deliver or transmit therewith as many copies thereof as there are persons named therein on whom it is to be served.

Code 1950, § 19.1-179; 1960, c. 366; 1975, c. 495.

§ 19.2-234. Procedure when person arrested under **capias**

An officer who, under a **capias** from any court, arrests a person accused of an offense shall proceed in accordance with § 19.2-80 and Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 regarding bail.

Code 1950, § 19.1-183; 1960, c. 366; 1975, c. 495; 1986, c. 327.

§ 19.2-237. Process on indictment or presentment for misdemeanor

On any indictment or presentment for a misdemeanor process shall be issued immediately. If the accused appear and plead to the charge, the trial shall proceed without delay, unless good cause for continuance be shown. If, in any misdemeanor case the accused fails to appear and plead, when required the court may either award a **capias** or proceed to trial in the same manner as if the accused had appeared, plead not guilty and waived trial by jury, provided, that the court shall not in any such case enforce a jail sentence.

Code 1950, §§ 19.1-180, 19.1-184; 1960, c. 366; 1975, c. 495; 1979, c. 468.

§ 19.2-243. Limitation on prosecution of felony due to lapse of time after finding of probable cause; misdemeanors; exceptions

Where a district court has found that there is probable cause to believe that an adult has committed a felony, the accused, if he is held continuously in custody thereafter, shall be forever discharged from prosecution for such offense if no trial is commenced in the circuit court within five months from the date such probable cause was found by the district court; and if the accused is not held in custody but has been recognized for his appearance in the circuit court to answer

for such offense, he shall be forever discharged from prosecution therefor if no trial is commenced in the circuit court within nine months from the date such probable cause was found.

If there was no preliminary hearing in the district court, or if such preliminary hearing was waived by the accused, the commencement of the running of the five-month and nine-month periods, respectively, set forth in this section shall be from the date an indictment or presentment is found against the accused.

If an indictment or presentment is found against the accused but he has not been arrested for the offense charged therein, the five-month and nine-month periods, respectively, shall commence to run from the date of his arrest thereon.

Where a case is before a circuit court on appeal from a conviction of a misdemeanor or traffic infraction in a district court or by certification of a misdemeanor pursuant to § 19.2-190.1, the accused shall be forever discharged from prosecution for such offense if the trial de novo in the circuit court is not commenced (i) within five months from the date of the conviction or certification if the accused has been held continuously in custody or (ii) within nine months of the date of the conviction or certification if the accused has been recognized for his appearance in the circuit court to answer for such offense.

The provisions of this section shall not apply to such period of time as the failure to try the accused was caused:

1. By evaluations or restoration related to his competency or insanity pursuant to Chapter 11 (§ 19.2-167 et seq.) or by reason of his confinement in a hospital for care and observation;
2. By the witnesses for the Commonwealth being enticed or kept away, or prevented from attending by sickness or accident;
3. By the granting of a separate trial at the request of a person indicted jointly with others for a felony;
4. By continuance granted on the motion of the accused or his counsel, or by concurrence of the accused or his counsel in such a motion by the attorney for the Commonwealth, or by the failure of the accused or his counsel to make a timely objection to such a motion by the attorney for the Commonwealth, or by reason of his escaping from jail or failing to appear according to his recognizance;
5. By continuance ordered pursuant to subsection I or J of § 18.2-472.1 or subsection C or D of § 19.2-187.1;
6. By the inability of the jury to agree in their verdict; or
7. By a natural disaster, civil disorder, or act of God.

But the time during the pendency of any appeal in any appellate court shall not be included as applying to the provisions of this section.

For the purposes of this section, an arrest on an indictment or warrant or information or presentment is deemed to have occurred only when such indictment, warrant, information, or presentment or the summons or **capias** to answer such process is served or executed upon the accused and a trial is deemed commenced at the point when jeopardy would attach or when a plea of guilty or nolo contendere is tendered by the defendant. The lodging of a detainer or its equivalent shall not constitute an arrest under this section.

Code 1950, § 19.1-191; 1960, c. 366; 1974, c. 391; 1975, c. 495; 1984, c. 618; 1988, c. 33; 1993, c. 425; 1995, cc. 37, 352; 2002, c. 743; 2005, c. 650; 2007, c. 944; 2009, Sp. Sess. I, cc. 1, 4; 2025, cc. 81, 83, 87.

§ 19.2-303.3. Sentence to local community-based probation services; services agency; requirements for participation; sentencing; and removal from probation; payment of costs towards supervision and services

A. Any offender who is (i) convicted on or after July 1, 1995, of a misdemeanor or a felony that is not a felony act of violence as defined in § 19.2-297.1, and for which the court imposes a total sentence of 12 months or less, and (ii) no younger than 18 years of age or is considered an adult at the time of conviction may be sentenced to a local community-based probation services agency established pursuant to § 9.1-174 by the local governing bodies within that judicial district or circuit.

B. In those courts having electronic access to the Department of Forensic Science DNA data bank sample tracking system within the courtroom, at the time of sentencing, the clerk of court shall determine by reviewing the DNA data bank sample tracking system, in any case where there is a felony or qualifying misdemeanor conviction, whether a sample of the offender's blood, saliva, or tissue or an analysis of the sample is stored in the DNA data bank maintained by the Department of Forensic Science pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of this title. If the clerk has determined that a DNA sample or analysis is not stored in the DNA data bank, or in any case in which electronic access to the DNA data bank sample tracking system is not available in the courtroom, the court shall order that the offender appear within 30 days before the sheriff or community-based probation officer and allow the sheriff or community-based probation officer to take the required sample. The order shall also require that, if the offender has not appeared and allowed the sheriff or community-based probation officer to take the required sample by the date stated in the order, then the sheriff or community-based probation officer shall report to the court the offender's failure to appear and provide the required sample. The court may order the offender placed under local community-based probation services pursuant to § 9.1-174 upon a determination by the court that the offender may benefit from these services and is capable of returning to society as a productive citizen with a reasonable amount of supervision and intervention including services set forth in § 9.1-176. All or part of any sentence imposed that has been suspended, shall be conditioned upon the offender's successful completion of local community-based probation services established pursuant to § 9.1-174.

The court may impose terms and conditions of supervision as it deems appropriate, including that the offender abide by any additional requirements of supervision imposed or established by the local community-based probation services agency during the period of probation supervision.

C. Any sworn officer of a local community-based probation services agency established or operated pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) may seek a **capias** from any judicial officer for the arrest of any person on local community-based probation and under its supervision for (i) intractable behavior; (ii) refusal to comply with the terms and conditions imposed by the court; (iii) refusal to comply with the requirements of local community-based probation supervision established by the

agency; or (iv) the commission of a new offense while on local community-based probation and under agency supervision. Upon arrest, the offender shall be brought for a hearing before the court of appropriate jurisdiction. After finding that the offender (a) exhibited intractable behavior as defined herein; (b) refused to comply with terms and conditions imposed by the court; (c) refused to comply with the requirements of local community-based probation supervision established by the agency; or (d) committed a new offense while on local community-based probation and under agency supervision, the court may revoke all or part of the suspended sentence and supervision, and commit the offender to serve whatever sentence was originally imposed or impose such other terms and conditions of probation as it deems appropriate or, in a case where the proceeding has been deferred, enter an adjudication of guilt and proceed as otherwise provided by law.

"Intractable behavior" is that behavior that, in the determination of the court, indicates an offender's unwillingness or inability to conform his behavior to that which is necessary for successful completion of local community-based probation or that the offender's behavior is so disruptive as to threaten the successful completion of the program by other participants.

D. An offender sentenced to or provided a deferred proceeding and placed on community-based probation pursuant to this section may be required to pay an amount towards the costs of his supervision and services received in accordance with subsection D of § 9.1-182.

1994, 2nd Sp. Sess., cc. 1, 2; 1995, cc. 502, 574; 1999, c. 372; 2000, c. 1040; 2006, c. 883; 2007, cc. 133, 528; 2022, cc. 41, 42.

[§ 19.2-310.2:1. Saliva or tissue sample required for DNA analysis after arrest for a violent felony](#)

Every person arrested for the commission or attempted commission of a violent felony as defined in § 19.2-297.1 or a violation or attempt to commit a violation of § 18.2-31, 18.2-89, 18.2-90, 18.2-91, or 18.2-92, shall have a sample of his saliva or tissue taken for DNA (deoxyribonucleic acid) analysis to determine identification characteristics specific to the person. After a determination by a magistrate or a grand jury that probable cause exists for the arrest, a sample shall be taken prior to the person's release from custody. The analysis shall be performed by the Department of Forensic Science or other entity designated by the Department. The identification characteristics of the profile resulting from the DNA analysis shall be stored and maintained by the Department in a DNA data bank and shall be made available as provided in § 19.2-310.5.

The clerk of the court shall notify the Department of final disposition of the criminal proceedings. If the charge for which the sample was taken is dismissed or the defendant is acquitted at trial, the Department shall destroy the sample and all records thereof, provided there is no other pending qualifying warrant or **capias** for an arrest or conviction that would otherwise require that the sample remain in the data bank.

2002, cc. 753, 773; 2003, c. 150; 2004, c. 445; 2005, cc. 868, 881; 2006, c. 182; 2020, c. 87.

[§ 19.2-310.3:1. Procedures for taking saliva or tissue sample for DNA analysis](#)

A. Each sample required pursuant to § 19.2-310.2:1 from persons arrested shall be taken before release from custody at such place as is designated by the law-enforcement agency responsible

for arrest booking in the jurisdiction. Samples shall be taken in accordance with procedures adopted by the Department of Forensic Science. The sample shall be sealed and secured to prevent tampering with the contents and be accompanied by a copy of the arrest warrant or **capias**. The agency submitting the sample shall provide information pertaining to the sample by (i) logging such information into the Department of Forensic Science DNA data bank sample tracking system at the time of collection or (ii) submitting such information to the Department of Forensic Science along with the sample. The steps herein set forth relating to the taking, handling, identification, and disposition of saliva or tissue samples are procedural and not substantive. The sample shall be mailed or transported to the Department of Forensic Science not more than 15 days following withdrawal and shall be analyzed and stored in the DNA data bank in accordance with §§ 19.2-310.4 and 19.2-310.5.

B. Substantial compliance therewith shall be deemed to be sufficient. If a sample from the individual is stored in the data bank as indicated by the Department of Forensic Science DNA data bank sample tracking system, no additional sample shall be taken. No civil liability shall attach to any person authorized to take saliva or tissue as provided herein as a result of the act of taking saliva or tissue from any person submitting thereto, provided the saliva or tissue was taken according to recognized medical procedures. However, no person shall be relieved from liability for negligence in the taking of any saliva or tissue sample.

2002, cc. 753, 773; 2003, c. 150; 2005, cc. 868, 881; 2022, cc. 41, 42.

§ 19.2-352. Officers to pay fines to clerks; default; forfeiture, etc.

Every sheriff or other officer receiving money under a writ of fieri facias or **capias** pro fine shall pay the same to the clerk of the court from which such process issued, on or before the return day of such process; and if such sheriff or other officer fail to pay the money, or fail to return such writ of fieri facias or **capias** pro fine, he shall, for every such failure, unless good cause be shown therefor, forfeit twenty dollars; and the clerk shall, within ten days from the return day of such process, report the failure to pay such money, or to return such process, to the attorney for the Commonwealth, who shall proceed at once against such officer in default to recover such money and the forfeiture aforesaid.

Code 1950, § 19.1-345; 1960, c. 366; 1975, c. 495.

§ 19.2-358. Procedure on default in deferred payment or installment payment of fine, costs, forfeiture, restitution or penalty

A. When an individual obligated to pay a fine, costs, forfeiture, or penalty defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may require him to show cause why he should not be confined in jail or fined for nonpayment. A show cause proceeding shall not be required prior to issuance of a **capias** if an order to appear on a date certain in the event of nonpayment was issued pursuant to subsection A of § 19.2-354 and the defendant failed to appear.

B. Following the order to show cause or following a **capias** issued for a defendant's failure to comply with a court order to appear issued pursuant to subsection A of § 19.2-354, unless the defendant shows that his default for the payment of fines, costs, forfeitures, or penalties was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court, the court may order the defendant confined as for a contempt for a term not to exceed sixty days or impose a fine not to exceed \$500. The court may provide in its order that payment or satisfaction of the amounts in default for the payment of fines, costs, forfeitures, or penalties at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts.

C. If it appears that the default for the payment of fines, costs, forfeitures, or penalties is excusable under the standards set forth in subsection B, the court may enter an order allowing the defendant additional time for payment, reducing the amount due or of each installment, or remitting the unpaid portion in whole or in part.

D. When an individual obligated to pay restitution defaults in the payment or any installment payment, the court upon the motion of the Commonwealth in the case of a conviction of a violation of a state law, or attorney for a locality or for the Commonwealth in the event of a conviction of a violation of a local law or ordinance, or upon its own motion, may proceed in accordance with the procedures set forth in subsection E.

E. If, pursuant to subsection D or at a hearing conducted pursuant to subsection F of § 19.2-305.1, the court finds that a defendant is not in compliance with a restitution order, the court may order the defendant confined as for a contempt for a term not to exceed 60 days unless the defendant shows that his default was not attributable to an intentional refusal to obey the sentence of the court, or not attributable to a failure on his part to make a good faith effort to obtain the necessary funds for payment, or unless the defendant shows that any failure to appear was not attributable to an intentional refusal to obey the order of the court. The court may provide in its order that payment or satisfaction of the amounts in default at any time will entitle the defendant to his release from such confinement or, after entering the order, may at any time reduce the sentence for good cause shown, including payment or satisfaction of such amounts. If it appears that the defendant's default for the payment of restitution is excusable under the standards set forth in this subsection, the court may modify the terms for payment of restitution, except that the court may not modify the amount of restitution owed by the defendant.

F. Nothing in this section shall be deemed to alter or interfere with the collection of fines by any means authorized for the enforcement of money judgments rendered in favor of the Commonwealth or any locality within the Commonwealth.

Code 1950, § 19.1-347.6; 1973, c. 342; 1975, c. 495; 1977, c. 223; 1987, c. 238; 1988, cc. 770, 852; 1992, c. 485; 1994, c. 546; 2018, cc. 316, 671.

§ 19.2-390. Reports to be made by local law-enforcement officers, conservators of the peace, clerks of court, Secretary of the Commonwealth and Corrections officials to State Police; material submitted by other agencies

A. 1. Every state official or agency having the power to arrest, the sheriffs of counties, the police officials of cities and towns, and any other local law-enforcement officer or conservator of the peace having the power to arrest for a felony shall make a report to the Central Criminal Records Exchange, on forms provided by it, of any arrest, including those arrests involving the taking into custody of, or service of process upon, any person on charges resulting from an indictment, presentment or information, the arrest on **capias** or warrant for failure to appear, and the service of a warrant for another jurisdiction, for each charge when any person is arrested on any of the following charges:

a. Treason;

b. Any felony;

c. Any offense punishable as a misdemeanor under Title 54.1;

d. Any misdemeanor punishable by confinement in jail (i) under Title 18.2 or 19.2, or any similar ordinance of any county, city or town, (ii) under § 20-61, or (iii) under § 16.1-253.2; or

e. Any offense in violation of § 3.2-6570, 4.1-309.1, 5.1-13, 15.2-1612, 22.1-289.041, 46.2-339, 46.2-341.21, 46.2-341.24, 46.2-341.26:3, 46.2-817, 58.1-3141, 58.1-4018.1, 60.2-632, or 63.2-1509.

The reports shall contain such information as is required by the Exchange and shall be accompanied by fingerprints of the individual arrested for each charge. Effective January 1, 2006, the corresponding photograph of the individual arrested shall accompany the report. Fingerprint cards prepared by a law-enforcement agency for inclusion in a national criminal justice file shall be forwarded to the Exchange for transmittal to the appropriate bureau. Nothing in this section shall preclude each local law-enforcement agency from maintaining its own separate photographic database. Fingerprints and photographs required to be taken pursuant to this subsection or subdivision A 3c of § 19.2-123 may be taken at the facility where the magistrate is located, including a regional jail, even if the accused is not committed to jail.

Law-enforcement agencies and clerks of court shall only submit reports to the Central Criminal Records Exchange only for those offenses enumerated in this subsection. Only reports received for those offenses enumerated in this subsection shall be included in the Central Criminal Records Exchange.

2. For persons arrested and released on summonses in accordance with subsection B of § 19.2-73 or § 19.2-74, such report shall not be required until (i) a conviction is entered and no appeal is noted or if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (ii) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (iii) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. Upon such conviction or acquittal, the court shall remand the individual to the custody of the office of the chief law-enforcement officer of the county or city. It shall be the duty of the chief law-enforcement officer, or his designee who may be the arresting officer, to ensure that such report is completed for each charge after a determination of guilt or acquittal by reason of insanity. The court shall require the officer to complete the report immediately following the person's conviction or acquittal, and the individual shall be discharged from custody forthwith, unless the court has imposed a jail sentence to be served by him or ordered him committed to the custody of the Commissioner of Behavioral Health and Developmental Services.

3. For persons arrested on a **capias** for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, a report shall be made to the Central Criminal Records Exchange pursuant to subdivision 1. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

4. For any person served with a show cause for any allegation of a violation of the terms or conditions of a suspended sentence or probation for a felony offense pursuant to § 18.2-456, 19.2-306, or 53.1-165, such report to the Central Criminal Records Exchange shall not be required until such person is found to be in violation of the terms or conditions of a suspended sentence or probation for such felony offense. Upon finding such person in violation of the terms or conditions of a suspended sentence or probation for such felony offense, the court shall order that the fingerprints and photograph of such person be taken by a law-enforcement officer for each such offense and submitted to the Central Criminal Records Exchange.

5. If the accused is in custody when an indictment or presentment is found or made, or information is filed, and no process is awarded, the attorney for the Commonwealth shall so notify the court of such at the time of first appearance for each indictment, presentment, or information for which a report is required upon arrest pursuant to subdivision 1, and the court shall order that the fingerprints and photograph of the accused be taken for each offense by a law-enforcement officer or by the agency that has custody of the accused at the time of first appearance. The law-enforcement officer or agency taking the fingerprints and photograph shall submit a report to the Central Criminal Records Exchange for each offense.

B. Within 72 hours following the receipt of (i) a warrant or **capias** for the arrest of any person on a charge of a felony or (ii) a Governor's warrant of arrest of a person issued pursuant to § 19.2-92, the law-enforcement agency which received the warrant shall enter the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation. The report shall include the person's name, date of birth, social security number and such other known information which the State Police or Federal Bureau of Investigation may require. Where feasible and practical, the magistrate or court issuing the warrant or **capias** may transfer information electronically into VCIN. When the information is electronically transferred to VCIN, the court or magistrate shall forthwith forward the warrant or **capias** to the local police department or sheriff's office. When criminal process has been ordered destroyed pursuant to § 19.2-76.1, the law-enforcement agency destroying such process shall ensure the removal of any information relating to the destroyed criminal process from the VCIN and NCIC.

B1. Within 72 hours following the receipt of a written statement issued by a parole officer pursuant to § 53.1-149 authorizing the arrest of a person who has violated the provisions of his probation, the law-enforcement agency that received the written statement shall enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52.

C. For offenses not charged on a summons in accordance with subsection B of § 19.2-73 or § 19.2-74, the clerk of each circuit court and district court shall make an electronic report to the Central Criminal Records Exchange of (i) any dismissal, including a dismissal pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2, indefinite postponement or continuance, charge still pending due to mental incompetency or incapacity, deferral, nolle prosequi, acquittal, or conviction of, including any sentence imposed, or failure of a grand jury to return a true bill as to, any person charged with an offense listed in subsection A, including any action that may have resulted from an indictment, presentment or information, or any finding that the person is in violation of the terms or conditions of a suspended sentence or probation for a felony offense and (ii) any adjudication of delinquency based upon an act that, if committed by an adult, would require fingerprints to be filed pursuant to subsection A. For offenses listed in subsection A and charged on a summons in accordance with subsection B of § 19.2-73 or § 19.2-74, such electronic report by the clerk of each circuit court and district court to the Central Criminal Records Exchange may be submitted but shall not be required until (a) a conviction is entered and no appeal is noted or, if an appeal is noted, the conviction is upheld upon appeal or the person convicted withdraws his appeal; (b) the court defers or dismisses the proceeding pursuant to § 18.2-57.3, 18.2-251, or 19.2-303.2; or (c) an acquittal by reason of insanity pursuant to § 19.2-182.2 is entered. The clerk of each circuit court shall make an electronic report to the Central Criminal Records Exchange of any finding that a person charged on a summons is in violation of the terms or conditions of a suspended sentence or probation for a felony offense. Upon conviction of any person, including juveniles tried and convicted in the circuit courts pursuant to § 16.1-269.1, whether sentenced as adults or juveniles, for an offense for which registration is required as defined in § 9.1-902, the clerk shall within seven days of sentencing submit a report to the Sex Offender and Crimes Against Minors Registry. The report to the Registry shall include the name of the person convicted and all aliases that he is known to have used, the date and locality of the conviction for which registration is required, his date of birth, social security number, and last known address, and specific reference to the offense for which he was convicted. No report of conviction or adjudication in a district court shall be filed unless the period allowed for an appeal has elapsed and no appeal has been perfected. In the event that the records in the office of any clerk show that any conviction or adjudication has been nullified in any manner, he shall also make a report of that fact to the Exchange and, if appropriate, to the Registry. In addition, each clerk of a circuit court, upon receipt of certification thereof from the Supreme Court, shall report to the Exchange or the Registry, or to the law-enforcement agency making the arrest in the case of offenses not required to be reported to the Exchange, on forms provided by the Exchange or Registry, as the case may be, any reversal or other amendment to a prior sentence or disposition previously reported. When criminal process is ordered destroyed pursuant to § 19.2-76.1, the clerk shall report such action to the law-enforcement agency that entered the warrant or **capias** into the VCIN.

D. In addition to those offenses enumerated in subsection A, the Central Criminal Records Exchange may receive, classify, and file any other fingerprints, photographs, and records of confinement submitted to it by any correctional institution or the Department of Corrections. Unless otherwise prohibited by law, any such fingerprints, photographs, and records received by the Central Criminal Records Exchange from any correctional institution or the Department of Corrections may be classified and filed as criminal history record information.

E. Corrections officials, sheriffs, and jail superintendents of regional jails, responsible for maintaining correctional status information, as required by the regulations of the Department of

Criminal Justice Services, with respect to individuals about whom reports have been made under the provisions of this chapter shall make reports of changes in correctional status information to the Central Criminal Records Exchange. The reports to the Exchange shall include any commitment to or release or escape from a state or local correctional facility, including commitment to or release from a parole or probation agency.

F. Any pardon, reprieve or executive commutation of sentence by the Governor shall be reported to the Exchange by the office of the Secretary of the Commonwealth.

G. Officials responsible for reporting disposition of charges, and correctional changes of status of individuals under this section, including those reports made to the Registry, shall adopt procedures reasonably designed at a minimum (i) to ensure that such reports are accurately made as soon as feasible by the most expeditious means and in no instance later than 30 days after occurrence of the disposition or correctional change of status and (ii) to report promptly any correction, deletion, or revision of the information.

H. Upon receiving a correction, deletion, or revision of information, the Central Criminal Records Exchange shall notify all criminal justice agencies known to have previously received the information.

I. As used in this section:

"Chief law-enforcement officer" means the chief of police of cities and towns and sheriffs of counties, unless a political subdivision has otherwise designated its chief law-enforcement officer by appropriate resolution or ordinance, in which case the local designation shall be controlling.

"Electronic report" means a report transmitted to, or otherwise forwarded to, the Central Criminal Records Exchange in an electronic format approved by the Exchange. The report shall contain the name of the person convicted and all aliases which he is known to have used, the date and locality of the conviction, his date of birth, social security number, last known address, and specific reference to the offense including the Virginia Code section and any subsection, the Virginia crime code for the offense, and the offense tracking number for the offense for which he was convicted.

Code 1950, § 19.1-19.3; 1966, c. 669; 1968, c. 724; 1970, c. 191; 1971, Ex. Sess., c. 107; 1974, c. 575; 1975, cc. 495, 584; 1976, cc. 336, 572, 771; 1978, cc. 467, 825; 1979, c. 378; 1981, c. 529; 1982, cc. 33, 535; 1990, cc. 100, 692; 1992, c. 391; 1993, cc. 448, 468, 926; 1994, cc. 362, 428, 432; 1996, cc. 429, 755, 806, 914; 1997, cc. 27, 509, 747, 801; 2001, cc. 516, 536, 565; 2003, cc. 27, 584, 727; 2004, cc. 284, 406; 2005, cc. 187, 229; 2008, cc. 73, 246; 2009, cc. 249, 813, 840; 2010, c. 273; 2013, c. 614; 2018, cc. 51, 178; 2019, cc. 115, 782, 783; 2020, cc. 91, 92, 860, 861; 2021, Sp. Sess. I, cc. 524, 542; 2025, c. 716.

Title 20 – Domestic Relations

§ 20-87. Arrest for violating directions, rules or regulations given by judge

Whenever the chief of police or sheriff becomes satisfied that such person is violating the directions, rules or regulations given or prescribed by the judge for his or her conduct, such chief of police or sheriff shall have authority to arrest such person after a proper **capias** or warrant has

been issued for such person and forthwith carry him before the court before whom he or she was first brought.

Code 1919, § 1944; 1918, p. 762; 1922, p. 847; 1974, c. 464; 1975, c. 644; 1988, c. 495.

§ 20-88.48. Duties and powers of responding tribunal

A. When a responding tribunal of the Commonwealth receives a petition or comparable pleading from an initiating tribunal or directly pursuant to subsection B of § 20-88.44, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed. An order for spousal support only shall be forwarded to the appropriate juvenile and domestic relations court.

B. A responding tribunal of the Commonwealth, to the extent not prohibited by other law, may do one or more of the following:

1. Establish or enforce a support order, modify a child support order, determine the controlling child support order, or determine parentage of a child;
2. Order an obligor to comply with a support order, specifying the amount and the manner of compliance;
3. Order income withholding;
4. Determine the amount of any arrearages, and specify a method of payment;
5. Enforce orders by civil or criminal contempt, or both;
6. Set aside property for satisfaction of the support order;
7. Place liens and order execution on the obligor's property;
8. Order an obligor to keep the tribunal informed of the obligor's current residential address, electronic mail address, telephone number, employer, address of employment, and telephone number at the place of employment;
9. Issue a **capias** for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the **capias** in any local and state computer systems for criminal warrants;
10. Order the obligor to seek appropriate employment by specified methods;
11. Award reasonable attorney's fees and other fees and costs; and
12. Grant any other available remedy.

C. A responding tribunal of the Commonwealth shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.

D. A responding tribunal of the Commonwealth may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.

E. If a responding tribunal of the Commonwealth issues an order under this chapter, the tribunal shall promptly send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.

F. If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of the Commonwealth shall convert the amount stated in the foreign currency to the equivalent amount in U.S. dollars under the applicable official or market exchange rate as publicly reported.

1994, c. 673; 1996, cc. 882, 925; 1997, cc. 797, 897; 2005, c. 754; 2015, c. 727.

Title 37.2 – Behavioral Health and Developmental Services

[§ 37.2-817.1. Monitoring and court review of mandatory outpatient treatment](#)

A. As used in this section, "material nonadherence" means deviation from a comprehensive mandatory outpatient treatment plan by a person who is subject to an order for mandatory outpatient treatment following a period of involuntary inpatient treatment pursuant to subsection C or D of § 37.2-817.01 or an order for mandatory outpatient treatment pursuant to subsection B of § 37.2-817.01 that it is likely to lead to the person's relapse or deterioration and for which the person cannot provide a reasonable explanation.

B. The community services board where the person resides shall monitor the person's progress and adherence to the comprehensive mandatory outpatient treatment plan prepared in accordance with § 37.2-817.01. Such monitoring shall include (i) contacting or making documented efforts to contact the person regarding the comprehensive mandatory outpatient treatment plan and any support necessary for the person to adhere to the comprehensive mandatory outpatient treatment plan, (ii) contacting the service providers to determine if the person is adhering to the comprehensive mandatory outpatient treatment plan and, in the event of material nonadherence, if the person fails or refuses to cooperate with efforts of the community services board or providers of services identified in the comprehensive mandatory outpatient treatment plan to address the factors leading to the person's material nonadherence, petitioning for a review hearing pursuant to this section. Service providers identified in the comprehensive mandatory outpatient treatment plan shall report any material nonadherence and any material changes in the person's condition to the community services board. Any finding of material nonadherence shall be based upon a totality of the circumstances.

C. The community services board responsible for monitoring the person's progress and adherence to the comprehensive mandatory outpatient treatment plan shall report monthly, in writing, to the court regarding the person's and the community services board's compliance with the provisions of the comprehensive mandatory outpatient treatment plan. If the community services board determines that the deterioration of the condition or behavior of a person who is subject to an order for mandatory outpatient treatment following a period of involuntary inpatient treatment pursuant to subsection C or D of § 37.2-817.01 or a mandatory outpatient treatment order pursuant to subsection B of § 37.2-817.01 is such that there is a substantial likelihood that, as a result of the person's mental illness, the person will, in the near future, (i) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, it shall immediately request that the magistrate issue an emergency custody order pursuant to § 37.2-808 or a temporary detention order pursuant to § 37.2-809. Entry of an emergency custody order,

temporary detention order, or involuntary inpatient treatment order shall suspend but not rescind an existing order for mandatory outpatient treatment following a period of involuntary inpatient treatment pursuant to subsection C or D of § 37.2-817.01 or a mandatory outpatient treatment order pursuant to subsection B of § 37.2-817.01.

D. The district court judge or special justice shall hold a hearing within five days after receiving the petition for review of the comprehensive mandatory outpatient treatment plan; however, if the fifth day is a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the hearing shall be held by the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The clerk shall provide notice of the hearing to the person, the community services board, all treatment providers listed in the comprehensive mandatory outpatient treatment order or discharge plan, and the original petitioner for the person's involuntary treatment. If the person is not represented by counsel, the court shall appoint an attorney to represent the person in this hearing and any subsequent hearing under this section or § 37.2-817.4, giving consideration to appointing the attorney who represented the person at the proceeding that resulted in the issuance of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment. The same judge or special justice that presided over the hearing resulting in the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment need not preside at the nonadherence hearing or any subsequent hearings. The community services board shall offer to arrange the person's transportation to the hearing if the person is not detained and has no other source of transportation.

Any of the following may petition the court for a hearing pursuant to this subsection: (i) the person who is subject to the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment; (ii) the community services board responsible for monitoring the person's progress and adherence to the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment; (iii) a treatment provider designated in the comprehensive mandatory outpatient treatment plan; (iv) the person who originally filed the petition that resulted in the entry of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment; (v) any health care agent designated in the advance directive of the person who is the subject of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment; or (vi) if the person who is the subject of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment has been determined to be incapable of making an informed decision, the person's guardian or other person authorized to make health care decisions for the person pursuant to § 54.1-2986.

A petition filed pursuant to this subsection may request that the court do any of the following:

1. Enforce a mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment and require the person who is the subject of the order to adhere to the comprehensive mandatory outpatient treatment plan, in the case of material nonadherence;

2. Modify a mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment or a comprehensive mandatory outpatient treatment plan due to a change in circumstances, including changes in the condition, behavior, living arrangement, or access to services of the person who is the subject to the order; or

3. Rescind a mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment.

At any time after 30 days from entry of the mandatory outpatient treatment order pursuant to subsection B of § 37.2-817.01 or from the discharge of the person from involuntary inpatient treatment pursuant to an order under subsection C or D of § 37.2-817.01, the person may petition the court to rescind the order. The person shall not file a petition to rescind the order more than once during a 90-day period.

E. If requested in a petition filed pursuant to subsection D or on the court's own motion, the court may appoint an examiner in accordance with § 37.2-815 who shall personally examine the person on or before the date of the review, as directed by the court, and certify to the court whether or not he has probable cause to believe that the person meets the criteria for mandatory outpatient treatment as specified in subsection B, C, or D of § 37.2-817.01, as may be applicable. The examination shall include all applicable requirements of § 37.2-815. The certification of the examiner may be admitted into evidence without the appearance of the examiner at the hearing if not objected to by the person or his attorney. If the person is not incarcerated or receiving treatment in an inpatient facility, the community services board shall arrange for the person to be examined at a convenient location and time. The community services board shall offer to arrange for the person's transportation to the examination if the person has no other source of transportation and resides within the service area or an adjacent service area of the community services board. If the person refuses or fails to appear, the community services board shall notify the court, or a magistrate if the court is not available, and the court or magistrate shall issue a mandatory examination order and **capias** directing the primary law-enforcement agency in the jurisdiction where the person resides to transport the person to the examination. The person shall remain in custody until a temporary detention order is issued or until the person is released, but in no event shall the period exceed eight hours.

F. If the person fails to appear for the hearing, the court may, after consideration of any evidence regarding why the person failed to appear at the hearing, (i) dismiss the petition, (ii) issue an emergency custody order pursuant to § 37.2-808, or (iii) reschedule the hearing pursuant to subsection D and issue a subpoena for the person's appearance at the hearing and enter an order for mandatory examination, to be conducted prior to the hearing and in accordance with subsection E.

G. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed to practice in the Commonwealth, if available, (ii) the person's adherence to the comprehensive mandatory outpatient treatment plan, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) any report from the community services board, and (vii) any other relevant evidence that may have been admitted at the hearing, the judge or special justice shall make one of the following dispositions:

1. In a hearing on any petition seeking enforcement of a mandatory outpatient treatment order, upon finding that continuing mandatory outpatient treatment is warranted, the court shall direct

the person to fully comply with the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment and may make any modifications to such order or the comprehensive mandatory outpatient treatment plan that are acceptable to the community services board or treatment provider responsible for the person's treatment. In determining the appropriateness of the outpatient treatment specified in such order and the comprehensive mandatory outpatient treatment plan, the court may consider the person's material nonadherence to the existing mandatory treatment order.

2. In a hearing on any petition seeking modification of a mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment, upon a finding that (i) one or more modifications of the order would benefit the person and help prevent relapse or deterioration of the person's condition, (ii) the community services board and the treatment provider responsible for the person's treatment are able to provide services consistent with such modification, and (iii) the person is able to adhere to the modified comprehensive mandatory outpatient treatment plan, the court may order such modification of the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment or the comprehensive mandatory outpatient treatment plan as the court finds appropriate.

3. In a hearing on any petition filed to enforce, modify, or rescind a mandatory outpatient treatment order, upon finding that mandatory outpatient treatment is no longer appropriate, the court may rescind the order.

H. The judge or special justice may schedule periodic status hearings for the purpose of obtaining information regarding the person's progress while the mandatory outpatient treatment order or order for mandatory outpatient treatment following a period of involuntary inpatient treatment remains in effect. The clerk shall provide notice of the hearing to the person who is the subject of the order and the community services board responsible for monitoring the person's condition and adherence to the plan. The person shall have the right to be represented by counsel at the hearing, and if the person does not have counsel the court shall appoint an attorney to represent the person. However, status hearings may be held without counsel present by mutual consent of the parties. The community services board shall offer to arrange the person's transportation to the hearing if the person is not detained and has no other source of transportation. During a status hearing, the treatment plan may be amended upon mutual agreement of the parties. Contested matters shall not be decided during a status hearing, nor shall any decision regarding enforcement, rescission, or renewal of the order be entered.

2008, cc. 850, 870; 2010, cc. 330, 461; 2021, Sp. Sess. I, c. 221; 2022, c. 763.

Title 53.1 – Prisons and Other Methods of Correction

[§ 53.1-116.3. Improper release; **capias**, arrest and hearing](#)

The sheriff or jail superintendent or his designee, upon the discovery of an improper release or discharge of a prisoner from custody, shall report such release or discharge to the sentencing court. The court shall then for good cause shown issue a **capias** for the arrest of the prisoner which may be executed by any duly sworn jail officer or law-enforcement officer. Such **capias** shall direct that the prisoner be presented forthwith to the court to determine the propriety of the

original discharge or release. After a hearing, if the court is satisfied that the original release or discharge was made improperly, the prisoner shall be returned to the jail facility from which he was released or discharged.

1997, c. 127.

§ 53.1-149. Arrest of probationer without warrant; written statement; timeframe for service of process

A. Any probation officer appointed pursuant to this chapter may arrest a probationer without a warrant, or may deputize any other officer with power to arrest to do so, by a written statement setting forth that the probationer has, in the judgment of the probation officer, violated one or more of the terms or conditions upon which the probationer was released on probation. Such a written statement by a probation officer delivered to the officer in charge of any local jail or lockup shall be sufficient warrant for the detention of the probationer. Any officer deputized upon receipt of the written statement shall, in accordance with § 19.2-390, enter, or cause to be entered, the person's name and other appropriate information required by the Department of State Police into the "information systems" known as the Virginia Criminal Information Network (VCIN), established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Such information shall be deemed a warrant authorizing the arrest of the person anywhere in the Commonwealth.

B. The probation officer of any probationer arrested pursuant to this section shall forthwith, but in all cases no later than three business days after the arrest of the probationer, (i) submit a copy of any written statement described in subsection A, including all relevant case numbers, to the local attorney for the Commonwealth and the clerk of the court for the circuit court responsible for supervision of the probationer and advise such persons of his arrest and (ii) request the circuit court of the sentencing jurisdiction to promptly issue a **capias** or bench warrant for the alleged violation contained in the written statement.

Code 1950, § 53-278.5; 1962, c. 327; 1982, c. 636; 2010, c. 273; 2025, c. 412.

Title 63.2 – Welfare (Social Services)

§ 63.2-1902. Central unit for information and administration; request and receipt of information from other entities and agencies; disclosure of such information

The Department is authorized and directed to establish a central unit within the Department to administer the Title IV D State Plan according to 45 C.F.R. 302.12. The central unit shall have the statewide jurisdiction and authority to:

1. Establish a registry for the receipt of information;
2. Answer interstate inquiries concerning noncustodial parents;

3. Coordinate and supervise departmental activities in relation to noncustodial parents to ensure effective cooperation with law-enforcement agencies; and
4. Contract and enter into cooperative agreements with individuals and agencies including law-enforcement agencies, in order that they may assist the Department in its responsibilities.

The central unit within the Department shall supervise offices whose primary functions are:

- a. Location of absent noncustodial parents;
- b. Assessment of the ability of parents to pay child or child and spousal support and to obtain health care coverage or cash medical support, or both, for dependent children;
- c. Establishment, modification and enforcement of support obligations including health care coverage for dependent children, through administrative action;
- d. Preparation of individual cases for court action existing under all laws of the Commonwealth;
- e. Ensuring on a consistent basis that support continues in all cases in which support is assessed administratively or ordered by the court; and
- f. Provision of its services in establishing paternity and establishing and enforcing support obligations equally to public-assisted and nonpublic-assisted families.

To effectuate the purposes of this section, the Commissioner may request and shall receive from the records of state, county and local agencies within and without the Commonwealth, including but not limited to such agencies and entities responsible for vital records; tax and revenue; real and titled personal property; authorizations to engage in a business, trade, profession or occupation; employment security; motor vehicle licensing and registration; public assistance programs and corrections, all information and assistance as authorized by this chapter. The Commissioner may request from state and local criminal justice agencies within the Commonwealth assistance in locating and serving individuals who owe child support and have an outstanding civil show cause summons or **capias** pursuant to § 16.1-278.16. Solely for the purposes of obtaining motor vehicle licensing and registration information from entities within and without the Commonwealth, the Division of Child Support Enforcement shall be deemed to be a criminal justice agency.

With respect to individuals who owe child support or are alleged in a pending paternity proceeding to be a putative father, the Commissioner may request and shall receive the names and addresses of such individuals and the names and addresses of such individuals' employers as appearing in the customer records of public service corporations and companies as defined in § 56-1, cable television companies and financial institutions. All state, county and city departments, boards, bureaus or other entities or agencies, officers and employees shall cooperate in the location of noncustodial parents who have abandoned or deserted, or are failing to support, children and their custodial parents and shall on request supply the Department with all information on hand relative to the location, income, benefits and property of such noncustodial parents, notwithstanding any provision of law making such information confidential. These entities are authorized to provide such information as is necessary for this purpose. Only information directly bearing on the identity and whereabouts of a person owing or asserted to be owing an obligation of support shall be requested and used or transmitted by the Commissioner. The Commissioner may make such information available only to public officials, agencies and political subdivisions of this Commonwealth, and other states seeking to locate

parents who have deserted their children and other persons liable for support of dependents for the purpose of enforcing their liability for support. A civil penalty not to exceed \$1,000 may be assessed by the Commissioner for a failure to respond to a request for information made in accordance with this section.

Any public or private person, partnership, firm, corporation or association, any financial institution and any political subdivision, department or other entity of the Commonwealth who in good faith and in the absence of gross negligence, willful misconduct or breach of an ethical duty, provide information requested pursuant to this section shall be immune from liability, civil or criminal, that might otherwise result from the release of such information to the Department.

1988, c. 906, § 63.1-274.6; 1990, c. 836; 1991, cc. 545, 588; 1994, c. 665; 1997, cc. 796, 895; 2001, c. 573; 2002, c. 747; 2003, cc. 467, 929, 942; 2009, c. 713.

"demurrer"

Found in Titles 8.01, 15.2, 17.1, and 19.2.

Title 8.01 – Civil Remedies and Procedure

§ 8.01-155. How judgment for plaintiff entered

The judgment for the plaintiff shall be, that he recover the possession of the premises, according to the verdict of the jury, if there be a verdict, or if the judgment be by default, or on **demurrer**, according to the description thereof in the motion for judgment.

Code 1950, § 8-825; 1954, c. 333; 1977, c. 617.

§ 8.01-159. When court to assess damages

If there be no issue of fact tried in the cause, and judgment is to be rendered for the plaintiff on **demurrer**, or otherwise, such damages shall be assessed by the court, unless either party shall move to have them assessed by a jury, or the court shall think proper to have them so assessed, in which case a jury shall be impaneled to assess them. If the defendant is in default the court shall proceed to render judgment and assess damages as provided in Rule of Court 3:19.

Code 1950, § 8-828; 1954, c. 333; 1977, c. 617.

§ 8.01-235. Bar of expiration of limitation period raised only as affirmative defense in responsive pleading

The objection that an action is not commenced within the limitation period prescribed by law can only be raised as an affirmative defense specifically set forth in a responsive pleading. No statutory limitation period shall have jurisdictional effects and the defense that the statutory limitation period has expired cannot be set up by **demurrer**. This section shall apply to all limitation periods, without regard to whether or not the statute prescribing such limitation period shall create a new right.

1977, c. 617.

§ 8.01-273. **Demurrer**; form; grounds to be stated; amendment

A. In any suit in equity or action at law, the contention that a pleading does not state a cause of action or that such pleading fails to state facts upon which the relief demanded can be granted may be made by **demurrer**. All **demurrers** shall be in writing and shall state specifically the grounds on which the demurrant concludes that the pleading is insufficient at law. No grounds other than those stated specifically in the **demurrer** shall be considered by the court. A **demurrer** may be amended as other pleadings are amended.

B. Wherever a demurrer to any pleading has been sustained, and as a result thereof the demurree has amended his pleading, he shall not be deemed to have waived his right to stand upon his pleading before the amendment, provided that (i) the order of the court shows that he objected to the ruling of the court sustaining the demurrer and (ii) the amended pleading incorporates or refers to the earlier pleading. On any appeal of such a case the demurree may insist upon his earlier pleading before the amendment, and if the same be held to be good, he shall not be prejudiced by having made the amendment.

Code 1950, §§ 8-99, 8-120; 1954, c. 333; 1977, c. 617; 2017, c. 755.

§ 8.01-276. Demurrer to evidence and plea in abatement abolished; motion to strike evidence and written motion, respectively, to be used in lieu thereof

Demurrers to the evidence and pleas in abatement are hereby abolished.

Any matter that heretofore could be reached by a demurrer to the evidence may hereafter be subject to a motion to strike the evidence.

Any defense heretofore required or permitted to be made by plea in abatement may be made by written motion stating specifically the relief demanded and the grounds therefor. Except when the ground of such motion is the lack of the court's jurisdiction over the person of an indispensable party, or of the subject matter of the litigation, such motion shall be made within the time prescribed by Rules of the Supreme Court.

If the motion challenges the venue of the action, the movant shall state therein why venue is improperly laid and what place or places within the Commonwealth would constitute proper venue for the action.

1977, c. 617.

§ 8.01-277.1. Objections to personal jurisdiction or defective process; what constitutes waiver

A. Except as provided in § 8.01-277, a person waives any objection to personal jurisdiction or defective process if he engages in conduct related to adjudicating the merits of the case, including, but not limited to:

1. Filing a demurrer, plea in bar, answer, counterclaim, cross-claim, or third-party claim;
2. Conducting discovery, except as provided in subsection B;
3. Seeking a ruling on the merits of the case; or
4. Actively participating in proceedings related to determining the merits of the case.

B. A person does not waive any objection to personal jurisdiction or defective process if he engages in conduct unrelated to adjudicating the merits of the case, including, but not limited to:

1. Requesting or agreeing to an extension of time;
2. Agreeing to a scheduling order;
3. Conducting discovery authorized by the court related to adjudicating the objection;

4. Observing or attending proceedings in the case;
5. Filing a motion to transfer venue pursuant to § 8.01-264 when such motion is filed contemporaneously with the objection; or
6. Removing the case to federal court.

2011, c. 710.

§ 8.01-407.1. Identity of persons communicating anonymously over the Internet

A. In civil proceedings where it is alleged that an anonymous individual has engaged in Internet communications that are tortious, any subpoena seeking information held by a nongovernmental person or entity that would identify the tortfeasor shall be governed by the following procedure unless more expedited scheduling directions have been ordered by the court upon consideration of the interests of each person affected thereby:

1. At least thirty days prior to the date on which disclosure is sought, a party seeking information identifying an anonymous communicator shall file with the appropriate circuit court a complete copy of the subpoena and all items annexed or incorporated therein, along with supporting material showing:

a. That one or more communications that are or may be tortious or illegal have been made by the anonymous communicator, or that the party requesting the subpoena has a legitimate, good faith basis to contend that such party is the victim of conduct actionable in the jurisdiction where the suit was filed. A copy of the communications that are the subject of the action or subpoena shall be submitted.

b. That other reasonable efforts to identify the anonymous communicator have proven fruitless.

c. That the identity of the anonymous communicator is important, is centrally needed to advance the claim, relates to a core claim or defense, or is directly and materially relevant to that claim or defense.

d. That no motion to dismiss, motion for judgment on the pleadings, or judgment as a matter of law, **demurrer** or summary judgment-type motion challenging the viability of the lawsuit of the underlying plaintiff is pending. The pendency of such a motion may be considered by the court in determining whether to enforce, suspend or strike the proposed disclosure obligation under the subpoena.

e. That the individuals or entities to whom the subpoena is addressed are likely to have responsive information.

f. If the subpoena sought relates to an action pending in another jurisdiction, the application shall contain a copy of the pleadings in such action, along with the mandate, writ or commission of the court where the action is pending that authorizes the discovery of the information sought in the Commonwealth.

2. Two copies of the subpoena and supporting materials set forth in subdivision A. 1. a. through f. shall be served upon the person to whom it is addressed along with payment sufficient to cover postage for mailing one copy of the application within the United States by registered mail, return receipt requested.

3. Except where the anonymous communicator has consented to disclosure in advance, within five business days after receipt of a subpoena and supporting materials calling for disclosure of identifying information concerning an anonymous communicator, the individual or entity to whom the subpoena is addressed shall (i) send an electronic mail notification to the anonymous communicator reporting that the subpoena has been received if an e-mail address is available and (ii) dispatch one copy thereof, by registered mail or commercial delivery service, return receipt requested, to the anonymous communicator at his last known address, if any is on file with the person to whom the subpoena is addressed.

4. At least seven business days prior to the date on which disclosure is sought under the subpoena, any interested person may file a detailed written objection, motion to quash, or motion for protective order. Any such papers filed by the anonymous communicator shall be served on or before the date of filing upon the party seeking the subpoena and the party to whom the subpoena is addressed. Any such papers filed by the party to whom the subpoena is addressed shall be served on or before the date of filing upon the party seeking the subpoena and the anonymous communicator whose identifying information is sought. Service is effective when it has been mailed, dispatched by commercial delivery service, transmitted by facsimile, or delivered to counsel of record and to parties having no counsel.

5. Any written objection, motion to quash, or motion for protective order shall set forth all grounds relied upon for denying the disclosure sought in the subpoena and shall also address to the extent feasible (i) whether the identity of the anonymous communicator has been disclosed in any way beyond its recordation in the account records of the party to whom the subpoena is addressed, (ii) whether the subpoena fails to allow a reasonable time for compliance, (iii) whether it requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) whether it subjects a person to undue burden.

6. The party to whom the subpoena is addressed shall not comply with the subpoena earlier than three business days before the date on which disclosure is due, to allow the anonymous communicator the opportunity to object. If any person files a written objection, motion to quash, or motion for protective order, compliance with the subpoena shall be deferred until the appropriate court rules on the obligation to comply. If an objection or motion is made, the party serving the subpoena shall not be entitled to inspect or copy the materials except pursuant to an order of the court on behalf of which the subpoena was issued. If an objection or motion has been filed, any interested person may notice the matter for a hearing. Two copies of any such notice shall be served upon the subpoenaed party, who shall mail one copy thereof, by registered mail or commercial delivery service, return receipt requested, to the anonymous communicator whose identifying information is the subject of the subpoena at that person's last known address.

B. The party requesting or issuing a subpoena for information identifying an anonymous Internet communicator shall serve along with each copy of such subpoena notices in boldface capital letters in substantially this form:

NOTICE TO INTERNET SERVICE PROVIDER

WITHIN FIVE BUSINESS DAYS AFTER RECEIPT OF THIS SUBPOENA CALLING FOR IDENTIFYING INFORMATION CONCERNING YOUR CLIENT, SUBSCRIBER OR CUSTOMER, EXCEPT WHERE CONSENT TO DISCLOSURE HAS BEEN GIVEN IN ADVANCE, YOU ARE REQUIRED BY § 8.01-407.1 OF THE CODE OF VIRGINIA TO MAIL ONE COPY THEREOF, BY REGISTERED MAIL OR COMMERCIAL DELIVERY

SERVICE, RETURN RECEIPT REQUESTED, TO THE CLIENT, SUBSCRIBER OR CUSTOMER WHOSE IDENTIFYING INFORMATION IS THE SUBJECT OF THE SUBPOENA. AT LEAST SEVEN BUSINESS DAYS PRIOR TO THE DATE ON WHICH DISCLOSURE IS SOUGHT YOU MAY, BUT ARE NOT REQUIRED TO, FILE A DETAILED WRITTEN OBJECTION, MOTION TO QUASH OR MOTION FOR PROTECTIVE ORDER. ANY SUCH OBJECTION OR MOTION SHALL BE SERVED UPON THE PARTY INITIATING THE SUBPOENA AND UPON THE CLIENT, SUBSCRIBER OR CUSTOMER WHOSE IDENTIFYING INFORMATION IS SOUGHT.

IF YOU CHOOSE NOT TO OBJECT TO THE SUBPOENA, YOU MUST ALLOW TIME FOR YOUR CLIENT, SUBSCRIBER OR CUSTOMER TO FILE HIS OWN OBJECTION, THEREFORE YOU MUST NOT RESPOND TO THE SUBPOENA ANY EARLIER THAN THREE BUSINESS DAYS BEFORE THE DISCLOSURE IS DUE.

IF YOU RECEIVE NOTICE THAT YOUR CLIENT, SUBSCRIBER OR CUSTOMER HAS FILED A WRITTEN OBJECTION, MOTION TO QUASH OR MOTION FOR PROTECTIVE ORDER REGARDING THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, NO DISCLOSURE PURSUANT TO THE SUBPOENA SHALL BE MADE EXCEPT PURSUANT TO AN ORDER OF THE COURT ON BEHALF OF WHICH THE SUBPOENA WAS ISSUED.

NOTICE TO INTERNET USER

THE ATTACHED PAPERS MEAN THAT _____ (INSERT NAME OF PARTY REQUESTING OR CAUSING ISSUANCE OF THE SUBPOENA) HAS EITHER ASKED THE COURT TO ISSUE A SUBPOENA, OR A SUBPOENA HAS BEEN ISSUED, TO YOUR INTERNET SERVICE PROVIDER _____ (INSERT NAME OF INTERNET SERVICE PROVIDER) REQUIRING PRODUCTION OF INFORMATION REGARDING YOUR IDENTITY. UNLESS A DETAILED WRITTEN OBJECTION IS FILED WITH THE COURT, THE SERVICE PROVIDER WILL BE REQUIRED BY LAW TO RESPOND BY PROVIDING THE REQUIRED INFORMATION. IF YOU BELIEVE YOUR IDENTIFYING INFORMATION SHOULD NOT BE DISCLOSED AND OBJECT TO SUCH DISCLOSURE, YOU HAVE THE RIGHT TO FILE WITH THE CLERK OF COURT A DETAILED WRITTEN OBJECTION, MOTION TO QUASH THE SUBPOENA OR MOTION TO OBTAIN A PROTECTIVE ORDER. YOU MAY ELECT TO CONTACT AN ATTORNEY TO REPRESENT YOUR INTERESTS. IF YOU ELECT TO FILE A WRITTEN OBJECTION, MOTION TO QUASH, OR MOTION FOR PROTECTIVE ORDER, IT SHOULD BE FILED AS SOON AS POSSIBLE, AND MUST IN ALL INSTANCES BE FILED NO LESS THAN SEVEN BUSINESS DAYS BEFORE THE DATE ON WHICH DISCLOSURE IS DUE (LISTED IN THE SUBPOENA). IF YOU ELECT TO FILE A WRITTEN OBJECTION OR MOTION AGAINST THIS SUBPOENA, YOU MUST AT THE SAME TIME SEND A COPY OF THAT OBJECTION OR MOTION TO BOTH YOUR INTERNET SERVICE PROVIDER AND THE PARTY WHO REQUESTED THE SUBPOENA. IF YOU WISH TO OPPOSE THE ATTACHED SUBPOENA, IN WHOLE OR IN PART, YOU OR YOUR ATTORNEY MAY FILE A WRITTEN OBJECTION, A MOTION TO QUASH THE SUBPOENA, OR A MOTION FOR A PROTECTIVE ORDER OR YOU MAY USE THE FORM BELOW, WHICH MUST BE FILED WITH THE COURT AND SERVED UPON THE PARTY REQUESTING THE SUBPOENA AND THE INTERNET SERVICE PROVIDER BY MAILING AT LEAST

SEVEN BUSINESS DAYS PRIOR TO THE DATE SET IN THE SUBPOENA FOR DISCLOSURE:

Name of Court Listed on Subpoena

Name of Party Seeking Information

Case No. _____

OBJECTION TO SUBPOENA DUCES TECUM

I object to the Subpoena Duces Tecum addressed to _____ for the following reasons:

[Name of Internet Service Provider to Whom the Subpoena is Addressed]

(Please PRINT. Set forth, in detail, all reasons why the subpoena should not be complied with, and in addition, state (i) whether the identity of the anonymous communicator has been disclosed in any fashion, (ii) whether the subpoena fails to allow a reasonable time for compliance, (iii) whether it requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) whether it subjects a person to undue burden.)

(attach additional sheets if needed)

Respectfully Submitted,

John Doe

Enter e-mail nickname or other alias used in communicating via the Internet service provider to whom the subpoena is addressed.

CERTIFICATE

I hereby certify that a true copy of the above Objection to Subpoena Duces Tecum was mailed this _____ day of _____, (month, year), to

(Name and address of party seeking information) and

(Name and address of Internet Service Provider)

John Doe

Enter e-mail nickname or other alias used in communicating via the Internet service provider to whom the subpoena is addressed.

2002, c. 875.

[§ 8.01-536. Pleadings in attachment](#)

No pleading on behalf of the plaintiff shall be necessary except the petition mentioned in § 8.01-537. The principal defendant, and any other defendant who seeks to defeat the petitioner's attachment, may demur to the petition, issue on which **demurrer** shall be deemed to be joined; but if such **demurrer** be overruled, such defendant shall answer the petition in writing. No replication shall be necessary to such answer. The answer shall be sworn to by such defendant, or his agent. Any other defendant may answer the petition, under oath, and the cause shall be deemed at issue as to him, if he denies any of the allegations of the petition, without any replication. Answers under this section shall not have the effect of evidence for the defendant.

Code 1950, § 8-523; 1977, c. 617.

[§ 8.01-647. Defense; how made](#)

The defendant may file a **demurrer** or answer on oath to the petition, or both. The court may permit amendments of the pleadings as in other cases.

Code 1950, § 8-707; 1977, c. 617.

[§ 8.01-695. When argument held; when discovery permitted](#)

Oral argument on any motion in any prisoner civil action shall be heard orally only at the request of the court; whenever possible, the court shall rule upon the record before it. No prisoner shall be permitted to request subpoenas for witnesses or documents, or file discovery requests, until the court has ruled upon any **demurrer**, plea or motion to dismiss. Where a case proceeds past the initial dispositive motions, the court shall require the prisoner seeking discovery to demonstrate that his requests are relevant and material to the issues in the case. No subpoena for witnesses or documents shall issue unless a judge of the court has reviewed the subpoena request and specifically authorized a subpoena to issue. The court shall exercise its discretion in determining the scope of the subpoena and may condition its issuance on such terms as the court finds appropriate. The court shall take into account the burden placed upon the object of the subpoena in relation to the needs of the case, the amount in controversy, and the importance of the issues at stake in the litigation.

2002, c. 871; 2006, c. 435.

Title 15.2 – Counties, Cities and Towns

§ 15.2-2140. Dispute between jurisdictions; appeals

A. An appeal may be filed in the Court of Appeals by any party from the judgment of the special court, and the appeal shall be heard and determined without reference to the principles of **demurrer** to evidence. The special court shall certify the facts in the case to the Court of Appeals, and the evidence shall be considered as on appeal in proceedings under Chapter 2 (§ 25.1-200 et seq.) of Title 25.1. In any case, by consent of all parties of record, a motion to dismiss may be made at any time before final judgment on appeal.

B. If the judgment of the special court is reversed on appeal, or if the judgment is modified, the Court of Appeals shall enter such order as the special court should have entered.

C. If an appeal is taken from the judgment of the Court of Appeals, the Supreme Court, in matters in which it grants the petition for appeal, shall consider the appeal consistent with the procedures set forth in subsection A and shall enter such order as the special court should have entered.

1976, c. 69, § 15.1-37.1:6; 1979, c. 671; 1997, c. 587; 2003, c. 940; 2021, Sp. Sess. I, c. 489.

§ 15.2-5367. Appeal

The authority or the city may take an appeal from the judgment of the court to the Court of Appeals, and the appeal shall be heard and determined without reference to the principles of **demurrer** to evidence. The trial court shall certify the facts in the case to the Court of Appeals and the evidence shall be considered as on appeal in proceedings under Chapter 2 (§ 25.1-200 et seq.) of Title 25.1. By consent of both parties of record, the petition may be dismissed at any time before final judgment on the appeal. The authority or the city may appeal any judgment of the Court of Appeals rendered pursuant to this section to the Supreme Court. If the Supreme Court grants the petition for appeal, the appeal shall be heard consistent with the procedures set forth in this section. By consent of both parties of record, the petition may be dismissed at any time before final judgment on the appeal.

Code 1950, § 32-275.3; 1962, c. 395, § 15.1-1602; 1979, c. 719; 1997, c. 587; 2003, c. 940; 2021, Sp. Sess. I, c. 489.

Title 17.1 – Courts of Record

§ 17.1-609. Costs on certain motions and interlocutory orders

Upon any motion, other than for a judgment for money, or upon any interlocutory order or proceeding, the court may give or refuse costs, at its discretion, unless otherwise provided. It may, when a **demurrer** is sustained to a plea in abatement, give judgment for the plaintiff for his full costs, to the time of sustaining it, an attorney's fee only excepted; and when any other part of the pleading is adjudged insufficient, order all costs occasioned by such insufficient pleading to be paid by him who committed the fault.

Code 1950, § 14-184; 1964, c. 386, § 14.1-187; 1998, c. 872.

Title 19.2 – Criminal Procedure

§ 19.2-291. Faulty counts; motion to strike; general verdict of guilty

When there are several counts in the indictment one or more of which are faulty, the accused may move to strike the faulty count or counts or move the court to instruct the jury to disregard them. If he does neither and a general verdict of guilty is found, judgment shall be entered against the accused, if any count be good, though others be faulty, unless the court can plainly see that the verdict could not have been found on the good count. If the accused demurs to the faulty count or moves the court to instruct the jury to disregard it and his **demurrer** or motion is overruled and there is a general verdict of guilty and it cannot be seen on which count the verdict was founded, if the jury has been discharged, it shall be set aside; but if it is manifest that it could not have been found on the bad count, the verdict shall be allowed to stand.

Code 1950, § 19.1-255; 1960, c. 366; 1975, c. 495.

"detinue"

Article 12 of Chapter 3 of Title 8.01 is titled "Detinue."
Also found in Titles 8.2, 16.1, and 59.1.

Title 8.01 – Civil Remedies and Procedure

§ 8.01-114. When property to be taken by officer; summary of evidence, affidavits and report to be filed

A. A proceeding in **detinue** to recover personal property unlawfully withheld from the plaintiff may be brought on a warrant or motion for judgment if pretrial seizure is not sought at the time of filing.

A petition in **detinue** for pretrial seizure pursuant to this article may be filed either to commence the **detinue** proceeding or may be filed during the pendency of a **detinue** proceeding which commenced on a warrant or motion for judgment. If a petition is filed, it shall:

1. Describe the kind, quantity and estimated fair market value of the specific personal property as to which plaintiff seeks possession;
2. Describe the basis of the plaintiff's claim of entitlement to recover the property, with such certainty as will give the adverse party reasonable notice of the true nature of the claim and the particulars thereof and, if based on a contract to secure the payment of money, the amount due on such contract; and
3. Allege one or more of the grounds mentioned in § 8.01-534 and set forth specific facts in support of such allegation. Further, if a petition is filed, a judge, or a magistrate appointed pursuant to Article 3 (§ 19.2-33 et seq.) of Chapter 3 of Title 19.2, may issue an order or other process directed to the sheriff or other proper officer, as the case may be, commanding him to seize the property for the recovery of which such action or warrant is brought, or a specified portion thereof, and deliver same to the plaintiff pendente lite under the circumstances hereinafter set forth.

B. The judge or the magistrate may issue such an order or other process in accordance with the prayer of the petition after an ex parte review of the petition only upon a determination that: (i) the petition conforms with subsection A and (ii) there is reasonable cause to believe that the grounds for **detinue** seizure described in the petition exist. The plaintiff praying for an order shall, at the time that he files his petition, pay the proper costs, fees and taxes, and in the event of his failure to do so, the order shall not be issued.

C. The judge or magistrate, as the case may be, may receive evidence only in the form of a sworn petition which shall be filed with the papers in the cause.

D. The order commanding the seizure of property shall be issued and served together with the form for requesting a hearing on a claim of exemption from seizure as provided in § 8.01-546.1. The order shall be issued and returned as provided in § 8.01-541 and may be issued or executed on any day, including a Saturday, Sunday or other legal holiday. Service shall be in accordance

with the methods described in § 8.01-487.1. The provisions of § 8.01-546.2 shall govern claims for exemption.

Code 1950, § 8-586; 1973, c. 408; 1974, c. 122; 1977, c. 617; 1978, c. 403; 1986, c. 341; 1993, c. 841.

§ 8.01-120. No verdict as to some items; omission of price or value

If in such **detinue** action, on an issue concerning several things, in one or more counts, no verdict be found for part of them, it shall not be error, but the plaintiff shall be barred of his title to the things omitted; and if the verdict omit the price or value, the court may at any time have a jury impaneled to ascertain the same.

Code 1950, § 8-592; 1977, c. 617.

§ 8.01-121. Final judgment

When final judgment is rendered on the trial of such **detinue** proceeding, the court shall dispose of the property or proceeds according to the rights of those entitled. When, in any such proceeding, the plaintiff prevails under a contract which, regardless of its form or express terms, was in fact made to secure the payment of money to the plaintiff or his assignor, judgment shall be for the recovery of the amount due the plaintiff thereunder or for the specific property, and costs. The defendant shall have the election of paying the amount of such judgment or surrendering the specific property. The court may grant the defendant a reasonable time not exceeding thirty days, within which to make the election upon such security being given as the court may deem sufficient. When the property involves an animal as defined in § 3.2-6500, the court may order the return of the animal to the prevailing plaintiff without regard to any alternative method of recovery.

If the defendant elects to surrender the property as aforesaid, upon delivery of the property to the plaintiff or repossession thereof by him, the plaintiff may proceed to sell the property in accordance with the applicable provisions of the Uniform Commercial Code (Part 6 (§§ 8.9A-601 et seq.) of Title 8.9A) with all the rights and responsibilities therein provided.

Code 1950, § 8-593; 1964, c. 219; 1977, c. 617; 1987, c. 1; 1993, c. 841.

§ 8.01-582. Appointment of general receivers; their duties; audit of funds

Any circuit court may appoint a general receiver of the court, who may be the clerk of the court, and who shall hold his office at its pleasure. The general receiver's duty shall be, unless it is otherwise specially ordered, to receive, take charge of and hold all moneys paid under any judgment, order or decree of the court, and also to pay out or dispose of same as the court orders or decrees. Moneys held pursuant to this section shall be deemed public deposits as set forth in Chapter 44 (§ 2.2-4400 et seq.) of Title 2.2 and shall be invested in certificates of deposit or time deposits, and in accordance with the provisions of Chapter 45 (§ 2.2-4500 et seq.) of Title 2.2, as ordered by the court. Prior to or at the time of entry of any judgment, order or decree placing moneys under the control of the general receiver for the benefit of any specifically identified beneficiary, the general receiver shall file an affidavit with the court providing the beneficiary's

name, date of birth, and social security number, as well as the proposed dates of final and periodic disbursements. Such affidavit shall be maintained under seal by the clerk unless otherwise ordered by the court, and the information therein shall be used solely for the purposes of financial management and reporting. Orders creating funds pursuant to this section shall include information necessary to make prudent investment and disbursement decisions but shall not include the personal identifying information set forth in the general receiver's affidavit.

Unless otherwise ordered by the court, the provisions of this section shall not apply to:

1. Cash or other money received in lieu of surety on any bond posted in any civil or criminal case, including but not limited to, bail bonds, appeal bonds in appeals from a district court or circuit court, bonds posted in connection with the filing of an attachment, **detinue** seizure or distress, suspending bonds, and performance bonds;
2. Cash or other money paid or deposited in the clerk's office prior to final disposition of the case, including but not limited to interpleaders or eminent domain; or
3. Cash or other money deposits in lieu of surety on any bond posted in the clerk's office which is not posted in connection with any civil or criminal case, including bonds posted by executors or administrators.

To this end, the general receiver is authorized to verify, receive, and give acquittances for all such moneys, as the court may direct. Any interest which accrues on the funds, minus allowable fees and bond costs, shall be credited and payable to the person or persons entitled to receive such funds.

All moneys received under this section are subject to audit by the Auditor of Public Accounts. The Auditor of Public Accounts shall prescribe mandatory record keeping and accounting standards for general receivers.

Code 1950, § 8-725; 1973, c. 354; 1977, c. 617; 1979, c. 498; 1988, c. 553; 1990, c. 414; 1991, c. 635; 1999, c. 198; 2003, c. 97.

§ 8.01-600. How money under control of court deposited; record kept; liability of clerk

A. This section pertains only to money held by the clerk of the circuit court, when the court orders moneys to be held by the clerk pursuant to this section. Where judgment is taken in the circuit court, upon motion of a party for good cause shown, the court may enter an order directing the clerk to hold moneys pursuant to this section. The clerk shall have the duty, unless it is otherwise specially ordered, to receive, take charge of, hold or invest in such manner as the court orders and also to pay out or dispose of these moneys as the court orders or decrees. To this end, the clerk is authorized to verify, receive, and give acquittances for all such moneys as the court may direct.

B. Orders creating funds pursuant to this section or § 8.01-582 shall include information necessary to make prudent investment and disbursement decisions. The orders shall include, except when it is unreasonable, the proposed dates of periodic and final disbursements. Prior to the entry of the order, the beneficiary or his representative shall file an affidavit with the court providing the beneficiary's name, date of birth, address and social security number. The affidavit shall be maintained under seal by the clerk unless otherwise ordered by the court, and the information therein shall be used solely for the purposes of financial management and reporting.

Unless otherwise ordered by the court, the provisions of this section shall not apply to:

1. Cash or other money received in lieu of surety on any bond posted in any civil or criminal case, including but not limited to bail bonds, appeal bonds in appeals from a district court or circuit court, bonds posted in connection with the filing of an attachment, **detinue** seizure or distress, suspending bonds, and performance bonds;
2. Cash or other money paid or deposited in the clerk's office prior to final disposition of the case, including but not limited to interpleaders or eminent domain; or
3. Cash or other money deposited in lieu of surety on any bond posted in the clerk's office which is not posted in connection with any civil or criminal case, including bonds posted by executors or administrators.

C. All deposits under this section shall be secured in accordance with the Virginia Security for Public Deposits Act (§ 2.2-4400 et seq.).

D. Moneys held pursuant to this section shall be invested in certificates of deposit and time deposits, and in accordance with the provisions of Chapter 45 (§ 2.2-4500 et seq.) of Title 2.2 as ordered by the court.

E. Any interest which accrues on the funds, minus allowable fees and bond costs, shall be credited and payable to the person or persons entitled to receive such funds. The court may order the clerk to consolidate for investment purposes money received under this section, with income received hereunder to be apportioned among the several accounts.

F. Except as otherwise ordered by the court, for good cause shown, the clerk shall be liable for any loss of income which results from his (i) failure to invest the money within sixty days of the court order creating the fund or (ii) failure to pay out any money so ordered by the court within sixty days of the court order. He shall be charged with interest from the date of the court order until such investment or payment is made.

G. The clerk shall keep an accurate and particular account of all moneys received, invested, and paid out by him, showing the respective amounts to the credit of each case in the court and designating in the items the judgments, orders or decrees of court under which the respective sums have been received, invested or paid out. At least annually and no later than October 1 of each year, the clerk shall make a report to the court, which shall include the chief judge of the circuit or the resident judge, showing the balance to the credit of each case in the court in which money has been received by him, the manner in which money has been received by him, the manner in which it is invested, the amounts received, invested or paid out during the year ending June 30 of the current year, the approximate date on which the moneys held for the beneficiaries will become payable, and the whole amount then invested and subject to the future order of the court. The clerk shall make a copy of such report available to the Auditor of Public Accounts for purposes of audit. A copy of this report shall be recorded in the trust fund order book. The clerk shall, at any time when required by the court or the Auditor of Public Accounts to do so, furnish a statement of the amount subject to the order of the court in any case pending therein and any other information required by the court or the Auditor of Public Accounts as to any money or other property under his control before the court. When the clerk receives funds under this section, he shall be entitled to receive fees in accordance with § 17.1-287 in the amounts as specified for general receivers in § 8.01-589.

H. All moneys received under this section are subject to audit by the Auditor of Public Accounts.

Code 1950, § 8-744; 1977, c. 617; 1986, c. 644; 1988, c. 841; 1990, cc. 3, 414; 1991, c. 635; 2002, c. 832; 2015, c. 633; 2017, c. 35.

Title 8.2 – Uniform Commercial Code – General Provisions

§ 8.2-716. Buyer's right to specific performance or **detinue**

(1) Specific performance may be decreed where the goods are unique or in other proper circumstances.

(2) The decree for specific performance may include such terms and conditions as to payment of the price, damages, or other relief as the court may deem just.

(3) The buyer has a right of **detinue** for goods identified to the contract if after reasonable effort he is unable to effect cover for such goods or the circumstances reasonably indicate that such effort will be unavailing or if the goods have been shipped under reservation and satisfaction of the security interest in them has been made or tendered. In the case of goods bought for personal, family, or household purposes, the buyer's right of **detinue** vests upon acquisition of a special property, even if the seller had not then repudiated or failed to deliver.

1964, c. 219; 1966, c. 392; 2000, c. 1007.

§ 8.2A-521. Lessee's right to specific performance or other similar rights

(1) Specific performance may be decreed if the goods are unique or in other proper circumstances.

(2) A decree for specific performance may include any terms and conditions as to payment of the rent, damages, or other relief that the court deems just.

(3) A lessee has a right of **detinue**, sequestration, claim and delivery, or the like for goods identified to the lease contract if after reasonable effort the lessee is unable to effect cover for those goods or the circumstances reasonably indicate that the effort will be unavailing.

1991, c. 536.

Title 16.1 – Courts Not of Record

§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, **detinue**, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil

proceeding, the fee shall be \$36. No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental fees. Of the fees collected under this section, \$10 of each such fee collected shall be apportioned to the Courts Technology Fund established under § 17.1-132.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed \$1 for the first two pages and \$.50 for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

Code 1950, § 14-133; 1954, c. 287; 1956, c. 556; 1958, c. 555; 1960, cc. 17, 106; 1964, c. 386, § 14.1-125; 1970, c. 569; 1971, Ex. Sess., cc. 155, 253; 1973, c. 545; 1975, c. 591; 1982, c. 569; 1983, c. 499; 1984, cc. 293, 702; 1990, c. 943; 1991, c. 577; 1992, c. 555; 1997, c. 42; 1998, c. 872; 2003, c. 1039; 2006, cc. 623, 718; 2010, c. 874; 2011, c. 890; 2020, c. 1289; 2020, Sp. Sess. I, c. 56; 2022, Sp. Sess. I, c. 1.

[§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys](#)

A. Any corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, the Fort Monroe Authority, and the Department of Military Affairs, when the amount claimed in any civil action pursuant to subdivision (1) or (3) of § 16.1-77 does not exceed the jurisdictional amounts authorized in such subsections, exclusive of interest, may prepare, execute, file, and have served on other parties in any proceeding in a general district court a warrant in debt, motion for judgment, warrant in **detinue**, distress warrant, summons for unlawful detainer, counterclaim, crossclaim, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, writ of fieri facias, interpleader and civil appeal notice without the intervention of an attorney. Such papers may be signed by a corporate officer, a manager of a limited liability company, a general partner of any form of partnership or a trustee of any business trust, or such corporate officer, with the approval of the board of directors, or manager, general partner or trustee may authorize in writing an employee, a person licensed under the provisions of § 54.1-2106.1, or the property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement to sign such papers as the agent of the business entity. Only an

agency employee designated in writing by the Adjutant General may sign such papers on behalf of the Department of Military Affairs. However, this section shall not apply to an action under subdivision (1) or (3) of § 16.1-77 which was assigned to a corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, or individual solely for the purpose of enforcing an obligation owed or right inuring to another.

B. Nothing in this section shall allow a nonlawyer to file a bill of particulars or grounds of defense or to argue motions, issue a subpoena, rule to show cause, or *capias*; file or interrogate at debtor interrogatories; or to file, issue or argue any other paper, pleading or proceeding not set forth in subsection A.

C. The provisions of § 8.01-271.1 shall apply to any pleading, motion or other paper filed or made pursuant to this section.

D. Parties not represented by counsel, and who have made an appearance in the case, shall promptly notify in writing the clerk of court wherein the litigation is pending, and any adverse party, of any change in the party's address necessary for accurate mailing or service of any pleadings or notices. In the absence of such notification, a mailing to or service upon a party at the most recent address contained in the court file of the case shall be deemed effective service or other notice.

1990, c. 645; 1992, c. 814; 1993, cc. 473, 478; 2003, cc. 665, 667; 2004, cc. 338, 365; 2005, c. 136; 2006, c. 374; 2017, c. 690; 2019, cc. 180, 477, 700; 2020, cc. 84, 194.

Title 59.1 – Trade and Commerce

[§ 59.1-115. Sheriff's sale of unbranded timber; recovery by owner; disposition of proceeds](#)

Every person who shall take, catch, hold or have in his possession any log or other marketable timber, not branded as aforesaid, without the written consent of the owner thereof, shall within ten days after catching, taking up, or getting possession of the same, as aforesaid, report the same in writing to the county clerk of the county in which such person resides, and thirty days after such report is received the sheriff of such county shall sell the same publicly at the courthouse door on the first day of a circuit court in the county, of which notice shall be given by the sheriff for at least ten days by written or printed notices posted at the front door of such courthouse or near thereto and at one or more public places in the county. Any person owning such log or timber may, however, recover the same, by satisfying the sheriff that he is entitled to it, or by action of **detinue**, as provided by law. Such sale shall be made for cash, and the proceeds when collected, after paying the expenses of sale, including a fee of twenty-five cents for each log or piece of timber so sold, shall be paid to the treasurer of the county for the benefit of the public schools of the district in which the party reporting the same shall at that time reside. Any person failing to report to such clerk, as aforesaid, or to turn over the log or other timber to the sheriff, or any sheriff failing or refusing to advertise and sell such log or timber, as aforesaid, shall be guilty of a misdemeanor, and fined not less than \$10 nor more than \$100 for each offense.

Code 1950, § 59-212; 1968, c. 439.

"execution creditor"

Found in Titles 8.01, 16.1, 17.1, 34.2, and 43.

Title 8.01 – Civil Remedies and Procedure

§ 8.01-480. Prior security interest on property levied on

Tangible personal property subject to a prior security interest, or in which the execution debtor has only an equitable interest, may nevertheless be levied on for the satisfaction of a fieri facias. If the prior security interest is due and payable, the officer levying the fieri facias may sell the property free of such security interest, and apply the proceeds first to the payment of such security interest, and the residue, so far as necessary, to the satisfaction of the fieri facias. In the event the property is to be sold free of such prior security interest, the judgment creditor shall give written notice by certified mail to each secured party of record as hereafter specified, as his name and address shall appear on record, of the proposed sale, or to any secured party of whom the judgment creditor shall have actual knowledge. Such notice shall be given to each secured party who is of record at the State Corporation Commission, at the Department of Motor Vehicles, at the Department of Wildlife Resources, or in the clerk's office in the city or county in Virginia, where the debtor has resided to the knowledge of the judgment creditor at any time during a one-year period prior to the sale. Certification of such notice shall be delivered to the sheriff or other officer conducting the sale pursuant to execution of the judgment, who shall announce that except as to such person so notified, the sale is subject to any prior security interest of record, other than one of record at a place where the debtor may have resided more than one year previously. If such prior security interest is not due and payable at the time of sale, such officer shall sell the property levied on subject to such security interest.

Code 1950, § 8-413; 1977, c. 617; 1979, c. 491; 1990, c. 553; 2020, c. 958.

§ 8.01-486. Procedure when officer taking property under execution dies before sale

If an officer taking property under execution die before the sale thereof, and there be no deputies of such officer acting in the case, upon a suggestion of the fact a writ of venditioni exponas may be directed to the sheriff or other officer of the county or city wherein the property was taken. Whereupon the officer to whom the writ is directed shall take possession of the property previously levied upon, whether the same be in possession of the representatives of the deceased officer or the execution debtor, and proceed to advertise and sell it and account for the proceeds thereof in like manner as if the levy had been made by himself.

Code 1950, § 8-419; 1977, c. 617.

§ 8.01-506. Proceedings by interrogatories to ascertain estate of debtor; summons; proviso; objections by judgment debtor

A. To ascertain the personal estate of a judgment debtor, and to ascertain any real estate, in or out of the Commonwealth, to which the debtor named in a judgment and fieri facias is entitled, upon the application of the **execution creditor**, the clerk of the court from which such fieri facias issued shall issue a summons against (i) the execution debtor; (ii) any officer, manager, or partner of a corporation, limited liability company, partnership, or other business entity if such execution debtor is an entity having an office in the Commonwealth; (iii) any employee of such entity if such execution debtor is an entity having an office but no known officers, managers, or partners in the Commonwealth, provided that a copy of the summons shall also be served upon the registered agent of such entity; or (iv) any debtor to, or bailee of, the execution debtor if the judgment creditor or such judgment creditor's attorney files an affidavit that he knows or reasonably suspects such person to be a debtor to, or bailee of, the execution debtor.

B. The summons shall require him to appear before the court from which the fieri facias issued or a commissioner of the county or city in which such court is located, or a like court or a commissioner of a county or city contiguous thereto, or upon request of the **execution creditor**, before a like court or a commissioner of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, to answer such interrogatories as may be propounded to him by the **execution creditor** or his attorney, or the court, or the commissioner, as the case may be. If the **execution creditor** requests that the summons require the execution debtor to appear before a like court of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, the case may be filed or docketed in accordance with the requirements of § 8.01-506.2 prior to issuance of the summons.

C. Before proceeding under this section, the **execution creditor** shall furnish to the court a certificate setting forth that he has not proceeded against the execution debtor under this section within the six months last preceding the date of such certificate. However, for good cause shown, the court may, on motion of the **execution creditor**, issue an order allowing further proceedings before a commissioner by interrogatories during the six-month period. Any judgment creditor who knowingly gives false information upon any such certificate made under this article is guilty of a Class 1 misdemeanor. The issuance of a summons that is not served shall not constitute the act of proceeding against an execution debtor for purposes of making the certificate required by this subsection.

D. The debtor or other person served with such summons shall appear at the time and place mentioned and make answer to such interrogatories. The commissioner shall, at the request of either of the parties, enter in his proceedings and report to the court mentioned in § 8.01-507.1 any and all objections taken by such debtor against answering such interrogatories, or any or either of them, and if the court afterwards sustains any one or more of such objections, the answers given to such interrogatories as to which objections are sustained shall be held for naught in that or any other case.

E. Notwithstanding the foregoing provisions of this section, the court from which a writ of fieri facias issued, upon motion by the execution debtor, or by a person summoned pursuant to clause (iv) of subsection A, for good cause shown, shall transfer debtor interrogatory proceedings to a more convenient forum.

Code 1950, § 8-435; 1952, c. 699; 1968, c. 599; 1977, c. 617; 1978, c. 66; 1979, c. 225; 1985, c. 433; 1987, c. 182; 1991, c. 463; 2005, c. 726; 2009, c. 622; 2024, c. 744.

§ 8.01-506.2. Proceedings in court of county or city where execution debtor resides

When pursuant to subsection B of § 8.01-506, a summons requires the execution debtor to appear before a court of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, the **execution creditor** may have the case filed or docketed in that court as follows:

1. The **execution creditor** shall file with that court an abstract of the judgment rendered.
2. The **execution creditor** shall pay a fee to that court in accordance with the provisions of § 16.1-69.48:2 or subdivision 17 of § 17.1-275.
3. After docketing or filing the abstract of judgment and payment of any fees, the court shall issue the summons and any subsequent executions on the filed or docketed judgment, including a subpoena duces tecum pursuant to § 8.01-506.1, and shall conduct such hearings and enter such orders pursuant to §§ 8.01-507, 8.01-507.1, 8.01-508, 8.01-509, and 8.01-510 as may be required.
4. The **execution creditor** shall file in both courts any releases or satisfactions of judgment.

2005, c. 726.

Title 16.1 – Courts Not of Record

§ 16.1-121. Order after hearing

After hearing the parties or such of them as may attend after being summoned, and such witnesses as may be introduced by either party, the judge shall order the officer, or the possessor of any money or other personal estate, to deliver the same to the claimant, if he be of opinion that the same belongs to the claimant; but if he be of opinion that the property, money or other personal estate, or any part thereof, belongs to the person against whom the execution or warrant of distress issued, he shall order the officer who levied on the same to sell the property so liable, to satisfy the execution or warrant of distress; or when there is money or other personal estate in the possession of a bailee or garnishee, he shall order the bailee or garnishee, as the case may be, to make delivery to the **execution creditor** of all such money or other personal estate so found to belong to the execution debtor, or so much thereof as may be necessary to satisfy the execution; and he may give such judgment respecting the property, the expense of keeping it, any injury done by it, and for the costs, as may be just and equitable among the parties.

1956, c. 555.

Title 17.1 – Courts of Record

§ 17.1-275. Fees collected by clerks of circuit courts; generally

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$18 for an instrument or document consisting of 10 or fewer pages or sheets; \$32 for an instrument or document consisting of 11 to 30 pages or sheets; and \$52 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$17 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. Three dollars and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § 20-25, \$25 to be paid by the petitioner.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a subpoena duces tecum, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings pursuant to § 17.1-258.3. Nothing herein shall be construed to prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by the clerk. Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit or debit card issuer that payment will not be made for any

reason, the clerk may collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 4 and 5 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Virginia Birth Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.2-1021, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55.1-653 et seq.), the fees shall be as prescribed in that Act.

35. [Repealed.]

36. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

37. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

38. For lodging, indexing, and preserving a will in accordance with § 64.2-409, a fee of \$5.

39. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

40. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

41. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

42. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

43. For issuing any execution, and recording the return thereof, a fee of \$1.50.

44. For the preparation and issuance of a summons for interrogation by an **execution creditor**, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

Code 1950, § 14-123, p. 614; 1952, c. 146; 1954, c. 138; 1956, c. 217; 1964, c. 386, § 14.1-112; 1966, c. 217; 1970, c. 522; 1971, Ex. Sess., c. 95; 1972, cc. 626, 627, 647; 1973, c. 159; 1974, cc. 370, 523; 1975, c. 226; 1976, c. 344; 1977, cc. 449, 463; 1978, c. 502; 1980, c. 145; 1983, c. 103; 1984, cc. 225, 356; 1985, cc. 94, 201; 1986, c. 538; 1988, cc. 49, 52; 1989, c. 595; 1990, cc. 88, 738, 971; 1992, c. 784; 1993, cc. 95, 299, 386; 1994, cc. 64, 432, 498, 842; 1995, cc. 51, 371, 440, 463, 525, § 14.1-111.1; 1996, cc. 344, 976; 1997, cc. 215, 921; 1998, cc. 783, 840, 872; 1999, cc. 9, 1003; 2000, cc. 826, 830; 2001, cc. 481, 496, 501, 836; 2002, cc. 831, 832; 2004, c. 1004; 2005, cc. 373, 681; 2006, cc. 318, 623, 718, 825; 2007, cc. 548, 626, 646; 2009, c. 594; 2010, c. 874; 2011, cc. 707, 890; 2012, cc. 420, 714, 780; 2013, c. 263; 2014, c. 282; 2015, c. 641; 2017, c. 200; 2020, cc. 68, 69, 589, 653; 2021, Sp. Sess. I, c. 427; 2022, c. 377.

Title 34 – Homestead and Other Exemptions

§ 34-2. Injunction restraining sale of exempted property or garnishment of wages

An injunction may be awarded to enjoin the sale of any property exempt under the provisions of this title, and to prevent the wages exempted by § 34-29 from being garnisheed or otherwise collected by an **execution creditor**.

Code 1919, § 6565.

Title 43 – Mechanics' and Certain Other Liens

§ 43-29. Liens of landlords and farmers for advances to tenants and laborers

(1) Provision for lien; enforcement and priority. — If any owner or occupier of land contract with any person to cultivate or raise livestock on such land as his tenant for rent either in money or a share of the crop or livestock; or if any person engaged in the cultivation of land contract

with any laborer thereon for a share of the crop or the livestock raised thereon as his wages; and such owner or occupier of the land, or such person engaged in the cultivation of land, shall make any advances in money, supplies, or other thing to such tenant or laborer, he shall have a lien to the extent of such advances on all the crops or livestock, or the share of such laborer in the crops or livestock that are made or seeded or raised, grown or fed on the land during the year in which the advances are made, which shall be prior to all other liens on such crops or livestock or such portion thereof, or share therein. And he shall have the same remedy for the enforcement of such lien by distress when the claim is due, or by attachment when the claim is not yet payable, as is given a landlord for the recovery of rent under § 8.01-130.4; provided, that he or his agent, shall, before suing out the distress warrant, make affidavit before the magistrate issuing the same to the amount of his claim, that it is then due and is for advances made under contract to a tenant cultivating or raising livestock on his land, or a laborer working or raising livestock on the same; and before suing out the attachment, make the like affidavit, and also at what time the claim will become payable, and that the debtor intends to remove, or is removing from such land such crops or livestock, or his portion thereof, or share therein, so that there will not be left enough to satisfy the claim. The person, whose crops or livestock are so distrained or attached, shall have all the rights and be entitled to all the remedies allowed a tenant against a distress or attachment for rent.

(2) When verified statement of advances required. — However, when the crops or livestock are subject to a lien of a fieri facias or attachment, whether a levy be actually made or not, it shall be the duty of the person claiming a lien under this section, upon the request of the sheriff, or any other party in interest, to render to the sheriff of the county wherein the crops or livestock are raised or grown, a complete and itemized statement under oath of the claims for advances, showing the nature of the claims, the dates of advancement and the respective amounts. And in case the person claiming advances fails to render to the sheriff of such county the verified itemized statement above provided for within ten days after the request has been made, he shall forever lose the benefit of the lien on the crops or livestock for advances granted him under this section.

(3) When further showing as to advances required. — If the **execution creditor** or attachment creditor desires to contest the validity of the claims for advances, he may cause the clerk of the circuit court of the county in which such crops are grown or livestock raised to summon the person claiming the lien for advances to appear before such court and show to the satisfaction of the court that such money, supplies or other things of value were advanced for the purpose of, and were necessary in and about the cultivation of the crops or the raising of the livestock upon which the lien is claimed.

Code 1919, § 6454; 1930, p. 946; 1942, p. 294; 1956, c. 80; 2008, cc. 551, 691.

"execution debtor"

Found in Titles 8.01 and 16.1.

Title 8.01 – Civil Remedies and Procedure

§ 8.01-480. Prior security interest on property levied on

Tangible personal property subject to a prior security interest, or in which the **execution debtor** has only an equitable interest, may nevertheless be levied on for the satisfaction of a fieri facias. If the prior security interest is due and payable, the officer levying the fieri facias may sell the property free of such security interest, and apply the proceeds first to the payment of such security interest, and the residue, so far as necessary, to the satisfaction of the fieri facias. In the event the property is to be sold free of such prior security interest, the judgment creditor shall give written notice by certified mail to each secured party of record as hereafter specified, as his name and address shall appear on record, of the proposed sale, or to any secured party of whom the judgment creditor shall have actual knowledge. Such notice shall be given to each secured party who is of record at the State Corporation Commission, at the Department of Motor Vehicles, at the Department of Wildlife Resources, or in the clerk's office in the city or county in Virginia, where the debtor has resided to the knowledge of the judgment creditor at any time during a one-year period prior to the sale. Certification of such notice shall be delivered to the sheriff or other officer conducting the sale pursuant to execution of the judgment, who shall announce that except as to such person so notified, the sale is subject to any prior security interest of record, other than one of record at a place where the debtor may have resided more than one year previously. If such prior security interest is not due and payable at the time of sale, such officer shall sell the property levied on subject to such security interest.

Code 1950, § 8-413; 1977, c. 617; 1979, c. 491; 1990, c. 553; 2020, c. 958.

§ 8.01-486. Procedure when officer taking property under execution dies before sale

If an officer taking property under execution die before the sale thereof, and there be no deputies of such officer acting in the case, upon a suggestion of the fact a writ of venditioni exponas may be directed to the sheriff or other officer of the county or city wherein the property was taken. Whereupon the officer to whom the writ is directed shall take possession of the property previously levied upon, whether the same be in possession of the representatives of the deceased officer or the **execution debtor**, and proceed to advertise and sell it and account for the proceeds thereof in like manner as if the levy had been made by himself.

Code 1950, § 8-419; 1977, c. 617.

§ 8.01-506. Proceedings by interrogatories to ascertain estate of debtor; summons; proviso; objections by judgment debtor

A. To ascertain the personal estate of a judgment debtor, and to ascertain any real estate, in or out of the Commonwealth, to which the debtor named in a judgment and fieri facias is entitled, upon the application of the execution creditor, the clerk of the court from which such fieri facias issued shall issue a summons against (i) the **execution debtor**; (ii) any officer, manager, or partner of a corporation, limited liability company, partnership, or other business entity if such **execution debtor** is an entity having an office in the Commonwealth; (iii) any employee of such entity if such **execution debtor** is an entity having an office but no known officers, managers, or partners in the Commonwealth, provided that a copy of the summons shall also be served upon the registered agent of such entity; or (iv) any debtor to, or bailee of, the **execution debtor** if the judgment creditor or such judgment creditor's attorney files an affidavit that he knows or reasonably suspects such person to be a debtor to, or bailee of, the **execution debtor**.

B. The summons shall require him to appear before the court from which the fieri facias issued or a commissioner of the county or city in which such court is located, or a like court or a commissioner of a county or city contiguous thereto, or upon request of the execution creditor, before a like court or a commissioner of the county or city in which the **execution debtor** resides, or of a county or city contiguous thereto, to answer such interrogatories as may be propounded to him by the execution creditor or his attorney, or the court, or the commissioner, as the case may be. If the execution creditor requests that the summons require the **execution debtor** to appear before a like court of the county or city in which the **execution debtor** resides, or of a county or city contiguous thereto, the case may be filed or docketed in accordance with the requirements of § 8.01-506.2 prior to issuance of the summons.

C. Before proceeding under this section, the execution creditor shall furnish to the court a certificate setting forth that he has not proceeded against the **execution debtor** under this section within the six months last preceding the date of such certificate. However, for good cause shown, the court may, on motion of the execution creditor, issue an order allowing further proceedings before a commissioner by interrogatories during the six-month period. Any judgment creditor who knowingly gives false information upon any such certificate made under this article is guilty of a Class 1 misdemeanor. The issuance of a summons that is not served shall not constitute the act of proceeding against an **execution debtor** for purposes of making the certificate required by this subsection.

D. The debtor or other person served with such summons shall appear at the time and place mentioned and make answer to such interrogatories. The commissioner shall, at the request of either of the parties, enter in his proceedings and report to the court mentioned in § 8.01-507.1 any and all objections taken by such debtor against answering such interrogatories, or any or either of them, and if the court afterwards sustains any one or more of such objections, the answers given to such interrogatories as to which objections are sustained shall be held for naught in that or any other case.

E. Notwithstanding the foregoing provisions of this section, the court from which a writ of fieri facias issued, upon motion by the **execution debtor**, or by a person summoned pursuant to clause (iv) of subsection A, for good cause shown, shall transfer debtor interrogatory proceedings to a more convenient forum.

Code 1950, § 8-435; 1952, c. 699; 1968, c. 599; 1977, c. 617; 1978, c. 66; 1979, c. 225; 1985, c. 433; 1987, c. 182; 1991, c. 463; 2005, c. 726; 2009, c. 622; 2024, c. 744.

§ 8.01-506.2. Proceedings in court of county or city where execution debtor resides

When pursuant to subsection B of § 8.01-506, a summons requires the execution debtor to appear before a court of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, the execution creditor may have the case filed or docketed in that court as follows:

1. The execution creditor shall file with that court an abstract of the judgment rendered.
2. The execution creditor shall pay a fee to that court in accordance with the provisions of § 16.1-69.48:2 or subdivision 17 of § 17.1-275.
3. After docketing or filing the abstract of judgment and payment of any fees, the court shall issue the summons and any subsequent executions on the filed or docketed judgment, including a subpoena duces tecum pursuant to § 8.01-506.1, and shall conduct such hearings and enter such orders pursuant to §§ 8.01-507, 8.01-507.1, 8.01-508, 8.01-509, and 8.01-510 as may be required.
4. The execution creditor shall file in both courts any releases or satisfactions of judgment.

2005, c. 726.

Title 16.1 – Courts Not of Record

§ 16.1-121. Order after hearing

After hearing the parties or such of them as may attend after being summoned, and such witnesses as may be introduced by either party, the judge shall order the officer, or the possessor of any money or other personal estate, to deliver the same to the claimant, if he be of opinion that the same belongs to the claimant; but if he be of opinion that the property, money or other personal estate, or any part thereof, belongs to the person against whom the execution or warrant of distress issued, he shall order the officer who levied on the same to sell the property so liable, to satisfy the execution or warrant of distress; or when there is money or other personal estate in the possession of a bailee or garnishee, he shall order the bailee or garnishee, as the case may be, to make delivery to the execution creditor of all such money or other personal estate so found to belong to the execution debtor, or so much thereof as may be necessary to satisfy the execution; and he may give such judgment respecting the property, the expense of keeping it, any injury done by it, and for the costs, as may be just and equitable among the parties.

1956, c. 555.

"ex parte"

Found in Titles 2.2, 6.2, 8.01, and 9.1.

In some instances, "ex parte" appears in a title in which it would be unlikely to find a pro se litigant.

Title 2.2 – Administration of Government

§ 2.2-312. Subpoenas

A. The State Inspector General or a designated subordinate may issue a subpoena for the appearance of an individual before any hearing conducted by the Office. The subpoena shall be served by the State Inspector General or a designated subordinate and enforced by the court of that jurisdiction.

B. The State Inspector General may make an **ex parte** application to the circuit court for the county or city wherein evidence sought is kept for the issuance of a subpoena duces tecum in furtherance of an investigation or to request production of any relevant records, documents, and physical or other evidence of any person, partnership, association, or corporation located in the Commonwealth. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence.

2011, cc. 798, 871.

§ 2.2-4024.1. Disqualification

A. An individual who has served as investigator, prosecutor, or advocate at any stage in a contested case or who is subject to the authority, direction, or discretion of an individual who has served as investigator, prosecutor, or advocate at any stage in a contested case may not serve as the presiding officer or hearing officer in the same case. An agency head who has participated in a determination of probable cause or other preliminary determination in an adjudication may serve as the presiding officer in the adjudication unless a party demonstrates grounds for disqualification under subsection B.

B. A presiding officer or hearing officer is subject to disqualification for any factor that would cause a reasonable person to question the impartiality of the presiding officer or hearing officer, which may include bias, prejudice, financial interest, or **ex parte** communications; however, the fact that a hearing officer is employed by an agency as a hearing officer, without more, is not grounds for disqualification. The presiding officer or hearing officer, after making a reasonable inquiry, shall disclose to the parties all known facts related to grounds for disqualification that are material to the impartiality of the presiding officer or hearing officer in the proceeding. The presiding officer or hearing officer may self-disqualify and withdraw from any case for reasons listed in this subsection.

C. A party may petition for the disqualification of the presiding officer or hearing officer promptly after notice that the person will preside or, if later, promptly on discovering facts establishing a ground for disqualification. The petition must state with particularity the ground on which it is claimed that a fair and impartial hearing cannot be accorded or the applicable rules of ethics that require disqualification. The petition may be denied if the party fails to promptly request disqualification after discovering a ground for disqualification.

D. A presiding officer not appointed pursuant to the provisions of § 2.2-4024, whose disqualification is requested shall decide whether to grant the petition and state in a record the facts and reasons for the decision. The decision to deny disqualification by a hearing officer appointed pursuant to § 2.2-4024 shall be reviewable according to the procedure set forth in subsection C of § 2.2-4024. In all other circumstances, the presiding officer's or hearing officer's decision to deny disqualification is subject to judicial review in accordance with this chapter, but is not otherwise subject to interlocutory review.

2015, c. 636.

[§ 2.2-4024.2. Ex parte communications](#)

A. Except as otherwise provided in this section, while a formal hearing conducted in accordance with § 2.2-4020 is pending, the hearing officer shall not communicate with any person concerning the hearing without notice and opportunity for all parties to participate in the communication.

B. A hearing officer may communicate about a pending formal hearing conducted in accordance with § 2.2-4020 with any person if the communication is authorized by law or concerns an uncontested procedural issue. A hearing officer may communicate with any person on ministerial matters about a pending formal hearing conducted in accordance with § 2.2-4020 if the communication does not augment, diminish, or modify the evidence in the record.

C. If a hearing officer makes or receives a communication prohibited by this section, the hearing officer shall make a part of the hearing record: (i) a copy of the communication or, if it is not written, a memorandum containing the substance of the communication; (ii) the response thereto; and (iii) the identity of the person who made the communication.

D. If a communication prohibited by this section is made, the hearing officer shall notify all parties of the prohibited communication and permit the parties to respond not later than 15 days after the notice is given. For good cause, the hearing officer may permit additional evidence in response to the prohibited communication.

E. If necessary to eliminate any prejudicial effect of a communication made that is prohibited by this section, a hearing officer may (i) be disqualified under § 2.2-4024.1; (ii) seal the parts of the record pertaining to the communication by protective order; or (iii) grant other appropriate relief, including an adverse ruling on the merits of the case.

2016, c. 478.

Title 6.2 – Financial Institutions and Services

[§ 6.2-930. Emergency sale of assets](#)

The FDIC as receiver, with **ex parte** approval of the receivership court, may sell all or any part of the closed bank's assets. All or any part of such assets may be sold to the Federal Deposit Insurance Corporation in its capacity as a corporation. The FDIC as receiver may also borrow from the FDIC, in its corporate capacity, any amount necessary to facilitate the assumption of deposit liabilities by an existing bank or a newly chartered bank, and may assign any part or all of the assets of the closed bank as security for such loan.

1983, c. 507, § 6.1-110.6; 2010, c. 794.

§ 6.2-1011. Voting of bank shares held by trust institution as fiduciary; when disqualified

A. As used in this section, "banking corporation" includes a bank or a corporation or company that is a bank holding company under 12 U.S.C. § 1841, as amended from time to time.

B. When shares of a national banking association or of a banking corporation organized under the laws of the Commonwealth or another state are held by a trust institution that is serving as a personal representative of a decedent, trustee, guardian of any infant, agent or in any other fiduciary capacity, the trust institution may not (i) vote or participate in the voting of any voting securities of such bank if the securities held in such fiduciary capacity, together with all the other voting securities of such bank held in a fiduciary capacity, exceed 25 percent of the outstanding voting securities of such bank or (ii) vote such voting securities, if the voting securities of such bank held as a personal representative of the decedent, together with all other voting securities of such bank held in a fiduciary capacity, exceed five percent, unless there has been a determination by the Board of Governors of the Federal Reserve System that the right to vote five percent or more of the voting securities but less than 25 percent thereof does not constitute control of that bank.

C. If there is any personal representative, trustee, guardian of any infant, or other fiduciary in addition to the trust institution in such fiduciary capacity, the other fiduciary, if not a director, officer, or employee of the trust institution, may vote such shares. If the trust institution is the sole fiduciary, or if the trust institution is serving along with a director, officer, or employee of the trust institution, it may petition the court, as provided in subsection D, for the appointment of a cofiduciary for the sole purpose of voting such bank shares.

D. When a trust institution has qualified or is serving under the laws of the Commonwealth as personal representative of a decedent, trustee, guardian of any infant, or in any other fiduciary capacity, and in such estate or trust, there are shares of stock of a national banking association or a banking corporation organized under the laws of the Commonwealth or another state, and the trust institution is disqualified under subsection B from voting such shares, the trust institution or any interested party may petition the court in which the institution qualified or is capable to qualify to appoint a cofiduciary for the sole purpose of voting the shares of the banking association or banking corporation held by the estate or trust, which the trust institution is disqualified from voting. The appointment and qualification may be **ex parte**, and no prior notice to the beneficiary shall be required. The court at the time of such qualification may relieve the cofiduciary of any obligation for the giving of surety on his bond, and if the appointment of the cofiduciary is limited to voting of the bank stock, such order may provide that the cofiduciary shall not be liable or accountable as a fiduciary in the administration of such estate or trust except for the breach of any fiduciary duty in voting or failing to vote such bank stock. No

director, officer, or employee of a trust institution shall be eligible to be named cofiduciary under the provisions of this subsection.

1972, c. 203, §§ 6.1-31.1, 6.1-31.2; 1974, c. 665; 2010, c. 794.

§ 6.2-1058. Substitution of trust subsidiary as fiduciary

A. Upon obtaining a certificate to engage in the trust business, a trust subsidiary may file an application in the circuit court of the jurisdiction in which its main office is located requesting that it be substituted, except as may be excluded in such application, in every fiduciary capacity for each of its owning banks, or, in the case of a Virginia bank holding company, for any one or more of its affiliate banks specified in the application.

B. Upon finding that (i) the trust subsidiary has obtained a certificate to engage in the trust business by the Commission, or by the Comptroller of the Currency if the trust subsidiary is a national banking association, the main office of which is in the Commonwealth and (ii) the requirements of § 6.2-1056 have been met, the court shall enter an order substituting the trust subsidiary in every fiduciary capacity for each of its specified affiliate banks, or specified owning banks, except as may be otherwise specified in the application.

C. Upon entry of such order, the trust subsidiary shall, without further act, be substituted in every fiduciary capacity. The substitution shall be evidenced by filing a copy of the order with the clerk of any circuit court in the Commonwealth. The order shall be indexed in each index in the records of such court in which substitutions of fiduciaries are otherwise indexed. The application may be made **ex parte** and need not list the fiduciary capacities in which substitution is made. If the requirements of § 6.2-1056 have been met, the order of substitution shall specify that the trust subsidiary shall be deemed without further act to have given bond with open penalty with respect to each fiduciary capacity in which there is substitution.

D. Any bond, with corporate surety, posted under this section or § 6.2-1056 may be a blanket bond conditioned as otherwise contemplated by law.

E. Each designation in a will or other instrument heretofore or hereafter executed of a bank as fiduciary shall be deemed a designation of the trust subsidiary substituted for such bank pursuant to this section except when the instrument is executed after such substitution and expressly negates the application of this section. No waiver of surety with respect to any fiduciary bond shall be effective except in such case when the bond would be otherwise sufficient as contemplated by § 6.2-1056 or 6.2-1059. Any grant in such an instrument of any discretionary power shall be deemed conferred upon the fiduciary deemed to have been nominated hereunder.

F. A bank shall account jointly with the trust subsidiary that has been substituted as fiduciary for such bank pursuant to this section for the accounting period during which the trust subsidiary is initially so substituted. Upon substitution pursuant to this section, the bank shall deliver to the trust subsidiary all assets held by the bank as fiduciary, except assets held for accounts to which there has been no substitution. Upon such substitution, all such assets shall become the property of the trust subsidiary as fiduciary without the necessity of any instrument of transfer or conveyance.

1974, c. 286, § 6.1-32.9; 1987, c. 352; 1991, c. 282; 2010, c. 794.

§ 6.2-1059. Substitution of subsidiary bank as fiduciary

A. Upon obtaining permission to engage in the trust business, a subsidiary bank may file an application in the circuit court of the jurisdiction in which its main office is located requesting that it be substituted, except as may be specified in such application, in every fiduciary capacity for a bank under common ownership or a trust subsidiary under common ownership.

B. Upon a finding that (i) the subsidiary bank has been granted such permission to engage in the trust business by the Commission or the Comptroller of the Currency and (ii) the unimpaired capital and surplus of such subsidiary bank is sufficient as prescribed in § 6.2-1003, or bond with corporate surety has been posted for any excess, or has been validly waived, the court shall enter an order substituting the subsidiary bank in every fiduciary capacity for each of the specified banks or trust subsidiaries under common ownership, except as may be otherwise specified in the application.

C. Upon entry of such order, such subsidiary bank shall, without further act, be substituted in every such fiduciary capacity. The substitution shall be evidenced by filing a copy of the order with the clerk of any circuit court in the Commonwealth. The order shall be indexed in each index in the records of such court in which substitutions of fiduciaries are otherwise indexed. The application may be made **ex parte** and need not list the fiduciary capacities in which substitution is made. If a bank or trust subsidiary under common ownership with the subsidiary bank shall already have qualified in any fiduciary capacity and given bond, without surety, then if the order of substitution shall so provide, which it may provide only if the fiduciary for which there is to be substitution consents, the predecessor fiduciary shall remain liable on its bond for the acts of its named successor, and no security or corporate surety shall be required of the successor fiduciary on its bond.

D. Any bond, with corporate surety, posted under this section or under § 6.2-1056 may be a blanket bond conditioned as otherwise contemplated by law.

E. Each designation in a will or other instrument heretofore or hereafter executed of a bank or trust subsidiary as fiduciary shall be deemed a designation of the subsidiary bank substituted for such bank or trust subsidiary pursuant to this section except when the instrument is executed after such substitution and expressly negates the application of this section. No waiver of surety with respect to any fiduciary bond shall be effective except in such case when the bond would be otherwise sufficient as contemplated by § 6.2-1056 or this section. Any grant in such an instrument of any discretionary power shall be deemed conferred upon the fiduciary deemed to have been nominated hereunder.

F. A bank or trust subsidiary shall account jointly with the subsidiary bank that has been substituted as fiduciary for such bank or trust subsidiary pursuant to this section for the accounting period during which the subsidiary bank is initially so substituted. Upon substitution pursuant to this section, the bank or trust subsidiary shall deliver to the substituted subsidiary bank all assets held by the bank or trust subsidiary as fiduciary, except assets held for accounts to which there has been no substitution. Upon such substitution, all such assets shall become the property of the subsidiary bank as fiduciary without the necessity of any instrument of transfer or conveyance.

1974, c. 286, § 6.1-32.9; 1987, c. 352; 1991, c. 282; 2010, c. 794; 2020, c. 239.

§ 6.2-1091. Voting of financial institution stock held by association as fiduciary; when association disqualified from voting

A. When voting shares of a financial institution are held by an association in a trust account, the association may not vote or participate in the voting of any such shares if the securities held in such fiduciary capacity, together with all the other voting securities of such financial institution held in a fiduciary capacity by the association and its affiliates, exceed 25 percent of the outstanding voting securities of such financial institution. If the voting securities of any financial institution held by an association in a trust account, together with all other voting securities of such financial institution held in a fiduciary capacity by the association and its affiliates, exceed five percent of the outstanding voting securities of such financial institution, but less than 25 percent thereof, the association may not vote or participate in the voting of any such voting securities unless there has been a determination by the Commissioner that the right to vote such shares does not constitute control of the particular financial institution in question.

B. If any person is acting as fiduciary, in addition to the association, for the trust account containing such voting securities, such other fiduciary, if not a director, officer, or employee of the association or its affiliates, may vote such shares. If the association is the sole fiduciary for the trust account, the association may petition an appropriate court for the appointment of a co-fiduciary for the sole purpose of voting such shares. Such appointment and qualification may be **ex parte**, and no prior notice to the beneficiaries of the trust account shall be required. The court at the time of such qualifications may relieve the co-fiduciary of any obligation for the giving of security on his bond. If the appointment of the co-fiduciary is limited to voting such shares, such order may provide that the co-fiduciary shall not be liable or accountable in the administration of the trust account, except for the breach of any fiduciary duty in voting or failing to vote such shares. No director, officer, or employee of the petitioning association or its affiliates shall be eligible to be named co-fiduciary under the provisions of this section.

C. The provisions of this section shall also apply in the case of voting shares of a bank holding company, as defined in 12 U.S.C. § 1841, or a savings and loan holding company held by an association in a fiduciary capacity.

1984, c. 303, § 6.1-195.88; 2010, c. 794.

Title 8.01 – Civil Remedies and Procedures

§ 8.01-114. When property to be taken by officer; summary of evidence, affidavits and report to be filed

A. A proceeding in detinue to recover personal property unlawfully withheld from the plaintiff may be brought on a warrant or motion for judgment if pretrial seizure is not sought at the time of filing.

A petition in detinue for pretrial seizure pursuant to this article may be filed either to commence the detinue proceeding or may be filed during the pendency of a detinue proceeding which commenced on a warrant or motion for judgment. If a petition is filed, it shall:

1. Describe the kind, quantity and estimated fair market value of the specific personal property as to which plaintiff seeks possession;

2. Describe the basis of the plaintiff's claim of entitlement to recover the property, with such certainty as will give the adverse party reasonable notice of the true nature of the claim and the particulars thereof and, if based on a contract to secure the payment of money, the amount due on such contract; and

3. Allege one or more of the grounds mentioned in § 8.01-534 and set forth specific facts in support of such allegation. Further, if a petition is filed, a judge, or a magistrate appointed pursuant to Article 3 (§ 19.2-33 et seq.) of Chapter 3 of Title 19.2, may issue an order or other process directed to the sheriff or other proper officer, as the case may be, commanding him to seize the property for the recovery of which such action or warrant is brought, or a specified portion thereof, and deliver same to the plaintiff pendente lite under the circumstances hereinafter set forth.

B. The judge or the magistrate may issue such an order or other process in accordance with the prayer of the petition after an **ex parte** review of the petition only upon a determination that: (i) the petition conforms with subsection A and (ii) there is reasonable cause to believe that the grounds for detinue seizure described in the petition exist. The plaintiff praying for an order shall, at the time that he files his petition, pay the proper costs, fees and taxes, and in the event of his failure to do so, the order shall not be issued.

C. The judge or magistrate, as the case may be, may receive evidence only in the form of a sworn petition which shall be filed with the papers in the cause.

D. The order commanding the seizure of property shall be issued and served together with the form for requesting a hearing on a claim of exemption from seizure as provided in § 8.01-546.1. The order shall be issued and returned as provided in § 8.01-541 and may be issued or executed on any day, including a Saturday, Sunday or other legal holiday. Service shall be in accordance with the methods described in § 8.01-487.1. The provisions of § 8.01-546.2 shall govern claims for exemption.

Code 1950, § 8-586; 1973, c. 408; 1974, c. 122; 1977, c. 617; 1978, c. 403; 1986, c. 341; 1993, c. 841.

[§ 8.01-119. Hearing to review issuance of order or process under § 8.01-114 or to consider request for such order or process](#)

A. Within thirty days after the issuance of any **ex parte** order or process pursuant to § 8.01-114, or promptly upon application of either party, and in either event after reasonable notice, the court in which such proceeding is pending shall conduct a hearing to review the decision to issue the order or other process described in § 8.01-114, or to consider the request of the plaintiff for issuance of such order or other process, whether or not the plaintiff has attempted to previously obtain an order pursuant to § 8.01-114. The hearing may be combined with a prompt hearing held pursuant to § 8.01-546.2 on an exemption claimed or a trial on the merits or both. If combined with a hearing on an exemption claim, the hearing shall be conducted within ten business days of the filing of the request for a hearing. If the plaintiff gives reasonable notice of his intention to apply for such an order or process before the court, such hearing may be on the

return day of the warrant. Evidence may be presented in the same manner as in subsection B of § 8.01-114.

B. At the conclusion of the hearing, if the evidence establishes the facts set forth in subdivision 1 of subsection A of § 8.01-114, and the court is satisfied from the evidence that (i) one or more of the grounds set forth in § 8.01-534 exist, (ii) there is good reason to believe that the defendant is insolvent, so that any recovery against him for the alternate value of the property and for damages and costs will probably prove unavailing, or (iii) the plaintiff may suffer other irreparable harm if his request is denied, and if it further appears to the court that there is a substantial likelihood that the plaintiff's allegations will be sustained at the trial, then the court shall issue the order or other process requested by the plaintiff, or let stand an order issued in the cause pursuant to § 8.01-114.

If the decision of the court is in favor of the defendant, the former order or process issued in the cause shall be abated and the property returned to the possession of the person from whom it was taken to abide the final trial of the action or warrant. Proof of insolvency as grounds for possession of goods by the plaintiff shall not be introduced for purposes of affirming a prior **ex parte** order, but only upon an initial application for possession after reasonable notice.

C. Issuance of any order or process pursuant to this section shall be subject to the provisions of §§ 8.01-115 and 8.01-116.

Code 1950, § 8-591; 1973, c. 408; 1977, c. 617; 1986, c. 341; 1993, c. 841.

§ 8.01-130.4. When and by whom distress made

A distress action for rent may be brought no later than five years from the time the rent becomes due, whether the lease is ended or not. The distress shall be made by a sheriff of the county or city where the premises yielding the rent, or some part thereof, is located or the goods liable to distress may be found, under warrant from a judge of, or a magistrate serving, the judicial district. Such warrant shall be founded upon a sworn petition of the person claiming the rent, or his agent, that (i) the petitioner believes the amount of money or other thing by which the rent is measured, to be specified in the petition in accordance with § 8.01-130.6, is justly due to the claimant for rent reserved upon contract from the person of whom it is claimed, (ii) the petitioner alleges one or more of the grounds mentioned in § 8.01-534 and sets forth in the petition specific facts in support of such allegation, and (iii) the rent claimed is for rent due within five years from the time that it becomes due. The petition shall also specify the amount of the rent claimed and request either levy or seizure of the affected property prior to trial. The plaintiff shall, at the time of suing out a distress, give bond in conformity with the provisions of § 8.01-537.1. The plaintiff praying for a distress warrant shall, at the time that he files his petition, pay the proper costs, fees, and taxes, and in the event of his failure to do so, the distress warrant shall not be issued.

A judge or magistrate shall make an **ex parte** review of the petition and may receive evidence only in the form of a sworn petition, which shall be filed in the office of the clerks of court. The warrant may be issued in accordance with the prayer of the petition by a judge or magistrate only upon a determination that there appears from the petition that there is reasonable cause to believe that one of the grounds mentioned in § 8.01-534 exists, the allegations required to be in the petition are true, and bond that complies with § 8.01-537.1 has been posted.

Each copy of the distress warrant shall be issued and served on each defendant together with (a) a form for requesting a hearing of exemption from levy or seizure, as provided in § 8.01-546.1, and (b) a copy of the bond. The distress warrant may be issued or executed on any day, including a Saturday, Sunday, or other legal holiday. Service shall be made in accordance with the methods described in § 8.01-487.1. The provisions of § 8.01-546.2 shall govern claims for exemption.

The officer into whose hands the warrant is delivered shall levy or seize as directed in the warrant, except as may be provided by statute, the property found on the premises of the tenant as provided by § 8.01-130.6. The officer shall return the warrant of distress to the court to which the warrant of distress is returnable by the return date unless otherwise notified by the court to make return by an earlier date.

Code 1919, § 5522; Code 1950, § 55-230; 1962, c. 10; 1974, c. 458; 1976, c. 177; 1980, c. 555; 1986, c. 341; 1993, c. 841; 2008, cc. 551, 691; 2019, c. 712.

§ 8.01-130.8. Review of decision to issue **ex parte** order or process; claim of exemption

Promptly after levy on the property or promptly after possession of the property is taken by the officer pursuant to an **ex parte** order, or after denial of an application to issue such order by a magistrate, upon application of either party, and after reasonable notice, a judge of the general district court having jurisdiction shall conduct a hearing to review the decision to issue the **ex parte** order or process. In the event that the judge finds that the order or process should not have been issued, the court may dismiss the distraint or award actual damages and reasonable attorney fees to the person whose property was taken, or both. The provisions of § 8.01-546.2 shall govern claims for exemption.

1974, c. 458, § 55-232.2; 1980, c. 555; 1986, c. 341; 2019, c. 712.

§ 8.01-217. How name of person may be changed

A. Any person desiring to change his own name, or that of his child or ward, may apply therefor to the circuit court of the county or city in which the person whose name is to be changed resides, or if no place of abode exists, such person may apply to any circuit court which shall consider such application if it finds that good cause exists therefor under the circumstances alleged. An incarcerated person may apply to the circuit court of the county or city in which such person is incarcerated. In case of a minor who has no living parent or guardian, the application may be made by his next friend. In case of a minor who has both parents living, the parent who does not join in the application shall be served with reasonable notice of the application pursuant to § 8.01-296 and, should such parent object to the change of name, a hearing shall be held to determine whether the change of name is in the best interest of the minor. It shall not be necessary to effect service upon any parent who files an answer to the application. If, after application is made on behalf of a minor and an **ex parte** hearing is held thereon, the court finds by clear and convincing evidence that such notice would present a serious threat to the health and safety of the applicant, the court may waive such notice.

B. Every application shall be under oath and shall include the place of residence of the applicant, the names of both parents, including the maiden name of his mother, the date and place of birth of the applicant, the applicant's felony conviction record, if any, whether the applicant is a person

for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, whether the applicant is presently incarcerated or a probationer with any court, and if the applicant has previously changed his name, his former name or names.

C. On any such application and hearing, if such be demanded, the court, shall, unless the evidence shows that the change of name is sought for a fraudulent purpose or would otherwise infringe upon the rights of others or, in a case involving a minor, that the change of name is not in the best interest of the minor, order a change of name.

D. No application shall be accepted by a court for a change of name of a probationer, person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarcerated person unless the court finds that good cause exists for consideration of such application under the reasons alleged in the application for the requested change of name. If the court accepts the application, the court shall mail or deliver a copy of the application to the attorney for the Commonwealth for the jurisdiction where the application was filed and the attorney for the Commonwealth for any jurisdiction in the Commonwealth where a conviction occurred that resulted in the applicant's probation, registration with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarceration. The attorney for the Commonwealth where the application was filed shall be entitled to respond and represent the interests of the Commonwealth by filing a response within 30 days after the mailing or delivery of a copy of the application. The attorney for the Commonwealth shall make a reasonable effort to provide notice to the victim of the offense for which such person was required to register with the Sex Offender and Crimes Against Minors Registry or such victim's immediate family member if the victim has died. Such victim or immediate family member may appear personally or by counsel to address the court or may provide a written statement regarding the reasons the court should deny such application for a change of name. The court shall conduct a hearing on the application and may order a change of name if, after receiving and considering evidence concerning the circumstances regarding the requested change of name, the court determines that the change of name (i) would not frustrate a legitimate law-enforcement purpose, (ii) is not sought for a fraudulent purpose, and (iii) would not otherwise infringe upon the rights of others. Such order shall contain written findings stating the court's basis for granting the order.

E. The provisions of subsection D are jurisdictional and any order granting a change of name pursuant to subsection D that fails to comply with any provision of subsection D is void ab initio. The attorney for the Commonwealth for the jurisdiction where such an application was filed has the authority to bring an independent action at any time to have such order declared void. If the attorney for the Commonwealth brings an independent action to have the order declared void, notice of the action shall be served upon the person who was granted a change of name who shall have 30 days after service to respond. If the person whose name was changed files a response objecting to having the order declared void, the court shall hold a hearing. If an order granting a change of name is declared void pursuant to this subsection, or if a person is convicted of perjury pursuant to § 18.2-434 for unlawfully changing his name pursuant to § 18.2-504.1 based on conduct that violates this section, the clerk of the court entering the order or the order of conviction shall transmit a certified copy of the order to (i) the State Registrar of Vital Records, (ii) the Department of Motor Vehicles, (iii) the State Board of Elections, (iv) the Central Criminal Records Exchange, and (v) any agency or department of the Commonwealth that has

issued a license to the person where such license utilizes the person's changed name, if known to the court and identified in the court order.

F. The order shall contain no identifying information other than the applicant's former name or names, new name, and current address. The clerk of the court shall spread the order upon the current deed book in his office, index it in both the old and new names, and transmit a certified copy of the order and the application to the State Registrar of Vital Records and the Central Criminal Records Exchange. Transmittal of a copy of the order and the application to the State Registrar of Vital Records and the Central Criminal Records Exchange shall not be required of a person who changed his former name by reason of marriage and who makes application to resume a former name pursuant to § 20-121.4.

G. If the applicant shall show cause to believe that in the event his change of name should become a public record, a serious threat to the health or safety of the applicant or his immediate family would exist, the chief judge of the circuit court may waive the requirement that the application be under oath or the court may order the record sealed and direct the clerk not to spread and index any orders entered in the cause, and a certified copy shall not be transmitted to the State Registrar of Vital Records or the Central Criminal Records Exchange. At such time as a name change order is received by the State Registrar of Vital Records, for a person born in the Commonwealth, together with a proper request and payment of required fees, the Registrar shall issue certifications of the amended birth record which do not reveal the former name or names of the applicant unless so ordered by a court of competent jurisdiction. Such certifications shall not be marked "amended" and show the effective date as provided in § 32.1-272. Such order shall set forth the date and place of birth of the person whose name is changed, the full names of his parents, including the maiden name of the mother and, if such person has previously changed his name, his former name or names.

Code 1950, § 8-577.1; 1956, c. 402; 1973, c. 401; 1976, c. 115; 1977, cc. 457, 617; 1979, cc. 599, 603, 612; 1980, cc. 448, 455; 1981, c. 297; 1983, c. 335; 1985, c. 483; 1991, c. 144; 2003, c. 258; 2005, c. 579; 2014, c. 232; 2015, c. 631; 2025, cc. 206, 220.

[§ 8.01-404. Contradiction by prior inconsistent writing \(Subdivision \(b\)\(i\) of Supreme Court Rule 2:613 derived in part from this section and subdivision \(b\)\(ii\) of Supreme Court Rule 2:613 derived from this section\)](#)

A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, relative to the subject matter of the civil action, without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to the particular occasion on which the writing is supposed to have been made, and he may be asked if he did not make a writing of the purport of the one to be offered to contradict him, and if he denies making it, or does not admit its execution, it shall then be shown to him, and if he admits its genuineness, he shall be allowed to make his own explanation of it; but it shall be competent for the court at any time during the trial to require the production of the writing for its inspection, and the court may thereupon make such use of it for the purpose of the trial as it may think best. This section is subject to the qualification, that in an action to recover for a personal injury or death by wrongful act or neglect, no **ex parte** affidavit or statement in writing other than a deposition, after due notice, of a

witness and no extrajudicial recording made at any time other than simultaneously with the wrongful act or negligence at issue of the voice of such witness, or reproduction or transcript thereof, as to the facts or circumstances attending the wrongful act or neglect complained of, shall be used to contradict him as a witness in the case. Nothing in this section shall be construed to prohibit the use of any such **ex parte** affidavit or statement in an action on an insurance policy based upon a judgment recovered in a personal injury or death by wrongful act case.

Code 1950, § 8-293; 1958, c. 380; 1960, c. 114; 1964, c. 356; 1977, c. 617; 2007, c. 598.

§ 8.01-540. Issuance of attachment; against what attachment to issue

A judge of, or a magistrate serving, the court in which a petition for attachment is filed shall make an **ex parte** review of the petition. The judge or magistrate shall issue an attachment in accordance with the prayer of the petition only upon a determination that (i) there is reasonable cause to believe that grounds for attachment may exist and (ii) the petition complies with §§ 8.01-534, 8.01-537, and 8.01-538. The judge or magistrate may receive evidence only in the form of a sworn petition which shall be filed in the office of the clerk of the court. If the plaintiff seeks the recovery of specific personal property, the attachment may be (i) against such property and against the principal defendant's estate for so much as is sufficient to satisfy the probable damages for its detention or (ii) at the option of the plaintiff, against the principal defendant's estate for the value of the specific property and the damages for its detention. If the plaintiff seeks to recover a debt or damages for the breach of a contract, express or implied, or damages for a wrong, the attachment shall be against the principal defendant's estate for the amount specified in the petition as that which the plaintiff at the least is entitled to or ought to recover.

If the attachment is issued by a magistrate, it shall be returnable as prescribed by § 8.01-541. The magistrate shall promptly return to the clerk's office of the court to which the attachment is returnable the petition and the bond, if any, filed before him. The proceedings thereafter shall be the same as if the attachment had been issued by a judge.

Code 1950, § 8.526; 1954, c. 254; 1977, c. 617; 1984, c. 646; 1993, c. 841; 2008, cc. 551, 691.

Title 9.1 – Commonwealth Public Safety

§ 9.1-142. Powers of Department relating to private security services businesses

A. In addition to the powers otherwise conferred upon it by law, the Department may:

1. Charge each applicant for licensure, certification or registration a nonrefundable fee as established by the Board to cover the costs of the Department for processing an application for a registration, certification or license, and enforcement of these regulations, and other costs associated with the maintenance of this program of regulation.
2. Charge nonrefundable fees for private security services training as established by the Board for processing school certifications and enforcement of training standards.
3. Conduct investigations to determine the suitability of applicants for registration, licensure, or certification of compliance agents, training schools, and instructors. For purposes of this investigation, the Department shall have access to criminal history record information

maintained by the Central Criminal Records Exchange of the Department of State Police and shall conduct a background investigation, to include a National Criminal Records search and a Virginia Criminal History Records search.

4. Issue subpoenas. The Director or a designated subordinate may make an **ex parte** application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business, for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the Department or the Board to request production of any relevant records, documents and physical or other evidence of any person, partnership, association or corporation licensed or regulated by the Department pursuant to this article. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence.

5. Recover costs of the investigation and adjudication of violations of this article or Board regulations. Such costs may be recovered from the respondent when a sanction is imposed to fine or place on probation, suspend, revoke, or deny the issuance of any license, certification, or registration. Such costs shall be in addition to any monetary penalty which may be imposed. All costs recovered shall be deposited into the state treasury to the credit of the Private Security Services Regulatory Fund.

6. Institute proceedings to enjoin any person from engaging in any unlawful act enumerated in § 9.1-147. Such proceedings shall be brought in the name of the Commonwealth by the Department in circuit court of the city or county in which the unlawful act occurred or in which the defendant resides.

B. The Director, or agents appointed by him, shall be vested with the authority to administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of this article, or any Board regulation promulgated pursuant to authority given by this article. Information concerning alleged criminal violations shall be turned over to law-enforcement officers in appropriate jurisdictions. Agents shall be vested with authority to serve such paper or process issued by the Department or the Board under regulations approved by the Board.

1976, c. 737, § 54-729.30; 1977, c. 376, § 54.1-1903; 1984, cc. 57, 779; 1985, c. 448; 1988, c. 765; 1991, c. 589; 1992, c. 578, § 9-183.4; 1994, c. 46; 1998, cc. 122, 807; 2001, c. 844.

[§ 9.1-150.3. Powers of Department of Criminal Justice Services relating to special conservators of the peace appointed pursuant to § 19.2-13](#)

A. In addition to the powers otherwise conferred upon it by law, the Department may (i) charge each applicant for registration a nonrefundable fee as established by the Board to cover the costs of the Department for processing an application for registration, and enforcement of the regulations, and other costs associated with the maintenance of the program of regulation; (ii) charge nonrefundable fees for private security services training as established by the Board for processing school certifications and enforcement of training standards; and (iii) conduct investigations to determine the suitability of applicants for registration, including a drug and alcohol screening. For purposes of this investigation, the Department shall require the applicant

to provide personal descriptive information to be forwarded, along with the applicant's fingerprints, to the Central Criminal Records Exchange for the purpose of conducting a Virginia criminal history records search. The Central Criminal Records Exchange shall forward the fingerprints and personal description to the Federal Bureau of Investigation for the purpose of obtaining a national criminal record check.

B. The Director or his designee may make an **ex parte** application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the Department or the Board to request production of any relevant records, documents and physical or other evidence of any person, partnership, association or corporation licensed or regulated by the Department pursuant to this article. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence. Costs of the investigation and adjudication of violations of this article or Board regulations may be recovered. All costs recovered shall be deposited into the state treasury to the credit of the Conservators of the Peace Regulatory Fund. Such proceedings shall be brought in the name of the Commonwealth by the Department in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides. The Director, or agents appointed by him, shall have the authority to administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of this article, or any regulation promulgated hereunder and to serve process issued by the Department or the Board.

2003, c. 922.

§ 9.1-185.3. Powers of Department of Criminal Justice Services relating to bail bondsmen

A. In addition to the powers otherwise conferred upon it by law, the Department may (i) charge each applicant for licensure a nonrefundable fee as established by the Board to cover the costs of processing an application for licensure, enforcement of the regulations, and other costs associated with the maintenance of the program of regulation; (ii) charge nonrefundable fees for training, processing school certifications and enforcement of training standards; (iii) conduct investigations to determine the suitability of applicants for licensure; and (iv) conduct investigations to determine if any disciplinary actions against a licensed bondsman are warranted. For purposes of determining eligibility for licensure, the Department shall require the applicant to provide personal descriptive information to be forwarded, along with the applicant's fingerprints, to the Central Criminal Records Exchange for the purpose of conducting a Virginia criminal history records search. The Central Criminal Records Exchange shall forward the fingerprints and personal description to the Federal Bureau of Investigation for the purpose of obtaining a national criminal record check.

B. The Director or his designee may make an **ex parte** application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the Department or the Board to request production of any relevant records, documents and physical or other evidence of any person, partnership, association or corporation licensed or regulated by the Department pursuant to this article. The court may issue and compel

compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence. Costs of the investigation and adjudication of violations of this article or Board regulations may be recovered. All costs recovered shall be deposited into the state treasury to the credit of the Bail Bondsman Regulatory Fund. Such proceedings shall be brought in the name of the Commonwealth by the Department in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides. The Director, or agents appointed by him, shall have the authority to administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of this article, or any regulation promulgated hereunder and to serve process issued by the Department or the Board.

2004, c. 460.

[§ 9.1-186.3. Powers of Department relating to bail enforcement agents](#)

A. In addition to the powers otherwise conferred upon it by law, the Department may charge each applicant for licensure or licensee a nonrefundable fee as established by the Board to (i) cover the costs of processing an application for licensure, enforcement of the regulations, and other costs associated with the maintenance of the program of regulation; (ii) cover the costs of bail recovery training, processing school certifications and enforcement of training standards; (iii) conduct investigations to determine the suitability of applicants for licensure and (iv) conduct investigations to determine if any disciplinary actions against a licensed bail enforcement agent are warranted. For purposes of determining eligibility for licensure, the Department shall require the applicant to provide personal descriptive information to be forwarded, along with the applicant's fingerprints, to the Central Criminal Records Exchange for the purpose of conducting a Virginia criminal history records search. The Central Criminal Records Exchange shall forward the fingerprints and personal description to the Federal Bureau of Investigation for the purpose of obtaining a national criminal record check.

B. The Director or his designee may make an **ex parte** application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the Department or the Board to request production of any relevant records, documents and physical or other evidence of any person, partnership, association or corporation licensed or regulated by the Department pursuant to this article. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence. Costs of the investigation and adjudication of violations of this article or Board regulations may be recovered. All costs recovered shall be deposited into the state treasury to the credit of the Bail Enforcement Agent Regulatory Fund. Such proceedings shall be brought in the name of the Commonwealth by the Department in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides. The Director, or agents appointed by him, shall have the authority to administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of this article, or any regulation promulgated hereunder and to serve process issued by the Department or the Board.

2004, c. 397.

§ 9.1-1104. Rights of accused person or his attorney to results of investigation or to investigation

Upon the request of any person accused of a crime or upon the request of an accused person's attorney, the Department or the Division of Consolidated Laboratory Services shall furnish to the accused or his attorney the results of any investigation that has been conducted by it and that is related in any way to a crime for which the person is accused. In any case in which an attorney of record for a person accused of violation of any criminal law of the Commonwealth, or the accused, may desire a scientific investigation, he shall, by motion filed before the court in which the charge is pending, certify that in good faith he believes that a scientific investigation may be relevant to the criminal charge and that the Department or the Division of Consolidated Laboratory Services has indicated it has a methodology to perform the requested scientific investigation. The motion shall be heard **ex parte** as soon as practicable, and the court shall, after a hearing upon the motion and being satisfied as to the correctness of the certification, order that the same be performed by the Department or the Division of Consolidated Laboratory Services and shall prescribe in its order the method of custody, transfer, and return of evidence submitted for scientific investigation. Upon the request of the attorney for the Commonwealth of the jurisdiction in which the charge is pending, he shall be furnished the results of the scientific investigation.

2005, cc. 868, 881; 2024, c. 210.

Title 15.2 – Counties, Cities and Towns

§ 15.2-2308.1. Boards of zoning appeals, **ex parte** communications, proceedings

A. The non-legal staff of the governing body may have **ex parte** communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have **ex parte** communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any **ex parte** discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, **ex parte** communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.

B. Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under § 15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a

member of the board shall also be made available for public inspection pursuant to subsection G of § 2.2-3707.

C. For the purposes of this section, "non-legal staff of the governing body" means any staff who is not in the office of the attorney for the locality, or for the board, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the board from having **ex parte** communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.

D. This section shall not apply to cases where an application for a special exception has been filed pursuant to subdivision 6 of § 15.2-2309.

2015, c. 597; 2023, c. 536.

Title 16.1 – Courts Not of Record

§ 16.1-251. Emergency removal order

A. A child may be taken into immediate custody and placed in shelter care pursuant to an emergency removal order in cases in which the child is alleged to have been abused or neglected. Such order may be issued **ex parte** by the court upon a petition supported by an affidavit or by sworn testimony in person before the judge or intake officer which establishes that:

1. The child would be subjected to an imminent threat to life or health to the extent that severe or irreparable injury would be likely to result if the child were returned to or left in the custody of his parents, guardian, legal custodian or other person standing in loco parentis pending a final hearing on the petition.

2. Reasonable efforts have been made to prevent removal of the child from his home and there are no alternatives less drastic than removal of the child from his home which could reasonably protect the child's life or health pending a final hearing on the petition. The alternatives less drastic than removal may include but not be limited to the provision of medical, educational, psychiatric, psychological, homemaking or other similar services to the child or family or the issuance of a preliminary protective order pursuant to § 16.1-253.

If the petitioner fails to obtain an emergency removal order within four hours of taking custody of the child, the affidavit or sworn testimony before the judge or intake officer shall state the reasons therefor.

When a child is removed from his home and there is no reasonable opportunity to provide preventive services, reasonable efforts to prevent removal shall be deemed to have been made.

The petitioner shall not be required by the court to make reasonable efforts to prevent removal of the child from his home if the court finds that (i) the residual parental rights of the parent regarding a sibling of the child have previously been involuntarily terminated; (ii) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy, or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent

resided at the time such offense occurred, or the other parent of the child; (iii) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States, or any foreign jurisdiction that constitutes felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of such offense; or (iv) on the basis of clear and convincing evidence, the parent has subjected any child to aggravated circumstances or abandoned a child under circumstances that would justify the termination of residual parental rights pursuant to subsection D of § 16.1-283.

As used in this section:

"Aggravated circumstances" means torture, chronic or severe abuse, or chronic or severe sexual abuse, if the victim of such conduct was a child of the parent or child with whom the parent resided at the time such conduct occurred, including the failure to protect such a child from such conduct, which conduct or failure to protect (i) evinces a wanton or depraved indifference to human life or (ii) has resulted in the death of such a child or in serious bodily injury to such a child.

"Chronic abuse" or "chronic sexual abuse" means recurring acts of physical abuse that place the child's health, safety and well-being at risk.

"Serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Severe abuse" or "severe sexual abuse" may include an act or omission that occurred only once but otherwise meets the definition of "aggravated circumstances."

B. Whenever a child is taken into immediate custody pursuant to an emergency removal order, a hearing shall be held in accordance with § 16.1-252 as soon as practicable, but in no event later than five business days after the removal of the child.

C. In the emergency removal order the court shall give consideration to temporary placement of the child with a person with a legitimate interest under the supervision of the local department of social services, until such time as the hearing in accordance with § 16.1-252 is held.

D. The local department of social services having "legal custody" of a child as defined in § 16.1-228 (i) shall not be required to comply with the requirements of this section in order to redetermine where and with whom the child shall live, notwithstanding that the child had been placed with a natural parent.

1977, c. 559; 1984, c. 499; 1985, c. 584; 1986, c. 308; 1990, c. 769; 2000, c. 385; 2003, c. 508; 2017, c. 190; 2019, c. 434.

[§ 16.1-253. Preliminary protective order](#)

A. Upon the motion of any person or upon the court's own motion, the court may issue a preliminary protective order, after a hearing, if necessary to protect a child's life, health, safety or normal development pending the final determination of any matter before the court. The order may require a child's parents, guardian, legal custodian, other person standing in loco parentis or

other family or household member of the child to observe reasonable conditions of behavior for a specified length of time. These conditions shall include any one or more of the following:

1. To abstain from offensive conduct against the child, a family or household member of the child or any person to whom custody of the child is awarded;
2. To cooperate in the provision of reasonable services or programs designed to protect the child's life, health or normal development;
3. To allow persons named by the court to come into the child's home at reasonable times designated by the court to visit the child or inspect the fitness of the home and to determine the physical or emotional health of the child;
4. To allow visitation with the child by persons entitled thereto, as determined by the court;
5. To refrain from acts of commission or omission which tend to endanger the child's life, health or normal development;
6. To refrain from such contact with the child or family or household members of the child, as the court may deem appropriate, including removal of such person from the residence of the child. However, prior to the issuance by the court of an order removing such person from the residence of the child, the petitioner must prove by a preponderance of the evidence that such person's probable future conduct would constitute a danger to the life or health of such child, and that there are no less drastic alternatives which could reasonably and adequately protect the child's life or health pending a final determination on the petition; or
7. To grant the person on whose behalf the order is issued the possession of any companion animal as defined in § 3.2-6500 if such person meets the definition of owner in § 3.2-6500.

B. A preliminary protective order may be issued **ex parte** upon motion of any person or the court's own motion in any matter before the court, or upon petition. The motion or petition shall be supported by an affidavit or by sworn testimony in person before the judge or intake officer which establishes that the child would be subjected to an imminent threat to life or health to the extent that delay for the provision of an adversary hearing would be likely to result in serious or irreparable injury to the child's life or health. If an **ex parte** order is issued without an affidavit being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Following the issuance of an **ex parte** order the court shall provide an adversary hearing to the affected parties within the shortest practicable time not to exceed five business days after the issuance of the order.

C. Prior to the hearing required by this section, notice of the hearing shall be given at least 24 hours in advance of the hearing to the guardian ad litem for the child, to the parents, guardian, legal custodian, or other person standing in loco parentis of the child, to any other family or household member of the child to whom the protective order may be directed and to the child if he or she is 12 years of age or older. The notice provided herein shall include (i) the time, date and place for the hearing and (ii) a specific statement of the factual circumstances which allegedly necessitate the issuance of a preliminary protective order.

D. All parties to the hearing shall be informed of their right to counsel pursuant to § 16.1-266.

E. At the hearing the child, his or her parents, guardian, legal custodian or other person standing in loco parentis and any other family or household member of the child to whom notice was

given shall have the right to confront and cross-examine all adverse witnesses and evidence and to present evidence on their own behalf.

F. If a petition alleging abuse or neglect of a child has been filed, at the hearing pursuant to this section the court shall determine whether the allegations of abuse or neglect have been proven by a preponderance of the evidence. Any finding of abuse or neglect shall be stated in the court order. However, if, before such a finding is made, a person responsible for the care and custody of the child, the child's guardian ad litem or the local department of social services objects to a finding being made at the hearing, the court shall schedule an adjudicatory hearing to be held within 30 days of the date of the initial preliminary protective order hearing. The adjudicatory hearing shall be held to determine whether the allegations of abuse and neglect have been proven by a preponderance of the evidence. Parties who are present at the hearing shall be given notice of the date set for the adjudicatory hearing and parties who are not present shall be summoned as provided in § 16.1-263. The adjudicatory hearing shall be held and an order may be entered, although a party to the hearing fails to appear and is not represented by counsel, provided personal or substituted service was made on the person, or the court determines that such person cannot be found, after reasonable effort, or in the case of a person who is without the Commonwealth, the person cannot be found or his post office address cannot be ascertained after reasonable effort.

Any preliminary protective order issued shall remain in full force and effect pending the adjudicatory hearing.

G. If at the preliminary protective order hearing held pursuant to this section the court makes a finding of abuse or neglect and a preliminary protective order is issued, a dispositional hearing shall be held pursuant to § 16.1-278.2. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of the preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return

to the court. The preliminary order shall specify a date for the dispositional hearing. The dispositional hearing shall be scheduled at the time of the hearing pursuant to this section, and shall be held within 60 days of this hearing. If an adjudicatory hearing is requested pursuant to subsection F, the dispositional hearing shall nonetheless be scheduled at the hearing pursuant to this section. All parties present at the hearing shall be given notice of the date and time scheduled for the dispositional hearing; parties who are not present shall be summoned to appear as provided in § 16.1-263.

H. Nothing in this section enables the court to remove a child from the custody of his or her parents, guardian, legal custodian or other person standing in loco parentis, except as provided in § 16.1-278.2, and no order hereunder shall be entered against a person over whom the court does not have jurisdiction.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. Violation of any order issued pursuant to this section shall be punishable as contempt of court. However, if the violation involves an act or acts of commission or omission that endanger the child's life or health or result in bodily injury to the child, it shall be punishable as a Class 1 misdemeanor.

K. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of the preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary law-enforcement agency and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

L. No fee shall be charged for filing or serving any petition or order pursuant to this section.

1977, c. 559; 1985, c. 595; 1986, c. 308; 1987, c. 497; 1996, c. 866; 1997, c. 790; 1998, c. 550; 2002, cc. 508, 810, 818; 2008, cc. 73, 246; 2009, c. 732; 2013, c. 130; 2014, c. 346; 2021, Sp. Sess. I, cc. 184, 529.

[§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality](#)

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an **ex parte** proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer, upon evidence of a Military Protective Order issued by a commanding officer in the Armed Forces of the United States, the Virginia National Guard, or the National Guard of any other state in favor of the petitioner or petitioner's family or household members, or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse. If an **ex parte** order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Any Military Protective Order issued between the parties shall only be admissible or considered as evidence in accordance with the Code of Virginia, the Rules of Evidence of the Supreme Court of Virginia, or relevant Virginia case law.

Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made

threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons.
3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal property.
4. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to such premises.
5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device and the password to such device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate or surveille the petitioner.
6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession or use shall affect title to the vehicle.
7. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and any other family or household member and, where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided.
8. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.
9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the attorney or guardian ad litem representing the respondent, enter an order requiring the local board of social services to provide services to the child and family.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the

Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the hearing has been continued pursuant to this subsection or court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the respondent was not personally served, or if personally served was incarcerated and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served forthwith on the respondent. However, where the respondent shows good cause, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may be issued **ex parte** by the court with or without a hearing. If an **ex parte** hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued **ex parte**, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State

Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the allegedly abusing person. Except as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

D. In the event that the allegedly abused person is a minor and an emergency protective order was issued pursuant to § 16.1-253.4 for the protection of such minor and the respondent is a parent, guardian, or person standing in loco parentis, the attorney for the Commonwealth or a law-enforcement officer may file a petition on behalf of such minor as his next friend before such emergency protective order expires or within 24 hours of the expiration of such emergency protective order.

E. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the evidence.

F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

G. As used in this section, "copy" includes a facsimile copy.

H. No fee shall be charged for filing or serving any petition or order pursuant to this section.

I. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

J. The respondent may be required to notify the court in writing within seven days of any change of residence while the preliminary protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. Any failure of a respondent to make such required notification shall be punishable by contempt.

1984, c. 631; 1987, c. 497; 1988, c. 165; 1992, c. 886; 1994, c. 907; 1996, c. 866; 1997, c. 603; 1998, c. 684; 2000, cc. 34, 654; 2001, c. 101; 2002, cc. 508, 810, 818; 2006, c. 308; 2007, c. 205; 2008, cc. 73, 246; 2009, cc. 343, 732; 2011, cc. 445, 480; 2014, c. 346; 2018, cc. 38, 652; 2019, cc. 197, 718; 2020, c. 137; 2023, cc. 370, 565, 620, 621; 2024, c. 594; 2025, cc. 26, 208, 217.

[§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty](#)

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court, or magistrate may issue a written or oral **ex parte** emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-

57.2 and finds that there is probable danger of further acts of family abuse against a family or household member by the respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed family abuse and there is probable danger of a further such offense against a family or household member by the respondent, the judge or magistrate shall issue an **ex parte** emergency protective order, except if the respondent is a minor, an emergency protective order shall not be required, imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person, including prohibiting the respondent from being in the physical presence of the allegedly abused person or family or household members of the allegedly abused person, as the judge or magistrate deems necessary to protect the safety of such persons;
3. Granting the family or household member possession of the premises occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the attorney or guardian ad litem representing the respondent, enter an order requiring the local board of social services to provide services to the child and family.

When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause (i), he shall presume that there is probable danger of further acts of family abuse against a family or household member by the respondent unless the presumption is rebutted by the allegedly abused person.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and domestic relations district court is in session. When issuing an emergency protective order under this section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms are provided to a law-enforcement officer, the officer may provide these forms to the protected person when giving the emergency protective order to the protected person. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order issued hereunder. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 16.1-253.1 or 16.1-279.1, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made

orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the allegedly abused person.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the allegedly abused person when it is issued, and one copy shall be filed with the written report required by subsection D of § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the juvenile and domestic relations district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused person with information regarding the date and time of service.

F. The availability of an emergency protective order shall not be affected by the fact that the family or household member left the premises to avoid the danger of family abuse by the respondent.

G. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by the respondent.

H. As used in this section, "law-enforcement officer" means (i) any full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth; (ii) any member of an auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. As used in this section:

"Copy" includes a facsimile copy.

"Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or (ii) unreasonably being within 100 feet from the petitioner's residence or place of employment.

K. No fee shall be charged for filing or serving any petition or order pursuant to this section.

L. Except as provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

M. Upon issuance of an emergency protective order, the clerk of court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

1991, c. 715; 1992, c. 742; 1994, c. 907; 1996, c. 866; 1997, c. 603; 1998, cc. 677, 684; 1999, c. 807; 2001, c. 474; 2002, cc. 508, 706, 810, 818; 2007, cc. 396, 661; 2008, cc. 73, 246; 2009, c. 732; 2011, cc. 445, 480; 2012, cc. 637, 827; 2014, cc. 346, 779, 797; 2016, c. 455; 2018, c. 652; 2025, c. 26.

[§ 16.1-278.17. Pendente lite support](#)

In cases involving (i) the custody, visitation or support of a child arising under subdivision A 3 of § 16.1-241, (ii) spousal support arising under subsection L of § 16.1-241, or (iii) support, maintenance, care, and custody of a child or support and maintenance of a spouse transferred to

the juvenile and domestic relations district court pursuant to § 20-79, the court may enter support orders in pendente lite proceedings, provided such proceedings are not **ex parte**.

1991, c. 534.

§ 16.1-279.1. Protective order in cases of family abuse

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;
4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;
5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device and the password to such device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate or surveille the petitioner;
6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;
7. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;
8. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate;
9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500; and

10. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the attorney or guardian ad litem representing the respondent, enter an order requiring the local board of social services to provide services to the child and family.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such temporary child support order shall terminate upon the determination of support pursuant to § 20-108.1 or upon the termination of such protective order, whichever occurs first.

B. 1. The protective order may be issued for a specified period of time up to a maximum of two years. However, if the court finds, based upon evidence presented, that the respondent has been subject to a previous order issued within 10 years pursuant to this section, the protective order may be issued for a specified period of time up to a maximum of four years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year or four-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. A written motion requesting a hearing to extend the protective order shall be served as soon as possible on the respondent.

If the petitioner was a family or household member of the respondent at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years, regardless of whether such order was initially issued for a period of time up to a maximum of two years or four years, to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may issue an **ex parte** preliminary protective order pursuant to § 16.1-253.1 until the extension hearing. The **ex parte** preliminary protective order shall specify a date for the extension hearing, which shall be held within 15 days of the issuance of the **ex parte** preliminary protective order and may be held after the expiration of the protective order. If the respondent fails to appear at the extension hearing because the respondent was not personally served, the court shall schedule a new date for the extension hearing and may extend the **ex parte** preliminary protective order until such new date. The extended **ex parte** preliminary protective order shall be served as soon as possible on the respondent. If the respondent was personally served, where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such **ex parte** preliminary protective order shall remain in effect until the extension hearing.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was

issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorney fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable

evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may be issued **ex parte** by the court with or without a hearing. If an **ex parte** hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued **ex parte**, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

H. As used in this section:

"Copy" includes a facsimile copy.

"Protective order" includes an initial, modified or extended protective order.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

L. An appeal of a final protective order issued by a circuit court pursuant to this section shall be given expedited review by the Court of Appeals.

M. The respondent shall be required to notify the court in writing within seven days of any change of residence while the protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. A violation of this subsection shall be punishable by contempt.

1984, c. 631; 1987, c. 497; 1992, c. 886; 1994, cc. 360, 521, 739, 907; 1996, cc. 866, 900, 945; 1997, c. 603; 1998, c. 684; 2000, cc. 34, 654; 2002, cc. 508, 810, 818; 2004, cc. 972, 980; 2006, c. 308; 2008, cc. 73, 246; 2009, cc. 343, 732; 2010, cc. 425, 468; 2011, cc. 445, 480; 2012, cc. 152, 261; 2014, cc. 318, 346, 613; 2016, c. 102; 2018, cc. 38, 652; 2020, c. 137; 2021, Sp. Sess. I, c. 489; 2023, cc. 370, 620, 621, 742; 2024, cc. 26, 594; 2025, cc. 26, 161.

Title 18.2 – Crimes and Offenses Generally

§ 18.2-119. Trespass after having been forbidden to do so; penalties

If any person without authority of law goes upon or remains upon the lands, buildings or premises of another, or any portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian, or the agent of any such person, or other

person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted by or at the direction of such persons or the agent of any such person or by the holder of any easement or other right-of-way authorized by the instrument creating such interest to post such signs on such lands, structures, premises or portion or area thereof at a place or places where it or they may be reasonably seen, or if any person, whether he is the owner, tenant or otherwise entitled to the use of such land, building or premises, goes upon, or remains upon such land, building or premises after having been prohibited from doing so by a court of competent jurisdiction by an order issued pursuant to §§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.2 through 16.1-278.6, 16.1-278.8, 16.1-278.14, 16.1-278.15, 16.1-279.1, 19.2-152.8, 19.2-152.9 or § 19.2-152.10 or an **ex parte** order issued pursuant to § 20-103, and after having been served with such order, he shall be guilty of a Class 1 misdemeanor. This section shall not be construed to affect in any way the provisions of §§ 18.2-132 through 18.2-136.

Code 1950, § 18.1-173; 1960, c. 358; 1975, cc. 14, 15; 1982, c. 169; 1987, cc. 625, 705; 1991, c. 534; 1998, cc. 569, 684; 2011, c. 195.

Title 19.2 – Criminal Procedure

[§ 19.2-10.1. \(Effective July 1, 2026\) Subpoena duces tecum for obtaining records concerning banking and credit cards](#)

A. A financial institution as defined in § 6.2-604, money transmitter as defined in § 6.2-1900, or commercial businesses providing credit history or credit reports; or an issuer as defined in § 6.2-424 shall disclose a record or other information pertaining to a customer, to a law-enforcement officer pursuant to a subpoena duces tecum issued pursuant to this section.

1. In order to obtain such records, the law-enforcement official shall provide a statement of the facts documenting the reasons that the records or other information sought are relevant to a legitimate law-enforcement inquiry, relating to a named person or persons, to the attorney for the Commonwealth. A court shall issue a subpoena duces tecum upon motion of the Commonwealth only if the court finds that there is probable cause to believe that a crime has been committed and to believe the records sought or other information sought, including electronic data and electronic communications, are relevant to a legitimate law-enforcement inquiry into that offense. The court may issue a subpoena duces tecum under this section regardless of whether any criminal charges have been filed.

2. A court issuing an order pursuant to this section, on a motion made promptly by the financial institution or credit card issuer, or enterprise may quash or modify the subpoena duces tecum, if the information or records requested are unusually voluminous in nature or compliance with such subpoena duces tecum would otherwise cause an undue burden on such provider.

B. No cause of action shall lie in any court against a financial institution or credit card issuer, or enterprise, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a subpoena duces tecum under this section.

C. Upon issuance of a subpoena duces tecum under this section, the statement shall be temporarily sealed by the court upon application of the attorney for the Commonwealth for good

cause shown in an **ex parte** proceeding. Any individual arrested and claiming to be aggrieved by the order may move the court for the unsealing of the statement, and the burden of proof with respect to continued sealing shall be upon the Commonwealth.

D. Any and all records received by law enforcement pursuant to this section shall be utilized only for a reasonable amount of time and only for a legitimate law-enforcement purpose. Upon the completion of the investigation the records shall be submitted to the court by the attorney for the Commonwealth along with a proposed order requiring the records to be sealed. Upon entry of such order, the court shall seal the records in accordance with the requirements contained in subsection C.

2003, cc. 223, 541, 549; 2004, cc. 883, 996; 2010, cc. 702, 794.

§ 19.2-10.1. (Effective July 1, 2026) Subpoena duces tecum for obtaining records concerning banking and credit cards.

A. A financial institution as defined in § 6.2-604, money transmitter as defined in § 6.2-1922, or commercial businesses providing credit history or credit reports; or an issuer as defined in § 6.2-424 shall disclose a record or other information pertaining to a customer, to a law-enforcement officer pursuant to a subpoena duces tecum issued pursuant to this section.

1. In order to obtain such records, the law-enforcement official shall provide a statement of the facts documenting the reasons that the records or other information sought are relevant to a legitimate law-enforcement inquiry, relating to a named person or persons, to the attorney for the Commonwealth. A court shall issue a subpoena duces tecum upon motion of the Commonwealth only if the court finds that there is probable cause to believe that a crime has been committed and to believe the records sought or other information sought, including electronic data and electronic communications, are relevant to a legitimate law-enforcement inquiry into that offense. The court may issue a subpoena duces tecum under this section regardless of whether any criminal charges have been filed.

2. A court issuing an order pursuant to this section, on a motion made promptly by the financial institution or credit card issuer, or enterprise may quash or modify the subpoena duces tecum, if the information or records requested are unusually voluminous in nature or compliance with such subpoena duces tecum would otherwise cause an undue burden on such provider.

B. No cause of action shall lie in any court against a financial institution or credit card issuer, or enterprise, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a subpoena duces tecum under this section.

C. Upon issuance of a subpoena duces tecum under this section, the statement shall be temporarily sealed by the court upon application of the attorney for the Commonwealth for good cause shown in an **ex parte** proceeding. Any individual arrested and claiming to be aggrieved by the order may move the court for the unsealing of the statement, and the burden of proof with respect to continued sealing shall be upon the Commonwealth.

D. Any and all records received by law enforcement pursuant to this section shall be utilized only for a reasonable amount of time and only for a legitimate law-enforcement purpose. Upon the completion of the investigation the records shall be submitted to the court by the attorney for

the Commonwealth along with a proposed order requiring the records to be sealed. Upon entry of such order, the court shall seal the records in accordance with the requirements contained in subsection C.

2003, cc. 223, 541, 549; 2004, cc. 883, 996; 2010, cc. 702, 794; 2025, c. 214.

[§ 19.2-54. Affidavit preliminary to issuance of search warrant; general search warrant prohibited; effect of failure to file affidavit](#)

No search warrant shall be issued until there is filed with the officer authorized to issue the same an affidavit of some person reasonably describing the place, thing, or person to be searched, the things or persons to be searched for thereunder, alleging briefly material facts, constituting the probable cause for the issuance of such warrant and alleging substantially the offense or the identity of the person to be arrested for whom a warrant or process for arrest has been issued in relation to which such search is to be made and that the object, thing, or person searched for constitutes evidence of the commission of such offense or is the person to be arrested for whom a warrant or process for arrest has been issued. The affidavit may be filed by electronically transmitted (i) facsimile process or (ii) electronic record as defined in § 59.1-480. Such affidavit shall be certified by the officer who issues such warrant and delivered in person; mailed by certified mail, return receipt requested; or delivered by electronically transmitted facsimile process or by use of filing and security procedures as defined in the Uniform Electronic Transactions Act (§ 59.1-479 et seq.) for transmitting signed documents, by such officer or his designee or agent, to the clerk of the circuit court of the county or city wherein the search is made, within seven days after the issuance of such warrant and shall by such clerk be preserved as a record and shall at all times be subject to inspection by the public after the warrant that is the subject of the affidavit has been executed or 15 days after issuance of the warrant, whichever is earlier; however, such affidavit, any warrant issued pursuant thereto, any return made thereon, and any order sealing the affidavit, warrant, or return may be temporarily sealed for a specific period of time by the appropriate court upon application of the attorney for the Commonwealth for good cause shown in an **ex parte** hearing. Any individual arrested and claiming to be aggrieved by such search and seizure or any person who claims to be entitled to lawful possession of such property seized may move the appropriate court for the unsealing of such affidavit, warrant, and return. The burden of proof with respect to continued sealing shall be upon the Commonwealth. Each such clerk shall maintain an index of all such affidavits filed in his office in order to facilitate inspection. No such warrant shall be issued on an affidavit omitting such essentials, and no general warrant for the search of a house, place, compartment, vehicle or baggage shall be issued. The term "affidavit" as used in this section, means statements made under oath or affirmation and preserved verbatim.

Failure of the officer issuing such warrant to file the required affidavit shall not invalidate any search made under the warrant unless such failure shall continue for a period of 30 days. If the affidavit is filed prior to the expiration of the 30-day period, nevertheless, evidence obtained in any such search shall not be admissible until a reasonable time after the filing of the required affidavit.

Code 1950, § 19.1-85; 1960, c. 366; 1973, c. 502; 1975, c. 495; 1976, c. 552; 1977, c. 109; 1979, c. 583; 1980, c. 362; 1981, c. 559; 1989, c. 719; 2006, c. 285; 2007, c. 212; 2008, cc. 147, 183; 2011, cc. 196, 219; 2012, c. 5; 2017, cc. 228, 233, 242, 641.

§ 19.2-68. Application for and issuance of order authorizing interception; contents of order; recording and retention of intercepted communications, applications and orders; notice to parties; introduction in evidence of information obtained

A. Each application for an order authorizing the interception of a wire, electronic or oral communication shall be made in writing upon oath or affirmation to the appropriate judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall be verified by the Attorney General to the best of his knowledge and belief and shall include the following information:

1. The identity of the attorney for the Commonwealth and law-enforcement officer who requested the Attorney General to apply for such order;
2. A full and complete statement of the facts and circumstances relied upon by the applicant to justify his belief that an order should be issued, including (i) details as to the particular offense that has been, is being or is about to be committed, (ii) except as provided in subsection I, a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, (iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;
3. A full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;
4. A statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;
5. A full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept wire, electronic or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application;
6. Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results; and
7. If authorization is requested for observation or monitoring by a police department of a county or city, by a sheriff's office, or by law-enforcement officers of the United States, a statement containing the name of the police department, sheriff's office, or United States agency and an explanation of the reasons such observation or monitoring is necessary.

The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.

B. Upon such application the judge may enter an **ex parte** order, as requested or as modified, authorizing interception of wire, electronic or oral communications if the judge determines on the basis of the facts submitted by the applicant that:

1. There is probable cause for belief that an individual is committing, has committed or is about to commit an offense enumerated in § 19.2-66 of this chapter;
2. There is probable cause for belief that particular communications concerning that offense will be obtained through such interception;
3. Normal investigative procedures have been tried and have failed, or reasonably appear to be unlikely to succeed if tried, or to be too dangerous; and interception under this chapter is the only alternative investigative procedure available;
4. Except as provided in subsection I, there is probable cause for belief that the facilities from which, or the place where, the wire, electronic or oral communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by such person;
5. A wire, electronic or oral communication authorized to be intercepted pursuant to this section may be monitored at any location within the Commonwealth of Virginia.

C. Each order authorizing the interception of any wire, electronic or oral communication shall specify:

1. The identity of the person, if known, whose communications are to be intercepted;
2. The nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;
3. A particular description of the type of communication sought to be intercepted, and a statement of the particular offense enumerated in § 19.2-66 to which it relates;
4. That such interception is to be conducted only by the Department of State Police;
5. If observation or monitoring by the police department of a county or city, by a sheriff's office, or by law-enforcement officers of the United States is authorized, only that police department, sheriff's office, or agency or the officers from any police department of a town which originated the investigation leading to the application shall observe or monitor the interception; and
6. The period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

An order authorizing the interception of a wire, electronic or oral communication shall, upon request of the applicant, direct that a provider of wire or electronic communications service, landlord, custodian or other person shall furnish the Department of State Police forthwith all information, facilities and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such service provider, landlord, custodian or person is providing the person whose communications are to be intercepted. Any provider of wire or electronic communications service, landlord, custodian or

other person furnishing such facilities or technical assistance shall be compensated therefor by the Commonwealth for reasonable and actual expenses incurred in providing such facilities or assistance, to be paid out of the criminal fund.

D. No order entered under this section may authorize the interception of any wire, electronic or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than 30 days which period begins to run on the earlier of the day on which the investigative or law-enforcement officer begins to conduct an interception under the order or 10 days after the date of entry of the order. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection A of this section and the court's making the findings required by subsection B of this section. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than 30 days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this chapter, and must terminate upon attainment of the authorized objective, or in any event in 30 days. In the event the intercepted communication is in a code or foreign language, and an expert in that foreign language or code is not reasonably available during the interception period, minimization may be accomplished as soon as practicable after such interception.

E. Whenever an order authorizing interception is entered pursuant to this chapter, the order shall require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the judge shall require.

F. 1. The contents of any wire, electronic or oral communication intercepted by any means authorized by this chapter shall, if possible, be recorded on tape or wire or other comparable device. Should it not be possible to record the intercepted communication, a detailed resume of such communication shall forthwith be reduced to writing and filed with the court. The recording of the contents of any wire, electronic or oral communication under this subsection shall be done in such way as will protect the recording from editing or other alterations and shall not be duplicated except upon order of the court as hereafter provided. Immediately upon the expiration of the period of the order, or extensions thereof, such recording or detailed resume shall be made available to the judge issuing such order and sealed under his directions. Custody of any recordings or detailed resumes shall be vested with the court and shall not be destroyed for a period of 10 years from the date of the order and then only by direction of the court; provided, however, should any interception fail to reveal any information related to the offense or offenses for which it was authorized, such recording or resume shall be destroyed after the expiration of 60 days after the notice required by subdivision 4 of this subsection is served. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsections A and B of § 19.2-67 for investigations. The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire, electronic or oral communication or evidence derived therefrom under subsection C of § 19.2-67.

2. Applications made and orders granted or denied under this chapter shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. Such applications and orders shall be disclosed only upon a showing of good cause before a judge of

competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for 10 years.

3. Any violation of the provisions of this subsection may be punished as contempt of the issuing or denying court.

4. Within a reasonable time but not later than 90 days after the filing of an application for an order of authorization which is denied or the termination of the period of an order or extensions thereof, the issuing or denying judge shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications as the judge may determine in his discretion that is in the interest of justice, an inventory which shall include notice of:

(a) The fact of the entry of the order or the application;

(b) The date of the entry and the period of authorized interception, or the denial of the application;

(c) The fact that during the period wire, electronic or oral communications were or were not intercepted; and

(d) The fact that unless he files a motion with the court within 60 days after the service of notice upon him, the recordation or resume may be destroyed in accordance with subdivision 1 of this subsection.

The judge, upon the filing of a motion, shall make available to such person or his counsel for inspection the intercepted communications, applications and orders. The serving of the inventory required by this subsection may be postponed for additional periods, not to exceed 30 days each, upon the **ex parte** showing of good cause to a judge of competent jurisdiction.

G. The contents of any intercepted wire, electronic or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in a state court unless each party to the communication and to such proceeding, not less than 10 days before the trial, hearing or proceeding, has been furnished with a copy of the court order, accompanying application under which the interception was authorized and the contents of any intercepted wire, electronic or oral communication that is to be used in any trial, hearing or other proceeding in a state court. This 10-day period may be waived by the judge if he finds that it was not possible to furnish the party with the above information 10 days before the trial, hearing or proceeding and that the party will not be prejudiced by the delay in receiving such information; provided that such information in any event shall be given prior to the day of the trial, and the inability to comply with such 10-day period shall be grounds for the granting of a continuance to either party.

The judge who considers an application for an interception under this chapter, whether issuing or denying the order, shall be disqualified from presiding at any trial resulting from or in any manner connected with such interception, regardless of whether the evidence acquired thereby is used in such trial.

H. Any aggrieved person in any trial, hearing or proceeding in or before any court, department, officer, agency, regulatory body or other authority of the Commonwealth, or a political subdivision thereof, may move to suppress the contents of any intercepted wire, electronic or oral communication, or evidence derived therefrom, on the grounds that:

1. The communication was unlawfully intercepted, or was not intercepted in compliance with this chapter; or
2. The order of the authorization or approval under which it was intercepted is insufficient on its face; or
3. The interception was not made in conformity with the order of authorization or approval; or
4. The interception is not admissible into evidence in any trial, proceeding or hearing in a state court under the applicable rules of evidence.

Such motion shall be made before the trial, hearing or proceeding unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If the motion is granted pursuant to subdivision 1, 2 or 3 of this subsection, the contents of the intercepted wire, electronic or oral communication or evidence derived therefrom shall be treated as having been obtained in violation of this chapter. The judge, upon the filing of such motion by the aggrieved person, shall make available to the aggrieved person, or his counsel, for inspection the intercepted communication.

I. The requirements of subdivision 2 of subsection A and subdivision 4 of subsection B of this section relating to the specification of the facilities from which, or the place where, the communication is to be intercepted do not apply if:

1. In the case of an application with respect to the interception of an oral communication:
 - (a) The application contains a full and complete statement as to why such specification is not practical and identifies the person committing the offense and whose communications are to be intercepted; and
 - (b) The judge finds that such specification is not practical; or
2. In the case of an application with respect to a wire or electronic communication:
 - (a) the application identifies the person believed to be committing the offense and whose communications are to be intercepted and the applicant makes a showing of a purpose, on the part of that person, to thwart interception by changing facilities; and
 - (b) the judge finds that such purpose has been adequately shown.

The interception of a communication under an order issued pursuant to this subsection shall not begin until the facilities from which, or the place where, the communication is to be intercepted is ascertained by the person implementing the interception order. A provider of wire or electronic communications service that has received an order issued pursuant to this subdivision 2 may move the court to modify or quash the order on the ground that its assistance with respect to the interception cannot be performed in a timely or reasonable fashion. The court, upon notice to the Attorney General, shall decide the motion expeditiously.

Code 1950, § 19.1-89.8; 1973, c. 442; 1975, c. 495; 1976, c. 163; 1977, c. 335; 1979, c. 602; 1980, c. 244; 1988, c. 889; 2002, c. 91; 2005, c. 934; 2013, cc. 448, 664.

[§ 19.2-70.2. Application for and issuance of order for a pen register or trap and trace device; assistance in installation and use](#)

A. An investigative or law-enforcement officer may make application for an order or an extension of an order authorizing or approving the installation and use of a pen register or a trap and trace device, in writing under oath or equivalent affirmation, to a court of competent jurisdiction. The application shall include:

1. The identity of the officer making the application and the identity of the law-enforcement agency conducting the investigation; and
2. A certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

The application may include a request that the order require information, facilities and technical assistance necessary to accomplish the installation be furnished.

B. An application for an **ex parte** order authorizing the installation and use of a pen register or trap and trace device may be filed in the jurisdiction where the ongoing criminal investigation is being conducted; where there is probable cause to believe that an offense was committed, is being committed, or will be committed; or where the person or persons who subscribe to the wire or electronic communication system live, work, or maintain an address or a post office box. For the purposes of an order entered pursuant to this section for the installation and use of a pen register or trap and trace device, such installation shall be deemed to occur in the jurisdiction where the order is entered, regardless of the physical location or the method by which the information is captured or routed to the law-enforcement officer that made the application. Upon application, the court shall enter an **ex parte** order authorizing the installation and use of a pen register or a trap and trace device if the court finds that the investigative or law-enforcement officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.

The order shall specify:

1. The identity, if known, of the person in whose name the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied is listed or to whom the line or other facility is leased;
2. The identity, if known, of the person who is the subject of the criminal investigation;
3. The attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied; and
4. A statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates.

C. Installation and use of a pen register or a trap and trace device shall be authorized for a period not to exceed 60 days. Extensions of the order may be granted, but only upon application made and order issued in accordance with this section. The period of an extension shall not exceed 60 days.

D. An order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that:

1. The order and application be sealed until otherwise ordered by the court;

2. Information, facilities and technical assistance necessary to accomplish the installation be furnished if requested in the application; and

3. The person owning or leasing the line or other facility to which the pen register or trap and trace device is attached or applied, or who is obligated by the order to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the court.

E. Upon request of an investigative or a law-enforcement officer authorized by the court to install and use a pen register, a provider of wire or electronic communication service, a landlord, custodian or any other person so ordered by the court shall, as soon as practicable, furnish the officer with all information, facilities, and technical assistance necessary to accomplish the installation of the pen register unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place.

F. Upon request of an investigative or law-enforcement officer authorized by the court to receive the results of a trap and trace device under this section, a provider of wire or electronic communication service, a landlord, custodian or any other person so ordered by the court shall, as soon as practicable, install the device on the appropriate line and furnish the officer with all additional information, facilities and technical assistance, including installation and operation of the device, unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place. Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished to the investigative or law-enforcement officer designated by the court at reasonable intervals during regular business hours for the duration of the order. Where the law-enforcement agency implementing an **ex parte** order under this subsection seeks to do so by installing and using its own pen register or trap and trace device on a packet-switched data network of a provider of electronic communication service to the public, the agency shall ensure that a record will be maintained that will identify (i) any officer or officers who installed the device and any officer or officers who accessed the device to obtain information from the network; (ii) the date and time the device was installed, the date and time the device was uninstalled, and the date, time, and duration of each time the device is accessed to obtain information; (iii) the configuration of the device at the time of its installation and any subsequent modification thereof; and (iv) any information that has been collected by the device. To the extent that the pen register or trap and trace device can be set automatically to record this information electronically, the record shall be maintained electronically throughout the installation and use of such device. The record maintained hereunder shall be provided **ex parte** and under seal of the court that entered the **ex parte** order authorizing the installation and use of the device within 30 days after termination of the order, including any extensions thereof.

G. A provider of a wire or electronic communication service, a landlord, custodian or other person who furnishes facilities or technical assistance pursuant to this section shall be reasonably compensated for reasonable and actual expenses incurred in providing such facilities and assistance. The expenses shall be paid out of the criminal fund.

H. When disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain a pen register or trap and trace device installation without a

court order, in addition to any real-time location data obtained pursuant to subsection E of § 19.2-70.3, in the following circumstances:

1. To respond to a user's call for emergency services;
2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession, (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent, or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;
3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted;
4. To locate a child who is reasonably believed to have been abducted or to be missing and endangered; or
5. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of pen register and trap and trace data, or real-time location data pursuant to subsection E of § 19.2-70.3, concerning a specific person and that a court order cannot be obtained in time to prevent the identified danger.

No later than three business days after seeking the installation of a pen register or trap and trace device pursuant to this subsection, the investigative or law-enforcement officer seeking the installation shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the reasons why the installation of the pen register or trap and trace device was believed to be important in addressing the emergency.

I. No cause of action shall lie in any court against a provider of a wire or electronic communication service, its officers, employees, agents or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order issued pursuant to this section. Good faith reliance on a court order, a legislative authorization or a statutory authorization is a complete defense against any civil or criminal action based upon a violation of this chapter.

1988, c. 889; 2002, cc. 588, 623; 2005, c. 934; 2016, c. 231; 2018, c. 667.

[§ 19.2-70.3. Obtaining records concerning electronic communication service or remote computing service](#)

A. A provider of electronic communication service or remote computing service, which, for purposes of subdivisions 2, 3, and 4, includes a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications and real-time location data, to an investigative or law-enforcement officer only pursuant to:

1. A subpoena issued by a grand jury of a court of the Commonwealth;
2. A search warrant issued by a magistrate, general district court, or circuit court;

3. A court order issued by a circuit court for such disclosure issued as provided in subsection B; or

4. The consent of the subscriber or customer to such disclosure.

B. A court shall issue an order for disclosure under this section only if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to an ongoing criminal investigation, or the investigation of any missing child as defined in § 52-32, any missing senior adult as defined in § 52-34.4, an incapacitated person as defined in § 64.2-2000 who meets the definition of a missing senior adult except for the age requirement, or any critically missing adult as defined in § 15.2-1718.2. Upon issuance of an order for disclosure under this section, the order and any written application or statement of facts may be sealed by the court for 90 days for good cause shown upon application of the attorney for the Commonwealth in an **ex parte** proceeding. The order and any written application or statement of facts may be sealed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an **ex parte** proceeding. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

C. Except as provided in subsection D or E, a provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose the contents of electronic communications or real-time location data to an investigative or law-enforcement officer only pursuant to a search warrant issued by a magistrate, a juvenile and domestic relations district court, a general district court, or a circuit court, based upon complaint on oath supported by an affidavit as required in § 19.2-54, or judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia when the warrant issued by such officer or such court complies with the provisions of subsection G. In the case of a search warrant directed to a foreign corporation, the affidavit shall state that the complainant believes that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing service within the Commonwealth of Virginia. If satisfied that probable cause has been established for such belief and as required by Chapter 5 (§ 19.2-52 et seq.), the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court shall issue a warrant identifying those records to be searched for and commanding the person seeking such warrant to properly serve the warrant upon the foreign corporation. A search warrant for real-time location data shall be issued if the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court is satisfied that probable cause has been established that the real-time location data sought is relevant to a crime that is being committed or has been committed or that an arrest warrant exists for the person whose real-time location data is sought.

D. A provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, including real-time location data but excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to an administrative subpoena issued pursuant to § 19.2-10.2 concerning a

violation of § 18.2-374.1 or 18.2-374.1:1, former § 18.2-374.1:2, or § 18.2-374.3 when the information sought is relevant and material to an ongoing criminal investigation.

E. When disclosure of real-time location data or subscriber data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data or subscriber data without a warrant in the following circumstances:

1. To respond to the user's call for emergency services;
2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession; (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent; or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;
3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted;
4. To locate a child who is reasonably believed to have been abducted or to be missing and endangered;
5. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger; or
6. If the investigative or law-enforcement officer reasonably believes that (i) an individual or group of individuals has made a credible threat via electronic communication to commit an act of violence upon the property, including the buildings and grounds thereof, of any (a) child day center, as defined in § 22.1-289.02, including any preschool program offered by a publicly funded provider; (b) any preschool or nursery school program certified by the Board of Education pursuant to § 22.1-289.032; or (c) public, private, or religious elementary or secondary school, as defined in § 22.1-1, and (ii) a warrant cannot be obtained in time to prevent the identified danger or identify the source of the threat.

No later than three business days after seeking disclosure of real-time location data or subscriber data pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data or subscriber data was sought is believed to be important in addressing the emergency. No real-time location data or subscriber data obtained pursuant to this subsection shall be admissible in a criminal proceeding unless a judge finds that probable cause for the issuance of a search warrant existed at the time of the search and such data is otherwise admissible, provided that no such data obtained is presented to establish the necessary probable cause.

F. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation shall be deemed to have been made in the same place wherein the search warrant was issued.

G. A Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a search warrant and

affidavit in support of the warrant, issued by a judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service, including real-time location data, or the contents of electronic communications, or both, shall produce the record or other information, including real-time location data, or the contents of electronic communications as if that warrant had been issued by a Virginia court. The provisions of this subsection shall only apply to a record or other information, including real-time location data, or contents of electronic communications relating to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, (iii) any offense for which registration is required pursuant to § 9.1-902, (iv) computer fraud pursuant to § 18.2-152.3, or (v) identity theft pursuant to § 18.2-186.3. The search warrant shall be enforced and executed in the Commonwealth as if it were a search warrant described in subsection C.

H. The provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to this section by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian reports certifying that they are true and complete copies of reports or records and that they are prepared in the regular course of business. When so authenticated, no other evidence of authenticity shall be necessary. The written reports and records, excluding the contents of electronic communications, shall be considered business records for purposes of the business records exception to the hearsay rule.

I. No cause of action shall lie in any court against a provider of a wire or electronic communication service or remote computing service or such provider's officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, administrative subpoena, or subpoena under this section or the provisions of subsection E.

J. A search warrant or administrative subpoena for the disclosure of real-time location data pursuant to this section shall require the provider to provide ongoing disclosure of such data for a reasonable period of time, not to exceed 30 days. A court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

K. An investigative or law-enforcement officer shall not use any device to obtain electronic communications or collect real-time location data from an electronic device without first obtaining a search warrant authorizing the use of the device if, in order to obtain the contents of such electronic communications or such real-time location data from the provider of electronic communication service or remote computing service, such officer would be required to obtain a search warrant pursuant to this section. However, an investigative or law-enforcement officer may use such a device without first obtaining a search warrant under the circumstances set forth in subsection E. For purposes of subdivision E 5, the investigative or law-enforcement officer using such a device shall be considered to be the possessor of the real-time location data.

L. Upon issuance of any subpoena, search warrant, or order for disclosure issued under this section, upon written certification by the attorney for the Commonwealth that there is a reason to believe that the victim is under the age of 18 and that notification or disclosure of the existence of the subpoena, search warrant, or order will endanger the life or physical safety of an individual, or lead to flight from prosecution, the destruction of or tampering with evidence, the

intimidation of potential witnesses, or otherwise seriously jeopardize an investigation, the court may in an **ex parte** proceeding order a provider of electronic communication service or remote computing service not to disclose for a period of 90 days the existence of the subpoena, search warrant, or order and written application or statement of facts to another person, other than an attorney to obtain legal advice. The nondisclosure order may be renewed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an **ex parte** proceeding. A court issuing an order for disclosure pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

M. For the purposes of this section:

"Electronic device" means a device that enables access to, or use of, an electronic communication service, remote computing service, or location information service, including a global positioning service or other mapping, locational, or directional information service.

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

"Real-time location data" means any data or information concerning the current location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider. "Subscriber data" does not include data or personally identifiable information protected by federal or state law, including viewing history, billing details, Internet usage patterns or data, and any other data protected by federal or state law.

1988, c. 889; 2009, c. 378; 2010, cc. 319, 473, 582, 720, 721; 2011, c. 392; 2014, c. 388; 2015, cc. 43, 634; 2016, cc. 549, 576, 616; 2018, c. 667; 2024, c. 325; 2025, c. 286.

[§ 19.2-152.8. Emergency protective orders authorized](#)

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a written or oral **ex parte** emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate that such person is being or has been subjected to an act of violence, force, or threat and on that assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for any criminal offense resulting from the commission of an act of violence, force, or threat, the judge or magistrate shall issue an **ex parte** emergency protective order imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or property;
2. Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family or household members, including prohibiting the respondent from being in the physical presence of the alleged victim or the alleged victim's family or household members, as the judge or magistrate deems necessary to protect the safety of such persons;
3. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the attorney or guardian ad litem representing the respondent, enter an order requiring the local board of social services to provide services to the child and family.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the court which issued the order is in session. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 19.2-152.9 or 19.2-152.10, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate, on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the alleged victim of such crime.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the alleged victim of such crime. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the appropriate district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the alleged victim of such crime with information regarding the date and time of service.

F. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by the respondent.

G. As used in this section, a "law-enforcement officer" means any (i) person who is a full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth and (ii) member of an auxiliary police force established pursuant to § 15.2-1731. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

I. As used in this section:

"Copy" includes a facsimile copy.

"Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or (ii) unreasonably being within 100 feet from the petitioner's residence or place of employment.

J. No fee shall be charged for filing or serving any petition pursuant to this section.

K. No emergency protective order shall be issued pursuant to this section against a law-enforcement officer for any action arising out of the lawful performance of his duties.

L. Upon issuance of an emergency protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

1997, c. 831; 1998, cc. 569, 684; 1999, c. 371; 2001, c. 474; 2002, cc. 507, 706, 810, 818; 2003, c. 730; 2008, cc. 73, 246; 2009, cc. 341, 732; 2011, cc. 445, 480; 2012, cc. 146, 637, 827; 2014, c. 346; 2016, c. 455; 2018, c. 652; 2025, c. 26.

[§ 19.2-152.9. Preliminary protective orders](#)

A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 19.2-152.10 without alleging that the petitioner is or has been, within a reasonable period of time, subject to an act of violence, force, or threat, or that a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged perpetrator in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an **ex parte** proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer, upon evidence of a Military Protective Order issued by a commanding officer in the Armed Forces of the United States, the Virginia National Guard, or the National Guard of any other state in favor of the petitioner or petitioner's family or household members, or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 19.2-152.10. If an **ex parte** order is issued without an affidavit or a completed form as prescribed by subsection D of § 19.2-152.8 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of any act of violence, force, or threat or evidence sufficient to establish probable

cause that an act of violence, force, or threat has recently occurred shall constitute good cause. Any Military Protective Order issued between the parties shall only be admissible or considered as evidence in accordance with the Code of Virginia, the Rules of Evidence of the Supreme Court of Virginia, or relevant Virginia case law.

A preliminary protective order may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or household members as the court deems necessary for the health and safety of such persons;
3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the attorney or guardian ad litem representing the respondent, enter an order requiring the local board of social services to provide services to the child and family.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the hearing has been continued pursuant to this subsection or the court is closed pursuant to

§ 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the respondent was not personally served, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. However, where the respondent shows good cause, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may be issued **ex parte** by the court with or without a hearing. If an **ex parte** hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued **ex parte**, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to primary law-enforcement agency and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as otherwise provided, a violation of the order shall constitute contempt of court.

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 if the court finds that the petitioner has proven the allegation that the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of the evidence.

E. No fees shall be charged for filing or serving petitions pursuant to this section.

F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

G. As used in this section, "copy" includes a facsimile copy.

H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

I. The respondent may be required to notify the court in writing within seven days of any change of residence while the preliminary protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. Any failure of a respondent to make such required notification shall be punishable by contempt.

1997, c. 831; 1998, cc. 569, 684; 1999, c. 371; 2001, c. 101; 2002, cc. 507, 810, 818; 2003, c. 730; 2008, cc. 73, 128, 246; 2009, cc. 341, 732; 2011, cc. 445, 480; 2014, c. 346; 2018, c. 652; 2019, cc. 197, 718; 2020, c. 137; 2023, cc. 620, 621; 2024, c. 594; 2025, cc. 26, 208, 217.

[§ 19.2-152.10. Protective order](#)

A. The court may issue a protective order pursuant to this chapter to protect the health and safety of the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or warrant for, or a conviction of, any criminal offense resulting from the commission of an act of violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

In addition, if the respondent is a juvenile, the court may, upon its own motion or upon the motion of the attorney or guardian ad litem representing the respondent, enter an order requiring the local board of social services to provide services to the child and family.

B. 1. Except as provided in subsection C, the protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. A written motion requesting a hearing to extend the protective order shall be served as soon as possible on the respondent.

The court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-

year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may issue an **ex parte** protective order pursuant to § 19.2-152.9 until the extension hearing. The **ex parte** preliminary protective order shall specify a date for the extension hearing, which shall be held within 15 days of the issuance of the **ex parte** preliminary protective order and may be held after the expiration of the protective order. If the respondent fails to appear at the extension hearing because the respondent was not personally served, the court shall schedule a new date for the extension hearing and may extend the **ex parte** protective order until such new date. The extended **ex parte** protective order shall be served as soon as possible on the respondent. If the respondent was personally served, where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such **ex parte** protective order shall remain in effect until the extension hearing.

C. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a protective order to the victim pursuant to this chapter to protect the health and safety of the victim. The protective order may be issued for any reasonable period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim. The protective order shall expire at 11:59 p.m. on the last day specified in the protective order, if any. Upon a conviction for violation of a protective order issued pursuant to this subsection, the court that issued the original protective order may extend the protective order as the court deems necessary to protect the health and safety of the victim. The extension of the protective order shall expire at 11:59 p.m. on the last day specified, if any. Nothing herein shall limit the number of extensions that may be issued.

D. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of

State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

E. Except as otherwise provided, a violation of a protective order issued under this section shall constitute contempt of court.

F. The court may assess costs and attorney fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

G. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

H. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may be issued **ex parte** by the court with or without a hearing. If an **ex parte** hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued **ex parte**, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fees shall be charged for filing or serving petitions pursuant to this section.

K. As used in this section:

"Copy" includes a facsimile copy.

"Protective order" includes an initial, modified or extended protective order.

L. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

M. An appeal of a final protective order issued by a circuit court pursuant to this section shall be given expedited review by the Court of Appeals.

N. The respondent shall be required to notify the court in writing within seven days of any change of residence while the protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. A violation of this subsection shall be punishable by contempt.

1997, c. 831; 1998, cc. 569, 684; 1999, c. 371; 2002, cc. 507, 810, 818; 2003, c. 730; 2008, cc. 73, 246; 2009, cc. 341, 732; 2010, cc. 425, 468; 2011, cc. 445, 480; 2012, cc. 152, 261; 2014, c. 346; 2018, c. 652; 2020, cc. 137, 1005; 2021, Sp. Sess. I, c. 489; 2023, cc. 620, 621, 742; 2024, c. 594; 2025, c. 26.

[§ 19.2-152.13. Emergency substantial risk order](#)

A. Upon the petition of an attorney for the Commonwealth or a law-enforcement officer, a judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate, upon a finding that there is probable cause to believe that a person poses a substantial risk of personal injury to himself or others in the near future by such person's possession or acquisition of a firearm, shall issue an **ex parte** emergency substantial risk order. Such order shall prohibit the person who is subject to the order from purchasing, possessing, or transporting a firearm for the duration of the order. In determining whether probable cause for the issuance of an order exists, the judge or magistrate shall consider any relevant evidence, including any recent act of violence, force, or threat as defined in § 19.2-152.7:1 by such person directed toward another person or toward himself. No petition shall be filed unless an independent investigation has been conducted by law enforcement that determines that grounds for the petition exist. The order shall contain a statement (i) informing the person who is subject to the order of the requirements and penalties under § 18.2-308.1:6, including that it is unlawful for such person to purchase, possess, or transport a firearm for the duration of the order and that such person is required to surrender his concealed handgun permit if he possesses such permit, and (ii) advising such person to voluntarily relinquish any firearm within his custody to the law-enforcement agency that serves the order.

B. The petition for an emergency substantial risk order shall be made under oath and shall be supported by an affidavit.

C. Upon service of an emergency substantial risk order, the person who is subject to the order shall be given the opportunity to voluntarily relinquish any firearm in his possession. The law-enforcement agency that executed the emergency substantial risk order shall take custody of all firearms that are voluntarily relinquished by such person. The law-enforcement agency that takes into custody a firearm pursuant to the order shall prepare a written receipt containing the name of

the person who is subject to the order and the manufacturer, model, condition, and serial number of the firearm and shall provide a copy thereof to such person. Nothing in this subsection precludes a law-enforcement officer from later obtaining a search warrant for any firearms if the law-enforcement officer has reason to believe that the person who is subject to an emergency substantial risk order has not relinquished all firearms in his possession.

D. An emergency substantial risk order issued pursuant to this section shall expire at 11:59 p.m. on the fourteenth day following issuance of the order. If the expiration occurs on a day that the circuit court for the jurisdiction where the order was issued is not in session, the order shall be extended until 11:59 p.m. on the next day that the circuit court is in session. The person who is subject to the order may at any time file with the circuit court a motion to dissolve the order.

E. An emergency substantial risk order issued pursuant to this section is effective upon personal service on the person who is subject to the order. The order shall be served forthwith after issuance. A copy of the order, petition, and supporting affidavit shall be given to the person who is subject to the order together with a notice informing the person that he has a right to a hearing under § 19.2-152.14 and may be represented by counsel at the hearing.

F. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the emergency substantial risk order was issued, enter and transfer electronically to the Virginia Criminal Information Network (VCIN) established and maintained by the Department of State Police (Department) pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 the identifying information of the person who is subject to the order provided to the court or magistrate. A copy of an order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN, and the order shall be served forthwith upon the person who is subject to the order. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the identifying information of the person who is subject to the order provided to the court to the primary law-enforcement agency providing service and entry of the order. Upon receipt of the order by the primary law-enforcement agency, the agency shall enter the name of the person subject to the order and other appropriate information required by the Department into the VCIN and the order shall be served forthwith upon the person who is subject to the order. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the VCIN and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested and forwarded forthwith to the primary law-enforcement agency responsible for service and entry of the order. Upon receipt of the dissolution or modification order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department into the VCIN and the order shall be served forthwith.

G. The law-enforcement agency that serves the emergency substantial risk order shall make due return to the circuit court, which shall be accompanied by a written inventory of all firearms relinquished.

H. Proceedings in which an emergency substantial risk order is sought pursuant to this section shall be commenced where the person who is subject to the order (i) has his principal residence or (ii) has engaged in any conduct upon which the petition for the emergency substantial risk order is based.

I. A proceeding for a substantial risk order shall be a separate civil legal proceeding subject to the same rules as civil proceedings.

2020, cc. 887, 888.

[§ 19.2-192.1. Sealing of indictment](#)

Upon **ex parte** motion by the Commonwealth and for good cause shown, the circuit court may seal an indictment until such time as the defendant is arrested.

2002, c. 130.

[§ 19.2-201. Officers to give information of violation of penal laws to attorney for Commonwealth](#)

A. As used in this section, "chief law-enforcement officer" means the Superintendent of State Police; any chief of police or sheriff responsible for law enforcement in the jurisdiction served by him; the head of any private police department that has been designated as a criminal justice agency by the Department of Criminal Justice Services as defined by § 9.1-101; the chief of any campus police department established pursuant to §§ 23.1-809 and 23.1-810; the chief of the Lynchburg Regional Airport police department established pursuant to § 15.2-1123.1; or director or chief executive of any agency or department employing law-enforcement officers as defined in § 9.1-101.

B. Every commissioner of the revenue, sheriff, constable or other officer shall promptly give information of the violation of any penal law to the attorney for the Commonwealth, who shall forthwith institute and prosecute all necessary and proper proceedings in such case, whether in the name of the Commonwealth or of a county or corporation, and may in such case issue or cause to be issued a summons for any witnesses he may deem material to give evidence before the court or grand jury. Except as otherwise provided in this chapter, no attorney for the Commonwealth shall go before any grand jury except when duly sworn to testify as a witness, but he may advise the foreman of a regular grand jury or any member or members thereof in relation to the discharge of their duties.

C. Every chief law-enforcement officer shall provide to the attorney for the Commonwealth access to all records, including police reports, disciplinary records, and internal affairs investigations, relating to wrongful arrest or use of force complaints, or other complaints that a person has been deprived of the rights, privileges, or immunities secured or protected by the laws of the United States and the Commonwealth made against a law-enforcement officer who is employed by the chief law-enforcement officer's agency. Access shall be granted to the attorney for the Commonwealth to such records whenever a law-enforcement officer is a potential witness in a pending criminal matter or criminal investigation related to the performance of his duties as a law enforcement officer.

The chief law-enforcement officer may redact any statements made by a law-enforcement officer employed by his agency or department during an internal affairs investigation that may incriminate such law-enforcement officer or be otherwise used to prosecute such law-enforcement officer. Any redactions made by the chief law-enforcement officer may be challenged by the attorney for the Commonwealth in an **ex parte** hearing before a circuit court judge.

Any information protected by the federal Health Insurance Portability and Accountability Act shall not be disclosed pursuant to this subsection.

Code 1950, § 19.1-156; 1960, c. 366; 1975, c. 495; 2020, Sp. Sess. I, c. 37.

§ 19.2-266.4. Expert assistance for indigent defendants

A. In any case in which a defendant is (i) charged with a felony offense or a Class 1 misdemeanor and (ii) determined to be indigent by the court pursuant to § 19.2-159, the defendant or his attorney may, upon notice to the Commonwealth, move the circuit court to designate another judge in the same circuit to hear an **ex parte** request for appointment of a qualified expert to assist in the preparation of the defendant's defense. No **ex parte** proceeding, communication, or request may be considered pursuant to this section unless the defendant or his attorney states under oath or in a sworn declaration that a need for confidentiality exists. A risk that trial strategy may be disclosed unless the hearing is **ex parte** shall be sufficient grounds to establish a need for confidentiality.

B. Upon receiving the defendant's or his attorney's declaration of a need for confidentiality, the designated **ex parte** judge shall conduct an **ex parte** hearing on the request for authorization to obtain expert assistance. This hearing shall occur as soon as practicable. After a hearing upon the motion and upon a showing that the provision of the requested expert services would materially assist the defendant in preparing his defense and the denial of such services would result in a fundamentally unfair trial, the court shall order the appointment of a qualified expert. The clerk of the court shall provide a copy of the appointment order to the defendant or his attorney and to the appointed expert.

Any expert appointed pursuant to this subsection shall be compensated in accordance with § 19.2-332. The designated judge shall direct requests for scientific investigations to the Department of Forensic Science or Division of Consolidated Laboratory Services whenever practicable.

C. All **ex parte** hearings conducted under this section shall be initiated by written motion and shall be on the record. Except for the initial declaration of a need for confidentiality and a copy of the appointment order provided to the defendant or his attorney and to the appointed expert in accordance with subsection B, the record of the hearings, together with all papers filed and orders entered in connection with **ex parte** requests for expert assistance, all payment requests submitted by experts appointed, and the identity of all experts appointed, shall be kept under seal as part of the record of the case and shall not be disclosed. Following a decision on the motion, whether it is granted or denied, the motion, order or orders, and all other papers or information related to the proceedings or expert assistance sought shall remain under seal. On motion of any party, and for good cause shown, the court may unseal the foregoing records after the trial is concluded.

D. All **ex parte** proceedings, communications, or requests shall be transcribed and made part of the record available for appellate review or any other post-conviction review.

2020, c. 1124; 2022, c. 543.

[§ 19.2-389. \(Effective July 1, 2026\) Dissemination of criminal history record information](#)

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;
2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;
3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;
4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;
5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;
6. Individuals and agencies where authorized by court order or court rule;
7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation

that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the results of a background check that was conducted before July 1, 2021, in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

13. The Department of Social Services for the purpose of screening individuals as a condition of licensure, employment, volunteering, or providing services on a regular basis in a licensed child welfare agency pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency pursuant to § 63.2-901.1;
14. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;
15. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.) and casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;
16. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;
17. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;
18. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;
19. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;
20. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his designees for individuals who are committed to the custody of or being evaluated by the Commissioner pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement, evaluation, treatment, or discharge planning;
21. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;
22. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;
23. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;
24. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization

coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

25. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

26. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

27. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the community services board to serve in a direct care position on behalf of the community services board pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

28. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the behavioral health authority to serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

29. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

30. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

31. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

32. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee for Courts of Justice for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

33. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;
34. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);
35. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;
36. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;
37. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;
38. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;
39. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.), Chapter 19 (§ 6.2-1900 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;
40. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;
41. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;
42. Bail bondsmen, in accordance with the provisions of § 19.2-120;

43. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

44. The Department of Education or its agents or designees for the purpose of screening individuals seeking to enter into a contract with the Department of Education or its agents or designees for the provision of child care services for which child care subsidy payments may be provided;

45. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

46. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

47. Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent of Public Instruction's representative from issuing written certifications regarding the results of prior background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

48. The National Center for Missing and Exploited Children for the purpose of screening individuals who are offered or accept employment or will be providing volunteer or contractual services with the National Center for Missing and Exploited Children;

49. The Executive Director or investigators of the Board of Accountancy for the purpose of the enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

50. Other entities as otherwise provided by law.

Upon an **ex parte** motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the

event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further, except as otherwise provided in subdivision A 47.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day centers pursuant to subdivision A 17 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 37 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal history record information, including criminal history record information maintained in the National Crime Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal history record information provided under this subsection shall be disseminated further.

Code 1950, § 19.1-19.2; 1966, c. 669; 1968, c. 537; 1970, c. 118; 1975, c. 495; 1976, c. 771; 1977, c. 626; 1978, c. 350; 1979, c. 480; 1981, c. 207; 1985, c. 360; 1987, cc. 130, 131; 1988, c. 851; 1989, c. 544; 1990, c. 766; 1991, c. 342; 1992, cc. 422, 641, 718, 746, 791, 844; 1993, cc. 48, 313, 348; 1994, cc. 34, 670, 700, 830; 1995, cc. 409, 645, 731, 781, 809; 1996, cc. 428, 432, 747, 881, 927, 944; 1997, cc. 169, 177, 606, 691, 721, 743, 796, 895; 1998, cc. 113, 405, 445, 882; 1999, cc. 383, 685; 2001, cc. 552, 582; 2002, cc. 370, 587, 606; 2003, c. 731; 2005, cc. 149, 914, 928; 2006, cc. 257, 277, 644; 2007, cc. 12, 361, 495, 572; 2008, cc. 387, 689, 863; 2009, cc. 667, 813, 840; 2010, cc. 189, 340, 406, 456, 524, 563, 862; 2011, cc. 432, 449; 2012, cc. 40, 189, 386, 476, 507, 803, 835; 2013, cc. 165, 176, 261, 407, 491, 582; 2014, cc. 225, 454; 2015, cc. 38, 343, 540, 730, 758, 770; 2016, cc. 454, 554, 574; 2017, cc. 421, 431, 809; 2018, c. 49; 2019, c. 675; 2020, cc. 2, 529, 860, 861, 1197, 1198, 1248, 1250; 2021, Sp. Sess. I, cc. 251, 463, 475, 510; 2023, cc. 42, 43, 236, 651; 2024, cc. 37, 150, 526, 654, 677; 2025, cc. 543, 556.

§ 19.2-389. (Effective July 1, 2026) Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;
2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;
3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;
4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to

data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social

Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the results of a background check that was conducted before July 1, 2021, in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

13. Administrators and board presidents of and applicants for licensure as a prescribed pediatric extended care center for dissemination to the State Health Commissioner's representative pursuant to §§ 32.1-162.15:1.5 and 32.1-162.15:1.10 for the conduct of investigations with respect to employees of and volunteers at such centers, pursuant to § 32.1-162.15:1.17, subject to the restriction that the data shall not be further disseminated by the center to any party other than the data subject, the State Health Commissioner's representative, or a federal or state authority or court as may be required to comply with an express requirement of law;

14. The Department of Social Services for the purpose of screening individuals as a condition of licensure, employment, volunteering, or providing services on a regular basis in a licensed child welfare agency pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency pursuant to § 63.2-901.1;

15. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

16. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.) and casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

17. Licensed prescribed pediatric extended care centers for the conduct of investigations of applicants for compensated employment and volunteers in licensed prescribed pediatric extended care centers pursuant to § 32.1-162.15:1.17;

18. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

19. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

20. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

21. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;
22. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his designees for individuals who are committed to the custody of or being evaluated by the Commissioner pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement, evaluation, treatment, or discharge planning;
23. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;
24. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;
25. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;
26. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;
27. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;
28. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;
29. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the community services board to serve in a direct care position on behalf of the community services board pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;
30. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract

with the behavioral health authority to serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

31. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

32. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

33. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

34. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee for Courts of Justice for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

35. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

36. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

37. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

38. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

39. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

40. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;
41. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.), Chapter 19.1 (§ 6.2-1922 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;
42. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;
43. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;
44. Bail bondsmen, in accordance with the provisions of § 19.2-120;
45. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;
46. The Department of Education or its agents or designees for the purpose of screening individuals seeking to enter into a contract with the Department of Education or its agents or designees for the provision of child care services for which child care subsidy payments may be provided;
47. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;
48. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;
49. Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent of Public

Instruction's representative from issuing written certifications regarding the results of prior background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

50. The National Center for Missing and Exploited Children for the purpose of screening individuals who are offered or accept employment or will be providing volunteer or contractual services with the National Center for Missing and Exploited Children;

51. The Executive Director or investigators of the Board of Accountancy for the purpose of the enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

52. Other entities as otherwise provided by law.

Upon an **ex parte** motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further, except as otherwise provided in subdivision A 49.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 18 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day centers pursuant to subdivision A 19 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 39 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal history record information, including criminal history record information maintained in the National Crime Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal history record information provided under this subsection shall be disseminated further.

Code 1950, § 19.1-19.2; 1966, c. 669; 1968, c. 537; 1970, c. 118; 1975, c. 495; 1976, c. 771; 1977, c. 626; 1978, c. 350; 1979, c. 480; 1981, c. 207; 1985, c. 360; 1987, cc. 130, 131; 1988, c. 851; 1989, c. 544; 1990, c. 766; 1991, c. 342; 1992, cc. 422, 641, 718, 746, 791, 844; 1993, cc. 48, 313, 348; 1994, cc. 34, 670, 700, 830; 1995, cc. 409, 645, 731, 781, 809; 1996, cc. 428, 432, 747, 881, 927, 944; 1997, cc. 169, 177, 606, 691, 721, 743, 796, 895; 1998, cc. 113, 405, 445, 882; 1999, cc. 383, 685; 2001, cc. 552, 582; 2002, cc. 370, 587, 606; 2003, c. 731; 2005, cc. 149, 914, 928; 2006, cc. 257, 277, 644; 2007, cc. 12, 361, 495, 572; 2008, cc. 387, 689, 863; 2009, cc. 667, 813, 840; 2010, cc. 189, 340, 406, 456, 524, 563, 862; 2011, cc. 432, 449; 2012, cc. 40, 189, 386, 476, 507, 803, 835; 2013, cc. 165, 176, 261, 407, 491, 582; 2014, cc. 225, 454; 2015, cc. 38, 343, 540, 730, 758, 770; 2016, cc. 454, 554, 574; 2017, cc. 421, 431, 809; 2018, c. 49; 2019, c. 675; 2020, cc. 2, 529, 860, 861, 1197, 1198, 1248, 1250; 2021, Sp. Sess. I, cc. 251, 463, 475, 510; 2023, cc. 42, 43, 236, 651; 2024, cc. 37, 150, 526, 654, 677; 2025, cc. 214, 451, 543, 556.

[§ 19.2-392.3. Disclosure of expunged records](#)

A. It shall be unlawful for any person having or acquiring access to an expunged court or police record to open or review it or to disclose to another person any information from it without an order from the court which ordered the record expunged.

B. Upon a verified petition filed by the attorney for the Commonwealth alleging that the record is needed by a law-enforcement agency for purposes of employment application as an employee of a law-enforcement agency or for a pending criminal investigation and that the investigation

will be jeopardized or that life or property will be endangered without immediate access to the record, the court may enter an **ex parte** order, without notice to the person, permitting such access. An **ex parte** order may permit a review of the record, but may not permit a copy to be made of it.

C. Upon a verified petition requesting access to an expunged court or police record that is filed by the person who was charged with the offense that was ordered to be expunged, with notice to the attorney for the Commonwealth, the court may enter an order allowing that person and their counsel to review and copy the expunged court or police record. However, no agency or entity shall be required to allow the person or their counsel to review or copy the expunged court or police record if such record has been destroyed.

D. Any person who willfully violates this section is guilty of a Class 1 misdemeanor. However, unless otherwise prohibited by law, any person who opens, reviews, or discloses information from an expunged court or police record after being provided a copy of such record by the person who was charged with the offense that was ordered to be expunged, or by counsel for such person, shall not be in violation of this section.

1977, c. 675; 1978, c. 713; 2023, cc. 554, 555; 2025, cc. 634 and 671, cl.12.

Title 20 – Domestic Relations

[§ 20-88.39. Continuing, exclusive jurisdiction to modify child support order](#)

A. A tribunal of the Commonwealth that has issued a child support order consistent with the law of the Commonwealth has and shall exercise continuing, exclusive jurisdiction to modify its child support order if the order is the controlling order, and:

1. At the time of the filing of a request for modification, the Commonwealth is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or
2. Even if the Commonwealth is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record that the tribunal of the Commonwealth may continue to exercise its jurisdiction to modify its order.

B. A tribunal of the Commonwealth that has issued a child support order consistent with the law of the Commonwealth may not exercise continuing, exclusive jurisdiction to modify the order if:

1. All of the parties who are individuals file consent in a record with the tribunal of the Commonwealth that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or who is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or
2. Its order is not the controlling order.

C. If a tribunal of another state has issued a child support order pursuant to this chapter or a law substantially similar to this chapter that modifies a child support order of a tribunal of the Commonwealth, tribunals of the Commonwealth shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

D. A tribunal of the Commonwealth that lacks continuing, exclusive jurisdiction to modify a child support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

E. A temporary support order issued **ex parte** or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

F. The support enforcement agency of the Commonwealth is not authorized to establish or enforce a support order for spousal support only.

1994, c. 673; 1996, cc. 882, 925; 1997, cc. 797, 897; 2005, c. 754.

§ 20-88.55. Nondisclosure of information in exceptional circumstances

Upon a finding, which may be made **ex parte**, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this chapter.

1994, c. 673.

§ 20-103. Court may make orders pending suit for divorce, custody or visitation, etc.

A. In suits for divorce, annulment and separate maintenance, and in proceedings arising under subdivision A 3 or subsection L of § 16.1-241, the court having jurisdiction of the matter may, at any time pending a suit pursuant to this chapter, in the discretion of such court, make any order that may be proper (i) to compel a spouse to pay any sums necessary for the maintenance and support of the petitioning spouse, including (a) an order that the other spouse provide health care coverage for the petitioning spouse, unless it is shown that such coverage cannot be obtained, or (b) an order that a party pay secured or unsecured debts incurred jointly or by either party, (ii) to enable such spouse to carry on the suit, (iii) to prevent either spouse from imposing any restraint on the personal liberty of the other spouse, (iv) to provide for the custody and maintenance of the minor children of the parties, including an order that either party or both parties provide health care coverage or cash medical support, or both, for the children, (v) to provide support, calculated in accordance with § 20-108.2, for any child of the parties to whom a duty of support is owed and to pay or continue to pay support for any child over the age of 18 who meets the requirements set forth in subsection C of § 20-124.2, (vi) for the exclusive use and possession of the family residence during the pendency of the suit, (vii) to preserve the estate of either spouse, so that it be forthcoming to meet any decree which may be made in the suit, (viii) to compel either spouse to give security to abide such decree, or (ix)(a) to compel a party to maintain any existing policy owned by that party insuring the life of either party or to require a party to name as a beneficiary of the policy the other party or an appropriate person for the exclusive use and benefit of the minor children of the parties and (b) to allocate the premium cost of such life insurance between the parties, provided that all premiums are billed to the policyholder. Nothing in clause (ix) shall be construed to create an independent cause of action on the part of any beneficiary against the insurer or to require an insurer to provide information relating to such policy to any person other than the policyholder without the written consent of the policyholder.

The parties to any petition where a child whose custody, visitation, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the Office of the Executive Secretary of the Supreme Court of Virginia, except that the court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding.

A1. Any award or order made by the court pursuant to subsection A shall be paid from the post-separation income of the obligor unless the court, for good cause shown, orders otherwise. Upon the request of either party, the court may identify and state in such order or award the specific source from which the financial obligation imposed is to be paid.

A2. In any case in which the jurisdiction of the juvenile and domestic relations district court has been divested pursuant to § 16.1-244 and no final support order has been entered, any award for child support or spousal support in the circuit court pursuant to subsection A shall be retroactive to the date on which the proceeding was commenced by the filing of the action in the juvenile and domestic relations district court, provided that the petitioner exercised due diligence in the service of the respondent.

B. In addition to the terms provided in subsection A, upon a showing by a party of reasonable apprehension of physical harm to that party by such party's family or household member as that term is defined in § 16.1-228, and consistent with rules of the Supreme Court of Virginia, the court may enter an order excluding that party's family or household member from the jointly owned or jointly rented family dwelling. In any case where an order is entered under this paragraph, pursuant to an **ex parte** hearing, the order shall not exclude a family or household member from the family dwelling for a period in excess of 15 days from the date the order is served, in person, upon the person so excluded. The order may provide for an extension of time beyond the 15 days, to become effective automatically. The person served may at any time file a written motion in the clerk's office requesting a hearing to dissolve or modify the order. Nothing in this section shall be construed to prohibit the court from extending an order entered under this subsection for such longer period of time as is deemed appropriate, after a hearing on notice to the parties. If the party subject to the order fails to appear at this hearing, the court may extend the order for a period not to exceed six months.

C. In cases other than those for divorce in which a custody or visitation arrangement for a minor child is sought, the court may enter an order providing for custody, visitation or maintenance pending the suit as provided in subsection A. The order shall be directed to either parent or any person with a legitimate interest who is a party to the suit.

D. Orders entered pursuant to this section which provide for custody or visitation arrangements pending the suit shall be made in accordance with the standards set out in Chapter 6.1 (§ 20-124.1 et seq.). Orders entered pursuant to subsection B shall be certified by the clerk and forwarded as soon as possible to the local police department or sheriff's office which shall, on the date of receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia crime information network system established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. If the order is later dissolved or modified, a copy of the dissolution or modification shall also be certified, forwarded and entered in the system as described above.

E. There shall be a presumption in any judicial proceeding for pendente lite spousal support and maintenance under this section that the amount of the award that would result from the application of the formula set forth in this section is the correct amount of spousal support to be awarded. The court may deviate from the presumptive amount as provided in subsection H.

F. If the court is determining both an award of pendente lite spousal support and maintenance and an award of child support, the court shall first make a determination of the amount of the award of pendente lite spousal support, if any, owed by one party to the other under this section.

G. If the parties have minor children in common, the presumptive amount of an award of pendente lite spousal support and maintenance shall be the difference between 26 percent of the payor spouse's monthly gross income and 58 percent of the payee spouse's monthly gross income. If the parties have no minor children in common, the presumptive amount of the award shall be the difference between 27 percent of the payor spouse's monthly gross income and 50 percent of the payee spouse's monthly gross income. For the purposes of this section, monthly gross income shall have the same meaning as it does in section § 20-108.2.

H. The court may deviate from the presumptive amount for good cause shown, including any relevant evidence relating to the parties' current financial circumstances or the impact of any tax exemption and any credits resulting from such exemptions that indicates the presumptive amount is inappropriate.

I. The presumptive formula set forth in this section shall only apply to cases where the parties' combined monthly gross income does not exceed \$10,000.

J. An order entered pursuant to this section shall have no presumptive effect and shall not be determinative when adjudicating the underlying cause.

Code 1919, § 5107; 1975, c. 644; 1982, c. 306; 1983, c. 253; 1989, c. 740; 1991, c. 60; 1994, cc. 518, 769; 1995, c. 674; 1996, cc. 767, 866, 879, 884; 1997, c. 605; 1998, c. 616; 2000, c. 586; 2003, cc. 31, 45; 2004, c. 732; 2007, c. 205; 2009, c. 713; 2011, c. 687; 2014, c. 55; 2015, cc. 653, 654; 2016, c. 352; 2020, c. 651; 2022, c. 527; 2023, c. 17.

§ 20-146.32. **Ex parte** order to take physical custody of child

A. Upon the filing of a petition seeking enforcement of a child custody determination, the petitioner may request in the petition that the court issue an **ex parte** order that the child be taken into immediate physical custody if the child is imminently likely to suffer serious physical harm or be removed from this Commonwealth. Any petition for an **ex parte** order shall include the statements required by subsection B of § 20-146.29.

B. If the court, upon the testimony of the petitioner or other witness, finds that the child is imminently likely to suffer serious physical harm or be removed from this Commonwealth, it may issue an **ex parte** order to take immediate physical custody of the child. A petition filed to enforce a child custody determination which seeks an **ex parte** order shall be heard on the next judicial day after the **ex parte** order is issued unless that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible.

C. An **ex parte** order to take physical custody of a child shall:

1. Recite the facts upon which a conclusion of imminent serious physical harm or removal from the jurisdiction is based;
2. Direct law-enforcement officers to take physical custody of the child immediately; and
3. Provide for the placement of the child with the petitioner, suitable relative, other suitable interested individual or the local department of social services pending final relief.

D. The respondent must be served with the petition and **ex parte** order immediately after the child is taken into physical custody.

E. An **ex parte** order to take physical custody of a child is enforceable throughout this Commonwealth. If the court finds on the basis of the testimony of the petitioner or other witness that a less intrusive remedy is not effective, it may authorize law-enforcement officers to enter private property to take physical custody of the child. If required by exigent circumstances of the case, the court may authorize law-enforcement officers to make a forcible entry at any hour.

F. The court may impose conditions upon placement of a child to ensure the appearance of the child and the child's custodian.

2001, c. 305.

[§ 22.1-289.033. Inspection of unlicensed child care operations; inspection warrant](#)

In order to perform his duties under this chapter, the Superintendent may enter and inspect any unlicensed child care operation with the consent of the owner or person in charge, or pursuant to a warrant. Administrative search warrants for inspections of child care operations, based upon a petition demonstrating probable cause and supported by an affidavit, may be issued **ex parte** by any judge having authority to issue criminal warrants whose territorial jurisdiction includes the child care operation to be inspected, if he is satisfied from the petition and affidavit that there is reasonable and probable cause for the inspection. The affidavit shall contain either a statement that consent to inspect has been sought and refused, or that facts and circumstances exist reasonably justifying the failure to seek such consent. Such facts may include, without limitation, past refusals to permit inspection or facts establishing reason to believe that seeking consent would provide an opportunity to conceal violations of statutes or regulations. Probable cause may be demonstrated by an affidavit showing probable cause to believe that the child care

operation is in violation of any provision of this chapter or any regulation adopted pursuant to this chapter, or upon a showing that the inspection is to be made pursuant to a reasonable administrative plan for the administration of this chapter. The inspection of a child care operation that has been the subject of a complaint pursuant to § 22.1-289.042 shall have preeminent priority over any other inspections of child care operations to be made by the Superintendent unless the complaint on its face or in the context of information known to the Superintendent discloses that the complaint has been brought to harass, to retaliate, or otherwise to achieve an improper purpose, and that the improper purpose casts serious doubt on the veracity of the complaint. After issuing a warrant under this section, the judge shall file the affidavit in the manner prescribed by § 19.2-54. Such warrant shall be executed and returned to the clerk of the circuit court of the city or county wherein the inspection was made.

2020, cc. 860, 861.

Title 32.1 - Health

§ 32.1-48.09. Order of quarantine

A. The State Health Commissioner shall, prior to placing any person or persons under quarantine, issue an order of quarantine that shall: (i) identify the communicable disease of public health threat that is reasonably believed to be involved and the reasons why exceptional circumstances apply and the quarantine is the necessary means to contain the risks of transmission of the disease; (ii) contain sufficient information to provide reasonable notice to persons who are affected by the order of quarantine that they are subject to the order; (iii) specify the means by which the quarantine is to be implemented; (iv) establish clearly the geographic parameters of the quarantine, if involving an affected area; (v) specify the duration of the quarantine; (vi) provide sufficient directions for compliance with the quarantine to enable persons subject to the order to comply; (vii) provide timely opportunities, if not readily available under the circumstances, for the person or persons who are subject to the order to notify employers, next of kin or legally authorized representatives and the attorneys of their choice of the situation; (viii) specify the penalty or penalties that may be imposed for noncompliance with the order of quarantine pursuant to § 32.1-27; and (ix) include a copy of § 32.1-48.010 to inform any person or persons subject to an order of quarantine of the right to seek judicial review of the order.

B. No affected area shall be the subject to an order of quarantine issued by the State Health Commissioner unless the Governor, pursuant to the authority vested in him pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44, has declared a state of emergency for such affected area of the Commonwealth.

C. The order of quarantine shall be delivered to any person or persons affected by the quarantine, in so far as practicable. However, if, in the opinion of the State Health Commissioner, the number of quarantined persons is too great to make delivery of copies of the order of quarantine to each person possible in a timely manner, or if the order of quarantine designates an affected area instead of a specific person or persons, the State Health Commissioner shall cause the order of quarantine to be communicated to the persons residing or located in the affected area.

D. The State Health Commissioner or his legal representative shall, as soon as practicable following the issuance of an order of quarantine, file a petition seeking an **ex parte** court review and confirmation of the quarantine.

E. The petition shall be filed in the circuit court for the city or county in which the person or persons resides or is located or, in the case of an affected area, in the circuit court of the affected jurisdiction or jurisdictions.

The petition shall include (i) a copy of the order of quarantine or all information contained in the State Health Commissioner's order of quarantine in some other format and (ii) a summary of the findings on which the Commissioner relied in deciding to issue the order of quarantine.

Upon receiving multiple orders of quarantine, the court may, on the motion of any party or on the court's own motion, consolidate the cases into a single proceeding for all orders when (i) there are common questions of law or fact relating to the individual claims or rights to be determined, (ii) the claims of the consolidated cases are substantially similar, and (iii) all parties to the orders will be adequately represented in the consolidation.

F. Prior to the expiration of the original order of quarantine, the Commissioner may extend the duration of the original order upon finding that such an extension is necessary. The Commissioner, or his legal representative, shall, as soon as practicable following the extension of an order of quarantine, file a petition seeking court review and confirmation of the order to extend the duration of the quarantine.

G. In reviewing the petition for review and confirmation of the order of quarantine or an extension of the order of quarantine, the court shall give due deference to the specialized expertise of the State Health Commissioner. The court shall grant the petition to confirm or extend the quarantine upon finding probable cause that quarantine was the necessary means to contain the disease of public health threat and is being implemented in the least restrictive environment to address the public health threat effectively, given the reasonably available information on effective control measures and the nature of the communicable disease of public health threat.

H. The State Health Commissioner may, if he reasonably believes that public disclosure of the information contained in the order of quarantine or the petition for court review and confirmation or extension of the order of quarantine will exacerbate the public health threat or compromise any current or future criminal investigation or compromise national security, file some or all of any petition relating to an order of quarantine under seal. After reviewing any information filed under seal by the State Health Commissioner, the court shall reseal the relevant materials to the extent necessary to protect public health and safety.

I. The State Health Commissioner shall ensure that the protected health information of any person or persons subject to the order of quarantine shall only be disclosed in compliance with § 32.1-127.1:03 of this title and the regulations relating to privacy of health records promulgated by the federal Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.).

J. Any law-enforcement officer, state or local health department employee, or any other person designated by a law-enforcement officer or state or local health department employee is empowered and authorized to deliver an order of quarantine.

2004, cc. 773, 1021; 2007, cc. 699, 783.

§ 32.1-48.012. Isolation order

A. The State Health Commissioner shall, prior to placing any person or persons in isolation, prepare a written order of isolation that shall: (i) identify the person or persons subject to such order of isolation; (ii) identify the site of isolation, which may, in the Commissioner's discretion, include the residence of any isolated individual; (iii) specify the date and time that isolation is to commence; (iv) identify the communicable disease of public health threat or the suspected communicable disease of public health threat with which the person or persons are known to be infected or reasonably suspected to be infected; (v) specify the bases for isolation, including why isolation is the necessary means to contain transmission of the disease, and any conditions of the isolation; (vi) provide timely opportunities, if not readily available under the circumstances, for the person or person who are subject to the order to notify employers, next of kin or legally authorized representatives and the attorneys of their choice of the situation; (vii) specify the penalty or penalties that may be imposed for noncompliance with order of isolation pursuant to § 32.1-27; and (viii) include a copy of § 32.1-48.013 to inform any person or persons subject to an order of isolation of the right to seek judicial review or the order.

B. No affected area shall be the subject of an order of isolation prepared by the State Health Commissioner unless the Governor, pursuant to the authority vested in him pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44, has declared a state of emergency for such affected area of the Commonwealth.

C. The order of isolation shall be delivered to any person or persons affected by the isolation, in so far as practicable. However, if, in the opinion of the State Health Commissioner, the number of isolated persons is too great to make delivery of copies of the order of isolation to each person possible in a timely manner, or if the order of isolation designates an affected area instead of a specific person or persons, the State Health Commissioner shall cause the order of isolation to be communicated to the persons residing or located in the affected area.

D. The State Health Commissioner shall, as soon as practicable following the issuance of an order of isolation, file a petition seeking an **ex parte** court order to review and confirm the isolation.

E. The petition shall be filed in the circuit court for the city or county in which the person or persons resides or is located or, in the case of an affected area, in the circuit court of the affected jurisdiction or jurisdictions.

Upon receiving multiple orders of isolation, the court may, on the motion of any party or on the court's own motion, consolidate the cases into a single proceeding for all orders when (i) there are common questions of law or fact relating to the individual claims or rights to be determined, (ii) the claims of the cases are substantially similar, and (iii) all parties to the orders will be adequately represented in the consolidation.

F. The petition shall include (i) a copy of the order of isolation or all information contained in the State Health Commissioner's order of isolation in some other format and (ii) a summary of the findings on which the Commissioner relied in determining that an order of isolation was required to contain the transmission of the communicable disease of public health threat.

G. Prior to the expiration of the original order of isolation, the Commissioner may extend the duration of the original order upon finding that such an extension is necessary. The

Commissioner, or his legal representative, shall, as soon as practicable following the extension of an order of isolation, file a petition seeking court review and confirmation of the order to extend the duration of the isolation.

H. In reviewing any petition for review and confirmation or extension of the order of isolation, the court shall give due deference to the specialized expertise of the State Health Commissioner. The court shall grant the petition to confirm or extend the isolation upon finding probable cause that isolation was the necessary means and remains the least restrictive environment to address the public health threat effectively, given the reasonably available information on effective control measures and the nature of the communicable disease of public health threat.

I. The State Health Commissioner may, if he reasonably believes that public disclosure of the information contained in the order of isolation or the petition for review and confirmation or extension of the order of isolation will exacerbate the public health threat or compromise any current or future criminal investigation or compromise national security, file some or all of any petition to extend an order of isolation under seal. After reviewing any information filed under seal by the State Health Commissioner, the court shall reseal the relevant materials to the extent necessary to protect public health and safety.

J. The State Health Commissioner shall ensure that the protected health information of any person or persons subject to the order of isolation shall only be disclosed in compliance with the regulations relating to privacy of health records promulgated by the federal Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996.

K. Any law-enforcement officer, state or local health department employee, or any other person designated by a law-enforcement officer or state or local health department employee is empowered and authorized to deliver an order of isolation.

2004, cc. 773, 1021; 2007, cc. 699, 783.

[§ 32.1-102.6. Administrative procedures](#)

A. To obtain a certificate for a project, the applicant shall file a completed application for a certificate with the Department and the appropriate regional health planning agency if a regional health planning agency has been designated for that region. Such application shall be filed in accordance with procedures established by the Department. An application submitted for review shall be considered complete when all relevant sections of the application form have responses. The applicant shall provide sufficient information to prove public need for the requested project exists without the addition of supplemental or supporting material at a later date. The Department shall ensure that only data necessary for review of an application is required to be submitted and that the application reflects statutory requirements. Nothing in this section shall prevent the Department from seeking, at its discretion, additional information from the applicant or other sources.

Within 10 calendar days of the date on which the document is received, the Department and the appropriate regional health planning agency, if a regional health planning agency has been designated, shall determine whether the application is complete or not and the Department shall notify the applicant, if the application is not complete, of the information needed to complete the application. If no regional health planning agency is designated for the health planning region in which the project will be located, no filing with a regional health planning agency is required and the Department shall determine if the application is complete and notify the applicant, if the application is not complete, of the information needed to complete the application.

At least 30 calendar days before any person is contractually obligated to acquire an existing medical care facility, the cost of which is \$600,000 or more, that person shall notify the Commissioner and the appropriate regional health planning agency, if a regional health planning agency has been designated, of the intent, the services to be offered in the facility, the bed capacity in the facility and the projected impact that the cost of the acquisition will have upon the charges for services to be provided. If clinical services or beds are proposed to be added as a result of the acquisition, the Commissioner may require the proposed new owner to obtain a certificate prior to the acquisition. If no regional health planning agency is designated for the health planning region in which the acquisition will take place, no notification to a regional health planning agency shall be required.

B. For projects proposed in health planning regions with regional planning agencies, the appropriate regional health planning agency shall (i) review each completed application for a certificate within 60 calendar days of the day that begins the appropriate batch review cycle as established by the Board by regulation pursuant to subdivision A 1 of § 32.1-102.2, such cycle not to exceed 190 days in duration; (ii) within 10 calendar days following the start of the review cycle, solicit public comment on such application by posting notice of such application and a summary of the proposed project on a website maintained by the Department; such notice shall include information about how comments may be submitted to the regional health planning agency and the date on which the public comment period shall expire, which shall be no later than 45 calendar days following the date of the public notice; and (iii) in the case of competing applications or in response to a written request by an elected local government representative, a member of the General Assembly, the Commissioner, the applicant, or a member of the public, hold one public hearing on each application in a location in the county or city in which the project is proposed or a contiguous county or city. Prior to any required public hearing, the regional health planning agency shall notify the local governing bodies in the planning district. At least nine days prior to the public hearing, the regional health planning agency shall cause notice of the public hearing to be published in a newspaper of general circulation in the county or city where the project is proposed to be located. The regional health planning agency shall consider the comments of the local governing bodies in the planning district and all other public comments in making its decision. Such comments shall be part of the record. In no case shall a regional health planning agency hold more than two meetings on any application, one of which shall be the public hearing required pursuant to clause (iii), if any, conducted by the board of the regional health planning agency or a subcommittee of the board. The applicant shall be given the opportunity, prior to the vote by the board of the regional health planning agency or a committee of the agency, if acting for the board, on its recommendation, to respond to any comments made about the project by the regional health planning agency staff, any information in a regional health planning agency staff report, or comments by those voting members of the regional health planning agency board; however, such opportunity shall not increase the 60-calendar-day period

designated herein for the regional health planning agency's review unless the applicant or applicants request a specific extension of the regional health planning agency's review period.

The regional health planning agency shall submit its recommendations on each application and its reasons therefor to the Department within 10 calendar days after the completion of its 60-calendar-day review or such other period in accordance with the applicant's request for extension.

If the regional health planning agency has not completed its review within the specified 60 calendar days or such other period in accordance with the applicant's request for extension and submitted its recommendations on the application and the reasons therefor within 10 calendar days after the completion of its review, the Department shall, on the eleventh calendar day after the expiration of the regional health planning agency's review period, proceed as though the regional health planning agency has recommended project approval without conditions or revision.

If no regional health planning agency has been designated for a region, the Department shall (a) within 10 calendar days following the start of the review cycle, solicit public comment on such application by posting notice of such application and a summary of the proposed project on a website maintained by the Department; such notice shall include such information about how comments may be submitted to the Department and the date on which the public comment period shall expire, which shall be no later than 45 calendar days following the date of the public notice, and (b) in the case of competing applications or in response to a written request by an elected local government representative, a member of the General Assembly, the Commissioner, the applicant, or a member of the public, hold one hearing on each application in a location in the county or city in which the project is proposed or a contiguous county or city. Prior to any required hearing, the Department shall notify the local governing bodies in the planning district in which the project is proposed. At least nine days prior to the public hearing, the Department shall cause notice of the public hearing to be published in a newspaper of general circulation in the county or city where the project is proposed to be located. The Department shall consider the comments of the local governing bodies in the planning district and all other public comments in making its decision. Such comments shall be part of the record.

C. After commencement of any public hearing and before a decision is made there shall be no **ex parte** contacts concerning the subject certificate or its application between (i) any person acting on behalf of the applicant or holder of a certificate or any person opposed to the issuance or in favor of revocation of a certificate of public need and (ii) any person in the Department who has authority to make a determination respecting the issuance or revocation of a certificate of public need, unless the Department has provided advance notice to all parties referred to in clause (i) of the time and place of such proposed contact.

D. The Department shall commence the review of each completed application upon the day which begins the appropriate batch review cycle and simultaneously with the review conducted by the regional health planning agency, if a regional health planning agency has been designated.

A determination whether a public need exists for a project shall be made by the Commissioner within 190 calendar days of the day which begins the appropriate batch cycle.

The 190-calendar-day review period shall begin on the date upon which the application is determined to be complete within the batching process specified in subdivision A 1 of § 32.1-102.2.

If the application is not determined to be complete within 40 calendar days from submission, the application shall be refiled in the next batch for like projects.

The Commissioner shall make determinations in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) except for those parts of the determination process for which timelines and specifications are delineated in subsection E. Further, if an informal fact-finding conference is determined to be necessary by the Department or is requested by a person seeking good cause standing, the parties to the case shall include only the applicant, any person showing good cause, any third-party payor providing health care insurance or prepaid coverage to five percent or more of the patients in the applicant's service area, and the relevant health planning agency.

E. Upon entry of each completed application or applications into the appropriate batch review cycle:

1. The Department shall establish, for every application, a date between the eightieth and ninetieth calendar days within the 190-calendar-day review period for holding an informal fact-finding conference, if such conference is necessary.
2. The Department shall review every application at or before the seventy-fifth calendar day within the 190-calendar-day review period to determine whether an informal fact-finding conference is necessary.
3. Any person seeking to be made a party to the case for good cause, no later than four days after the Department has completed its review and submitted its recommendation on an application and has transmitted the same to the applicants and to persons who have, prior to the issuance of the report, requested a copy in writing, shall notify the Commissioner, all applicants, and the regional health planning agency, in writing and under oath, stating the grounds for good cause and providing the factual basis therefor.
4. In any case in which an informal fact-finding conference is held, a date shall be established for the closing of the record which shall not be more than 30 calendar days after the date for holding the informal fact-finding conference.
5. In any case in which an informal fact-finding conference is not held, the record shall be closed on the earlier of (i) the date established for holding the informal fact-finding conference or (ii) the date that the Department determines an informal fact-finding conference is not necessary.
6. The provisions of subsection C of § 2.2-4021 notwithstanding, if a determination whether a public need exists for a project is not made by the Commissioner within 45 calendar days of the closing of the record, the Commissioner shall notify the applicant or applicants and any persons seeking to show good cause, in writing, that the application or the application of each shall be deemed approved 25 calendar days after expiration of such 45-calendar-day period, unless the receipt of recommendations from the person performing the hearing officer functions permits the Commissioner to issue his case decision within that 25-calendar-day period. The validity or timeliness of the aforementioned notice shall not, in any event, prevent, delay or otherwise impact the effectiveness of this section.

7. In any case when a determination whether a public need exists for a project is not made by the Commissioner within 70 calendar days after the closing of the record, the application shall be deemed to be approved and the certificate shall be granted.

8. If a determination whether a public need exists for a project is not made by the Commissioner within 45 calendar days of the closing of the record, any applicant who is competing in the relevant batch or who has filed an application in response to the relevant Request For Applications issued pursuant to § 32.1-102.3:2 may, prior to the application being deemed approved, petition for immediate injunctive relief pursuant to § 2.2-4030, naming as respondents the Commissioner and all parties to the case. During the pendency of the proceeding, no applications shall be deemed to be approved. In such a proceeding, the provisions of § 2.2-4030 shall apply.

F. Deemed approvals shall be construed as the Commissioner's case decision on the application pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) and shall be subject to judicial review on appeal as the Commissioner's case decision in accordance with such act.

Any person who has sought to participate in the Department's review of such deemed-to-be-approved application as a person showing good cause who has not received a final determination from the Commissioner concerning such attempt to show good cause shall be deemed to be a person showing good cause for purposes of appeal of the deemed approval of the certificate.

In any appeal of the Commissioner's case decision granting a certificate of public need pursuant to a Request for Applications issued pursuant to § 32.1-102.3:2, the court may require the appellant to file a bond pursuant to § 8.01-676.1, in such sum as shall be fixed by the court for protection of all parties interested in the case decision, conditioned on the payment of all damages and costs incurred in consequence of such appeal.

G. For purposes of this section, "good cause" means that (i) there is significant relevant information not previously presented at and not available at the time of the public hearing, (ii) there have been significant changes in factors or circumstances relating to the application subsequent to the public hearing, or (iii) there is a substantial material mistake of fact or law in the Department staff's report on the application or in the report submitted by the health planning agency.

H. The project review procedures shall provide for separation of the project review manager functions from the hearing officer functions. No person serving in the role of project review manager shall serve as a hearing officer.

I. The applicants, and only the applicants, shall have the authority to extend any of the time periods specified in this section. If all applicants consent to extending any time period in this section, the Commissioner, with the concurrence of the applicants, shall establish a new schedule for the remaining time periods.

J. This section shall not apply to applications for certificates for projects that meet the criteria for the expedited application and review process established in subdivision A 5 of § 32.1-102.2. Such projects shall be subject to an expedited application and review process developed by the Board in regulation pursuant to subdivisions A 2 and 5 of § 32.1-102.2.

1982, c. 388; 1984, c. 740; 1991, c. 561; 1999, cc. 899, 922; 2000, c. 931; 2004, cc. 71, 95; 2005, c. 404; 2009, c. 175; 2010, c. 646; 2020, c. 1271; 2025, c. 325.

§ 32.1-324.1. Authority to administer oaths, conduct hearings; obtaining relevant documents and other information

A. The Director of the Department of Medical Assistance Services or his designee is authorized in the exercise and performance of official functions, duties, and powers under the provisions of this title to hold and conduct hearings, to administer oaths, and to take testimony under oath. The Director is authorized to make an **ex parte** application to the Circuit Court for the City of Richmond for the issuance of a subpoena, in furtherance of any investigation within the jurisdiction of the Department, to request the attendance of witnesses and the production of any relevant records, memoranda, papers, and other documents. The Court is authorized to issue and compel compliance with such subpoena upon a showing of good cause. The Court, upon determining that good cause exists to believe that evidence may be destroyed or altered, may issue a subpoena requiring the production of evidence forthwith.

B. In accordance with federal and state law, the Director or his designee shall conduct hearings on determinations of eligibility or continued eligibility of applicants or recipients for services under the state plan for medical assistance. In addition to the authority conferred upon the Director by subsection A of this section, the Director or his designee, in connection with any such proceedings, may issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers, and other documents.

C. Failure or refusal to comply with a subpoena issued pursuant to subsection B of this section shall be punishable as a Class 4 misdemeanor.

1986, c. 440; 1990, c. 383.

Title 42.1 - Libraries

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

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

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

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

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

Title 53.1 – Prisons and Other Methods of Correction

§ 53.1-17.3. Corrections Oversight Committee; membership; authority

A. There is created a Corrections Oversight Committee (the Committee) that shall consist of 13 voting members and two nonvoting members. Such voting members shall be appointed as follows: (i) two members of the Senate who are not members of the same political party, to be appointed by the Senate Committee on Rules; (ii) two members of the House of Delegates who are not members of the same political party, to be appointed by the Speaker of the House of Delegates; and (iii) the following nonlegislative citizen members to be appointed by the Governor: (a) one representative of a nonprofit prisoner advocacy group, (b) one representative of a nonprofit organization that provides training or rehabilitation programs for incarcerated inmates, (c) one male citizen and one female citizen who were formerly incarcerated within the Commonwealth for a term of imprisonment of three years or more within the 10 years immediately preceding his appointment, provided that such citizens have had their civil rights restored by the Governor, (d) one licensed physician, (e) one licensed mental health or behavioral health professional with experience providing mental health or counseling services to adults, (f) one person who is a grandparent, parent, child, sibling, or spouse or domestic partner of a person currently incarcerated within the Commonwealth and who is serving a term of incarceration of three years or more, (g) one current or former Department correctional officer in a supervisory role selected from an association of correctional officers and employees or a nonprofit organization in which he is a member, and (h) one current or former Department line correctional officer selected from an association of correctional officers and employees or a nonprofit organization in which he is a member. The two nonvoting members shall serve in an advisory role and shall consist of two current or former employees of the Department, a state correctional facility outside of the Commonwealth, or a federal correctional facility who served in such role within the 10 years immediately prior to appointment. Upon the request of an inmate, an inmate's family member or representative, or a Department staff member, employee, or contractor who believes he may be the subject of retaliation for providing testimony or other information to the Office or the Committee, such nonvoting members shall be excluded from any investigations, inspections, interviews, receipt of testimony, or review of documents by the Office or the Committee with regard to the requester.

B. Members appointed pursuant to this section shall serve a term of three years. Except as provided in subsection A, neither a member nor a member's spouse or domestic partner, parents, grandparents, children, or siblings shall be (i) a current or former employee or contractor of the Department at any time during the 10 years prior to his appointment to the Committee or (ii) involved in active litigation against the Department. Members of the Committee shall not serve more than three consecutive terms. The Committee shall be co-chaired by two legislative members appointed pursuant to subsection A who are not members of the same chamber of the legislature or of the same political party. A co-chairman shall serve a term of three years and shall not serve more than two consecutive terms. The Committee co-chairmen shall be selected by the leaders of their respective political parties in the House of Delegates and the Senate. Except as provided in subsection A, all members of the Committee shall have the power to vote on matters and actions before the Committee. Matters and actions of the Committee shall be decided pursuant to a majority vote of the voting members present. To vote on actions or matters

before the Committee, a quorum must exist, which shall include the Committee co-chairmen and six of the other voting members.

C. The Committee shall meet as the co-chairmen deem necessary, or on the call of a majority of the members.

D. Pursuant to §§ 2.2-2813 and 2.2-2825, Committee members are not eligible to receive compensation but are eligible for reimbursement of expenses.

E. The Committee shall hold at least two public hearings each year to present, review, and discuss the Office's inspections, findings, reports, and recommendations set forth in the Office's annual report.

F. The Committee co-chairmen, or their designees, shall meet at least twice each year with the Governor and the Director to report on the work and findings of the Committee and shall provide testimony before the relevant committees of the House of Delegates and Senate upon request from the committee chairman or vice-chairman or ranking member.

G. Upon a majority vote of its voting members, the Committee may make an **ex parte** application to the circuit court for the county or city wherein evidence sought is kept for the issuance of a subpoena duces tecum in furtherance of an investigation or to request production by the Department of any relevant records, documents, or other evidence, with the exception of confidential employee files and active internal affairs investigations. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena for the appearance of an individual before any hearing conducted by the Committee. The subpoena shall be served by the Office and enforced by the circuit court. Department employees may have counsel present during testimony. Subpoenas so issued shall be served and, upon application to the court by the Committee, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action.

H. The Committee shall conduct, at a minimum, one random inspection of a facility each year and shall visit a different facility upon each inspection. All members of the Committee may be present during each inspection and shall not announce an inspection to any individual or entity outside of the Committee before such inspection occurs. During the course of an inspection, members of the Committee shall have the same access to the facility, inmates, staff, documents, and records in accordance with § 53.1-17.4 and shall have the same powers as granted to the Office for an inspection pursuant to § 53.1-17.6.

2024, cc. 392, 393.

Title 54.1 – Professions and Occupations

§ 54.1-307. Subpoenas

In addition to the authority granted in § 2.2-4022 to issue subpoenas and the right to issue subpoenas granted the several regulatory boards within the Department of Professional and Occupational Regulation, the Director or a designated subordinate shall have the right to make an **ex parte** application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business, for the issuance of a subpoena duces tecum in furtherance of

the investigation of a sworn complaint within the jurisdiction of the Department or a regulatory board to request production of any relevant records, documents and physical or other evidence of any person, partnership, association or corporation licensed or regulated by the Department. The court shall be authorized to issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence.

1979, c. 408, § 54-1.40; 1988, c. 765; 1993, c. 499.

[§ 54.1-2353. Protection of the interests of associations; appointment of receiver for common interest community manager](#)

A. A common interest community manager owes a fiduciary duty to the associations to which it provides management services with respect to the manager's handling the funds or the records of each association. All funds deposited with the common interest community manager shall be handled in a fiduciary capacity and shall be kept in a separate fiduciary trust account or accounts in an FDIC-insured financial institution separate from the assets of the common interest community manager. The funds shall be the property of the association and shall be segregated for each depository in the records of the common interest community manager in a manner that permits the funds to be identified on an association basis. The common interest community manager shall transfer and release all funds and close bank accounts maintained on behalf of an association within a reasonable time after termination of the contract for management services without additional cost to the association.

B. All records having administrative or fiscal value to the association that a common interest community manager holds, maintains, compiles, or generates on behalf of a common interest community are the property of the association. A common interest community manager may retain and dispose of association records in accordance with a policy contained in the contract between the common interest community manager and the association. Within a reasonable time after a written request for any such records, the common interest community manager shall provide copies of the requested records to the association at the association's expense. The common interest community manager shall return all association records that it retains and any originals of legal instruments or official documents that are in the possession of the common interest community manager to the association within a reasonable time after termination of the contract for management services without additional cost to the association. Records maintained in electronic format may be returned in such format.

C. If the Board has reasonable cause to believe that a common interest community manager is unable to properly discharge its fiduciary responsibilities to an association to which it provides management services, the Board may submit an **ex parte** petition to the circuit court of the city or county wherein the common interest community manager maintains an office or is doing business for the issuance of an order authorizing the immediate inspection by and production to representatives of the petitioner of any records, documents, and physical or other evidence belonging to the subject common interest community manager. The court may issue such order without notice to the common interest community manager if the petition, supported by affidavit of the petitioner and such other evidence as the court may require, shows reasonable cause to

believe that such action is required to prevent immediate loss of property of one or more of the associations to which the subject common interest community manager provides management services. The court may also temporarily enjoin further activity by the common interest community manager and take such further action as shall be necessary to conserve, protect, and disburse the funds involved, including the appointment of a receiver. The papers filed with the court pursuant to this subsection shall be placed under seal.

D. If the Board has reasonable cause to believe that a common interest community manager is unable to properly discharge its fiduciary responsibilities to an association to which it provides management services, the Board may file a petition with the circuit court of the county or city wherein the subject common interest community manager maintains an office or is doing business. The petition may seek the following relief: (i) an injunction prohibiting the withdrawal of any bank deposits or the disposition of any other assets belonging to or subject to the control of the subject common interest community manager and (ii) the appointment of a receiver for all or part of the funds or property of the subject common interest community manager. The subject common interest community manager shall be given notice of the time and place of the hearing on the petition and an opportunity to offer evidence. The court, in its discretion, may require a receiver appointed pursuant to this section to post bond, with or without surety. The papers filed with the court under this subsection shall be placed under seal until such time as the court grants an injunction or appoints a receiver. The court may issue an injunction, appoint a receiver, or provide such other relief as the court may consider proper if, after a hearing, the court finds that such relief is necessary or appropriate to prevent loss of property of one or more of the associations to which the subject common interest community manager provides management services.

E. In any proceeding under subsection D, any person or entity known to the Board to be indebted to or having in his possession property, real or personal, belonging to or subject to the control of the subject common interest community manager's business and which property the Board reasonably believes may become part of the receivership assets shall be served with a copy of the petition and notice of the time and place of the hearing.

F. The court shall describe the powers and duties of the receiver in its appointing order, which may be amended from time to time. The receiver shall, unless otherwise ordered by the court in the appointing order, (i) prepare and file with the Board a list of all associations managed by the subject common interest community manager; (ii) notify in writing all of the associations to which the subject common interest community manager provides management services of the appointment and take whatever action the receiver deems appropriate to protect the interests of the associations until such time as the associations have had an opportunity to obtain a successor common interest community manager; (iii) facilitate the transfer of records and information to such successor common interest community manager; (iv) identify and take control of all bank accounts, including without limitation trust and operating accounts, over which the subject common interest community manager had signatory authority in connection with its management business; (v) prepare and submit an accounting of receipts and disbursements and account balances of all funds under the receiver's control for submission to the court within four months of the appointment and annually thereafter until the receivership is terminated by the court; (vi) attempt to collect any accounts receivable related to the subject common interest community manager's business; (vii) identify and attempt to recover any assets wrongfully diverted from the subject common interest community manager's business, or assets acquired with funds

wrongfully diverted from the subject common interest community manager's business; (viii) terminate the subject common interest community manager's business; (ix) reduce to cash all of the assets of the subject common interest community manager; (x) determine the nature and amount of all claims of creditors of the subject common interest community manager, including associations to which the subject common interest community manager provided management services; and (xi) prepare and file with the court a report of such assets and claims proposing a plan for the distribution of funds in the receivership to such creditors in accordance with the provisions of subsection G.

G. Upon the court's approval of the receiver's report referenced in subsection F, at a hearing after such notice as the court may require to creditors, the receiver shall distribute the assets of the common interest community manager and funds in the receivership first to clients whose funds were or ought to have been held in a fiduciary capacity by the subject common interest community manager, then to the receiver for fees, costs, and expenses awarded pursuant to subsection H, and thereafter to the creditors of the subject common interest community manager, and then to the subject common interest community manager or its successors in interest.

H. A receiver appointed pursuant to this section shall be entitled, upon proper application to the court in which the appointment was made, to recover an award of reasonable fees, costs, and expenses. If there are not sufficient nonfiduciary funds to pay the award, then the shortfall shall be paid by the Common Interest Community Management Recovery Fund as a cost of administering the Fund pursuant to § 54.1-2354.5, to the extent that the said Fund has funds available. The Fund shall have a claim against the subject common interest community manager for the amount paid.

I. The court may determine whether any assets under the receiver's control should be returned to the subject common interest community manager.

J. If the Board shall find that any common interest community manager is insolvent, that its merger into another common interest community manager is desirable for the protection of the associations to which such common interest community manager provides management services, and that an emergency exists, and, if the board of directors of such insolvent common interest community manager shall approve a plan of merger of such common interest community manager into another common interest community manager, compliance with the requirements of § 13.1-718 shall be dispensed with as to such insolvent common interest community manager and the approval by the Board of such plan of merger shall be the equivalent of approval by the holders of more than two-thirds of the outstanding shares of such insolvent common interest community manager for all purposes of Article 12 (§ 13.1-715.1 et seq.) of Chapter 9 of Title 13.1. If the Board finds that a common interest community manager is insolvent, that the acquisition of its assets by another common interest community manager is in the best interests of the associations to which such common interest community manager provides management services, and that an emergency exists, it may, with the consent of the boards of directors of both common interest community managers as to the terms and conditions of such transfer, including the assumption of all or certain liabilities, enter an order transferring some or all of the assets of such insolvent common interest community manager to such other common interest community manager, and no compliance with the provisions of §§ 13.1-723 and 13.1-724 shall be required, nor shall §§ 13.1-730 through 13.1-741 be applicable to such transfer. In the case either of such a merger or of such a sale of assets, the Board shall provide that prompt notice of its finding of insolvency and of the merger or sale of assets be sent to the stockholders of record of the

insolvent common interest community manager for the purpose of providing such shareholders an opportunity to challenge the finding that the common interest community manager is insolvent. The relevant books and records of such insolvent common interest community manager shall remain intact and be made available to such shareholders for a period of 30 days after such notice is sent. The Board's finding of insolvency shall become final if a hearing before the Board is not requested by any such shareholder within such 30-day period. If, after such hearing, the Board finds that such common interest community manager was solvent, it shall rescind its order entered pursuant to this subsection and the merger or transfer of assets shall be rescinded. But if, after such hearing, the Board finds that such common interest community manager was insolvent, its order shall be final.

K. The provisions of this article are declared to be remedial. The purpose of this article is to protect the interests of associations adversely affected by common interest community managers who have breached their fiduciary duty. The provisions of this article shall be liberally administered in order to protect those interests and thereby the public's interest in the quality of management services provided by Virginia common interest community managers.

2008, cc. 851, 871; 2011, cc. 334, 605; 2019, c. 712; 2025, c. 105.

[§ 54.1-3900.01. Protection of client interests; appointment of receiver for practice of a disabled, impaired, absent, deceased, suspended or disbarred attorney](#)

A. Upon a showing that an attorney is unable to properly discharge responsibilities to clients by reason of the attorney's disability, impairment, absence or death or that a suspended or disbarred attorney has not complied with Part Six, Section IV, Paragraph 13 M of the Rules of the Virginia Supreme Court, and that no responsible party capable of properly discharging the attorney's responsibilities to clients is known to exist, the circuit court of any city or county wherein the attorney resides, or in the case of a deceased attorney resided, or maintained an office, upon the **ex parte** petition of Bar Counsel may issue an order appointing one or more attorneys to serve as receiver with the powers and duties specified in this section. The court, in its discretion, may require a receiver appointed pursuant to this section to post bond, with or without surety. The court may issue such order if the petition, supported by affidavit of the petitioner and such other evidence as the court may require, shows reasonable cause to believe that by reason of the subject attorney's disability, impairment, absence, or death, the subject attorney is unable to properly discharge his responsibilities to clients; or that the subject attorney's law license has been suspended or revoked and the subject attorney has not complied with Part Six, Section IV, Paragraph 13 M of the Rules of Supreme Court; and that no responsible party capable of properly discharging the subject attorney's responsibilities to clients is known to exist. The Virginia State Bar shall use its best efforts to provide a copy of the petition, affidavits, and notice of the time and place of any hearing to the subject attorney and any known duly appointed personal representative of the subject attorney or the subject attorney's estate.

B. Any receiver so appointed shall be bound by the attorney-client privilege and confidentiality under the Virginia Rules of Professional Conduct with respect to client matters and shall not disclose any privileged or confidential client information without client consent, or as required by court order, or to respond to a Virginia State Bar disciplinary investigation or an investigation by the Virginia State Bar Clients' Protection Fund involving the subject attorney.

C. Any receiver so appointed shall, unless otherwise ordered by the court, (i) prepare and file with the Virginia State Bar an inventory of all case files under the subject attorney's control; (ii) notify in writing all of the subject attorney's clients of the appointment and take whatever action the receiver deems appropriate to protect the interests of the clients until such time as the clients have had an opportunity to obtain successor counsel, and in the case of a deceased attorney, notify in writing the personal representative, if any, of the deceased attorney's estate and the commissioner of accounts of the circuit court in which the deceased attorney's estate is being administered that the receiver may have a claim against the deceased attorney's estate for fees and costs of the receivership; (iii) identify and take control of all bank accounts, including without limitation trust and operating accounts, over which the subject attorney had signatory authority in connection with his law practice; (iv) prepare and submit an accounting of receipts and disbursements and account balances of all funds under the receiver's control for submission to the court within four months of the appointment and annually thereafter until the receivership is terminated by the court; (v) attempt to collect any accounts receivable related to the subject attorney's law practice; (vi) identify and attempt to recover any assets wrongfully diverted from the subject attorney's law practice, or assets acquired with funds wrongfully diverted from the subject attorney's law practice; (vii) terminate the subject attorney's law practice; (viii) reduce to cash all of the assets of the subject attorney's law practice, and in the case of a deceased attorney notify in writing the personal representative, if any, of the deceased attorney's estate, and the commissioner of accounts of the circuit court in which the deceased attorney's estate is being administered of any proposed liquidations of assets; (ix) determine the nature and amount of all claims of creditors, including clients, of the subject attorney's law practice; and (x) prepare and file with the court a report of such assets and claims proposing a distribution to such creditors and, in the case of a deceased attorney, notify in writing the personal representative, if any, of the deceased attorney's estate and the commissioner of accounts of the circuit court in which the deceased attorney's estate is being administered of the proposed distribution of the receivership funds. Upon the court's approval of the receiver's report, at a hearing after such notice as the court may require to creditors, the personal representative of the subject attorney's estate and the commissioner of accounts of the circuit court in which the deceased attorney's estate is being administered, the receiver shall distribute the funds in the receiver's control, including funds produced by the liquidation of the subject attorney's law practice, first to clients whose funds were or ought to have been held in trust by the subject attorney, then to the receiver for fees, costs and expenses awarded pursuant to subsection E below, and thereafter to the general creditors of the subject attorney's law practice, including clients whose funds were not required to have been held in trust by the subject attorney, and then to the subject attorney or the subject attorney's personal representative.

D. The court may determine whether any assets under the receiver's control should be returned to the subject attorney or the subject attorney's personal representative during the receivership.

E. Any receiver so appointed shall be entitled, upon proper application to the court in which the appointment was made, to recover an award of reasonable fees, costs and expenses. If there are not sufficient nontrust funds to pay the award, then the shortfall shall be paid by the Virginia State Bar, to the extent that the Virginia State Bar has funds available. The Virginia State Bar shall have a claim against the subject attorney or the attorney's estate for the amount paid.

F. This statute is declared to be remedial. Its purpose is to protect the interests of clients adversely affected by attorneys who have either engaged in misconduct or because of disability,

impairment, absence, or death are unable to provide legal services for their clients. It is to be liberally administered in order to protect those interests and thereby the public's interest in the quality of legal services provided by Virginia attorneys.

1988, c. 425, § 54-42.01; 1997, c. 239; 2005, cc. 184, 212.

§ 54.1-3936. Protection of client interests in proceedings pending disciplinary action

A. If Bar Counsel has reasonable cause to believe that an attorney is engaging in any activity which is unlawful or violates the Virginia Rules of Professional Conduct and which will result in loss of property of one or more of the attorney's clients or any other person, Bar Counsel may submit an **ex parte** petition to the circuit court of the city or county wherein the attorney who is the subject of the petition resides or is doing business for the issuance of an order authorizing the immediate inspection by and production to representatives of the petitioner of any records, documents, and physical or other evidence belonging to the subject attorney or any professional partnership, professional limited liability company, or professional corporation with which the subject attorney is associated. The court may issue such order without notice to the attorney if the petition, supported by affidavit of the petitioner and such other evidence as the court may require, shows reasonable cause to believe that such action is required to prevent immediate loss of property of one or more of the subject attorney's clients or any other person. The papers filed with the court pursuant to this subsection shall be placed under seal.

B. If Bar Counsel has reasonable cause to believe that an attorney is engaging in any activity which is unlawful or in violation of the Virginia Rules of Professional Conduct and which will result in loss of property of one or more of the attorney's clients or any other person, Bar Counsel may file a petition with the circuit court of the county or city wherein the subject attorney resides or is doing business. The petition may seek the following relief: (i) an injunction prohibiting the withdrawal of any bank deposits or the disposition of any other assets belonging to or subject to the control of the subject attorney or any professional partnership, professional limited liability company, or professional corporation with which the subject attorney is associated; and (ii) the appointment of a receiver for all or part of the funds or property of the subject attorney's law practice or of any professional partnership, professional limited liability company, or professional corporation with which the subject attorney is associated. The subject attorney shall be given notice of the time and place of the hearing on the petition and an opportunity to offer evidence. The court, in its discretion, may require a receiver appointed pursuant to this section to post bond, with or without surety. The papers filed with the court under this subsection shall be placed under seal until such time as the court grants an injunction or appoints a receiver. The court may issue an injunction, appoint a receiver or provide such other relief as the court may consider proper if, after a hearing, the court finds that such relief is necessary or appropriate to prevent loss of property of one or more of the subject attorney's clients or any other person.

C. In any proceeding under subsection B, any professional partnership, professional limited liability company, or professional corporation with which the subject attorney is associated and any other person or entity known to Bar Counsel to be indebted to or having in his possession property, real or personal, belonging to or subject to the control of the subject attorney's law practice and which property Bar Counsel reasonably believes may become part of the receivership assets, shall be served with a copy of the petition and notice of the time and place of the hearing.

D. The receiver shall, unless otherwise ordered by the court, (i) prepare and file with the Virginia State Bar an inventory of all case files under the subject attorney's control; (ii) notify in writing all of the subject attorney's clients of the appointment and take whatever action the receiver deems appropriate to protect the interests of the clients until such time as the clients have had an opportunity to obtain successor counsel, and in the case of a deceased attorney, notify in writing the personal representative, if any, of the deceased attorney's estate and the commissioner of accounts of the circuit court in which the deceased attorney's estate is being administered that the receiver may have a claim against the deceased attorney's estate for fees and costs of the receivership; (iii) identify and take control of all bank accounts, including without limitation trust and operating accounts, over which the subject attorney had signatory authority in connection with his law practice; (iv) prepare and submit an accounting of receipts and disbursements and account balances of all funds under the receiver's control for submission to the court within four months of the appointment and annually thereafter until the receivership is terminated by the court; (v) attempt to collect any accounts receivable related to the subject attorney's law practice; (vi) identify and attempt to recover any assets wrongfully diverted from the subject attorney's law practice, or assets acquired with funds wrongfully diverted from the subject attorney's law practice; (vii) terminate the subject attorney's law practice; (viii) reduce to cash all of the assets of the subject attorney's law practice, and in the case of a deceased attorney notify in writing the personal representative, if any, of the deceased attorney's estate, and the commissioner of accounts of the circuit court in which the deceased attorney's estate is being administered of any proposed liquidations of assets; (ix) determine the nature and amount of all claims of creditors, including clients, of the subject attorney's law practice; and (x) prepare and file with the court a report of such assets and claims proposing a distribution to such creditors and, in the case of a deceased attorney, notify in writing the personal representative, if any, of the deceased attorney's estate and the commissioner of accounts of the circuit court in which the deceased attorney's estate is being administered of the proposed distribution of the receivership funds. Upon the court's approval of the receiver's report, at a hearing after such notice as the court may require to creditors, the personal representative of the subject attorney's estate and the commissioner of accounts of the circuit court in which the deceased attorney's estate is being administered, the receiver shall distribute the assets of the subject attorney's law practice first to clients whose funds were or ought to have been held in trust by the subject attorney, then to the receiver for fees, costs, and expenses awarded pursuant to subsection E, and thereafter to the general creditors of the subject attorney's law practice, including clients whose funds were not required to have been held in trust by the subject attorney, and then to the subject attorney or the subject attorney's personal representative.

E. A receiver appointed pursuant to this section shall be entitled, upon proper application to the court in which the appointment was made, to recover an award of reasonable fees, costs, and expenses. If there are not sufficient nontrust funds to pay the award, then the shortfall shall be paid by the Virginia State Bar, to the extent that the Virginia State Bar has funds available. The Virginia State Bar shall have a claim against the subject attorney or the subject attorney's estate for the amount paid.

F. The court may determine whether any assets under the receiver's control should be returned to the subject attorney or the subject attorney's personal representative during the receivership.

G. This statute is declared to be remedial. Its purpose is to protect the interests of clients adversely affected by attorneys who have engaged in misconduct. It is to be liberally

administered in order to protect those interests and thereby the public's interest in the quality of legal services provided by Virginia attorneys.

1985, c. 418, § 54-74.01; 1988, c. 765; 1992, c. 574; 1997, c. 239; 2005, cc. 184, 212.

§ 54.1-4408. Subpoenas

In addition to the authority granted in § 2.2-4022 to issue subpoenas and the right to issue subpoenas granted the Board, the Executive Director or a designated subordinate shall have the right to make an **ex parte** application to the circuit court for the city or county where evidence sought is kept or where a person or firm does business, for the issuance of a subpoena for the production of documents. The subpoena shall be requested to further the investigation of a sworn complaint within the jurisdiction of the Board by requesting production of any relevant records, documents, or physical or other evidence of any person or firm regulated by the Board. The court shall be authorized to issue and compel compliance with the subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena for the production of documents requiring the immediate production of evidence.

2001, c. 832; 2007, c. 804.

Title 55.1 – Property and Conveyances

§ 55.1-1230. Access following entry of certain court orders

A. A tenant or authorized occupant who has obtained an order from a court pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant or authorized occupant to do so, provided that:

1. Installation of the new lock or security devices does no permanent damage to any part of the dwelling unit; and
2. A duplicate copy of all keys and instructions for the operation of all devices are given to the landlord.

Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas.

B. A person who is not a tenant or authorized occupant of the dwelling unit and who has obtained an order from a court pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such person possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide a copy of such order to the landlord and submit a rental application to become a tenant of such dwelling unit within 10 days of the entry of such order. If such person's rental application meets the landlord's tenant selection criteria, such person may become a tenant of such dwelling unit under a written rental agreement. If such person submits a rental

application and does not meet the landlord's tenant selection criteria, such person shall vacate the dwelling unit no later than 30 days after the date the landlord gives such person written notice that his rental application has been rejected. If such person does not provide a copy of the protective order to the landlord and submit a rental application to the landlord within 10 days as required by this section, such person shall vacate the dwelling unit no later than 30 days after the date of the entry of such order. Such person shall be liable to the landlord for failure to vacate the dwelling unit as required in this section.

Any tenant obligated on a rental agreement shall pay the rent and otherwise comply with any and all requirements of the rental agreement and any applicable laws and regulations. The landlord may pursue all of its remedies under the rental agreement and applicable laws and regulations, including filing an unlawful detainer action pursuant to § 8.01-126 to obtain a money judgment and to evict any persons residing in such dwelling unit.

C. A landlord who has received a copy of a court order in accordance with subsection A shall not provide copies of any keys to the dwelling unit to any person excluded from the premises by such order.

D. This section shall not apply when the court order excluding a person was issued **ex parte**.

2005, cc. 735, 825, § 55-248.18:1; 2016, c. 595; 2019, c. 712.

§ 55.1-1243.1. Tenant's remedies for exclusion from dwelling unit, interruption of services, or actions taken to make premises unsafe

A. A general district court shall enter an order pursuant to this section upon petition by a tenant who presents evidence establishing that his landlord has willfully and without authority from the court (i) removed or excluded the tenant from the dwelling unit unlawfully, (ii) interrupted or caused the interruption of an essential service to the tenant, or (iii) taken action to make the premises unsafe for habitation.

B. An order entered pursuant to this section may require the landlord to (i) allow the tenant to recover possession of the dwelling unit, (ii) resume any such interrupted essential service, or (iii) fix any willful actions taken by the landlord or his agent to make the premises unsafe for habitation.

C. The initial hearing on the tenant's petition shall be held within five calendar days from the date of the filing of the petition. The court may issue a preliminary order **ex parte** to require the landlord to take action described in subsection B if the court finds (i) there is good cause shown to do so and (ii) the tenant made reasonable efforts to alert the landlord of the hearing. Any preliminary **ex parte** order issued pursuant to this section shall further include a date of no more than 10 days after the initial hearing for a full hearing to consider the merits of the petition and the damages described in subsection D. At the full hearing, the court may terminate the rental agreement upon request of the tenant and order the landlord to return all of the security deposit in accordance with § 55.1-1226.

D. In a full hearing on a petition filed pursuant to this section and upon evidence presented establishing one or more of the factors in subsection A, the tenant shall recover (i) the actual damages sustained by him; (ii) statutory damages of \$5,000 or four months' rent, whichever is greater; and (iii) reasonable attorney fees.

Title 56 – Public Service Companies

[§ 56-586.1. Electric energy emergencies](#)

A. As used in this section, "electric energy emergency" means an unplanned interruption in the generation or transmission of electricity resulting from a hurricane, ice storm, windstorm, earthquake or similar natural phenomena, or from a criminal act affecting such generation or transmission, act of war or act of terrorism, which interruption is (i) of such severity that minimum levels of reliable service cannot be maintained using resources practicably obtainable from the market and (ii) so imminently and substantially threatening to the health, safety or welfare of residents of this Commonwealth that immediate action of state government is necessary to prevent loss of life, protect the public health or safety, and prevent unnecessary or avoidable damage to property.

B. The Governor is authorized, after finding that an electric energy emergency exists and that appropriate federal and state agencies and appropriate reliability councils cannot adequately address such emergency, to declare an electric energy emergency by filing a written declaration with the Secretary of the Commonwealth. The declaration shall state the counties and cities or utility service areas of the Commonwealth in which the declaration is applicable, or its statewide application. A declared electric energy emergency shall go into immediate effect upon filing and continue in effect for the period prescribed in the declaration, but not more than thirty days. At the end of the prescribed period, the Governor may issue another declaration extending the emergency. The Governor shall terminate such declaration as soon as the basis for such declaration no longer exists.

C. During a declared electric energy emergency, the Governor is authorized, in compliance with guidelines of the Department of Emergency Services promulgated as provided in subsection G, to require any generator or any municipal electric utility that is capable of generating but (i) is not generating or (ii) is not generating at its full potential during such declared electric emergency, to generate, dispatch or sell electricity from a facility that it operates within the Commonwealth, to the Commonwealth for distribution within the areas of the Commonwealth designated in the declaration. The quantity of electricity required to be generated, dispatched or sold, and the duration of such requirements, shall be as determined by the Governor to be necessary to alleviate the electric energy emergency hardship. The Commonwealth shall compensate an entity required to generate, dispatch, or sell electricity pursuant to this subsection, and the operator of any transmission facilities over which the electricity is transmitted, in the manner provided in § 56-522, mutatis mutandis, unless otherwise provided by federal law. The Department of Environmental Quality, the State Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management Board shall issue any temporary or emergency permit, order, or variance necessary to authorize any permit amendments or other changes needed to meet the requirements imposed under this section and the Governor may petition the President to declare a regional energy emergency under 42 U.S.C. § 7410 (f) as necessary to suspend enforcement of any provision of the federal Clean Air Act. Any increased operation required during such declared emergency shall not be counted towards the number of hours of operation allowed during the year. No civil charges or penalties shall be imposed for

any violation that occurs as a result of actions taken that are necessary for the required generation, dispatch or sale during the declared electric energy emergency. The foregoing provisions shall apply to all actions the entity takes in connection with such required generation, dispatch or sale during the period of the declared emergency.

D. During a declared electric energy emergency, the Governor may use the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the Commonwealth, and of the political subdivisions thereof, to the maximum extent practicable and necessary to meet the electric energy emergency. The officers and personnel of all such departments, offices, and agencies shall cooperate with and extend such services and facilities to the Governor upon request.

E. During a declared electric energy emergency, the Governor is authorized to request the Secretary of the United States Department of Energy to invoke section 202(C) of the Federal Power Act, 16 U.S.C. § 824a (1935).

F. The General Assembly is authorized by joint resolution to terminate any declaration of an electric energy emergency. The emergency shall be terminated at the time of filing of the joint resolution with the Secretary of the Commonwealth.

G. The Department of Emergency Services, in consultation with the Commission and the Secretary of Commerce and Trade, shall establish guidelines for the implementation of the Governor's powers pursuant to subsection C that protect the public health and safety and prevent unnecessary or avoidable damage to property with a minimum of economic disruption to generators, transmitters and distributors of electricity. Such guidelines shall:

1. Define various foreseeable levels of electric energy emergencies and specify appropriate measures to be taken for each type of electric energy emergency as necessary to protect the public health or safety or prevent unnecessary or avoidable damage to property;
2. Prescribe appropriate response measures for each level of electric energy emergency; and
3. Equitably distribute the burdens and benefits resulting from the implementation of this section among other members of the affected class of persons within all geographic regions of the Commonwealth.

H. During a declared electric energy emergency, the attorney general may bring an action for injunctive or other appropriate relief in the Circuit Court of the City of Richmond to secure prompt compliance. The court may issue an **ex parte** temporary order without notice that shall enforce the prohibitions, restrictions or actions that are necessary to secure compliance with the guideline, order or declaration.

I. During a declared electric energy emergency, no person shall intentionally violate any guideline adopted or declaration issued pursuant to this section. Any person who violates this section is guilty of a Class 1 misdemeanor.

2002, c. 609.

Title 63.2 – Welfare (Social Services)

[§ 63.2-1718. Inspection of unlicensed child or adult care operations; inspection warrant](#)

In order to perform his duties under this subtitle, the Commissioner may enter and inspect any unlicensed child or adult care operation with the consent of the owner or person in charge, or pursuant to a warrant. Administrative search warrants for inspections of child or adult care operations, based upon a petition demonstrating probable cause and supported by an affidavit, may be issued **ex parte** by any judge having authority to issue criminal warrants whose territorial jurisdiction includes the child or adult care operation to be inspected, if he is satisfied from the petition and affidavit that there is reasonable and probable cause for the inspection. The affidavit shall contain either a statement that consent to inspect has been sought and refused, or that facts and circumstances exist reasonably justifying the failure to seek such consent. Such facts may include, without limitation, past refusals to permit inspection or facts establishing reason to believe that seeking consent would provide an opportunity to conceal violations of statutes or regulations. Probable cause may be demonstrated by an affidavit showing probable cause to believe that the child or adult care operation is in violation of any provision of this subtitle or any regulation adopted pursuant to this subtitle, or upon a showing that the inspection is to be made pursuant to a reasonable administrative plan for the administration of this subtitle. The inspection of a child or adult care operation that has been the subject of a complaint pursuant to § 63.2-1728 shall have preeminent priority over any other inspections of child or adult care operations to be made by the Commissioner unless the complaint on its face or in the context of information known to the Commissioner discloses that the complaint has been brought to harass, to retaliate, or otherwise to achieve an improper purpose, and that the improper purpose casts serious doubt on the veracity of the complaint. After issuing a warrant under this section, the judge shall file the affidavit in the manner prescribed by § 19.2-54. Such warrant shall be executed and returned to the clerk of the circuit court of the city or county wherein the inspection was made.

1993, cc. 730, 742, § 63.1-198.04; 2002, c. 747; 2014, c. 354.

Title 64.2 – Wills, Trusts, and Fiduciaries

[§ 64.2-106. Grant of certain powers to personal representative or trustee by circuit court](#)

A. Upon the motion of a personal representative or trustee, a circuit court may grant to the personal representative or trustee all or a part of the powers that may be incorporated by reference pursuant to § 64.2-105. If there is more than one personal representative or trustee, the court may specify as to whether the consent of all personal representatives or trustees or a majority thereof shall be required to act, and in absence of such specification, the consent of all such personal representatives or trustees to act shall be required.

B. Such motion shall be filed in the circuit court in which the personal representative or trustee qualified, or if there was no qualification, the circuit court for the jurisdiction in which the grantor resides or resided at the time of his death, a trustee resides, or a corporate trustee has an office. Such motion may be **ex parte**; however, the court, in its discretion, may require such notice to and the convening of interested parties as it may deem proper in each case. Notwithstanding the granting of or the failure to grant such powers, the court shall have continuing jurisdiction to confer powers in addition to those previously granted or to revoke any or all such powers previously granted by the court. Such additional grant or revocation may also be **ex parte**.

C. The court may, in granting or withholding such powers, consider (i) whether the personal representative or trustee was nominated by the decedent, the grantor, or the beneficiaries; (ii) the number and capacity of the beneficiaries and their ability or inability to consent to the acts of the personal representative or trustee which are otherwise within the scope of § 64.2-105; (iii) the relationship of the personal representative or trustee to the beneficiaries; (iv) the character of the estate to be administered, including any real estate which would be within the scope of the powers granted by the provisions of § 64.2-106; and (v) the capacity of the personal representative or trustee to perform under the powers conferred and to answer for any acts for which he might be held accountable under his bond.

The court, in its discretion, may attach further conditions to such grant of power in any manner which it shall deem necessary and proper.

D. In no case shall a court grant any powers, if the grant of such powers would be contrary to the intention of the testator or grantor as implied from or as expressed in the will or trust instrument, or would otherwise be inconsistent with the disposition made in the will or trust instrument.

1976, c. 437, § 64.1-57.1; 1985, c. 345; 1988, c. 345; 1999, c. 995; 2012, c. 614.

[§ 64.2-312. Source, determination, and documentation of family allowance, exempt property, and homestead allowance; petition for relief](#)

A. Property specifically bequeathed or devised shall not be used to satisfy the right to exempt property and the homestead allowance if there are sufficient assets in the estate otherwise to satisfy such rights. Subject to this restriction, the surviving spouse or the guardian of the minor children may select property of the estate as exempt property and the homestead allowance. The personal representative may make these selections if the surviving spouse or the guardian of the minor children is unable or fails to do so within a reasonable time, or if there is no guardian of the minor children. The personal representative may execute a deed of distribution to establish the ownership of property taken as the homestead allowance or exempt property, which deed, if executed, shall (i) describe the property with reasonable certainty and (ii) state the value of each asset included therein. The personal representative may determine the family allowance in a lump sum or periodic installments in accordance with § 64.2-309. The personal representative may disburse funds of the estate in payment of the family allowance and in payment of any part of the exempt property or the homestead allowance that is payable in cash.

B. The personal representative or any interested person aggrieved by any selection, determination, payment, proposed payment, or failure to act under this section may petition the circuit court for appropriate relief, including the award of a family allowance that is larger or smaller than what the personal representative determined or could have determined. Such petition may be **ex parte**; provided, however, that the court in its discretion may require such notice to and the convening of interested parties as it may deem proper in each case.

1981, c. 580, § 64.1-151.4; 1996, c. 549; 2001, c. 368; 2012, c. 614.

[§ 64.2-448. Complaint to impeach or establish a will; limitation of action; venue](#)

A. A person interested in the probate of the will who has not otherwise been before the court or clerk in a proceeding to probate the will pursuant to § 64.2-444 or in an **ex parte** proceeding to probate the will pursuant to subsection B of § 64.2-446 may file a complaint to impeach or establish the will within one year from the date of the order entered by the court in exercise of its original jurisdiction or after an appeal of an order entered by the clerk, or, if no appeal from an order entered by the clerk is taken, from the date of the order entered by the clerk.

B. A person interested in the probate of the will who had been proceeded against by an order of publication pursuant to subsection B of § 64.2-449 may file a complaint to impeach or establish the will within two years from the date of the order entered by the court in the exercise of its original jurisdiction, unless he actually appeared as a party or had been personally served with a summons to appear.

C. A person interested in the probate of the will who has not otherwise been before the court and who was a minor at the time of the order pursuant to § 64.2-444 or 64.2-446 may file a complaint to impeach or establish the will within one year after such person reaches the age of maturity or is judicially declared emancipated.

D. A person interested in the probate of the will who has not otherwise been before the court and who was incapacitated at the time of the order pursuant to § 64.2-444 or 64.2-446 may file a complaint to impeach or establish the will within one year after such person is restored to capacity.

E. Upon the filing of a complaint to impeach or establish the will pursuant to this section, the court shall order a trial by jury to ascertain whether what was offered for probate is the will of the testator. The court may require all testamentary papers of the testator be produced and direct the jury to ascertain whether any paper produced is the will of the testator. The court shall decide whether to admit the will to probate.

F. The venue for filing a complaint to impeach or establish the will shall be as specified in subdivision 7 of § 8.01-261.

G. Subject to the provisions of § 8.01-428, a final order determining whether to admit a will to probate bars any subsequent complaint to impeach or establish a will.

Code 1950, §§ 64-80, 64-84 through 64-86; 1968, c. 656, §§ 64.1-84, 64.1-88 through 64.1-90; 1972, c. 825; 1977, c. 624; 1996, c. 58; 2012, c. 614.

§ 64.2-1200. Commissioners of accounts

A. The judges of each circuit court shall appoint as many commissioners of accounts as may be necessary to carry out the duties of that office. The commissioner of accounts shall have general supervision of all fiduciaries admitted to qualify in the court or before the clerk of the circuit court and shall make all **ex parte** settlements of the fiduciaries' accounts. The person appointed as a commissioner of accounts shall be a discreet and competent attorney-at-law and shall be removable at the pleasure of the court.

B. In the event more than one commissioner of accounts is appointed, each commissioner of accounts shall maintain his own office and keep his own books, records, and accounts. Each commissioner of accounts shall retain the power of supervision over every account, matter, or thing referred to him until a final account is approved for such account, matter, or thing, unless

he resigns, retires, or is removed from office, in which case his successor shall continue such duties.

C. For any given service performed, each commissioner of accounts shall have the authority to establish a lesser fee than that prescribed by the court or to waive one or more fees.

Code 1919, § 5401; 1946, p. 324; Code 1950, § 26-8; 1966, c. 329; 1973, c. 544; 2003, c. 194; 2005, c. 400; 2012, c. 614.

§ 64.2-1315. Certification and recording of accounts settled in a judicial proceeding

When the account of any fiduciary is settled in a judicial proceeding, it shall be the duty of the clerk of the circuit court in which the judicial proceeding was held, as soon as may be practicable after entry of a final order, to certify to the clerk of the circuit court in which the fiduciary qualified a copy of the account so far as the account has been confirmed, with a memorandum at the foot of the copy stating the style of the suit and the date of the final order. The account and memorandum so certified shall be recorded by the clerk to whom it is certified in the book in which accounts of fiduciaries are required to be recorded under § 64.2-1214. If in a proceeding subsequent to the entry of the final order, the account is reformed or altered, a copy of such reformed or altered account shall be certified and recorded, together with a memorandum stating the style of the suit and the date of the order or decree of confirmation, in the same manner as the final order. When the judicial proceeding is conducted in the same court in which the fiduciary qualified, the clerk of such court shall make the memoranda and recordations required by this section, and shall for such purpose use the original papers. For making any copy under this section, the clerk shall be entitled to the fees prescribed in like cases, and for recording such account of the fiduciary he shall be entitled to the fees allowed for recording accounts settled **ex parte**. The fees for copying and recording shall be paid as the court in which the judicial proceeding was held shall direct.

Code 1919, § 5411; Code 1950, § 26-21; 2005, c. 681; 2012, c. 614.

§ 64.2-1400. Authority to qualify trustee; necessity for security; notice of qualification; qualification by less than all of trustees named

A. Subject to the provisions of § 64.2-1406, the clerk of any circuit court or any duly qualified deputy of such clerk may qualify any trustee named in a will, deed, or other writing, and require and take from them the necessary bonds in the same manner and with like effect as the court.

B. Pursuant to the provisions of § 64.2-1426, the clerk or deputy may appoint and qualify an individual or a corporation authorized under § 6.2-803 as trustee. Such appointment may be made in the same manner and subject to the provisions of § 64.2-500.

C. The clerk shall not require security from a trustee if the will, deed, or other writing directs that a trustee shall not give security, unless, based on the application of any interested person or on the clerk's own knowledge, the clerk determines that security ought to be required. This section shall not be construed to require security where security is not required pursuant to § 6.2-1003 or 64.2-1401 or to affect the jurisdiction of the court to qualify trustees and to require security or not, as the court sees fit.

D. Qualification of a trustee under this section may be **ex parte**, and no prior notice to the beneficiaries of the qualification shall be required. If less than all the trustees named in the deed, will, or other writing desire to qualify, then the trustee shall only be qualified after reasonable notice is given to any other named trustees.

E. If less than all the trustees named in the will, deed, or other writing qualify, then the trust powers conferred by the trust instrument shall be exercisable only by the trustees who have qualified under this section or in any other manner permitted by law.

1964, c. 464, § 26-46.1; 1977, c. 256; 1981, c. 239; 1997, c. 220; 2012, c. 614.

"fieri facias"

Also: "writ of fieri facias," "lien of fieri facias"

Found in Titles 6.2, 8.01, 16.1, 17.1, 19.2, 29.1, 38.2, 43, 44, 46.2, 55.1, and 58.

Title 6.2 - Financial Institutions and Services

[§ 6.2-2304. Duty to deny access to safe deposit boxes under certain conditions](#)

A. As used in this section, unless the context requires otherwise:

"Creditor" means (i) a judgment creditor, (ii) a plaintiff who has obtained a pre-judgment attachment order, or (iii) an appropriate federal or state tax official.

"Defendant" means the lessee of a box who is named as defendant, judgment debtor, or taxpayer in a notice of proceeding.

"Notice of proceeding" means a notice of (i) lien of **fieri facias**, (ii) other process under §§ 8.01-474, 8.01-478, 8.01-479, 8.01-501 through 8.01-504, and § 58.1-1804, 58.1-2020, or 58.1-3952, (iii) levy for federal taxes, or (iv) attachment that states the office of the company where a box rented by the defendant is located.

B. If a company is served with a notice of proceeding with respect to a box, the company shall deny the defendant access to the box leased in the name of the defendant unless otherwise directed by an appropriate court or the judgment creditor.

C. If the notice of proceeding names less than all of the co-lessees of a box and:

1. If the rental contract so provides, the company may deny all co-lessees access to the box, unless otherwise directed by an appropriate court or the judgment creditor. The company may allow access to such co-lessee if in so doing the company complies with the requirements of subdivision 2 as if the rental contract did not provide for denial of access to co-lessees not named in the notice of proceeding; and

2. If the rental contract does not provide for denial of access to co-lessees not named in the notice of proceeding, the company shall not deny access to any co-lessee not named in the notice of proceeding if the co-lessee (i) is given notice by the company that if the co-lessee knowingly removes from the box any property subject to the notice of proceeding, the co-lessee shall be deemed guilty of larceny, (ii) is given a copy of the notice of proceeding, and (iii) signs and delivers to the company a written acknowledgment of receipt of such notices.

Code 1950, § 6-264.1; 1956, c. 82; 1966, c. 584, § 6.1-333; 1968, c. 574; 1992, c. 17; 2010, c. 794.

Title 8.01 - Civil Remedies and Procedure

[§ 8.01-130.13. Return of execution; process of sale thereunder](#)

The sheriff under writ of execution from the court after hearing and judgment for the landlord, except as otherwise provided by law, shall make return on his execution as may be placed in his hands for collection and file the same, within 90 days after the same may have come to his hands, with the clerk of the court in which the case was heard. Upon the return of such execution such clerk shall preserve such execution in his office as is now provided as to other executions. If such return shows that a levy has been made and that property levied on remains unsold, it shall be lawful for the clerk of the court in whose office such return is filed to issue a writ of venditioni exponas thereon just as if the return were upon writ of **fieri facias**.

Code 1919, § 5528; 1930, p. 456; Code 1950, § 55-237; 1962, c. 10; 1975, c. 235; 1980, c. 555; 2019, c. 712.

§ 8.01-201. Execution; real estate to be sold

In a writ of **fieri facias** upon a judgment or decree against any person indebted or liable to the Commonwealth, or against any surety of his, after the words "we command you that of the," the clerk shall insert the words "goods, chattels, and real estate," and conform the subsequent part of such writ thereto. And under any writ so issued, real estate may be taken and sold.

Code 1950, § 8-764; 1977, c. 617.

§ 8.01-203. Goods and chattels liable before real estate

Every writ of **fieri facias**, issued according to § 8.01-201, shall be levied first on the goods and chattels of the person against whose estate such writ issued. If, in the political subdivision, the residence of such person, there are no goods and chattels liable thereto, or not a sufficiency thereof, then the officer having such writ shall levy it on the real estate of such person.

Code 1950, § 8-766; 1977, c. 617.

§ 8.01-365. How claim of third party tried

When a writ of **fieri facias** issued from a circuit court, or a warrant of distress, is levied on property, or when a lien is acquired on money or other personal estate by virtue of § 8.01-501, and when some other person than the one against whom the process issued claims the property, money, other personal estate, or some part or the proceeds thereof, then either (i) the claimant, if such suspending bond as is hereinafter mentioned has been given, (ii) the officer having such process, if no indemnifying bond has been given, or (iii) the party who had the process issued, may apply to try the claim, by motion to the adverse party, to the circuit court of the county or city wherein the property, money, or other personal estate is located.

Code 1950, § 8-227; 1962, c. 10; 1977, c. 617.

§ 8.01-367. Indemnifying bond to officer

A. If any officer levies or is required to levy a **fieri facias**, an attachment, or a warrant of distress on property, and the officer doubts whether such property is liable to such levy, he may give the plaintiff, his agent or attorney-at-law, notice that an indemnifying bond is required in the case;

bond may thereupon be given by any person, with good security, payable to the officer in a penalty equal to the value of the property in the case of a **fieri facias** or a warrant of distress on property and equal to double the value of the property in case of an attachment, with condition to indemnify him against all damage which he may sustain in consequence of the seizure or sale of such property and to pay to any claimant of such property all damage which he may sustain in consequence of such seizure or sale, and also to warrant and defend to any purchaser of the property such estate or interest therein as is sold. If the officer has performed more than one levy for a single plaintiff, the officer may permit the plaintiff to give a single indemnifying bond for such levies, provided that any such bond shall be in a penalty amount not less than the aggregate sum of the penalty amounts of the bonds required had the levies been bonded individually.

Provided, however, that when the property claimed to be liable by virtue of the process aforesaid is in the possession of any of the parties against whom such process was issued but is claimed by any other person or is claimed to belong to any other person, the officer having such process in his hands to be executed shall proceed to execute the same notwithstanding such claim unless the claimant of the property or someone for him shall give a suspending bond as provided by § 8.01-370 and shall within 30 days after such bond is given proceed to have the title to the property settled in accordance with the provisions of this chapter. And in case such claimant or someone for him fails to give such suspending bond, or having given such bond fails to have such proceedings instituted to settle the title thereto, the claimant shall be barred from asserting such claim to the property and the officer shall proceed to execute the process, and the officer who executes such process shall not be liable to any such claimant for any damages resulting from the proper execution of such process as is required by this section. If an indemnifying bond is not given within a reasonable time after such notice, the officer may refuse to levy on such property, or may restore it to the person from whose possession it was taken. If such bond is given, the officer shall proceed to levy (i) if he has not already done so, or (ii) if necessary to restore a levy previously released.

B. The Commonwealth shall not be required to give an indemnifying bond under the provisions of this section.

Code 1950, § 8-229; 1968, c. 490; 1972, c. 327; 1977, c. 617; 2005, c. 690; 2012, c. 206.

[§ 8.01-370. Claimant may give suspending bond; proceedings to have title settled; action on indemnifying or suspending bond](#)

The sale of any property levied on under a **fieri facias** or distress warrant shall be suspended at the instance of any claimant thereof who will deliver to the officer a suspending bond, with good security, in a penalty equal to double the value thereof, payable to such officer, with condition to pay to all persons who may be injured by suspending the sale thereof, until the claim thereto is adjudicated or otherwise adjusted, such damage as they may sustain by such suspension. If the property claimed to be liable by virtue of such process is in the possession of any of the parties against whom such process was issued, but is claimed by any other person, or is claimed to belong to any other person, the officer having such process in his hands to be executed shall, whether an indemnifying bond has been given or not, after notice to the claimant, or his agent, proceed to execute the same notwithstanding such claim, unless the claimant of such property or someone for him shall give the suspending bond aforesaid, and shall within thirty days after such

bond is given proceed to have the title to such property settled in accordance with the provisions of this chapter. And in case such claimant or someone for him fails to give a suspending bond, or having given such bond fails to have such proceedings instituted to settle the title thereto, the claimant shall be barred from asserting such claim to the property and the sale of the property shall proceed. For the purpose of this section, a person making a claim of ownership of property on behalf of another shall be deemed to be the latter's agent, and the notice required by this section may be verbal or in writing. Upon any such indemnifying or suspending bond as is mentioned in this section or § 8.01-369 an action may be prosecuted in the name of the officer for the benefit of the claimant, creditor, purchaser, or other person injured, and such damages recovered in such action as a jury may assess. The action may be prosecuted and a writ of **fieri facias** had in the name of such officer when he is dead in like manner as if he were alive.

Code 1950, § 8-232; 1977, c. 617.

§ 8.01-371. How forthcoming bond taken of claimant of property the sale whereof has been suspended

The sheriff or other officer levying a writ of **fieri facias** or distress warrant on property, the sale of which is suspended under this chapter at the instance of a claimant thereof, may, if such claimant desires the property to remain in such possession as it was immediately before the levy, and if the case be one in which a bond for the forthcoming of the property is not prohibited from being taken from the debtor by § 8.01-531, take from the claimant a bond, with sufficient surety, in a penalty equal to double the value of the property, payable to the creditor, with such recital as is required in a forthcoming bond taken from the debtor, and with condition that the property shall be forthcoming at such day and place of sale as may be thereafter lawfully appointed. Such property may then be permitted to remain, at the risk of such claimant, in such possession as it was immediately before the levy; and §§ 8.01-130.7, 8.01-527, 8.01-528, 8.01-530 and 8.01-531 shall apply to such forthcoming bond in like manner as to a forthcoming bond taken from the debtor.

Code 1950, § 8-233; 1977, c. 617.

§ 8.01-466. Clerk to issue **fieri facias** on judgment for money

On a judgment for money, it shall be the duty of the clerk of the court in which such judgment was rendered, upon request of the judgment creditor, his assignee or his attorney, to issue a writ of **fieri facias** at the expiration of twenty-one days from the date of the entry of the judgment and place the same in the hands of a proper person to be executed and take his receipt therefor. The writ shall be issued together with the form for requesting a hearing on a claim of exemption from levy as provided in § 8.01-546.1. For good cause the court may order an execution to issue on judgments and decrees at an earlier period.

Code 1950, § 8-399; 1954, c. 620; 1976, c. 354; 1977, c. 617; 1986, c. 341; 1996, cc. 501, 608.

§ 8.01-470. Writs on judgments for specific property

On a judgment for the recovery of specific property, a writ of possession for personal property or a writ of eviction for real property may issue for the specific property pursuant to an order of possession entered by a court of competent jurisdiction, which shall conform to the judgment as to the description of the property and the estate, title, and interest recovered, and there may also be issued a writ of **fieri facias** for the damages or profits and costs. In cases of unlawful entry and detainer and of ejectment, the officer to whom a writ of eviction has been delivered to be executed shall, at least 72 hours before execution, serve notice of intent to execute, including the date and time of execution, as well as the rights afforded to tenants in §§ 55.1-1255 and 55.1-1416, together with a copy of the writ attached, on the defendant in person or, if the party to be served is not found at the specific property for which a writ of eviction has been issued, then service shall be effected by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such property. The execution of the writ of eviction by the sheriff should occur within 15 calendar days from the date the writ of eviction is received by the sheriff, or as soon as practicable thereafter, but in no event later than 30 days from the date the writ of eviction is issued. An order of possession shall remain valid for 180 days from the date granted by the court. If a plaintiff cancels a writ of eviction, such plaintiff may request other writs of eviction during such 180-day period. In cases of unlawful entry and detainer and of ejectment, whenever the officer to whom a writ of eviction has been delivered to be executed finds the premises locked, he may, after declaring at the door the cause of his coming and demanding to have the door opened, employ reasonable and necessary force to break and enter the door and put the plaintiff in possession. The execution of the writ of eviction shall be effective against the tenants named in the writ of eviction and their authorized occupants, guests or invitees, and any trespassers in the premises. And an officer having a writ of possession for specific personal property, if he finds locked or fastened the building or place wherein he has reasonable cause to believe the property specified in the writ is located, may in the daytime, after notice to the defendant, his agent or bailee, break and enter such building or place for the purpose of executing such writ.

Code 1950, § 8-402; 1977, c. 617; 1991, c. 503; 2000, c. 640; 2001, c. 222; 2003, c. 259; 2007, c. 128; 2019, cc. 180, 700.

§ 8.01-472. Writs on judgments for personal property

When the judgment is for personal property, the plaintiff may, at his option, have a **fieri facias** for the alternative value, instead of a writ of possession, and the damages and costs.

Code 1950, § 8-404; 1977, c. 617.

§ 8.01-474. What writ of **fieri facias** to command

By a writ of **fieri facias**, the officer shall be commanded to make the money therein mentioned out of the goods and chattels of the person against whom the judgment is.

Code 1950, § 8-406; 1977, c. 617.

§ 8.01-478. On what property writ of **fieri facias** levied; when lien commences

The writ of **fieri facias** may be levied as well on the current money and bank notes, as on the goods and chattels of the judgment debtor, except such as are exempt from levy under Title 34, and shall bind what is capable of being levied on only from the time it is actually levied by the officer to whom it has been delivered to be executed.

Code 1950, § 8-411; 1977, c. 617.

§ 8.01-480. Prior security interest on property levied on

Tangible personal property subject to a prior security interest, or in which the execution debtor has only an equitable interest, may nevertheless be levied on for the satisfaction of a **fieri facias**. If the prior security interest is due and payable, the officer levying the **fieri facias** may sell the property free of such security interest, and apply the proceeds first to the payment of such security interest, and the residue, so far as necessary, to the satisfaction of the **fieri facias**. In the event the property is to be sold free of such prior security interest, the judgment creditor shall give written notice by certified mail to each secured party of record as hereafter specified, as his name and address shall appear on record, of the proposed sale, or to any secured party of whom the judgment creditor shall have actual knowledge. Such notice shall be given to each secured party who is of record at the State Corporation Commission, at the Department of Motor Vehicles, at the Department of Wildlife Resources, or in the clerk's office in the city or county in Virginia, where the debtor has resided to the knowledge of the judgment creditor at any time during a one-year period prior to the sale. Certification of such notice shall be delivered to the sheriff or other officer conducting the sale pursuant to execution of the judgment, who shall announce that except as to such person so notified, the sale is subject to any prior security interest of record, other than one of record at a place where the debtor may have resided more than one year previously. If such prior security interest is not due and payable at the time of sale, such officer shall sell the property levied on subject to such security interest.

Code 1950, § 8-413; 1977, c. 617; 1979, c. 491; 1990, c. 553; 2020, c. 958.

§ 8.01-483. Return of officer on **fieri facias**; statement filed therewith

Upon a writ of **fieri facias**, the officer shall return whether the money therein mentioned has been or cannot be made. If there is only part thereof which is or cannot be made, he shall return the amount of such part. With every execution under which money is recovered, he shall return a statement of the amount received, including his fees and other charges, and shall pay such amount, except such fees and charges, to the person entitled. In his return upon every execution, the officer shall also state in what manner a copy of the writ was served in accordance with § 8.01-487.1, whether or not he made a levy of the same, the date and time of such levy, the date when he received such payment or obtained such satisfaction upon such execution and, if there is more than one defendant, from which defendant he received the same.

Code 1950, § 8-416; 1977, c. 617; 1986, c. 341.

§ 8.01-484. When writ may be destroyed

A writ of **fieri facias** returned by the officer to the clerk's office with a notation that the money cannot be made may be destroyed after two years from the date of the return.

Code 1950, § 8-417; 1962, c. 110; 1977, c. 617; 1988, c. 420.

§ 8.01-487. Officer to endorse on **fieri facias** time of receiving it

Every officer shall endorse on each writ of **fieri facias** the date and time he receives the same and also when he levies upon tangible personal property of the debtor.

Code 1950, § 8-420; 1977, c. 617; 2009, c. 443.

§ 8.01-487.1. Officer to leave copy of writ where levy made

An officer into whose hands a writ of **fieri facias** is placed to be levied, when making a levy shall serve a copy of the writ and any attachments thereto on the judgment debtor or other responsible person at the premises where the levy is made. If no such person is present, a copy of the writ and any attachments thereto shall be posted on the front door of such premises.

1986, c. 341.

§ 8.01-488. When several writs of **fieri facias**, how satisfied

Of writs of **fieri facias**, that which was first delivered to the officer, though two or more be delivered on the same day, shall be first levied and satisfied, and when several such executions are delivered to the officer at the same time they shall be satisfied ratably. But if an indemnifying bond be required by the officer as a prerequisite to a sale, and the same to be given by some of the creditors and not by others, and the officer sells under the protection of such bond, the proceeds of the sale shall be paid to the creditors giving the bond in the order in which their liens attached.

Code 1950, § 8-421; 1977, c. 617.

§ 8.01-492. Sale of property

In any case of goods and chattels which an officer shall distrain or levy on, otherwise than under an attachment, or which he may be directed to sell by an order of a court, unless such order prescribe a different course, the officer shall fix upon a time and place for the sale thereof and post notice of the same at least ten days before the day of sale at some place near the residence of the owner if he reside in the county or city and at two or more public places in the officer's county or city. If the goods and chattels be expensive to keep or perishable, the court from whose clerk's office the writ of **fieri facias** or the distress warrant was issued under which the seizure is made, or if the distress warrant was issued by a clerk, the court of which he is a clerk, may order a sale of the property seized under **fieri facias** or distress warrant to be made upon such notice less than ten days as to such court may seem proper. At the time and place so appointed, such

officer shall sell to the highest bidder, for cash, such goods and chattels, or so much thereof as may be necessary.

Code 1950, § 8-422.1; 1962, c. 10; 1977, c. 617.

§ 8.01-497. Suit by officer to recover estate on which **fieri facias** is lien

For the recovery of any estate on which a writ of **fieri facias** is a lien under this chapter, or on which the judgment on which such writ issues is a lien under Chapter 17 (§ 8.01-426 et seq.) of this title, or for the enforcement of any liability in respect to any such estate, a suit may be maintained, at law or in equity, as the case may require, in the name of the officer to whom such writ was delivered, or in the name of any other officer who may be designated for the purpose by an order of the court in which the judgment is entered. No officer shall be bound to bring such suit unless bond, with sufficient surety, be given him to indemnify him against all expenses and costs which he may incur or become liable for by reason thereof. But any person interested may bring such suit at his own costs in the officer's name.

Code 1950, § 8-426; 1977, c. 617.

§ 8.01-499. Officer receiving money to make return thereof and pay net proceeds; commission, etc.

An officer receiving money under this chapter shall make return thereof forthwith to the court or the clerk's office of the court in which the judgment is entered. For failing to do so, the officer shall be liable as if he had acted under an order of such court. After deducting from such money a commission of 10 percent and his necessary expenses and costs, including reasonable fees to sheriff's counsel, he shall pay the net proceeds, and he and his sureties and their representatives shall be liable therefor, in like manner as if the same had been made under a writ of **fieri facias** on the judgment.

Code 1950, § 8-429; 1977, c. 617; 2004, cc. 198, 211.

§ 8.01-501. Lien of **fieri facias** on estate of debtor not capable of being levied on

Every writ of **fieri facias** shall, in addition to the lien it has under §§ 8.01-478 and 8.01-479 on what is capable of being levied on under those sections, be a lien from the time it is delivered to a sheriff or other officer, or any person authorized to serve process pursuant to § 8.01-293, to be executed, on all the personal estate of or to which the judgment debtor is, or may afterwards and on or before the return day of such writ or before the return day of any wage garnishment to enforce the same, become, possessed or entitled, in which, from its nature is not capable of being levied on under such sections, except such as is exempt under the provisions of Title 34, and except that, as against an assignee of any such estate for valuable consideration, the lien by virtue of this section shall not affect him unless he had notice thereof at the time of the assignment.

Code 1950, § 8-431; 1977, c. 617; 1996, c. 1002; 2006, c. 575.

§ 8.01-504. Penalty for service of notice of lien when no judgment exists

Whoever causes to be served a notice of lien of a writ of **fieri facias** without there being a judgment against the defendant named therein, shall pay to him the sum of \$350, and whoever serves a notice of lien of a writ of **fieri facias** before the issuance of a writ of **fieri facias**, or after the return day thereof, or serves or in any way gives a notice of a lien of **fieri facias** by means other than by service by an officer authorized to serve civil process, shall pay to the named defendant the sum of \$350, to be recoverable as damages in an action at law, in addition to whatever damages may be alleged and proven.

Code 1950, § 8-433; 1977, c. 617; 2010, c. 343.

§ 8.01-506. Proceedings by interrogatories to ascertain estate of debtor; summons; proviso; objections by judgment debtor

A. To ascertain the personal estate of a judgment debtor, and to ascertain any real estate, in or out of the Commonwealth, to which the debtor named in a judgment and **fieri facias** is entitled, upon the application of the execution creditor, the clerk of the court from which such **fieri facias** issued shall issue a summons against (i) the execution debtor; (ii) any officer, manager, or partner of a corporation, limited liability company, partnership, or other business entity if such execution debtor is an entity having an office in the Commonwealth; (iii) any employee of such entity if such execution debtor is an entity having an office but no known officers, managers, or partners in the Commonwealth, provided that a copy of the summons shall also be served upon the registered agent of such entity; or (iv) any debtor to, or bailee of, the execution debtor if the judgment creditor or such judgment creditor's attorney files an affidavit that he knows or reasonably suspects such person to be a debtor to, or bailee of, the execution debtor.

B. The summons shall require him to appear before the court from which the **fieri facias** issued or a commissioner of the county or city in which such court is located, or a like court or a commissioner of a county or city contiguous thereto, or upon request of the execution creditor, before a like court or a commissioner of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, to answer such interrogatories as may be propounded to him by the execution creditor or his attorney, or the court, or the commissioner, as the case may be. If the execution creditor requests that the summons require the execution debtor to appear before a like court of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, the case may be filed or docketed in accordance with the requirements of § 8.01-506.2 prior to issuance of the summons.

C. Before proceeding under this section, the execution creditor shall furnish to the court a certificate setting forth that he has not proceeded against the execution debtor under this section within the six months last preceding the date of such certificate. However, for good cause shown, the court may, on motion of the execution creditor, issue an order allowing further proceedings before a commissioner by interrogatories during the six-month period. Any judgment creditor who knowingly gives false information upon any such certificate made under this article is guilty of a Class 1 misdemeanor. The issuance of a summons that is not served shall not constitute the act of proceeding against an execution debtor for purposes of making the certificate required by this subsection.

D. The debtor or other person served with such summons shall appear at the time and place mentioned and make answer to such interrogatories. The commissioner shall, at the request of

either of the parties, enter in his proceedings and report to the court mentioned in § 8.01-507.1 any and all objections taken by such debtor against answering such interrogatories, or any or either of them, and if the court afterwards sustains any one or more of such objections, the answers given to such interrogatories as to which objections are sustained shall be held for naught in that or any other case.

E. Notwithstanding the foregoing provisions of this section, the court from which a writ of **fieri facias** issued, upon motion by the execution debtor, or by a person summoned pursuant to clause (iv) of subsection A, for good cause shown, shall transfer debtor interrogatory proceedings to a more convenient forum.

Code 1950, § 8-435; 1952, c. 699; 1968, c. 599; 1977, c. 617; 1978, c. 66; 1979, c. 225; 1985, c. 433; 1987, c. 182; 1991, c. 463; 2005, c. 726; 2009, c. 622; 2024, c. 744.

[§ 8.01-507. Conveyance or delivery of property disclosed by interrogatories](#)

Real estate, conveyed to an officer under this chapter, shall, unless the court otherwise direct, be sold as other property levied on is required to be sold under § 8.01-492 and be conveyed to the purchaser by the officer. An officer to whom there is delivery under this chapter, when the delivery is of money, bank notes, or any goods or chattels, shall dispose of the same as if levied on by him under a **fieri facias**; and when the delivery is of evidences of debts, other than such bank notes, may receive payment of such debts within sixty days after such delivery. Any evidence of debt or other security, remaining in his hands at the end of such sixty days, shall be returned by him to the clerk's office of such court, and collection thereof may be enforced as prescribed by § 8.01-497. For a failure to make such return, he may be proceeded against as if an express order of the court for such return had been disobeyed.

Code 1950, § 8-440; 1977, c. 617.

[§ 8.01-510. Sale, collection and disposition of debtor's estate by officer](#)

Real estate, conveyed to an officer under this chapter, shall, unless the court otherwise direct, be sold as other property levied on is required to be sold under § 8.01-492 and be conveyed to the purchaser by the officer. An officer to whom there is delivery under this chapter, when the delivery is of money, bank notes, or any goods or chattels, shall dispose of the same as if levied on by him under a **fieri facias**; and when the delivery is of evidences of debts, other than such bank notes, may receive payment of such debts within sixty days after such delivery. Any evidence of debt or other security, remaining in his hands at the end of such sixty days, shall be returned by him to the clerk's office of such court, and collection thereof may be enforced as prescribed by § 8.01-497. For a failure to make such return, he may be proceeded against as if an express order of the court for such return had been disobeyed.

Code 1950, § 8-440; 1977, c. 617.

[§ 8.01-511. Institution of garnishment proceedings](#)

A. On a suggestion by the judgment creditor that, by reason of the lien of his writ of **fieri facias**, there is a liability on any person other than the judgment debtor or that there is in the hands of some person in his capacity as personal representative of some decedent a sum of money to which a judgment debtor is or may be entitled as creditor or distributee of such decedent, upon which sum when determined such writ of **fieri facias** is a lien, a summons in the form prescribed by § 8.01-512.3 may (i) be sued out of the clerk's office of the court from which an execution on the judgment is issued so long as the judgment shall remain enforceable as provided in § 8.01-251, (ii) be sued out of the clerk's office to which an execution issued thereon has been returned as provided in § 16.1-99 against such person, or (iii) be sued out of the clerk's office from which an execution issued as provided in § 16.1-278.18. If the judgment debtor does not reside in the city or county where the judgment was entered, the judgment creditor may have the case filed or docketed in the court of the city or county where the judgment debtor resides and such court may issue an execution on the judgment, provided that the judgment creditor (a) files with the court an abstract of the judgment rendered, (b) pays fees to the court in accordance with § 16.1-69.48:2 or subdivision 17 of § 17.1-275, and (c) files in both courts any release or satisfaction of judgment. The summons and the notice and claim for exemption form required pursuant to § 8.01-512.4 shall be served on the garnishee, and shall be served on the judgment debtor promptly after service on the garnishee. Service on the judgment debtor and the garnishee shall be made pursuant to subdivision 1 or 2 of § 8.01-296. When making an application for garnishment, the judgment creditor shall set forth on the suggestion for summons in garnishment the last known address of the judgment debtor, and shall furnish the clerk, if service is to be made by the sheriff, or shall furnish any other person making service with an envelope, with first-class postage attached, addressed to such address. A copy of the summons and the notice and claim for exemptions form required under § 8.01-512.4 shall be sent by the clerk to the sheriff or provided by the judgment creditor to the person making service, with the process to be served. Promptly after service on the garnishee, the person making service shall mail such envelope by first-class mail to the judgment debtor at his last known address. If the person making service is unable to serve the judgment debtor pursuant to subdivision 1 of § 8.01-296, such mailing shall satisfy the mailing requirements of subdivision 2 b of § 8.01-296. The person making service shall note on his return the date of such mailing which, with the notation "copy mailed to judgment debtor," shall be sufficient proof of the mailing of such envelope with the required copy of the summons and the notice and claim for exemption form with no examination of such contents being required nor separate certification by the clerk or judgment creditor that the appropriate documents have been so inserted. If the person making service is unable to serve the judgment debtor pursuant to subdivision 1 or 2 of § 8.01-296, such mailing shall constitute service of process on the judgment debtor. The judgment creditor shall furnish the social security number of the judgment debtor to the clerk, except as hereinafter provided.

B. The judgment creditor may require the judgment debtor to furnish his correct social security number by the use of interrogatories. However, use of such interrogatories shall not be a required condition of a judgment creditor's diligent good faith effort to secure the judgment debtor's social security number. Such remedy shall be in addition to all other lawful remedies available to the judgment creditor. Upon a representation by the judgment creditor, or his agent or attorney, that he has made a diligent good faith effort to secure the social security number of the judgment debtor and has been unable to do so, the garnishment shall be issued without the necessity for such number.

C. Except as provided herein, no summons shall be issued pursuant to this section for the garnishment of wages, salaries, commissions, or other earnings unless it: (i) is in the form prescribed by § 8.01-512.3; (ii) is directed to only one garnishee for the garnishment of only one judgment debtor; (iii) contains both the "TOTAL BALANCE DUE" and the social security number of the judgment debtor in the proper places as provided on the summons; and (iv) specifies that it is a garnishment against (a) the judgment debtor's wages, salary, or other compensation or (b) some other debt due or property of the judgment debtor. The garnishee shall not be liable to the judgment creditor for any property not specified in the summons as provided in (iv) above. Upon receipt of a summons not in compliance with this provision, the garnishee shall file a written answer to that effect and shall have no liability to the judgment creditor, such summons being void upon transmission of the answer.

D. The judgment creditor shall, in the suggestion, specify the amount of interest, if any, that is claimed to be due upon the judgment, calculated to the return day of the summons. He shall also set out such credits as may have been made upon the judgment.

All costs incurred by the judgment creditor after entry of the judgment, in aid of execution of the judgment and paid to a clerk of court, sheriff, or process server are chargeable against the judgment debtor, unless such costs are chargeable against the judgment creditor pursuant to § 8.01-475. Regardless of the actual amount of the fee paid by the judgment creditor, the fee for a process server chargeable against the judgment debtor shall not exceed the fee authorized for service by the sheriff. All such previous costs chargeable against the judgment debtor may be included by the judgment creditor as judgment costs in the garnishment summons form prescribed in § 8.01-512.3. This paragraph shall not be construed to limit any cost assessed by a court as part of the judgment.

E. In addition, the suggestion shall contain an allegation that:

1. The summons is based upon a judgment upon which a prior summons has been issued but not fully satisfied; or
2. No summons has been issued upon his suggestion against the same judgment debtor within a period of 18 months, other than under the provisions of subdivision 1; or
3. The summons is based upon a judgment granted against a debtor upon a debt due or made for necessary food, rent or shelter, public utilities including telephone service, drugs, or medical care supplied the debtor by the judgment creditor or to one of his lawful dependents, and that it was not for luxuries or nonessentials; or
4. The summons is based upon a judgment for a debt due the judgment creditor to refinance a lawful loan made by an authorized lending institution; or
5. The summons is based upon a judgment on an obligation incurred as an endorser or comaker upon a lawful note; or
6. The summons is based upon a judgment for a debt or debts reaffirmed after bankruptcy.

F. Any judgment creditor who knowingly gives false information upon any such suggestion or certificate made under this chapter shall be guilty of a Class 1 misdemeanor.

Code 1950, § 8-441; 1960, c. 502; 1966, c. 212; 1972, c. 104; 1976, c. 659; 1977, cc. 454, 617; 1978, cc. 321, 506; 1979, cc. 242, 345; 1980, c. 537; 1983, cc. 399, 468; 1984, c. 1; 1985, c. 524; 1991, c. 534; 1996, cc. 501, 608; 2006, c. 55; 2012, cc. 127, 129, 251, 409.

§ 8.01-512.3. Form of garnishment summons

Any garnishment issued pursuant to § 8.01-511 shall be in the following form:

(a) Front side of summons:

GARNISHMENT SUMMONS

(Court Name)

(Name, address and telephone number of judgment creditor except that when the judgment creditor's attorney's name, address and telephone number appear on the summons, only the creditor's name shall be used.)

(Name, address and telephone number of judgment creditor's attorney)

(Name, street address and social security number of judgment debtor)

(Name and street address of garnishee)

_____ Hearing Date and Time

This is a garnishment against (check only one of the designations below):

☐ wages, salary, or other compensation. ☐ some other debt due or property
of the judgment debtor.

MAXIMUM PORTION OF
DISPOSABLE
EARNINGS SUBJECT TO
GARNISHMENT

STATEMENT

☐ Support	Judgment Principal	\$_____
☐ 50% ☐ 55% ☐ 60% ☐ 65%	Credits	\$_____

(if not specified, then 50%)	Interest	\$_____

☐ state taxes, 100%	Judgment Costs	\$_____

If none of the above is checked,	Attorney's Fees	\$_____

then § 34-29 (a) applies.	Garnishment Costs	\$_____

TOTAL BALANCE DUE	\$_____

The garnishee shall rely on this
amount.

Date of Judgment

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to

(1) File a written answer with this court, or

(2) Deliver payment to this court, or

(3) Appear before this court on the **return date** and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of **fieri facias**, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations:

(1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons.

(2) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having 1,000 or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commissions, or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

Date of Issuance of Summons

Clerk

Date of delivery of writ of **fieri facias** to sheriff if different from date of issuance of this summons.

(b) A plain language interpretation of § 34-29 shall appear on the reverse side of the summons as follows:

"The following statement is not the law but is an interpretation of the law which is intended to assist those who must respond to this garnishment. You may rely on this only for general guidance because the law itself is the final word. (Read the law, § 34-29 of the Code of Virginia, for a full explanation. A copy of § 34-29 is available at the clerk's office. If you do not understand the law, call a lawyer for help.)

An employer may take as much as 25 percent of an employee's disposable earnings to satisfy this garnishment. But if an employee makes the minimum wage or less for his week's earnings, the employee will ordinarily get to keep 40 times the minimum hourly wage."

But an employer may withhold a different amount of money from that above if:

(1) The employee must pay child support or spousal support and was ordered to do so by a court procedure or other legal procedure. No more than 65 percent of an employee's earnings may be withheld for support;

(2) Money is withheld by order of a bankruptcy court; or

(3) Money is withheld for a tax debt.

"Disposable earnings" means the money an employee makes after taxes and after other amounts required by law to be withheld are satisfied. Earnings can be salary, hourly wages, commissions, bonuses, or otherwise, whether paid directly to the employee or not. After those earnings are in the bank for 30 days, they are not considered earnings any more.

If an employee tries to transfer, assign, or in any way give his earnings to another person to avoid the garnishment, it will not be legal; earnings are still earnings.

An employee cannot be fired because he is garnished for one debt.

Financial institutions that receive an employee's paycheck by direct deposit do not have to determine what part of a person's earnings can be garnished.

1983, c. 399; 1994, c. 40; 1995, c. 379; 1996, c. 1051; 2006, c. 55; 2017, cc. 36, 143.

[§ 8.01-526. When forthcoming bond taken; property remains in debtor's possession](#)

The sheriff or other officer levying a writ of **fieri facias**, or distress warrant, may take from the debtor a bond, with sufficient surety, payable to the creditor, reciting the service of such writ or warrant, and the amount due thereon, including the officer's fee for taking the bond, commissions, and other lawful charges, if any, with condition that the property shall be forthcoming at the day and place of sale; whereupon, such property may be permitted to remain in the possession and at the risk of the debtor.

Code 1950, § 8-450; 1977, c. 617.

Title 16.1 - Courts Not of Record

[§ 16.1-69.40. Powers and duties of clerks; civil liability](#)

The clerk and deputy clerks shall be conservators of the peace within the territory for which the court has jurisdiction, and may, within such judicial district, issue warrants, detention orders, and other processes, original, mesne and final, both civil and criminal, commit to jail or other detention facility, or admit to bail upon recognizance, persons charged with crimes or before the court on civil petition, subject to the limitations set forth by law, and issue subpoenas for witnesses, writs of **fieri facias** and writs of possession and eviction, attachments and garnishments and abstracts of judgments. A record made in the performance of the clerk's official duties may be authenticated as a true copy by the clerk or by a deputy clerk without additional authentication by the judge to whom the clerk reports, notwithstanding the provisions of subsection B of § 8.01-391.

No clerk or deputy clerk shall issue any warrant or process based on complaint of his spouse, child, grandchild, parent, grandparent, parent-in-law, child-in-law, brother, sister, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, first cousin, guardian or ward. They may take affidavits and administer oaths and affirmations, take and certify depositions in the same manner as a notary public, perform such other notarial acts as allowed under § 47.1-12, take acknowledgments to deeds or other writings for purposes of recordation, and issue all other legal processes which may be issued by the judge of such court and exercise such other powers and perform such other duties as are conferred or imposed upon them by law. The clerk may also issue to interested persons informational brochures authorized by a judge of such court explaining the legal rights of such persons.

No clerk or deputy clerk shall be civilly liable for providing information or assistance that is within the scope of his duties.

The clerk shall develop, implement and administer procedures necessary for the efficient operation of the clerk's office, keep the records and accounts of the court, supervise nonjudicial personnel and discharge such other duties as may be prescribed by the judge.

1972, c. 708; 1973, c. 546; 1974, c. 671; 1978, c. 463; 1983, c. 135; 1985, c. 99; 1989, c. 229; 2001, cc. 488, 499; 2019, cc. 180, 700.

[§ 16.1-77.1. When general district court may give judgment on forthcoming bond](#)

A general district court may, on motion, after 10 days' notice of the time and place thereof, give judgment on any forthcoming bond taken by a sheriff or other officer upon a **fieri facias** issued by such court.

Code 1950, § 8-457; 1977, c. 624; 1983, c. 616; 2007, c. 869.

[§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys](#)

A. Any corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, the Fort Monroe Authority, and the Department of Military Affairs, when the amount claimed in any civil action pursuant to subdivision (1) or (3) of § 16.1-77 does not exceed the jurisdictional amounts authorized in such subsections, exclusive of interest, may prepare, execute, file, and have served on other parties in any proceeding in a general district court a warrant in debt, motion for judgment, warrant in detinue, distress warrant, summons for unlawful detainer, counterclaim, crossclaim, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, writ of **fieri facias**, interpleader and civil appeal notice without the intervention of an attorney. Such papers may be signed by a corporate officer, a manager of a limited liability company, a general partner of any form of partnership or a trustee of any business trust, or such corporate officer, with the approval of the board of directors, or manager, general partner or trustee may authorize in writing an employee, a person licensed under the provisions of § 54.1-2106.1, or the property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement to sign such papers as the agent of the business entity. Only an agency employee designated in writing by the Adjutant General may sign such papers on behalf

of the Department of Military Affairs. However, this section shall not apply to an action under subdivision (1) or (3) of § 16.1-77 which was assigned to a corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, or individual solely for the purpose of enforcing an obligation owed or right inuring to another.

B. Nothing in this section shall allow a nonlawyer to file a bill of particulars or grounds of defense or to argue motions, issue a subpoena, rule to show cause, or capias; file or interrogate at debtor interrogatories; or to file, issue or argue any other paper, pleading or proceeding not set forth in subsection A.

C. The provisions of § 8.01-271.1 shall apply to any pleading, motion or other paper filed or made pursuant to this section.

D. Parties not represented by counsel, and who have made an appearance in the case, shall promptly notify in writing the clerk of court wherein the litigation is pending, and any adverse party, of any change in the party's address necessary for accurate mailing or service of any pleadings or notices. In the absence of such notification, a mailing to or service upon a party at the most recent address contained in the court file of the case shall be deemed effective service or other notice.

1990, c. 645; 1992, c. 814; 1993, cc. 473, 478; 2003, cc. 665, 667; 2004, cc. 338, 365; 2005, c. 136; 2006, c. 374; 2017, c. 690; 2019, cc. 180, 477, 700; 2020, cc. 84, 194.

§ 16.1-91.2. Judge to keep record of judgment on forthcoming bond; how to endorse execution

The judge of the general district court, rendering a judgment under the provisions of Chapter 19 (§ 8.01-526 et seq.) of Title 8.01, shall keep a record thereof in the same manner as he is required by law in other cases. He shall not stay execution upon such judgment, and shall endorse on any **fieri facias** issued thereon "no security is to be taken."

Code 1950, § 8-461; 1962, c. 10; 1977, c. 624.

§ 16.1-98. **Fieri facias** or writ of possession on judgment

Upon a judgment being rendered in a general district court a writ of **fieri facias** or a writ of possession shall be issued thereon only upon request of the judgment creditor, his assignee or his attorney. When the judgment is for personal property and the defendant is not given the option under § 8.01-121 to pay the amount of the judgment or surrender the property, the plaintiff may, at his option, have a writ of possession for the specific property and a writ of **fieri facias** for the damages or profits and costs, and if the writ of possession prove ineffectual he may have a writ of **fieri facias** for the alternate value. The judge or clerk shall write or stamp upon the docket of the court, or upon the original warrant or motion, the issuing of each such writ and the date of issuance.

§ 16.1-99. When and where executions returnable; to whom directed

A writ of **feri facias** or a writ of possession issued from a general district court shall be made returnable within 90 days to the court from which it was issued, except that a writ of **feri facias** issued in the instance of a wage garnishment shall be returnable not more than 180 days after the date of issuance. If, after the return day of the writ and the completion of any garnishment, interrogatory or other proceeding in connection therewith, the papers in the case have been returned to a circuit court, then the writ and other papers in connection with such proceeding shall likewise be returned to the circuit court and filed with the papers in the case. A writ of **feri facias** may be directed to the sheriff of any county or to the sergeant or constable of any corporation.

1956, c. 555; 1979, c. 45; 2003, c. 234.

[§ 16.1-103. Proceedings by interrogatories](#)

Whenever a **feri facias** has been issued upon a judgment rendered in a general district court the judge or clerk of the court may issue the summons provided for in § 8.01-506. In such case the judge of the general district court shall have all of the powers and authority respecting interrogatories conferred by §§ 8.01-506 to 8.01-510 upon any court or judge mentioned therein. The commissioner before whom any person is required to appear by such summons shall have the same powers and authority as if such summons had been issued under § 8.01-506. All interrogatories, answers, reports and other proceedings under such summons, and also all money, evidences of indebtedness and other security in the hands of an officer which are directed by any section of Chapter 18 (§ 8.01-466 et seq.) of Title 8.01 to be returned or delivered to such court or judge, or to the clerk's office of such court, shall, when the summons was issued by a judge of a general district court be returned or delivered in like manner to the court from which the summons issued.

From any order of the judge of the general district court which involves the disposition of any money or property exceeding the sum of fifty dollars in value, exclusive of interest, there shall be an appeal in the same manner and upon the same conditions as in appeals from judgments rendered in civil matters in general district courts.

1956, c. 555; 1978, c. 66; 1983, c. 499.

Title 17.1 - Courts of Record

[§ 17.1-272. Process and service fees generally](#)

A. The fee for process and service in the following instances shall be \$12:

1. Service on any person, firm or corporation, an order, notice, summons or any other civil process, except as herein otherwise provided, and for service on any person, firm, or corporation any process when the body is not taken and making a return thereof, except that no fee shall be charged for service pursuant to § 2.2-4022.
2. Summoning a witness or garnishee on an attachment.

3. Service on any person of an attachment or other process under which the body is taken and making a return thereon.
4. Service of any order of court not otherwise provided for, except that no fees shall be charged for protective orders issued pursuant to Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.
5. Making a return of a writ of **fieri facias** where no levy is made or forthcoming bond is taken.
6. Summoning a witness in any case in which custody or visitation of a minor child or children is at issue.

B. The fees for process and service in the following instances shall be \$25:

1. Service and publication of any notice of a publicly-advertised public sale.
2. Service of a writ of possession or writ of eviction, except that there shall be an additional fee of \$12 for each additional defendant.
3. Levying upon current money, bank notes, goods or chattels of a judgment debtor pursuant to § 8.01-478.
4. Service of a declaration in ejectment on any person, firm or corporation, except that there shall be an additional fee of \$12 for each additional defendant.
5. Levying distress warrant or an attachment.
6. Levying an execution.

C. The process and service fee for serving any papers returnable out of state shall be \$75, except no fees shall be charged for the service of papers in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protective order or a petition for a protective order. A victim of domestic violence, stalking, or sexual assault shall not bear the costs associated with the filing of criminal charges against the offender, and no victim shall bear the costs associated with the filing, issuance, registration, or service of a warrant, protective order, petition for a protective order, or witness subpoena, issued inside or outside the Commonwealth.

D. The fees set out in this section shall be allowable for services provided by such officers in the circuit and district courts.

Code 1950, §§ 14-104, 14-116, p. 25; 1964, c. 386, §§ 14.1-93, 14.1-105; 1971, Ex. Sess., c. 155; 1972, c. 719; 1975, c. 591; 1976, cc. 308, 310; 1981, c. 411; 1982, c. 674; 1983, c. 407; 1984, c. 317; 1992, c. 648; 1995, c. 51, § 14.1-95.1; 1998, c. 872; 2002, c. 508; 2004, cc. 198, 211, 588; 2011, cc. 445, 480; 2019, cc. 180, 700.

Title 19.2 - Criminal Procedure

§ 19.2-21. Same; procedure when accused appears

When such person appears, if the judge, on hearing the parties, considers that there is not good cause for the complaint, he shall discharge such person, and may give judgment in his favor against the complainant for his costs. If he considers that there is good cause therefor, he may require a recognizance of the person against whom it is, and give judgment against him for the

costs of the prosecution, or any part thereof; and, unless such recognizance be given, he shall commit him to jail by a warrant, stating the sum and time in and for which the recognizance is directed. The person given judgment under this section for costs may issue a writ of **fieri facias** thereon, if an appeal be not allowed; and proceedings thereupon may be according to §§ 16.1-99 through 16.1-101.

Code 1950, § 19.1-22; 1960, c. 366; 1975, c. 495; 1978, c. 500.

§ 19.2-352. Officers to pay fines to clerks; default; forfeiture, etc.

Every sheriff or other officer receiving money under a writ of **fieri facias** or *capias pro fine* shall pay the same to the clerk of the court from which such process issued, on or before the return day of such process; and if such sheriff or other officer fail to pay the money, or fail to return such writ of **fieri facias** or *capias pro fine*, he shall, for every such failure, unless good cause be shown therefor, forfeit twenty dollars; and the clerk shall, within ten days from the return day of such process, report the failure to pay such money, or to return such process, to the attorney for the Commonwealth, who shall proceed at once against such officer in default to recover such money and the forfeiture aforesaid.

Code 1950, § 19.1-345; 1960, c. 366; 1975, c. 495.

§ 19.2-353.1. **Fieri facias** and proceedings thereon

Any writ of **fieri facias** issued under this chapter and the proceedings on the same shall conform to the writ of **fieri facias** and proceedings thereon under Article 19 (§ 8.01-196 et seq.) of Chapter 3 of Title 8.01.

Code 1950, § 19.1-347; 1960, c. 366; 1975, c. 495.

Title 29.1 - Wildlife, Inland Fisheries, and Boating

§ 29.1-733.14. Effect of possession of certificate of title; judicial process; levy; penalty

A. Possession of a certificate of title does not by itself provide a right to obtain possession of a watercraft. Garnishment, attachment, levy, replevin, or other judicial process against the certificate is not effective to determine possessory rights to the watercraft. This article does not prohibit enforcement under law of the Commonwealth other than this article of a security interest in, levy on, or foreclosure of a statutory or common-law lien on a watercraft. Absence of an indication of a statutory or common-law lien on a certificate does not invalidate the lien.

B. A levy made by virtue of an execution, **fieri facias**, or other proper court order, upon a watercraft for which a certificate of title has been issued by the Department, shall constitute a lien, when the officer making the levy reports to the Department at its principal office, on forms provided by the Department, that the levy has been made and that the vessel levied upon is in the custody of the officer. Should the lien thereafter be satisfied or should the vessel levied upon and seized thereafter be released by the officer, he shall immediately report that fact to the Department at its principal office. Any owner who, after such levy and seizure by an officer and

before the report is made by the officer to the Department, fraudulently assigns or transfers his title to or interest in the watercraft, or causes the certificate of title to be assigned or transferred, or causes a security interest to be shown upon such certificate of title, is guilty of a Class 1 misdemeanor.

2013, c. 787.

Title 38.2 - Insurance

§ 38.2-3406. Accident and sickness benefits not subject to legal process

The installment payments to the holder of any accident and sickness insurance policy or certificate shall not be subject to the lien of any attachment, garnishment proceeding, writ of **fieri facias**, or to levy or distress in any manner for any debt due by the holder of the policy or certificate.

Code 1950, § 38-227; 1952, c. 317, § 38.1-346; 1986, c. 562.

§ 38.2-3549. Benefits not subject to legal process

The payments in weekly or monthly installments to the holder of any policy of industrial sick benefit insurance shall not be subject to the lien of any attachment, garnishment proceeding, writ of fieri facias, or to levy or distress in any manner, for any debt due by the holder of the policy.

Code 1950, § 38-227; 1952, c. 317, § 38.1-488; 1986, c. 562.

Title 43 - Mechanics' and Certain Other Liens

§ 43-19. Validity and priority of lien not affected by assignments

The payments in weekly or monthly installments to the holder of any policy of industrial sick benefit insurance shall not be subject to the lien of any attachment, garnishment proceeding, writ of **fieri facias**, or to levy or distress in any manner, for any debt due by the holder of the policy.

Code 1950, § 38-227; 1952, c. 317, § 38.1-488; 1986, c. 562.

§ 43-29. Liens of landlords and farmers for advances to tenants and laborers

(1) Provision for lien; enforcement and priority. — If any owner or occupier of land contract with any person to cultivate or raise livestock on such land as his tenant for rent either in money or a share of the crop or livestock; or if any person engaged in the cultivation of land contract with any laborer thereon for a share of the crop or the livestock raised thereon as his wages; and such owner or occupier of the land, or such person engaged in the cultivation of land, shall make any advances in money, supplies, or other thing to such tenant or laborer, he shall have a lien to the extent of such advances on all the crops or livestock, or the share of such laborer in the crops

or livestock that are made or seeded or raised, grown or fed on the land during the year in which the advances are made, which shall be prior to all other liens on such crops or livestock or such portion thereof, or share therein. And he shall have the same remedy for the enforcement of such lien by distress when the claim is due, or by attachment when the claim is not yet payable, as is given a landlord for the recovery of rent under § 8.01-130.4; provided, that he or his agent, shall, before suing out the distress warrant, make affidavit before the magistrate issuing the same to the amount of his claim, that it is then due and is for advances made under contract to a tenant cultivating or raising livestock on his land, or a laborer working or raising livestock on the same; and before suing out the attachment, make the like affidavit, and also at what time the claim will become payable, and that the debtor intends to remove, or is removing from such land such crops or livestock, or his portion thereof, or share therein, so that there will not be left enough to satisfy the claim. The person, whose crops or livestock are so distrained or attached, shall have all the rights and be entitled to all the remedies allowed a tenant against a distress or attachment for rent.

(2) When verified statement of advances required. — However, when the crops or livestock are subject to a lien of a **fieri facias** or attachment, whether a levy be actually made or not, it shall be the duty of the person claiming a lien under this section, upon the request of the sheriff, or any other party in interest, to render to the sheriff of the county wherein the crops or livestock are raised or grown, a complete and itemized statement under oath of the claims for advances, showing the nature of the claims, the dates of advancement and the respective amounts. And in case the person claiming advances fails to render to the sheriff of such county the verified itemized statement above provided for within ten days after the request has been made, he shall forever lose the benefit of the lien on the crops or livestock for advances granted him under this section.

(3) When further showing as to advances required. — If the execution creditor or attachment creditor desires to contest the validity of the claims for advances, he may cause the clerk of the circuit court of the county in which such crops are grown or livestock raised to summon the person claiming the lien for advances to appear before such court and show to the satisfaction of the court that such money, supplies or other things of value were advanced for the purpose of, and were necessary in and about the cultivation of the crops or the raising of the livestock upon which the lien is claimed.

Code 1919, § 6454; 1930, p. 946; 1942, p. 294; 1956, c. 80; 2008, cc. 551, 691.

[§ 43-34. Enforcement of liens acquired under §§ 43-31 through 43-33 and of liens of bailees](#)

For the purposes of this section, "public place" means a premises owned by the Commonwealth or a political subdivision thereof, or an agency of either, that is open to the general public.

Any person having a lien under §§ 43-31 through 43-33 and any bailee, except where otherwise provided, having a lien as such at common law on personal property in his possession that he has no power to sell for the satisfaction of the lien, if the debt for which the lien exists is not paid within 10 days after it is due and the value of the property affected by the lien does not exceed \$10,000, may sell such property or so much thereof as may be necessary, by public auction, for cash. The proceeds shall be applied to the satisfaction of the debt and expenses of sale, and the surplus, if any, shall be paid within 30 days of the sale to any lienholder, and then to the owner

of the property. A seller who fails to remit the surplus as provided shall be liable to the person entitled to the surplus in an amount equal to \$50 for each day beyond 30 days that the failure continues.

Before making the sale, the seller shall advertise the time, place, and terms thereof in any of the following places: (i) a public place in the county or city where the property is located; (ii) a website operated by the Commonwealth, the county or city where the property is located, or a political subdivision of either; or (iii) a newspaper of general circulation in the county or city where the property is located, either in print or on its website. In the case of property other than a motor vehicle required to be registered in Virginia having a value in excess of \$600, 10 days' prior notice shall be given to any secured party who has filed a financing statement against the property, and written notice shall be given to the owner as hereinafter provided.

If the value of the property is more than \$10,000 but does not exceed \$25,000, the party having the lien, after giving notice as herein provided, may apply by petition to any general district court of the county or city wherein the property is, or, if the value of the property exceeds \$25,000, to the circuit court of the county or city, for the sale of the property. If, on the hearing of the case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the parties respectively, the court is satisfied that the debt and lien are established and the property should be sold to pay the debt, the court shall order the sale to be made by the sheriff of the county or city. The sheriff shall make the same and apply and dispose of the proceeds in the same manner as if the sale were made under a writ of **fieri facias**.

If the owner of the property is a resident of the Commonwealth, any notice required by this section may be served as provided in § 8.01-296 or, if the sale is to be made without resort to the courts, by personal delivery or by certified or registered mail delivered to the present owner of the property to be sold at his last known address at least 10 days prior to the date of sale. If the owner of the property is a nonresident or if his address is unknown, any notice required by this section may be served by posting a copy thereof in three of any of the following places in any combination: (i) one or more public places in the county or city where the property is located; (ii) one or more websites operated by the Commonwealth, the county or city where the property is located, or a political subdivision of either; or (iii) one or more newspapers of general circulation in the county or city where the property is located, either in print or on their websites.

Code 1919, § 6449; 1960, c. 571; 1968, c. 605; 1971, Ex. Sess., c. 155; 1978, c. 59; 1980, c. 598; 1987, c. 37; 1988, c. 227; 1992, c. 111; 1993, c. 759; 1998, c. 868; 2002, c. 401; 2004, c. 369; 2006, cc. 874, 891; 2008, c. 171; 2009, c. 664; 2011, cc. 14, 702; 2014, c. 339; 2016, c. 397; 2019, c. 560.

[§ 43-41. Lien on offspring of stallion or jackass](#)

When the owner of a mare or jennet breeds the same to any stallion or jackass whereby such mare or jennet shall become in foal and is delivered of a live colt, the owner of any such stallion or jackass shall have a lien upon the colt for a period of twelve months, or until the price agreed upon for the season or service by the owner of the stallion or jackass and the owner of the mare or jennet be paid. Such lien shall not extend for a longer period than twelve months, and after judgment has been taken for the amount of such fee, then, unless the same is paid, the officer in whose hands the **fieri facias** is placed for collection may proceed to levy on and sell such colt for

the aforesaid **fieri facias** and costs, and he shall be entitled to the same fees for his services as is provided for by the existing law.

Code 1919, § 6446; Tax Code, § 439.

Title 44 - Military and Emergency Laws

§ 44-53. Collection of fines

For the purpose of collecting any fines or penalties imposed by a court-martial, the military judge whenever one sits on such court, and otherwise the president of the court, or the summary court officer, shall, within fifteen days after the fines or penalties have been imposed and approved, make a list of all the persons fined, describing them distinctly, and showing the sums imposed as fines or penalties on each person, and shall draw his warrant, under his official signature, directed to any marshal of the court, or to the sheriff, sergeant, or any policeman of any city or county, as the case may be, thereby commanding him to levy such fines or penalties, together with the costs, on the goods and chattels of such delinquent, and the warrant shall thereupon have the force and effect of **fieri facias**, but such delinquent shall not be entitled to the benefit of any exemption law of this Commonwealth, as against such warrant and the lien thereof. In default of sufficient personal property to satisfy the same, the officer executing the same shall make report accordingly to the drawing authority of the warrant which may then require the fined person to show whether or not he possesses sufficient property to satisfy the fine and if such property is found to exist and the fined person fails to deliver it over the executing officer shall be ordered to take the body of the delinquent and convey him to the jail of the city or county in which he may be found, whose jailer shall closely confine him without bail until the fine or penalty and jailer's fees be paid. No such imprisonment shall extend beyond the period of ten days.

1930, p. 958; Michie Code 1942, § 2673(44); 1976, c. 399; 1977, c. 74.

Title 46.2 - Motor Vehicles

§ 46.2-644. Levy of execution

A levy made by virtue of an execution, **fieri facias**, or other court order, on a motor vehicle, trailer, or semitrailer for which a certificate of title has been issued by the Department, shall constitute a lien, subsequent to security interests previously recorded by the Department and subsequent to security interests in inventory held for sale and perfected as otherwise permitted by law, when the officer making the levy reports to the Department on forms provided by the Department, that the levy has been made and that the motor vehicle, trailer, or semitrailer levied on has been seized by him. If the lien is thereafter satisfied or should the motor vehicle, trailer, or semitrailer thus levied on and seized thereafter be released by the officer, he shall immediately report that fact to the Department. Any owner who, after the levy and seizure by an officer and before the officer reports the levy and seizure to the Department, shall fraudulently assign or transfer his title to or interest in a motor vehicle, trailer, or semitrailer or cause its certificate of

title to be assigned or transferred or cause a security interest to be shown on its certificate of title shall be guilty of a Class 1 misdemeanor.

Code 1950, § 46-77; 1958, c. 541, § 46.1-77; 1966, c. 558; 1972, c. 408; 1989, c. 727.

[§ 46.2-644.03. Enforcement of liens acquired under §§ 46.2-644.01 and 46.2-644.02](#)

A. For the purposes of this section:

"Bailee" means anyone who has one or more liens under § 46.2-644.01 or 46.2-644.02.

"Independent appraisal" means an estimate for the value of a motor vehicle prepared by an individual or business that (i) has all required business licenses and zoning approvals and (ii) is either a licensed appraiser in another state or a business authorized by an insurance company to prepare insurance appraisals. "Independent appraisal" does not include an estimate prepared by an individual or business with a financial interest in the bailee's business.

B. Any bailee eligible to enforce a lien under § 46.2-644.01 or 46.2-644.02, if the value of the vehicle affected by the lien does not exceed \$12,500, may sell such vehicle by public auction, for cash, in accordance with the provisions of this section. The proceeds shall be applied to the satisfaction of the debt and expenses of sale, and the surplus, if any, shall be paid within 30 days of the sale to any lienholder of record, and then to the owner of the vehicle, provided such lienholder or owner contacts the bailee prior to the sale to claim any surplus that may result. If such claim is made by the lienholder or owner within 30 days following the sale, the surplus shall be paid within 30 days of the claim. If no claim to the surplus is made within 30 days of the sale, or if the owner or lienholder cannot be ascertained by the Department, the bailee shall be entitled to keep the surplus.

C. Before any lien may be enforced under this section, the bailee or his authorized agent shall initiate with the Department, in a manner prescribed by the Commissioner, a search for the owner and lienholder of record for the vehicle, the names and addresses of which if found shall be provided to the bailee. Any bailee or authorized agent who initiates more than five such requests within any 12-month period shall enter into an agreement with the Department to initiate requests and receive responses electronically.

The Department shall check (i) its own records, (ii) the records of a nationally recognized crime database, and (iii) records of a nationally recognized motor vehicle title database for owner and lienholder information. If a vehicle has been reported stolen, the Department shall notify the appropriate law-enforcement agency of that fact. If a vehicle is found to have been titled in another jurisdiction, the Department shall contact that jurisdiction to ascertain the requested information and provide it to the bailee. At the time of the search, the Department shall also determine the value of the vehicle, using the trade-in value specified in a recognized pricing guide, and, for a vehicle titled in the Commonwealth, whether the records of the Department show that the owner of the vehicle has indicated that he is on active military duty or service. The Department shall include such information in the response to the request for vehicle information.

After responding to the request for vehicle information, the Department shall notify the owner and any lienholder of record of the request by first-class mail to the address provided on the vehicle record held by the Department or by the jurisdiction in which the vehicle is titled. Such

notice shall include the name and contact information of the bailee and any terms for reclaiming the vehicle, as well as any additional information the Commissioner determines to be necessary.

No notice by the Department shall be required if no record for the vehicle can be found or, in the case of a vehicle titled in another jurisdiction, the other jurisdiction refuses to release the requested vehicle information to the Department. In either situation, the bailee may continue with lien enforcement under this section. However, if a vehicle record exists in another jurisdiction, the bailee shall assume all liability for proceeding with such enforcement without written notice to the owner and/or lienholder of record.

For every vehicle subject to a record search as provided for in this section, if the record for the vehicle is held by the Department, the Department shall place an administrative hold on the vehicle record until the bailee reports to the Department that the vehicle has been reclaimed or sold pursuant to this section.

D. Any bailee enforcing a lien in accordance with this section shall notify the Department of his intent to sell the vehicle in a manner prescribed by the Commissioner. A \$40 fee shall be paid to the Department at the time of notice. Upon receipt of such notice and fee, the Department shall repeat the vehicle record search prescribed in subsection A for the purpose of confirming the most recent owner and lienholder information for the vehicle.

If the Department confirms owner or lienholder information, either through a search of its own records or those of another jurisdiction, the Department shall notify the owner, at the last known address of record, and any lienholder, at the last known address of record, of the intent to sell the vehicle, by certified mail, return receipt requested, and advise them to reclaim the vehicle and repay the debt owed within 15 days from the date the notice was sent. Such notice, when sent in accordance with these requirements, shall be sufficient regardless of whether or not it was ever received.

Following the notice required in this subsection, if the vehicle remains unclaimed and the debt unpaid, the owner and all persons having security interest shall have waived all right, title, and interest in the vehicle, except to the extent that subsection B requires a surplus to be paid. The bailee shall notify the Department in a manner prescribed by the Commissioner within five business days if the vehicle is reclaimed and the debt paid. Should the bailee fail to notify the Department as required herein, and the Department must remove the administrative hold placed under subsection C at the request of the vehicle owner or lienholder, and upon submission of proof that the debt was paid and the vehicle reclaimed, the Department may impose and collect an administrative fee of \$40 from the bailee for each such removal.

E. At the time the bailee notifies the Department of his intent to sell the motor vehicle, the bailee shall provide the intended date of sale at public auction, including the time, place, and terms of such sale. The intended date shall be at least 21 days after the date of notification. The Department shall post notice on behalf of the bailee for at least 21 days prior to the date of sale, advertising the time, place, and terms of the sale. Such 21-day posting period shall run concurrently with the 15-day reclamation period provided for in subsection D. Notifications and postings shall be in an electronic manner prescribed by the Commissioner and shall include the vehicle identification number and a description of each vehicle to be sold. No other postings or notices advertising the sale shall be required.

Upon notice by the bailee that the vehicle will be sold, the Department shall provide a certification document in a manner prescribed by the Commissioner to the bailee. The bailee shall complete all applicable certification statements on the document and provide it to the buyer of the vehicle, who shall submit the document and an application to the Department in order to obtain a certificate of title for the vehicle. Upon receipt of a completed application and certification document, the Department shall issue a certificate of title to the buyer or a nonrepairable certificate, if requested, free of all prior liens and claims of ownership of others.

F. If the value of the vehicle is more than \$12,500 but does not exceed \$25,000, the bailee, after the notice is sent by the Department pursuant to subsection C, may apply by petition to any general district court of the county or city wherein the vehicle is, or, if the value of the vehicle exceeds \$25,000, to the circuit court of the county or city, for the sale of the vehicle. No notice sent by the Department pursuant to this section shall substitute for service of process for any court proceeding. If the name of the owner cannot be ascertained, the name "John Doe" shall be substituted in any proceeding pursuant to this section.

If, on the hearing of the case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the parties respectively, the court is satisfied that the debt and lien are established and the vehicle should be sold to pay the debt, the court shall order the sale to be made by the sheriff of the county or city. The sheriff shall make the same and apply and dispose of the proceeds in the same manner as if the sale were made under a writ of *fieri facias*. No additional notifications or postings by the Department related to the sale shall be required.

If a court has ordered the sale of the vehicle, the bailee shall submit to the Department a copy of the court order in a manner prescribed by the Commissioner. Upon receipt, the Department shall provide a certification document to the bailee. The bailee and sheriff conducting the sale, or his authorized representative, shall complete all applicable certification statements on the document and provide it to the buyer of the vehicle, who shall submit the document and an application to the Department in order to obtain a certificate of title for the vehicle. Upon receipt of a completed application and certification document, the Department shall issue a certificate of title to the buyer or a nonrepairable certificate, if requested, free of all prior liens and claims of ownership of others.

G. In determining the value of the property as required by this section, the Commissioner shall use a recognized pricing guide and, in using such guide, shall use the trade-in value specified in such guide.

However, the bailee may submit an independent appraisal and supporting documentation to show the accurate value of the vehicle in a manner prescribed by the Commissioner. Upon receipt, the Department shall update the vehicle record to reflect the value established by the independent appraisal and notify the bailee that enforcement under this section may proceed based on the new value.

If the Department is unable to determine a trade-in value for a vehicle, the Commissioner may establish guidelines for acceptable alternate valuation options to include independent appraisals and retail or loan values that may be available in online or printed pricing guides. The bailee may submit documentation pursuant to such guidelines in order to establish the value of the vehicle.

H. For a vehicle (i) for which neither the owner nor any other lienholder or secured party can be determined by the Department through a diligent search as required by this section, (ii)

manufactured for a model year at least six years prior to the current model year, and (iii) having a value of no more than \$4,500 as determined by the provisions of this section, a bailee may, after showing proof that the vehicle has been in his continuous custody for at least 30 days, apply for and receive from the Department of Motor Vehicles title or a nonrepairable certificate to such vehicle, free of all liens and claims of ownership of others, and proceed to sell or otherwise dispose of the vehicle.

I. Notwithstanding any provisions to the contrary, a bailee shall comply with the provisions of the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.) (the Act) when disposing of a vehicle owned by a member of the military on active duty or service. If the records of the Department show that the owner of the vehicle has indicated to the Department that he is on active military duty or service, such indicator shall be prima facie evidence that the vehicle is subject to the provisions of the Act. However, neither the presence nor absence of such indicator on the vehicle record shall absolve the bailee of his obligation to ascertain the owner's military service status, if any, in accordance with the Act.

J. All fees imposed and collected pursuant to this section shall be paid into the state treasury and set aside as a special, nonreverting fund to be used to meet the expenses of the Department.

K. Residents or businesses of other jurisdictions in possession of vehicles titled in the Commonwealth, or the authorized agents of such residents or businesses, seeking to enforce laws in those jurisdictions that are substantially similar to the enforcement of liens under §§ 46.2-644.01 and 46.2-644.02 may request information for such vehicles from the Department. The Department shall conduct the information search as provided for in subsection C, provide the names and addresses of the owner and lienholder, if any, for each vehicle to the requester, and notify the named owner and lienholder, if any, by first-class mail of the request. Such notification shall not replace any notification requirements imposed by the jurisdiction in which the requester and subject vehicle are located, nor shall the enforcement rules of this section apply to vehicles not located within the Commonwealth. If the Department finds that the vehicle is titled in another jurisdiction, the Department shall identify that jurisdiction to the requester with no further obligation to the requester or vehicle owner. The Department shall collect a \$25 fee for such search.

2009, c. 664; 2011, cc. 14, 702; 2014, c. 339; 2015, c. 640; 2016, c. 397; 2019, c. 560; 2021, Sp. Sess. I, c. 374.

[§ 46.2-703. Reciprocal agreement with other states; assessment and collection of fees on an apportionment or allocation basis; registration of vehicles and reporting of road tax; violations; vehicle seizures; penalties](#)

A. Notwithstanding any other provision of this title, the Governor may, on the advice of the Department, enter into reciprocal agreements on behalf of the Commonwealth with the appropriate authorities of any state of the United States or a state or province of a country providing for the assessing and collecting of license fees for motor vehicles, tractor trucks, trucks, trailers, and semitrailers on an apportionment or allocation basis, as outlined in the International Registration Plan developed by the International Registration Plan, Inc.

The Commissioner is authorized to audit the records of any owner, lessor, or lessee to verify the accuracy of any information required by any jurisdiction to determine the registration fees due. Based on this audit, the Commissioner may assess any owner, lessor, or lessee for any license fees due this Commonwealth, including interest and penalties as provided in this section. In addition to any other penalties prescribed by law, the Commissioner or the Reciprocity Board may deny the owner, lessor, or lessee the right to operate any motor vehicle on the highways in the Commonwealth until the assessment has been paid.

Trip permit registration may be issued for any vehicle or combination of vehicles that could be lawfully operated in the jurisdiction if full registration or proportional registration were obtained. The fee for this permit shall be \$15 and the permit shall be valid for 10 days.

Any person who operates or permits the operation of any motor vehicle, trailer, or semitrailer over any highway in the Commonwealth without first having paid to the Commissioner the fees prescribed and payable under this section shall be guilty of a Class 2 misdemeanor. Failure to display a license plate indicating that the vehicle is registered on an apportionment or allocation basis or carry a trip permit, as outlined in the International Registration Plan, shall constitute prima facie evidence the apportioned or allocated fee has not been paid.

If the Commissioner ascertains that any fees that he is authorized to assess any owner, lessor, or lessee for any license year have not been assessed or have been assessed for less than the law required for the year because of failure or refusal of any owner, lessor, or lessee to make his records available for audit as provided herein, or if any owner, lessor, or lessee misrepresents, falsifies, or conceals any of these records, the Commissioner shall determine from any information obtainable the lawful fees at the rate prescribed for that year, plus a penalty of five percent and interest at the rate of six percent per year, which shall be computed on the fees and penalty from the date the fees became due to the date of assessment, and is authorized to make an assessment therefor against the owner, lessor, or lessee. If the assessment is not paid within 30 days after its date, interest at the rate of six percent per year shall accrue thereon from the date of such assessment until the fees and penalty are paid. The notice of the assessment shall be forthwith sent to the owner, lessor, or lessee by registered or certified mail to the address of the owner, lessor, or lessee as it appears on the records in the office of the Department. The notice, when sent in accordance with these requirements, shall be sufficient regardless of whether it was received.

If any owner, lessor, or lessee fails to pay the fees, penalty, and interest, or any portion thereof, assessed pursuant to this section, in addition to any other provision of law, the Attorney General or the Commissioner shall bring an appropriate action before the Circuit Court of the City of Richmond for the recovery of the fees, penalty, and interest, and judgment shall be rendered for the amount found to be due together with costs. If it is found that the failure to pay was willful on the part of the owner, lessor or lessee, judgment shall be rendered for double the amount of the fees found to be due, plus costs.

B. Notwithstanding any other provision of this title or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, the Governor, on the advice of the Department, may enter into reciprocal agreements on behalf of the Commonwealth with the duly authorized representatives of other jurisdictions providing for the road tax registration of vehicles, establishing periodic road tax reporting and road tax payment requirements from owners of such vehicles, and disbursement of funds

collected due to other jurisdictions based on mileage traveled and fuel used in those jurisdictions as outlined in the International Fuels Tax Agreement.

Notwithstanding any statute contrary to the provisions of any reciprocal agreement entered into by the Governor or his duly authorized representative as authorized by this title, the provisions of the reciprocal agreement shall govern and apply to all matters relating to administration and enforcement of the road tax. In the event the language of any reciprocal agreement entered into by the Governor as authorized by this title is later amended so that it conflicts with or is contrary to any statute, the Department shall consider the amended language of the reciprocal agreement controlling and shall administer and enforce the road tax in accordance with the amended language of the reciprocal agreement.

An agreement may provide for determining the base state for motor carriers, records requirements, audit procedures, exchange of information, persons eligible for tax licensing, defining qualified motor vehicles, determining if bonding is required, specifying reporting requirements and periods, including defining uniform penalties and interest rates for late reporting, determining methods for collecting and forwarding of motor fuel taxes and penalties to another jurisdiction, and other provisions as will facilitate the administration of the agreement.

The Governor may, as required by the terms of the agreement, forward to officers of another member jurisdiction any information in the Department's possession relative to the use of motor fuels by any motor carrier. The Department may disclose to officers of another state the location of offices, motor vehicles, and other real and personal property of motor carriers.

An agreement may provide for each state to audit the records of motor carriers based in the state to determine if the road taxes due each member jurisdiction are properly reported and paid. Each member jurisdiction shall forward the findings of the audits performed on motor carriers based in the member jurisdiction to each jurisdiction in which the carrier has taxable use of motor fuels. For motor carriers not based in the Commonwealth and which have taxable use of motor fuel in the Commonwealth, the Department may serve the audit findings received from another jurisdiction, in the form of an assessment, on the carrier as though an audit had been conducted by the Department.

Any agreement entered into pursuant to this chapter does not preclude the Department from auditing the records of any motor carrier covered by the provisions of this chapter.

The Department shall not enter into any agreement that would affect the motor fuel road tax rate.

The Department may adopt and promulgate such rules, regulations, and procedures as may be necessary to effectuate and administer this title. Nothing in this title shall be construed to affect the tax rate provisions found in Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1.

C. Notwithstanding any other provision in this title or Title 56, the Governor, on the advice of the Department, may participate in the single state registration system as authorized under 49 U.S.C. § 14504 and 49 C.F.R. Part 367, and the Unified Carrier Registration System authorized under 49 U.S.C. § 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal regulations promulgated thereunder.

D. Notwithstanding any other provision of this title or Title 58.1, the following violations of laws shall be punished as follows:

1. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle that is not in compliance with the Unified Carrier Registration System authorized under 49 U.S.C. § 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal regulations promulgated thereunder shall be guilty of a Class 4 misdemeanor.

2. Any person who operates or causes to be operated on any highway in the Commonwealth any motor vehicle that is not in compliance with Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1 or the terms and provisions of the International Fuel Tax Agreement, as amended by the International Fuel Tax Association, Inc., shall be guilty of a Class 4 misdemeanor.

3. Any person who knowingly displays or uses on any vehicle operated by him any registration, license, identification marker or other identification or credential authorized to be issued pursuant to this title, Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the reciprocal agreements entered into pursuant to this chapter that has not been issued to the owner or operator thereof for such vehicle and any person who knowingly assists him to do so shall be guilty of a Class 3 misdemeanor.

E. An officer charging a violation under subsection D shall serve a citation on the operator of the vehicle in violation. Such citation shall be directed to the owner, operator or other person responsible for the violation as determined by the officer. Service of the citation on the vehicle operator shall constitute service of process upon the owner, operator, or other person charged with the violation under this article, and shall have the same legal force as if served within the Commonwealth personally upon the owner, operator, or other person charged with the violation, whether such owner, operator, or other person charged is a resident or nonresident.

F. Any police officer or size and weight compliance agent of the Commonwealth authorized to serve process may hold a motor vehicle owned or operated by a person against whom an order or penalty has been entered pursuant to this section, §§ 46.2-613.3 and 46.2-1133, the International Registration Plan, the International Fuel Tax Agreement, or the Unified Carrier Registration System authorized under 49 U.S.C. § 14504a, enacted pursuant to the Unified Carrier Registration Act of 2005, and the federal regulations promulgated thereunder, but only for such time as is reasonably necessary to promptly petition for a writ of **fieri facias**. The Commonwealth shall not be required to post bond in order to hold and levy upon any vehicle held pursuant to this section. Upon notification of the order, judgment, or penalty entered against the offending person and notice to such person of the failure to satisfy the order, judgment or penalty, any investigator, special agent, officer, or size and weight compliance agent of the Commonwealth shall thereafter deny the offending person the right to operate a motor vehicle or vehicles on the highways of the Commonwealth until the order, judgment, or penalty has been satisfied and a reinstatement fee of \$50 has been paid to the Department. Reinstatement fees collected under the provisions of this section shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

1974, c. 326, § 46.1-157.1; 1978, c. 294; 1989, c. 727; 1995, cc. 744, 803; 2002, c. 239; 2004, c. 376; 2006, c. 208; 2009, c. 563; 2011, cc. 62, 73; 2012, cc. 22, 111.

[§ 46.2-2011.19. Vehicle seizure; penalty](#)

A. Any police officer of the Commonwealth authorized to serve process may hold a motor vehicle owned by a person against whom an order or penalty has been entered, but only for such

time as is reasonably necessary to promptly petition for a writ of **fieri facias**. The Commonwealth shall not be required to post bond in order to hold and levy upon any vehicle held pursuant to this section.

B. Upon notification of the judgment or penalty entered against the owner of the vehicle and notice to such person of the failure to satisfy the judgment or penalty, any investigator, special agent, or officer of the Commonwealth shall thereafter deny the offending person the right to operate the motor vehicle on the highways of the Commonwealth.

2001, c. 596.

[§ 46.2-2128. Vehicle seizure; penalty](#)

A. Any police officer of the Commonwealth authorized to serve process may hold a motor vehicle owned by a person against whom an order or penalty has been entered, but only for such time as is reasonably necessary to promptly petition for a writ of **fieri facias**. The Commonwealth shall not be required to post bond in order to hold and levy upon any vehicle held pursuant to this section.

B. Upon notification of the judgment or penalty entered against the owner of the vehicle and notice to such person of the failure to satisfy the judgment or penalty, any investigator, special agent, or officer of the Commonwealth shall thereafter deny the offending person the right to operate the motor vehicle on the highways of the Commonwealth.

2001, c. 596.

Title 55.1 - Property and Conveyances

[§ 55.1-1257. Who may recover rent or possession](#)

Notwithstanding any rule of court to the contrary, (i) any person licensed under the provisions of § 54.1-2106.1, (ii) any property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement, or (iii) any employee, who is authorized in writing by a corporate officer with the approval of the board of directors, or by a manager, a general partner, or a trustee, of a partnership, association, corporation, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership, business trust, or family trust to sign pleadings as the agent of the business entity may obtain a judgment (a) for possession in the general district court for the county or city in which the premises, or part thereof, is situated or (b) for rent or damages, including actual damages for breach of the rental agreement, or for final rent and damages under § 8.01-128, in any general district court where venue is proper under Chapter 5 (§ 8.01-257 et seq.) of Title 8.01, against any defendant if the person seeking such judgment had a contractual agreement with the landlord to manage the premises for which rent or possession is due and may prepare, execute, file, and have served on other parties in any general district court a warrant in debt, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, or writ of **fieri facias** arising out of a landlord-tenant relationship. However, the activities of any such person in court shall be limited by the provisions of § 16.1-88.03. However, nothing shall be

construed as preventing a nonlawyer from requesting relief from the court as provided by law or statute when such nonlawyer is before the court on one of the actions specified herein.

1983, c. 8, § 55-246.1; 1989, c. 612; 1998, c. 452; 2003, cc. 665, 667; 2004, cc. 338, 365; 2010, c. 550; 2013, c. 563; 2015, c. 190; 2018, c. 221; 2019, cc. 180, 477, 700, 712.

[§ 55.1-1417. Who may recover rent or possession](#)

Notwithstanding any rule of court to the contrary, (i) any person licensed under the provisions of § 54.1-2106.1, (ii) any property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement, or directors, or by a manager, a general partner, or a trustee, of a partnership, association, corporation, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership, business trust, or family trust to sign pleadings as the agent of the business entity, may obtain a judgment (a) for possession in the general district court for the county or city in which the premises, or part thereof, is situated or (b) for rent or damages, including actual damages for breach of the rental agreement, or for final rent and damages under § 8.01-128, in any general district court where venue is proper under Chapter 5 (§ 8.01-257 et seq.) of Title 8.01, against any defendant if the person seeking such judgment had a contractual agreement with the landlord to manage the premises for which rent or possession is due and may prepare, execute, file, and have served on other parties in any general district court a warrant in debt, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, or writ of **fieri facias** arising out of a landlord-tenant relationship. However, the activities of any such person in court shall be limited by the provisions of § 16.1-88.03. However, nothing shall be construed as preventing a nonlawyer from requesting relief from the court as provided by law or statute when such nonlawyer is before the court on one of the actions specified herein.

1983, c. 8, § 55-246.1; 1989, c. 612; 1998, c. 452; 2003, cc. 665, 667; 2004, cc. 338, 365; 2010, c. 550; 2013, c. 563; 2015, c. 190; 2018, c. 221; 2019, cc. 180, 477, 700, 712.

[§ 55.1-2811. Lien on animals](#)

If the court enters judgment for the owner or tenant of the grounds enclosed by a lawful fence pursuant to § 55.1-2810, the landowner shall have a lien upon such animal. Upon entry of the judgment, the court shall issue a writ of **fieri facias** pursuant to § 8.01-478, and the animal found to have trespassed shall be levied upon by the officer to whom such execution was issued, who shall sell such animal, as provided in Chapter 18 (§ 8.01-466 et seq.) of Title 8.01.

Code 1950, § 8-877; 1977, c. 624, § 55-307; 2019, c. 712.

Title 58.1 - Taxation

[§ 58.1-1805. Memorandum of lien for collection of taxes; release of lien](#)

A. If any taxes or fees, including penalties and interest, assessed by the Department of Taxation in pursuance of law against any person, are not paid within thirty days after the same become

due, the Tax Commissioner may file a memorandum of lien in the circuit court clerk's office of the county or city in which the taxpayer's place of business is located, or in which the taxpayer resides. If the taxpayer has no place of business or residence within the Commonwealth, such memorandum may be filed in the Circuit Court of the City of Richmond. A copy of such memorandum may also be filed in the clerk's office of all counties and cities in which the taxpayer owns real estate. Such memorandum shall be recorded in the judgment docket book and shall have the effect of a judgment in favor of the Commonwealth, to be enforced as provided in Article 19 (§ 8.01-196 et seq.) of Chapter 3 of Title 8.01, except that a writ of **fieri facias** may issue at any time after the memorandum is filed. The lien on real estate shall become effective at the time the memorandum is filed in the jurisdiction in which the real estate is located. No memorandum of lien shall be filed unless the taxpayer is first given ten or more days' prior notice of intent to file a lien; however, in those instances where the Tax Commissioner determines that the collection of any tax, penalties or interest required to be paid pursuant to law will be jeopardized by the provision of such notice, notification may be provided to the taxpayer concurrent with the filing of the memorandum of lien. Such notice shall be given to the taxpayer at his last known address. For purposes of this section, "last known address" means the address shown on the most recent return filed by or on behalf of the taxpayer or the address provided in correspondence by or on behalf of the taxpayer indicating that it is a change of the taxpayer's address.

B. Recordation of a memorandum of lien hereunder shall not affect the right to a refund or exoneration under this chapter, nor shall an application for correction of an erroneous assessment affect the power of the Tax Commissioner to collect the tax, except as specifically provided in this title.

C. If after filing a memorandum of lien as required by subsection A, the Tax Commissioner determines that it is in the best interest of the Commonwealth, the Tax Commissioner may place padlocks on the doors of any business enterprise that is delinquent in either filing or paying any tax owed to the Commonwealth, or both. He shall also post notices of distraint on each of the doors so padlocked. If after three business days, the tax deficiency has not been satisfied or satisfactory arrangements for payment made, the Tax Commissioner may cause a writ of **fieri facias** to be issued.

It shall be a Class 1 misdemeanor for anyone to enter the padlocked premises without prior approval of the Tax Commissioner.

In the event that the taxpayer against whom the distraint has been applied subsequently makes application for correction of the assessment under § 58.1-1821, the taxpayer shall have the right to post bond equaling the amount of the tax liability in lieu of payment until the application is acted upon.

The provisions of subsection C shall be enforceable only after the promulgation, by the Tax Commissioner, of regulations under the Administrative Process Act (§ 2.2-4000 et seq.) setting forth the circumstances under which this subsection can be used.

D. A taxpayer may appeal to the Tax Commissioner after a memorandum of lien has been filed under this section if the taxpayer alleges an error in the filing of the lien. The Tax Commissioner shall make a determination of such an appeal within fourteen days. If the Tax Commissioner determines that the filing was erroneous, he shall issue a certificate of release of the lien within seven days after such determination is made.

Code 1950, §§ 58-41 to 58-43; 1971, Ex. Sess., c. 155; 1984, c. 675; 1985, c. 221; 1989, cc. 629, 642; 1993, c. 384; 1996, c. 634.

§ 58.1-2021. Memorandum of lien for collection of taxes

A. If any taxes or fees, including penalties and interest, assessed by the State Corporation Commission in pursuance of law against any person, are not paid within thirty days after the same become due, the State Corporation Commission may file a memorandum of lien in the circuit court clerk's office of the county or city in which the taxpayer's place of business is located, or in which the taxpayer resides. If the taxpayer has no place of business or residence within the Commonwealth, such memorandum may be filed in the Circuit Court of the City of Richmond. A copy of such memorandum may also be filed in the clerk's office of all counties and cities in which the taxpayer owns real estate. Such memorandum shall be recorded in the judgment docket book and shall have the effect of a judgment in favor of the Commonwealth, to be enforced as provided in Article 19 (§ 8.01-196 et seq.) of Chapter 3 of Title 8.01, except that a writ of **fiery facias** may issue at any time after the memorandum is filed. The lien on real estate shall become effective at the time the memorandum is filed in the jurisdiction in which the real estate is located.

B. Recordation of a memorandum of lien hereunder shall not affect the right to a refund or exoneration under this subtitle, nor shall an application for correction of an erroneous assessment affect the power of the State Corporation Commission to collect the tax, except as specifically provided in this title.

Code 1950, §§ 58-41 to 58-43; 1971, Ex. Sess., c. 155; 1984, c. 675; 1985, c. 528.

§ 58.1-2284. Memorandum of lien for collection of taxes

A. If any taxes or fees, including penalties and interest, due under this chapter become delinquent or are past due, the Commissioner may file a memorandum of lien in the circuit court clerk's office of the county or city in which the taxpayer's place of business is located, or in which the taxpayer resides. If the taxpayer has no place of business or residence within the Commonwealth, such memorandum may be filed in the Circuit Court of the City of Richmond. A copy of such memorandum may also be filed in the clerk's office of all counties and cities in which the taxpayer owns real estate. Such memorandum shall be recorded in the judgment docket book and shall have the effect of a judgment in favor of the Commonwealth, to be enforced as provided in Article 19 (§ 8.01-196 et seq.) of Chapter 3 of Title 8.01, mutatis mutandis, except that a writ of **fiery facias** may be issued any time after the memorandum is filed. The lien on real estate shall become effective at the time the memorandum is filed in the jurisdiction in which the real estate is located.

B. Recordation of a memorandum of lien hereunder shall not affect the right to a refund or exoneration under this chapter nor shall an application for correction pursuant to § 58.1-2281 affect the power of the Commissioner to collect the tax, except as specifically provided in this chapter.

2000, cc. 729, 758.

§ 58.1-2299.13. Memorandum of lien for collection of taxes

A. If any taxes or fees, including penalties and interest, due under this chapter become delinquent or are past due, the Commissioner may file a memorandum of lien in the circuit court clerk's office of the county or city in which the taxpayer's place of business is located or in which the taxpayer resides. If the taxpayer has no place of business or residence within the Commonwealth, such memorandum may be filed in the Circuit Court of the City of Richmond. A copy of such memorandum may also be filed in the clerk's office of all counties and cities in which the taxpayer owns real estate. Such memorandum shall be recorded in the judgment docket book and shall have the effect of a judgment in favor of the Commonwealth, to be enforced as provided in Article 19 (§ 8.01-196 et seq.) of Chapter 3 of Title 8.01, *mutatis mutandis*, except that a writ of **fieri facias** may be issued any time after the memorandum is filed. The lien on real estate shall become effective at the time the memorandum is filed in the jurisdiction in which the real estate is located.

B. Recordation of a memorandum of lien hereunder shall not affect the right to exoneration under this chapter nor shall an application for correction pursuant to § 58.1-2299.15 affect the power of the Commissioner to collect the tax, except as specifically provided in this chapter.

2012, cc. 217, 225.

"garnishee"

Found in Titles 8.01, 16.1, 17.1 and 34.

Title 8.01 – Civil Remedies and Procedure

§ 8.01-511. Institution of garnishment proceedings

A. On a suggestion by the judgment creditor that, by reason of the lien of his writ of fieri facias, there is a liability on any person other than the judgment debtor or that there is in the hands of some person in his capacity as personal representative of some decedent a sum of money to which a judgment debtor is or may be entitled as creditor or distributee of such decedent, upon which sum when determined such writ of fieri facias is a lien, a summons in the form prescribed by § 8.01-512.3 may (i) be sued out of the clerk's office of the court from which an execution on the judgment is issued so long as the judgment shall remain enforceable as provided in § 8.01-251, (ii) be sued out of the clerk's office to which an execution issued thereon has been returned as provided in § 16.1-99 against such person, or (iii) be sued out of the clerk's office from which an execution issued as provided in § 16.1-278.18. If the judgment debtor does not reside in the city or county where the judgment was entered, the judgment creditor may have the case filed or docketed in the court of the city or county where the judgment debtor resides and such court may issue an execution on the judgment, provided that the judgment creditor (a) files with the court an abstract of the judgment rendered, (b) pays fees to the court in accordance with § 16.1-69.48:2 or subdivision 17 of § 17.1-275, and (c) files in both courts any release or satisfaction of judgment. The summons and the notice and claim for exemption form required pursuant to § 8.01-512.4 shall be served on the **garnishee**, and shall be served on the judgment debtor promptly after service on the **garnishee**. Service on the judgment debtor and the **garnishee** shall be made pursuant to subdivision 1 or 2 of § 8.01-296. When making an application for garnishment, the judgment creditor shall set forth on the suggestion for summons in garnishment the last known address of the judgment debtor, and shall furnish the clerk, if service is to be made by the sheriff, or shall furnish any other person making service with an envelope, with first-class postage attached, addressed to such address. A copy of the summons and the notice and claim for exemptions form required under § 8.01-512.4 shall be sent by the clerk to the sheriff or provided by the judgment creditor to the person making service, with the process to be served. Promptly after service on the **garnishee**, the person making service shall mail such envelope by first-class mail to the judgment debtor at his last known address. If the person making service is unable to serve the judgment debtor pursuant to subdivision 1 of § 8.01-296, such mailing shall satisfy the mailing requirements of subdivision 2 b of § 8.01-296. The person making service shall note on his return the date of such mailing which, with the notation "copy mailed to judgment debtor," shall be sufficient proof of the mailing of such envelope with the required copy of the summons and the notice and claim for exemption form with no examination of such contents being required nor separate certification by the clerk or judgment creditor that the appropriate documents have been so inserted. If the person making service is unable to serve the judgment debtor pursuant to subdivision 1 or 2 of § 8.01-296, such mailing shall constitute service of process on the judgment debtor. The judgment creditor shall furnish the social security number of the judgment debtor to the clerk, except as hereinafter provided.

B. The judgment creditor may require the judgment debtor to furnish his correct social security number by the use of interrogatories. However, use of such interrogatories shall not be a required condition of a judgment creditor's diligent good faith effort to secure the judgment debtor's social security number. Such remedy shall be in addition to all other lawful remedies available to the judgment creditor. Upon a representation by the judgment creditor, or his agent or attorney, that he has made a diligent good faith effort to secure the social security number of the judgment debtor and has been unable to do so, the garnishment shall be issued without the necessity for such number.

C. Except as provided herein, no summons shall be issued pursuant to this section for the garnishment of wages, salaries, commissions, or other earnings unless it: (i) is in the form prescribed by § 8.01-512.3; (ii) is directed to only one **garnishee** for the garnishment of only one judgment debtor; (iii) contains both the "TOTAL BALANCE DUE" and the social security number of the judgment debtor in the proper places as provided on the summons; and (iv) specifies that it is a garnishment against (a) the judgment debtor's wages, salary, or other compensation or (b) some other debt due or property of the judgment debtor. The **garnishee** shall not be liable to the judgment creditor for any property not specified in the summons as provided in (iv) above. Upon receipt of a summons not in compliance with this provision, the **garnishee** shall file a written answer to that effect and shall have no liability to the judgment creditor, such summons being void upon transmission of the answer.

D. The judgment creditor shall, in the suggestion, specify the amount of interest, if any, that is claimed to be due upon the judgment, calculated to the return day of the summons. He shall also set out such credits as may have been made upon the judgment.

All costs incurred by the judgment creditor after entry of the judgment, in aid of execution of the judgment and paid to a clerk of court, sheriff, or process server are chargeable against the judgment debtor, unless such costs are chargeable against the judgment creditor pursuant to § 8.01-475. Regardless of the actual amount of the fee paid by the judgment creditor, the fee for a process server chargeable against the judgment debtor shall not exceed the fee authorized for service by the sheriff. All such previous costs chargeable against the judgment debtor may be included by the judgment creditor as judgment costs in the garnishment summons form prescribed in § 8.01-512.3. This paragraph shall not be construed to limit any cost assessed by a court as part of the judgment.

E. In addition, the suggestion shall contain an allegation that:

1. The summons is based upon a judgment upon which a prior summons has been issued but not fully satisfied; or
2. No summons has been issued upon his suggestion against the same judgment debtor within a period of 18 months, other than under the provisions of subdivision 1; or
3. The summons is based upon a judgment granted against a debtor upon a debt due or made for necessary food, rent or shelter, public utilities including telephone service, drugs, or medical care supplied the debtor by the judgment creditor or to one of his lawful dependents, and that it was not for luxuries or nonessentials; or
4. The summons is based upon a judgment for a debt due the judgment creditor to refinance a lawful loan made by an authorized lending institution; or

5. The summons is based upon a judgment on an obligation incurred as an endorser or comaker upon a lawful note; or

6. The summons is based upon a judgment for a debt or debts reaffirmed after bankruptcy.

F. Any judgment creditor who knowingly gives false information upon any such suggestion or certificate made under this chapter shall be guilty of a Class 1 misdemeanor.

Code 1950, § 8-441; 1960, c. 502; 1966, c. 212; 1972, c. 104; 1976, c. 659; 1977, cc. 454, 617; 1978, cc. 321, 506; 1979, cc. 242, 345; 1980, c. 537; 1983, cc. 399, 468; 1984, c. 1; 1985, c. 524; 1991, c. 534; 1996, cc. 501, 608; 2006, c. 55; 2012, cc. 127, 129, 251, 409.

§ 8.01-511.1. Garnishee inability to determine whether it holds property of judgment debtor

If a summons for the garnishment of property other than wages, salaries, commissions or other earnings does not contain sufficient or accurate information to enable the garnishee to reasonably identify the judgment debtor, the garnishee shall have no liability to the judgment creditor for failing to deliver the judgment debtor's property in response to the summons. If the summons contains either the social security number or taxpayer identification number of the judgment debtor as it appears in the records of the garnishee, or the name and address of the judgment debtor as they appear in the records of the garnishee, the summons shall be deemed to contain information sufficient to enable the garnishee to reasonably identify the judgment debtor.

If the summons contains sufficient or accurate information to enable the garnishee to reasonably identify the judgment debtor, the garnishee shall (i) answer to the summoning court and further state what the garnishee's records show as the last known address for the judgment debtor and any other information the garnishee deems relevant and (ii) send to the judgment debtor at the last known address a copy of its answer to the court.

No garnishee or creditor who proceeds under the terms of this statute in good faith shall be liable to any person therefor.

2002, c. 688.

§ 8.01-512.2. Fee for garnishee-employers

Garnishee-employers may charge and collect a fee of up to ten dollars from a judgment-debtor employee on account of such employers' expense in processing each garnishment summons served on such employers on account of the judgment-debtor employee.

1980, c. 537; 1994, c. 664.

§ 8.01-512.3. Form of garnishment summons

Any garnishment issued pursuant to § 8.01-511 shall be in the following form:

(a) Front side of summons:

GARNISHMENT SUMMONS

(Court Name)

(Name, address and telephone number of judgment creditor except that when the judgment creditor's attorney's name, address and telephone number appear on the summons, only the creditor's name shall be used.)

(Name, address and telephone number of judgment creditor's attorney)

(Name, street address and social security number of judgment debtor)

(Name and street address of **garnishee**)

_____ Hearing Date and Time

This is a garnishment against (check only one of the designations below):

☐ wages, salary, or other compensation. ☐ some other debt due or property
of the judgment debtor.

MAXIMUM PORTION OF
DISPOSABLE
EARNINGS SUBJECT TO
GARNISHMENT

STATEMENT

☐ Support	Judgment Principal	\$_____
☐ 50% ☐ 55% ☐ 60% ☐ 65%	Credits	\$_____

(if not specified, then 50%)	Interest	\$_____

☐ state taxes, 100%	Judgment Costs	\$_____

If none of the above is checked,	Attorney's Fees	\$_____

then § 34-29 (a) applies.	Garnishment Costs	\$_____

TOTAL BALANCE DUE	\$_____

The **garnishee** shall rely on this amount.

_____ Date of Judgment

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the **garnishee**.

TO THE **GARNISHEE**: You are hereby commanded to

(1) File a written answer with this court, or

(2) Deliver payment to this court, or

(3) Appear before this court on the return date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the **garnishee**.

As **garnishee**, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of

this summons on you and the date for your appearance in court, subject to the following limitations:

(1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons.

(2) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having 1,000 or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commissions, or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

Date of Issuance of Summons

Clerk

Date of delivery of writ of fieri facias to sheriff if different from date of issuance of this summons.

(b) A plain language interpretation of § 34-29 shall appear on the reverse side of the summons as follows:

"The following statement is not the law but is an interpretation of the law which is intended to assist those who must respond to this garnishment. You may rely on this only for general guidance because the law itself is the final word. (Read the law, § 34-29 of the Code of Virginia, for a full explanation. A copy of § 34-29 is available at the clerk's office. If you do not understand the law, call a lawyer for help.)

An employer may take as much as 25 percent of an employee's disposable earnings to satisfy this garnishment. But if an employee makes the minimum wage or less for his week's earnings, the employee will ordinarily get to keep 40 times the minimum hourly wage."

But an employer may withhold a different amount of money from that above if:

(1) The employee must pay child support or spousal support and was ordered to do so by a court procedure or other legal procedure. No more than 65 percent of an employee's earnings may be withheld for support;

(2) Money is withheld by order of a bankruptcy court; or

(3) Money is withheld for a tax debt.

"Disposable earnings" means the money an employee makes after taxes and after other amounts required by law to be withheld are satisfied. Earnings can be salary, hourly wages, commissions, bonuses, or otherwise, whether paid directly to the employee or not. After those earnings are in the bank for 30 days, they are not considered earnings any more.

If an employee tries to transfer, assign, or in any way give his earnings to another person to avoid the garnishment, it will not be legal; earnings are still earnings.

An employee cannot be fired because he is garnished for one debt.

Financial institutions that receive an employee's paycheck by direct deposit do not have to determine what part of a person's earnings can be garnished.

1983, c. 399; 1994, c. 40; 1995, c. 379; 1996, c. 1051; 2006, c. 55; 2017, cc. 36, 143.

[§ 8.01-512.5. Hearing on claim of exemption from garnishment](#)

A judgment debtor shall have the right to a hearing on his claim of exemption from garnishment no later than seven business days from the date that the claim is filed with the court.

The clerk shall notify the parties of the date, time and place of the hearing and the exemption being claimed. The **garnishee** shall comply with the garnishment summons unless and until ordered otherwise in writing by the court. The order shall take effect upon receipt by the **garnishee**. The clerk is required to provide a copy of the order or other hearing disposition to the **garnishee** only if the garnishment summons is dismissed or is modified by the judge.

1984, c. 1.

[§ 8.01-515. How **garnishee** examined; determining exemption from employee's withholding certificate; amount due pursuant to exemptions in § 34-29 \(a\)](#)

A person so summoned shall appear in person and be examined on oath or he may file a statement. A corporation so summoned shall appear by an authorized agent who shall be examined on oath or may file a statement, not under seal of such authorized agent. Such statement shall show the amount the **garnishee** is indebted to the judgment debtor, if any, or what property or effects, if any, the **garnishee** has or holds which belongs to the judgment debtor, or in which he has an interest. Payment to the court of any amount by the **garnishee** shall have the same force and effect as a statement which contains the information required by this section. If the judgment debtor or judgment creditor disputes the verity or accuracy of such statement or amount and so desires, then summons shall issue requiring the appearance of such person or authorized agent for examination on oath, and requiring him to produce such books and papers as may be necessary to determine the fact.

In determining the exemption to which the employee is entitled, the employer may until otherwise ordered by the court rely upon the information contained in the employee's withholding exemption certificate filed by the employee for federal income tax purposes, and any person showing more than one exemption thereon shall be considered by him to be a householder or head of a family.

The employer may apply the exemptions provided in § 34-29 (a) unless otherwise specified on the summons, or unless otherwise ordered by the court.

Code 1950, § 8-443; 1954, c. 379; 1977, c. 617; 1979, c. 242; 1983, c. 399.

[§ 8.01-516.1. Garnishment dispositions](#)

A. If the amount of liability is not disputed and the **garnishee** admits liability to the court either by (i) examination on the return date of the summons, or (ii) written statement as provided by § 8.01-515 on or before the return date of the summons, the court shall order the delivery of such estate or payment of the value of such estate into court without entering judgment against the **garnishee**. Should a **garnishee** fail to comply with the order within thirty days after service of such order on the **garnishee**, then judgment may be entered against the **garnishee**.

B. Upon certification by the judgment creditor, its bona fide employee, or its attorney that its claim has been satisfied or that it desires its action against the **garnishee** to be dismissed for any other reason, the court, or clerk thereof, where the action has been filed, shall, by written order, which may be served by the sheriff, notify the **garnishee** to cease withholding assets of the judgment debtor, and to treat any funds previously withheld as if the original garnishment action had not been filed. The court in which the garnishment action was filed shall then dismiss the action on or before the return date.

1983, c. 399; 1993, c. 385.

§ 8.01-518. When **garnishee** is personal representative of decedent

If the person so summoned be the personal representative of a decedent, he shall answer in writing whether or not there is in his hands in his fiduciary capacity, any sum of money owing to the judgment debtor, and if so, the amount thereof, if the same has been definitely determined, and when it will be payable by him; and if such amount has not been definitely ascertained, the court shall continue the case, with direction to him to thereafter, and as soon as such amount has been definitely determined, report the same to the court, and say when it will be payable by him. In either event, and when the amount so owing to the judgment debtor has been definitely fixed and determined, the court shall direct the disposition of such fund to the creditor of such other person or persons according as their rights may be determined.

Code 1950, § 8-446; 1977, c. 617.

§ 8.01-519. Proceedings where **garnishee** fails to appear or answer, or to disclose his liability

If the **garnishee**, after being served with the summons, fail to appear or answer personally, or if it be suggested that he has not fully disclosed his liability, the proceedings shall be according to §§ 8.01-564 and 8.01-565, mutatis mutandis, except that when the summons is before a general district court, the court shall proceed without a jury.

Code 1950, § 8-447; 1977, c. 617.

§ 8.01-520. Payment, etc., by **garnishee** before return of summons

Any person, summoned under § 8.01-511, before the return day of the summons, may pay what he is liable for to the clerk of the court issuing the summons and such clerk shall give a receipt, upon request, for what is so paid.

Code 1950, § 8-448; 1977, c. 617; 1983, c. 399.

§ 8.01-521. Judgments as to costs

Unless the **garnishee** appear to be liable for more than is so delivered and paid, there shall be no judgment against him for costs. In other cases, judgment under §§ 8.01-516.1 and 8.01-519 may be for such costs, and against such party, as the court may deem just.

Code 1950, § 8-449; 1977, c. 617.

Title 16.1 – Courts Not of Record

§ 16.1-121. Order after hearing

After hearing the parties or such of them as may attend after being summoned, and such witnesses as may be introduced by either party, the judge shall order the officer, or the possessor of any money or other personal estate, to deliver the same to the claimant, if he be of opinion that the same belongs to the claimant; but if he be of opinion that the property, money or other personal estate, or any part thereof, belongs to the person against whom the execution or warrant of distress issued, he shall order the officer who levied on the same to sell the property so liable, to satisfy the execution or warrant of distress; or when there is money or other personal estate in the possession of a bailee or **garnishee**, he shall order the bailee or **garnishee**, as the case may be, to make delivery to the execution creditor of all such money or other personal estate so found to belong to the execution debtor, or so much thereof as may be necessary to satisfy the execution; and he may give such judgment respecting the property, the expense of keeping it, any injury done by it, and for the costs, as may be just and equitable among the parties.

1956, c. 555.

Title 17.1 – Courts of Record

§ 17.1-272. Process and service fees generally

A. The fee for process and service in the following instances shall be \$12:

1. Service on any person, firm or corporation, an order, notice, summons or any other civil process, except as herein otherwise provided, and for service on any person, firm, or corporation any process when the body is not taken and making a return thereof, except that no fee shall be charged for service pursuant to § 2.2-4022.
2. Summoning a witness or **garnishee** on an attachment.
3. Service on any person of an attachment or other process under which the body is taken and making a return thereon.
4. Service of any order of court not otherwise provided for, except that no fees shall be charged for protective orders issued pursuant to Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.
5. Making a return of a writ of fieri facias where no levy is made or forthcoming bond is taken.
6. Summoning a witness in any case in which custody or visitation of a minor child or children is at issue.

B. The fees for process and service in the following instances shall be \$25:

1. Service and publication of any notice of a publicly-advertised public sale.
2. Service of a writ of possession or writ of eviction, except that there shall be an additional fee of \$12 for each additional defendant.
3. Levying upon current money, bank notes, goods or chattels of a judgment debtor pursuant to § 8.01-478.
4. Service of a declaration in ejectment on any person, firm or corporation, except that there shall be an additional fee of \$12 for each additional defendant.
5. Levying distress warrant or an attachment.
6. Levying an execution.

C. The process and service fee for serving any papers returnable out of state shall be \$75, except no fees shall be charged for the service of papers in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protective order or a petition for a protective order. A victim of domestic violence, stalking, or sexual assault shall not bear the costs associated with the filing of criminal charges against the offender, and no victim shall bear the costs associated with the filing, issuance, registration, or service of a warrant, protective order, petition for a protective order, or witness subpoena, issued inside or outside the Commonwealth.

D. The fees set out in this section shall be allowable for services provided by such officers in the circuit and district courts.

Code 1950, §§ 14-104, 14-116, p. 25; 1964, c. 386, §§ 14.1-93, 14.1-105; 1971, Ex. Sess., c. 155; 1972, c. 719; 1975, c. 591; 1976, cc. 308, 310; 1981, c. 411; 1982, c. 674; 1983, c. 407; 1984, c. 317; 1992, c. 648; 1995, c. 51, § 14.1-95.1; 1998, c. 872; 2002, c. 508; 2004, cc. 198, 211, 588; 2011, cc. 445, 480; 2019, cc. 180, 700.

Title 34 – Homestead and Other Exemptions

[§ 34-32. Illegal to garnish such exempt wages out of Commonwealth, etc.](#)

No person shall institute or permit to be instituted proceedings in his own name or in the name of any other person or shall assign or transfer, either for or without value, any claim for debt or liability of any kind held by him against a resident of the Commonwealth who is a laboring person and a householder for the purpose of having payment of the same or any part thereof enforced out of the wages exempted by § 34-29 by proceedings in attachment or garnishment in courts or before magistrates in any other state than the Commonwealth, or to send out of the Commonwealth by assignment, transfer or in any other manner whatsoever, either for or without value, any claim or debt against any resident thereof for the purpose or with the intent of depriving such person of the right to have his wages exempt from distress, levy or garnishment according to the provisions of § 34-29. And the person instituting such suit or permitting such suit to be instituted or sending, assigning, or transferring any such claim or debt for the purpose or with the intent aforesaid shall, upon conviction thereof, be fined not less than \$10 nor more than \$100 and shall, in addition thereto, be civilly liable to the person from whom payment of the same, or any part thereof, shall have been enforced by attachment or garnishment or otherwise,

elsewhere than in the Commonwealth, for the full amount, payment whereof shall have been so enforced, together with interest thereon and the costs of the attachment or garnishee proceedings, as well as the costs of such action.

The amount recovered in such action shall stand on the same footing with the wages of the plaintiff under § 34-29 and shall be exempt and free from any and all liability of the plaintiff to the defendant in the way of setoff or otherwise.

The fact that the payment of a claim or debt against any person entitled to the exemption provided for in § 34-29 has been enforced by legal proceedings in some state other than the Commonwealth in such manner as to deprive such person to any extent of the benefit of such exemption shall be prima facie evidence that any resident of the Commonwealth who may at any time have been owner or holder of the claim or debt has violated this section.

Code 1919, § 6557; 1954, c. 613; 1974, c. 272; 2005, c. 839.

"interrogatories"

Found in Titles 4.1, 8.01, 16.1, 32.1, 36, 38.2, 40.1, 54.1, 58.1, 59.1, and 65.2.

Title 4.1 – Alcoholic Beverage and Cannabis Control

§ 4.1-410. Board proceedings and appellate review

A. The Board, upon petition by any interested party, or upon its own motion if it has reasonable grounds to believe a violation has or may have occurred, shall have the responsibility of determining whether a violation of any provision of this chapter has occurred. The Board may, if it finds that the winery or wine wholesaler has acted in bad faith in violating any provision of this chapter or in seeking relief pursuant to this chapter, award reasonable costs and attorneys' fees to the prevailing party.

B. All proceedings under this chapter and any judicial review thereof shall be held in accordance with the Virginia Administrative Process Act (§ 2.2-4000 et seq.). Notwithstanding the foregoing, the Board may adopt regulations pertaining to proceedings under this chapter, including regulations authorizing or requiring the issuance of subpoenas for the production of documents, subpoenas for the attendance of witnesses, requests for admissions, **interrogatories**, and depositions, not inconsistent with Part 4 of the Rules of the Supreme Court of Virginia.

C. In all proceedings under this chapter, the Board or the circuit court reviewing a Board order, for good cause, shall enter an order requiring that information relating to the sale, marketing, or manufacturing practices or processes of the winery or the wholesaler be filed with the Board or the court, as the case may be, in sealed envelopes and that the information contained therein remain available only to the winery and wholesaler on condition that such information will not be disclosed by the Board, the winery or the wholesaler, or their respective agents and employees. Upon conclusion of the proceedings under this chapter, information supplied shall be returned to the party furnishing it or, in the alternative, the Board or the court may order that such information be sealed to be opened only by order of the Board or the court.

Code 1950, § 4-118.31; 1985, c. 542, § 4-118.51; 1987, c. 139; 1989, c. 10; 1993, c. 866.

§ 4.1-509. Board proceedings and appellate review

A. The Board, upon petition by any beer wholesaler or brewery, or upon its own motion if it has reasonable grounds to believe a violation has or may have occurred, shall have the responsibility of determining whether a violation of any provision of this chapter has occurred. The Board may, if it finds that a brewery or beer wholesaler has acted in bad faith in violating any provision of this chapter or in seeking relief pursuant to this chapter, award reasonable costs and attorneys' fees to the prevailing party.

B. All proceedings under this chapter and any judicial review thereof shall be held in accordance with and governed by the Virginia Administrative Process Act (§ 2.2-4000 et seq.). Notwithstanding the foregoing, the Board may adopt regulations pertaining to proceedings under this chapter, including regulations authorizing or requiring the issuance of subpoenas for the

production of documents, subpoenas for the attendance of witnesses, requests for admissions, **interrogatories**, and depositions, not inconsistent with Part 4 of the Rules of the Supreme Court of Virginia.

C. In all proceedings under this chapter the Board or the circuit court reviewing a Board order, for good cause, shall enter an order requiring that information relating to the sale, marketing or manufacturing practices or processes of the brewery or the wholesaler be filed with the Board or the court, as the case may be, in sealed envelopes and that the information contained therein remain available only to the brewery and wholesaler on condition that such information will not be disclosed by the Board, the brewery, or the wholesaler, or their respective agents and employees. Upon conclusion of the proceedings under this chapter, information supplied shall be returned to the party furnishing it or, in the alternative, the Board or the court may order that such information be sealed to be opened only by order of the Board or the court.

1978, c. 579, § 4-118.11; 1980, c. 299; 1981, c. 536; 1985, c. 549; 1987, c. 139; 1993, c. 866.

Title 8.01 – Civil Remedies and Procedure

§ 8.01-188. Jury trial

When a declaration of right or the granting of further relief based thereon shall involve the determination of issues of fact triable by a jury, such issues may be submitted to a jury in the form of **interrogatories**, with proper instructions by the court, whether a general verdict be required or not.

Code 1950, § 8-582; 1977, c. 617.

§ 8.01-216.10. Civil investigative demands; issuance; sharing information

A. Whenever the Attorney General or his designee has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to a false claims law investigation, the Attorney General or his designee may, before commencing a civil proceeding or making an election under this article, issue in writing and cause to be served upon such person, a civil investigative demand requiring such person (i) to produce such documentary material for inspection and copying, (ii) to answer in writing written **interrogatories** with respect to such documentary material or information, (iii) to give oral testimony concerning such documentary material or information, or (iv) to furnish any combination of such material, answers, or testimony.

B. Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General shall cause to be served, in any manner authorized by this article, a copy of such demand upon the person from whom the discovery was obtained and shall notify the person to whom such demand is issued of the date on which such copy was served.

C. Any information obtained by the Attorney General or his designee pursuant to this section may be shared with any qui tam relator and any state or federal governmental entity if the Attorney General or his designee determines that such information is necessary as part of any false claims investigation.

2002, c. 842; 2011, c. 676; 2012, c. 479.

§ 8.01-216.12. Civil investigative demands; protected material or information

A civil investigative demand issued under this article shall not require the production of any documentary material, the submission of any answers to written **interrogatories**, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under (i) the standards applicable to subpoenas or subpoenas duces tecum issued by a court of this Commonwealth to aid in a grand jury investigation or (ii) the standards applicable to discovery requests under the Rules of the Supreme Court of Virginia, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this article.

Any such demand that is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law, other than this section, preventing or restraining disclosure of such product of discovery to any person. Disclosure of any product of discovery pursuant to any such express demand does not constitute a waiver of any right or privilege that the person making such disclosure may be entitled to invoke to resist discovery of trial preparation materials.

2002, c. 842.

§ 8.01-216.15. Civil investigative demands; **interrogatories**

Each inquiry in a civil investigative demand served under this article shall be answered separately and fully in writing under oath and shall be submitted under a sworn certificate, in such form as the demand designates, by (i) in the case of a natural person, the person to whom the demand is directed, or (ii) in the case of a person other than a natural person, the person or persons responsible for answering each inquiry. If any inquiry is objected to, the reasons for the objection shall be stated in the certificate instead of an answer. The certificate shall state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any information is not furnished, the information shall be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

2002, c. 842.

§ 8.01-216.17. Civil investigative demands; custodian of documents; answers

A. The Attorney General shall serve as custodian of documentary material, answers to **interrogatories**, and transcripts of oral testimony received under this article.

B. An investigator who receives any documentary material, answers to **interrogatories**, or transcripts of oral testimony under this section shall transmit them to the Attorney General. The Attorney General shall take physical possession of such material, answers, or transcripts and shall be responsible for the use made of them and for the return of documentary material.

C. The Attorney General may cause the preparation of such copies of documentary material, answers to **interrogatories**, or transcripts of oral testimony as may be required for official use by

any investigator, or other officer or employee of the Attorney General or employee of the Department of State Police. Such material, answers, and transcripts may be used by any authorized investigator or other officer or employee in connection with the taking of oral testimony under this article.

D. Except as otherwise provided in this section, no documentary material, answers to **interrogatories**, or transcripts of oral testimony, or copies thereof, while in the possession of the Attorney General, shall be available for examination by any individual other than an investigator or other officer or employee of the Attorney General or employee of the Department of State Police authorized by the Attorney General. The prohibition on the availability of material, answers, or transcripts shall not apply if consent is given by the person who produced such material, answers, or transcripts, or, in the case of any product of discovery produced pursuant to an express demand for such material, consent is given by the person from whom the discovery was obtained. Nothing in this subsection is intended to prevent disclosure to the General Assembly, including any committee or subcommittee of the General Assembly, or to any other state agency for use by such agency in furtherance of its statutory responsibilities.

E. While in the possession of the Attorney General and under such reasonable terms and conditions as the Attorney General shall prescribe, (i) documentary material and answers to **interrogatories** shall be available for examination by the person who produced such material or answers, or by a representative of that person authorized by that person to examine such material and answers, and (ii) transcripts of oral testimony shall be available for examination by the person who produced such testimony or by a representative of that person authorized by that person to examine such transcripts.

F. Any attorney employed by the Office of the Attorney General designated to appear before any court, grand jury, or state agency in any case or proceeding may use any documentary material, answers to **interrogatories**, or transcripts of oral testimony in connection with any such case or proceeding as such attorney determines to be required. Upon the completion of any such case or proceeding, such attorney shall return to the custodian any such material, answers, or transcripts so delivered that have not passed into the control of the court, grand jury, or agency through introduction into the record of such case or proceeding.

G. If any documentary material has been produced by any person in the course of any investigation pursuant to a civil investigative demand under this article, and (i) any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding before any state agency involving such material, has been completed, or (ii) no case or proceeding in which such material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation, the Attorney General shall, upon written request of the person who produced such material, return to such person any material, other than copies furnished to the investigator, or made for the Attorney General that has not passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding.

2002, c. 842; 2011, c. 676.

[§ 8.01-216.18. Civil investigative demands; judicial proceedings for noncompliance](#)

A. Whenever any person fails to comply with any civil investigative demand issued under this article, or whenever satisfactory copying or reproduction of any material requested in such demand cannot be done and such person refuses to surrender the material, the Attorney General may file in the appropriate circuit court for the county or city in which such person resides, is found, or transacts business, and serve upon such person a petition for a court order for the enforcement of the civil investigative demand.

B. Any person who has received a civil investigative demand issued under this article may file, in the circuit court of any county or city within which such person resides, is found, or transacts business, and serve upon the investigator identified in such demand a petition for an order of the court to modify or set aside the demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the circuit court of the county or city in which the proceeding in which such discovery was obtained is or was last pending. Any petition under this section shall be filed (i) within twenty-one days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier, or (ii) within such longer period as may be prescribed in writing by any investigator identified in the demand.

C. The petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the demand to comply with the provisions of this article or upon any constitutional or other legal right or privilege of such person. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with any portions of the demand not sought to be modified or set aside.

D. In the case of any civil investigative demand issued under this article that is an express demand for any product of discovery, the person from whom such discovery was obtained may file, in the circuit court of the county or city in which the proceeding in which such discovery was obtained is or was last pending, and serve upon any investigator identified in the demand and upon the recipient of the demand a petition for a court order to modify or set aside those portions of the demand requiring production of any such product of discovery. Any petition under this subsection shall be filed (i) within twenty-one days after the date of service of the civil investigative demand or at any time before the return date specified in the demand, whichever date is earlier, or (ii) within such longer period as may be prescribed in writing by any investigator identified in the demand.

E. The petition shall specify each ground upon which the petitioner relies in seeking relief and may be based upon any failure of the demand from which relief is sought to comply with the provisions of this article, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of the petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand.

F. At any time during which any custodian is in custody or control of any documentary material or answers to **interrogatories** produced, or transcripts of oral testimony given by any person in compliance with any civil investigative demand issued under this article, such person, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the circuit court of the county or city within which the office of such custodian is situated, and serve upon such custodian a petition for a court order to require the

performance by the custodian of any duty imposed upon the custodian by this section. Whenever any petition is filed in any circuit court under this section, the court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry out the provisions of this section. Any final order so entered shall be subject to appeal in the same manner as appeals of other final orders in civil matters. Any disobedience of any final order entered under this section by any court shall be punished as contempt of the court.

G. Any documentary material, answers to written **interrogatories**, or oral testimony provided under any civil investigative demand issued under this article shall be exempt from disclosure under the Virginia Administrative Process Act (§ 2.2-4000 et seq.).

2002, c. 842.

§ 8.01-267.6. Separate trials; special **interrogatories**

In any combined action under this chapter, the court, on motion of any party, may order separate or bifurcated trials of any one or more claims, cross-claims, counterclaims, third-party claims, or separate issues, always preserving the right of trial by jury.

Additionally, the court may submit special **interrogatories** to the jury to resolve specific issues of fact.

1995, c. 555.

§ 8.01-327.1. Definition of "arrest under civil process."

The terms "arrest under civil process" and "civil arrest" shall be synonymous and shall be the apprehending and detaining of a person pursuant to specific provisions of this title to achieve the following:

1. A full and proper answer or response to **interrogatories** under § 8.01-506;
2. His obedience to the orders, judgments, and decrees of any court.

1977, c. 617; 1984, c. 93.

§ 8.01-374.1. Consolidation or bifurcation of issues or claims in certain cases; appeal

A. In any circuit court in which there are pending more than forty civil actions against manufacturers or suppliers of asbestos or products for industrial use that contain asbestos in which recovery is sought for personal injury or wrongful death alleged to have been caused by exposure to asbestos or products for industrial use that contain asbestos, the court may order a joint hearing or trial by jury of any or all common questions of law or fact which are at issue in those actions. The court may order any or all the actions consolidated, unless the court finds consolidation would adversely affect the rights of the parties to a fair trial. The court may submit special **interrogatories** to the jury to resolve specific issues of fact, and may make such orders concerning proceedings therein consistent with the right of each of the parties to a fair trial as may be appropriate to avoid unnecessary costs, duplicative litigation or delay.

B. To further convenience or avoid prejudice in such consolidated hearings, when separate or bifurcated trials will be conducive to judicial economy, the court may order a separate or bifurcated trial of any claim, or any number of claims, cross-claims, counterclaims, third-party claims, or separate issues, always preserving the right of trial by jury. However, in any such bifurcated proceeding, the entitlement of an individual plaintiff to an award of punitive damages against any defendant shall not be determined unless compensatory damages have been awarded to that individual.

C. Any order entered pursuant to this section shall, for purposes of appeal, be an interlocutory order. Any findings of the court or jury in any bifurcated trial shall not be appealable until a final order adjudicating all issues on a specific claim or consolidated group of claims has been entered.

D. This section shall not apply to actions arising under Article 6 (§ 8.01-57 et seq.) of Chapter 3 of this title or the Federal Employers Liability Act (45 U.S.C. § 51 et seq.). In addition, this section shall not apply to any party defendant unless that defendant was a manufacturer of, or a supplier of, asbestos or products for industrial use that contain asbestos, at any of the times alleged in the motion for judgment.

1992, c. 615.

§ 8.01-379.3. General verdict accompanied by answer to interrogatories

Except in actions for negligence resulting in injury to person or death by wrongful act, in civil actions when the court determines that the complexity of the issues warrant, the court may submit to the jury, together with appropriate forms for a general verdict, written interrogatories upon one or more issues of fact the decision of which is necessary to a verdict. In actions for negligence resulting in injury to person or death by wrongful act, the court shall submit to the jury a general verdict form only, provided that the court may submit interrogatories to the jury if otherwise specifically authorized by law, if under substantive law governing the case comparative negligence applies, or if all parties to the action agree that interrogatories may be submitted to the jury. The court shall give such explanation or instruction as may be necessary to enable the jury both to make answers to the interrogatories and to render a general verdict, and the court shall direct the jury both to make written answers and to render a general verdict. When the general verdict and the answers are consistent, the appropriate judgment upon the verdict and answers shall be entered by the court. When the answers are consistent with each other but one or more is inconsistent with the general verdict, or when the answers are inconsistent with each other and one or more is likewise inconsistent with the general verdict, judgment shall not be entered and the court shall either order the jury to further consider its answers and verdict or order a new trial.

2005, c. 499.

§ 8.01-506. Proceedings by interrogatories to ascertain estate of debtor; summons; proviso; objections by judgment debtor

A. To ascertain the personal estate of a judgment debtor, and to ascertain any real estate, in or out of the Commonwealth, to which the debtor named in a judgment and fieri facias is entitled,

upon the application of the execution creditor, the clerk of the court from which such fieri facias issued shall issue a summons against (i) the execution debtor; (ii) any officer, manager, or partner of a corporation, limited liability company, partnership, or other business entity if such execution debtor is an entity having an office in the Commonwealth; (iii) any employee of such entity if such execution debtor is an entity having an office but no known officers, managers, or partners in the Commonwealth, provided that a copy of the summons shall also be served upon the registered agent of such entity; or (iv) any debtor to, or bailee of, the execution debtor if the judgment creditor or such judgment creditor's attorney files an affidavit that he knows or reasonably suspects such person to be a debtor to, or bailee of, the execution debtor.

B. The summons shall require him to appear before the court from which the fieri facias issued or a commissioner of the county or city in which such court is located, or a like court or a commissioner of a county or city contiguous thereto, or upon request of the execution creditor, before a like court or a commissioner of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, to answer such **interrogatories** as may be propounded to him by the execution creditor or his attorney, or the court, or the commissioner, as the case may be. If the execution creditor requests that the summons require the execution debtor to appear before a like court of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, the case may be filed or docketed in accordance with the requirements of § 8.01-506.2 prior to issuance of the summons.

C. Before proceeding under this section, the execution creditor shall furnish to the court a certificate setting forth that he has not proceeded against the execution debtor under this section within the six months last preceding the date of such certificate. However, for good cause shown, the court may, on motion of the execution creditor, issue an order allowing further proceedings before a commissioner by **interrogatories** during the six-month period. Any judgment creditor who knowingly gives false information upon any such certificate made under this article is guilty of a Class 1 misdemeanor. The issuance of a summons that is not served shall not constitute the act of proceeding against an execution debtor for purposes of making the certificate required by this subsection.

D. The debtor or other person served with such summons shall appear at the time and place mentioned and make answer to such **interrogatories**. The commissioner shall, at the request of either of the parties, enter in his proceedings and report to the court mentioned in § 8.01-507.1 any and all objections taken by such debtor against answering such **interrogatories**, or any or either of them, and if the court afterwards sustains any one or more of such objections, the answers given to such **interrogatories** as to which objections are sustained shall be held for naught in that or any other case.

E. Notwithstanding the foregoing provisions of this section, the court from which a writ of fieri facias issued, upon motion by the execution debtor, or by a person summoned pursuant to clause (iv) of subsection A, for good cause shown, shall transfer debtor interrogatory proceedings to a more convenient forum.

Code 1950, § 8-435; 1952, c. 699; 1968, c. 599; 1977, c. 617; 1978, c. 66; 1979, c. 225; 1985, c. 433; 1987, c. 182; 1991, c. 463; 2005, c. 726; 2009, c. 622; 2024, c. 744.

§ 8.01-507. Conveyance or delivery of property disclosed by **interrogatories**

Any real estate out of this Commonwealth to which it may appear by such answer that the debtor is entitled shall, upon order of the court or commissioner, be forthwith conveyed by him to the officer to whom was delivered such fieri facias, and any money, bank notes, securities, evidences of debt, or other personal estate, tangible or intangible, which it may appear by such answers are in possession of or under the control of the debtor or his debtor or bailee, shall be delivered by him or them, as far as practicable, to such officer, or to some other, or in such manner as may be ordered by the commissioner or court.

Code 1950, § 8-436; 1977, c. 617.

§ 8.01-507.1. Interrogatories, answers, etc., to be returned to court

The commissioner shall, at the request of either of the parties, return the interrogatories and answers filed with him, and a report of the proceedings under §§ 8.01-506 and 8.01-507, to the court in which the judgment is rendered.

Code 1950, § 8-437; 1954, c. 624; 1977, c. 617.

§ 8.01-508. How debtor may be arrested and held to answer

If any person summoned under § 8.01-506 fails to appear and answer, or makes any answers which are deemed by the commissioner or court to be evasive, or if, having answered, fails to make such conveyance and delivery as is required by § 8.01-507, the commissioner or court shall issue (i) a **capias** directed to any sheriff requiring such sheriff to take the person in default and deliver him to the commissioner or court so that he may be compelled to make proper answers, or such conveyance or delivery, as the case may be or (ii) a rule to show cause why the person summoned should not appear and make proper answer or make conveyance and delivery. If the person in default fails to answer or convey and deliver he may be incarcerated until he makes such answers or conveyance and delivery. Where a **capias** is issued, the person in default shall be admitted to bail as provided in Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 if he cannot be brought promptly before the commissioner or court in the county or city to which the **capias** is returnable. Upon making such answers, or such conveyance and delivery, he shall be discharged by the commissioner or the court. He may also be discharged by the court from whose clerk's office the **capias** issued in any case where the court is of the opinion that he was improperly committed or is improperly or unlawfully detained in custody. If the person in default appeals the decision of the commissioner or court, he shall be admitted to bail as provided in Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2.

If the person held for failure to appear and answer **interrogatories** is detained in a jurisdiction other than that where the summons is issued, the sheriff in the requesting jurisdiction shall have the duty to transport such person to the place where **interrogatories** are to be taken.

Code 1950, § 8-438; 1977, c. 617; 1983, c. 278; 1985, c. 290; 1986, c. 326; 1999, cc. 829, 846.

§ 8.01-511. Institution of garnishment proceedings

A. On a suggestion by the judgment creditor that, by reason of the lien of his writ of fieri facias, there is a liability on any person other than the judgment debtor or that there is in the hands of

some person in his capacity as personal representative of some decedent a sum of money to which a judgment debtor is or may be entitled as creditor or distributee of such decedent, upon which sum when determined such writ of fieri facias is a lien, a summons in the form prescribed by § 8.01-512.3 may (i) be sued out of the clerk's office of the court from which an execution on the judgment is issued so long as the judgment shall remain enforceable as provided in § 8.01-251, (ii) be sued out of the clerk's office to which an execution issued thereon has been returned as provided in § 16.1-99 against such person, or (iii) be sued out of the clerk's office from which an execution issued as provided in § 16.1-278.18. If the judgment debtor does not reside in the city or county where the judgment was entered, the judgment creditor may have the case filed or docketed in the court of the city or county where the judgment debtor resides and such court may issue an execution on the judgment, provided that the judgment creditor (a) files with the court an abstract of the judgment rendered, (b) pays fees to the court in accordance with § 16.1-69.48:2 or subdivision 17 of § 17.1-275, and (c) files in both courts any release or satisfaction of judgment. The summons and the notice and claim for exemption form required pursuant to § 8.01-512.4 shall be served on the garnishee, and shall be served on the judgment debtor promptly after service on the garnishee. Service on the judgment debtor and the garnishee shall be made pursuant to subdivision 1 or 2 of § 8.01-296. When making an application for garnishment, the judgment creditor shall set forth on the suggestion for summons in garnishment the last known address of the judgment debtor, and shall furnish the clerk, if service is to be made by the sheriff, or shall furnish any other person making service with an envelope, with first-class postage attached, addressed to such address. A copy of the summons and the notice and claim for exemptions form required under § 8.01-512.4 shall be sent by the clerk to the sheriff or provided by the judgment creditor to the person making service, with the process to be served. Promptly after service on the garnishee, the person making service shall mail such envelope by first-class mail to the judgment debtor at his last known address. If the person making service is unable to serve the judgment debtor pursuant to subdivision 1 of § 8.01-296, such mailing shall satisfy the mailing requirements of subdivision 2 b of § 8.01-296. The person making service shall note on his return the date of such mailing which, with the notation "copy mailed to judgment debtor," shall be sufficient proof of the mailing of such envelope with the required copy of the summons and the notice and claim for exemption form with no examination of such contents being required nor separate certification by the clerk or judgment creditor that the appropriate documents have been so inserted. If the person making service is unable to serve the judgment debtor pursuant to subdivision 1 or 2 of § 8.01-296, such mailing shall constitute service of process on the judgment debtor. The judgment creditor shall furnish the social security number of the judgment debtor to the clerk, except as hereinafter provided.

B. The judgment creditor may require the judgment debtor to furnish his correct social security number by the use of **interrogatories**. However, use of such **interrogatories** shall not be a required condition of a judgment creditor's diligent good faith effort to secure the judgment debtor's social security number. Such remedy shall be in addition to all other lawful remedies available to the judgment creditor. Upon a representation by the judgment creditor, or his agent or attorney, that he has made a diligent good faith effort to secure the social security number of the judgment debtor and has been unable to do so, the garnishment shall be issued without the necessity for such number.

C. Except as provided herein, no summons shall be issued pursuant to this section for the garnishment of wages, salaries, commissions, or other earnings unless it: (i) is in the form prescribed by § 8.01-512.3; (ii) is directed to only one garnishee for the garnishment of only one

judgment debtor; (iii) contains both the "TOTAL BALANCE DUE" and the social security number of the judgment debtor in the proper places as provided on the summons; and (iv) specifies that it is a garnishment against (a) the judgment debtor's wages, salary, or other compensation or (b) some other debt due or property of the judgment debtor. The garnishee shall not be liable to the judgment creditor for any property not specified in the summons as provided in (iv) above. Upon receipt of a summons not in compliance with this provision, the garnishee shall file a written answer to that effect and shall have no liability to the judgment creditor, such summons being void upon transmission of the answer.

D. The judgment creditor shall, in the suggestion, specify the amount of interest, if any, that is claimed to be due upon the judgment, calculated to the return day of the summons. He shall also set out such credits as may have been made upon the judgment.

All costs incurred by the judgment creditor after entry of the judgment, in aid of execution of the judgment and paid to a clerk of court, sheriff, or process server are chargeable against the judgment debtor, unless such costs are chargeable against the judgment creditor pursuant to § 8.01-475. Regardless of the actual amount of the fee paid by the judgment creditor, the fee for a process server chargeable against the judgment debtor shall not exceed the fee authorized for service by the sheriff. All such previous costs chargeable against the judgment debtor may be included by the judgment creditor as judgment costs in the garnishment summons form prescribed in § 8.01-512.3. This paragraph shall not be construed to limit any cost assessed by a court as part of the judgment.

E. In addition, the suggestion shall contain an allegation that:

1. The summons is based upon a judgment upon which a prior summons has been issued but not fully satisfied; or
2. No summons has been issued upon his suggestion against the same judgment debtor within a period of 18 months, other than under the provisions of subdivision 1; or
3. The summons is based upon a judgment granted against a debtor upon a debt due or made for necessary food, rent or shelter, public utilities including telephone service, drugs, or medical care supplied the debtor by the judgment creditor or to one of his lawful dependents, and that it was not for luxuries or nonessentials; or
4. The summons is based upon a judgment for a debt due the judgment creditor to refinance a lawful loan made by an authorized lending institution; or
5. The summons is based upon a judgment on an obligation incurred as an endorser or comaker upon a lawful note; or
6. The summons is based upon a judgment for a debt or debts reaffirmed after bankruptcy.

F. Any judgment creditor who knowingly gives false information upon any such suggestion or certificate made under this chapter shall be guilty of a Class 1 misdemeanor.

Code 1950, § 8-441; 1960, c. 502; 1966, c. 212; 1972, c. 104; 1976, c. 659; 1977, cc. 454, 617; 1978, cc. 321, 506; 1979, cc. 242, 345; 1980, c. 537; 1983, cc. 399, 468; 1984, c. 1; 1985, c. 524; 1991, c. 534; 1996, cc. 501, 608; 2006, c. 55; 2012, cc. 127, 129, 251, 409.

Title 16.1 – Courts Not of Record

§ 16.1-69.53. Definitions; construction of references to period of years

As used in this article, the following terms shall have the following meanings:

"Court records" shall include case records, financial records and administrative records as defined in this section.

"Case records" shall mean all documents, dockets and indices.

"Documents" shall mean all motions for judgment, bills of complaint, answers, bills of particulars, other pleadings, **interrogatories**, motions in writing, warrants, summonses, petitions, proof of service, witness summonses and subpoenas, documents received in evidence, transcripts, orders, judgments, writs, and any other similar case-related records and papers in the possession of the district courts and filed with the pleadings in the case.

"Financial records" shall mean all papers and records related to the receipt and disbursement of money by the district court.

"Administrative records" shall mean all other court papers and records not otherwise defined.

Whenever a reference to a period of years for the retention of documents is made in this section, it shall be construed to commence on January 2 of the first year following (i) the final adjudication of a civil case or (ii) the final disposition in all other cases, unless otherwise specified herein. In foster care cases, the final disposition date is the date of transfer of custody to a local board of social services or a child welfare agency.

1983, c. 499; 2002, c. 747.

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys

A. Any corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, the Fort Monroe Authority, and the Department of Military Affairs, when the amount claimed in any civil action pursuant to subdivision (1) or (3) of § 16.1-77 does not exceed the jurisdictional amounts authorized in such subsections, exclusive of interest, may prepare, execute, file, and have served on other parties in any proceeding in a general district court a warrant in debt, motion for judgment, warrant in detinue, distress warrant, summons for unlawful detainer, counterclaim, crossclaim, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, writ of fieri facias, interpleader and civil appeal notice without the intervention of an attorney. Such papers may be signed by a corporate officer, a manager of a limited liability company, a general partner of any form of partnership or a trustee of any business trust, or such corporate officer, with the approval of the board of directors, or manager, general partner or trustee may authorize in writing an employee, a person licensed under the provisions of § 54.1-2106.1, or the property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement to sign such papers as the agent of the business entity. Only an agency employee designated in writing by the Adjutant General may sign such papers on behalf

of the Department of Military Affairs. However, this section shall not apply to an action under subdivision (1) or (3) of § 16.1-77 which was assigned to a corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, or individual solely for the purpose of enforcing an obligation owed or right inuring to another.

B. Nothing in this section shall allow a nonlawyer to file a bill of particulars or grounds of defense or to argue motions, issue a subpoena, rule to show cause, or **capias**; file or interrogate at debtor **interrogatories**; or to file, issue or argue any other paper, pleading or proceeding not set forth in subsection A.

C. The provisions of § 8.01-271.1 shall apply to any pleading, motion or other paper filed or made pursuant to this section.

D. Parties not represented by counsel, and who have made an appearance in the case, shall promptly notify in writing the clerk of court wherein the litigation is pending, and any adverse party, of any change in the party's address necessary for accurate mailing or service of any pleadings or notices. In the absence of such notification, a mailing to or service upon a party at the most recent address contained in the court file of the case shall be deemed effective service or other notice.

1990, c. 645; 1992, c. 814; 1993, cc. 473, 478; 2003, cc. 665, 667; 2004, cc. 338, 365; 2005, c. 136; 2006, c. 374; 2017, c. 690; 2019, cc. 180, 477, 700; 2020, cc. 84, 194.

§ 16.1-103. Proceedings by **interrogatories**

Whenever a fieri facias has been issued upon a judgment rendered in a general district court the judge or clerk of the court may issue the summons provided for in § 8.01-506. In such case the judge of the general district court shall have all of the powers and authority respecting **interrogatories** conferred by §§ 8.01-506 to 8.01-510 upon any court or judge mentioned therein. The commissioner before whom any person is required to appear by such summons shall have the same powers and authority as if such summons had been issued under § 8.01-506. All **interrogatories**, answers, reports and other proceedings under such summons, and also all money, evidences of indebtedness and other security in the hands of an officer which are directed by any section of Chapter 18 (§ 8.01-466 et seq.) of Title 8.01 to be returned or delivered to such court or judge, or to the clerk's office of such court, shall, when the summons was issued by a judge of a general district court be returned or delivered in like manner to the court from which the summons issued.

From any order of the judge of the general district court which involves the disposition of any money or property exceeding the sum of fifty dollars in value, exclusive of interest, there shall be an appeal in the same manner and upon the same conditions as in appeals from judgments rendered in civil matters in general district courts.

1956, c. 555; 1978, c. 66; 1983, c. 499.

§ 16.1-116. Issuance of executions and abstracts and proceedings by **interrogatories** after papers returned to circuit court

When a judgment has been rendered in a civil action in a general district court and the papers in the action have been returned to the clerk of the circuit court for filing and preserving, executions upon and abstracts of the judgment may be issued by the clerk of such circuit court within the periods permitted under § 8.01-251, provided that such judgment has been duly entered in the judgment lien docket book of such court. However, for a period of two years from the date of any such judgment, the judge or clerk of the general district court may also issue executions upon and abstracts of the judgment. In addition, proceedings by **interrogatories** may be had in the circuit court as if the judgment had been rendered by that court.

1956, c. 555; 1962, c. 444; 1983, c. 499.

Title 32.1 - Health

§ 32.1-320. Duties of Attorney General; medical services providers audit and investigation unit

A. There shall be established within the Office of the Attorney General a unit to audit and investigate providers of services furnished under the State Medical Assistance Plan. The Department of Medical Assistance Services shall cooperate with the Office of the Attorney General in conducting such audits and investigations and shall provide such information for these purposes as may be requested by the Attorney General or his authorized representative.

B. The Attorney General or his authorized representative shall have the authority to:

1. Conduct audits and investigations of providers of medical and other services furnished under medical assistance. Such investigations shall include investigation of complaints alleging abuse or neglect of persons in the care or custody of others who receive payments for providing health care services under the state plan for medical assistance, regardless of whether the patient who is the subject of the complaint is a recipient of medical assistance. The relevant board within the Department of Health Professions shall serve in an advisory capacity to the Attorney General in the conduct of audits or investigations of health care providers licensed by the respective regulatory boards. In the conduct of such audits or investigations, the Attorney General may examine (i) those records or portions thereof, including patient records, for which services were rendered by a health care provider and reimbursed by the Department of Medical Assistance Services under the Plan for Medical Assistance, and (ii) in cases involving a complaint alleging abuse or neglect of a person in the care or custody of others who receive payments for medical assistance, those records or portions thereof, including patient records, that are relevant to the investigation of the complaint, notwithstanding the provisions of Chapter 38 (§ 2.2-3800 et seq.) of Title 2.2 or of any other statute which may make or purport to make such records privileged or confidential. No original patient records shall be removed from the premises of the health care provider, except in accordance with Rule 4:9 of the Rules of the Supreme Court of Virginia. The disclosure of any records or information by the Attorney General is prohibited, unless such disclosure is directly connected to the official purpose for which the records or information was obtained. The disclosure of patient information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationship between the provider and the patient, but no evidence resulting from such disclosure may be used in any civil, administrative or criminal proceeding against the patient unless a waiver of the applicable evidentiary privilege is obtained. The Attorney General shall cause all

copies of patient medical records in his possession or that of his designee to be destroyed upon completion of the audit, investigation or proceedings, including appeals;

2. Issue subpoenas, propound **interrogatories**, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions within and without the Commonwealth as now provided by law, and compel the production of pertinent books, payrolls, accounts, papers, records, documents and testimony relevant to such investigation. If a person in attendance before the Attorney General or his authorized representative refuses, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book or paper or other evidence when ordered to do so by the Attorney General or his authorized representative, the Attorney General or his authorized representative may apply to the judge of the circuit court of the jurisdiction where such person is in attendance, upon affidavit, for an order returnable in not less than two nor more than five days, directing such person to show cause why he should not produce such records. Upon the hearing of such order, if the court shall determine that such person, without reasonable cause, has refused to be examined or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to bring or produce, he may forthwith assess all costs and reasonable attorney fees against such person. If the motion for an order is granted and the person thereafter fails to comply with the order, the court may make such orders as are provided for in the Rules of the Supreme Court of Virginia. Subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the circuit courts of this Commonwealth. Subpoenas issued under this section are expressly excluded and excepted from the provisions of subsection H of § 32.1-127.1:03. All records, information, reports, documents, memoranda, and communications created or developed during the course of a civil investigation under this section or pursuant to § 32.1-312 shall be considered sensitive and confidential and may be considered attorney work product or privileged investigative files.

1981, c. 255; 1982, c. 41; 1984, c. 781; 1986, c. 551; 2011, cc. 110, 175; 2012, c. 479; 2013, c. 538.

Title 36 - Housing

[§ 36-96.10. Procedures for investigation](#)

A. The Board shall commence proceedings with respect to a complaint within thirty days after receipt of the complaint, and shall complete the investigation within 100 days thereof unless it is impracticable to do so. If the Board is unable to complete the investigation within 100 days after the receipt of the complaint, the aggrieved person and the respondent shall be notified in writing of the reasons for not doing so.

B. When conducting an investigation of a complaint filed under this chapter, the Board shall have the right to interview any person who may have any information which may further its investigation and to request production of any records or documents for inspection and copying in the possession of any person which may further the investigation. Such persons shall be interviewed under oath. The Board or its designated subordinates shall have the power to issue and serve a subpoena to any such person to appear and testify and to produce any such records or documents for inspection and copying. Said subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery

were ordered or served as part of a civil action in the Commonwealth of Virginia. In case of refusal or neglect to obey a subpoena, the Board may petition for its enforcement in the Circuit Court for the City of Richmond. The hearing on such petition shall be given priority on the court docket over all cases which are not otherwise given priority on the court docket by law.

C. At the end of each investigation under this section, the Board shall prepare a final investigative report containing:

1. The names and dates of contacts with witnesses;
2. A summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;
3. A summary description of other pertinent records;
4. A summary of witness statements; and
5. Answers to **interrogatories**.

A final report under this subsection may be amended if additional evidence is later discovered.

D. The Board shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Board's investigation, information derived from an investigation and any final investigative report relating to that investigation.

1975, c. 566, § 36-94.1; 1991, c. 557; 1998, c. 634.

Title 38.2 - Insurance

§ 38.2-1916.1. Investigation by Attorney General of suspected violations; investigative demand to witnesses; access to business records, etc.; penalties

A. 1. Whenever it appears to the Attorney General, either upon complaint or otherwise, that any person has engaged in, or is engaging in, or is about to engage in any act or practice prohibited by § 38.2-1916, or any violation of subsection D of § 38.2-1919, the Attorney General may, consistent with his powers and duties to enforce the laws of the Commonwealth prohibiting conduct that unreasonably restrains trade, after notice to the Commission:

- a. Either require or permit such person to file with him a statement in writing or otherwise, under oath, as to all facts and circumstances concerning the subject matter;
- b. Require such other data and information as he may deem relevant to the subject matter of an investigation of a possible violation of § 38.2-1916 or subsection D of § 38.2-1919; and
- c. Issue an investigative demand to witnesses by which he may (i) compel the attendance of such witnesses; (ii) examine such witnesses under oath before himself or the Commission; (iii) subject to subsection B of this section, require the production of any documents or things that he deems relevant or material to the inquiry; and (iv) issue written **interrogatories** to be answered by the witness served or, if the witness served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the witness.

2. The investigative powers authorized shall not abate or terminate by reason of any action or proceeding brought by the Attorney General or the Commission under this title. When a document or thing is demanded by an investigative demand, that demand shall not (i) contain any requirement that would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this Commonwealth; or (ii) require the disclosure of any document or thing that would be privileged, or production of which for any other reason would not be required by a subpoena duces tecum issued by a court of this Commonwealth.

B. Where the information requested pursuant to an investigative demand may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit, or inspection of such business records, or from a compilation, abstract, or summary based therein, and the burden of deriving or ascertaining the answer is substantially the same for the Attorney General as for the party from whom such information is requested, it shall be sufficient for that party to specify the records from which the answer may be derived or ascertained and to afford the Attorney General, or other individuals properly designated by the Attorney General, reasonable opportunity to examine, audit, or inspect such records and to make copies, compilations, abstracts, or summaries. The Attorney General is authorized, and may so elect, to require the production pursuant to this section, of documents or things before or after the taking of any testimony of the person summoned pursuant to an investigative demand, in which event, those documents or things shall be made available for inspection and copying during normal business hours at the principal place of business of the person served, or at such other time and place as may be agreed upon by the person served and the Attorney General.

C. Any investigative demand issued by the Attorney General under this section shall contain (i) a citation to this statute and section, (ii) a citation to the statute and section pertaining to the alleged violation under investigation, (iii) the subject matter of the investigation, and (iv) the date, place, and time the person is required to appear to produce testimony or documentary material in his possession, custody or control. Such date shall not be less than twenty days from the date of the investigative demand. Where documentary material is required to be produced, it shall be described by class so as to clearly indicate the material demanded.

D. Service of an investigative demand as provided in this section may be made by:

1. Delivery of a duly executed copy thereof to the person served or, if a person is not a natural person, to the principal place of business of the person to be served; or
2. Mailing by certified mail, return receipt requested, a duly executed copy thereof addressed to the person to be served at his principal place of business in this Commonwealth, or if that person has no place of business in this Commonwealth, to his principal office.

E. Within twenty days after the service of any such demand upon any person or enterprise, or at any time before the return date specified in the demand, whichever period is shorter, such party may file with the Commission and serve upon the Attorney General a petition for an order of the Commission modifying or setting aside such demand. The time allowed for compliance with the demand, in whole or in part as deemed proper and ordered by the Commission, shall not run during the pendency of such petition in the Commission. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such party. The provisions of this subsection shall be the exclusive

means for a witness summoned pursuant to an investigative demand under this section to challenge an investigative demand issued pursuant to subsection A of this section.

F. The examination of all witnesses under this section shall be conducted by the Attorney General, or his designee, before an officer authorized to administer oaths in this Commonwealth. The testimony shall be taken stenographically or by a sound-recording device and shall be transcribed.

G. Any person required to testify or to submit documentary evidence shall be entitled, on payment of lawfully prescribed cost, to procure a copy of any document produced by such person and of his own testimony as stenographically reported or, in the case of depositions, as reduced to writing by or under the direction of a person taking the deposition. Any party compelled to testify or to produce documents or things may be accompanied and advised by counsel, but counsel may not, as a matter of right, otherwise participate in the investigation.

H. All persons served with an investigative demand by the Attorney General under this section, other than any person or persons whose conduct or practices are being investigated or any officer, director, or person in the employ of such person under investigation, shall be paid the same fees and mileage as paid witnesses in the courts of this Commonwealth. No person shall be excused from attending such inquiry pursuant to the mandate of an investigative demand, from producing a document or thing, or from being examined or required to answer questions, on the ground of failure to tender or pay a witness fee or mileage, unless a demand therefor is made at the time testimony is about to be taken and is made as a condition precedent to offering such production or testimony and unless payment is not made.

I. Any natural person who neglects or refuses (i) to attend and testify, (ii) to answer any lawful inquiry, or (iii) to produce documents or things, if in his power to do so, in obedience of an investigative demand or lawful request of the Attorney General or those properly authorized by the Attorney General, pursuant to this section, shall be subject to the penalty provisions of § 38.2-218. Any natural person who commits perjury, false swearing, or contempt in answering or failing to answer, or in producing a document or thing or failing to do so in accordance with an investigative demand or lawful request by the Attorney General, pursuant to this section, shall be guilty of a misdemeanor and upon conviction therefor by a court of competent jurisdiction shall be punished by a fine of not more than \$5,000 or by imprisonment in jail for not more than one year, or both.

J. In any investigation brought by the Attorney General pursuant to this chapter, no individual shall be excused from attending, testifying or producing documentary material, objects, or intangible things in obedience to an investigative demand or under order of the Commission on the ground that the testimony, document, or thing required of him may tend to incriminate him or subject him to any penalty. No testimony or other information compelled either by the Attorney General or under order of the Commission or a court or any information directly or indirectly derived from such testimony or other information may be used against the individual or witness in any criminal case. However, he may be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing, or contempt committed in answering or failing to answer, or in producing any document or thing or failing to do so in accordance with the demand of the Attorney General or the Commission. If an individual refuses to testify or produce any document or thing after being granted immunity from criminal prosecution and after being ordered to testify or produce any document or thing as authorized by this section, he may be found to be in

civil contempt by a court of competent jurisdiction and incarcerated until such time as he purges himself of contempt by testifying, producing such document or thing, or presenting a written statement as ordered. Such finding of contempt shall not prevent the Attorney General from instituting other appropriate contempt proceedings against any person who violates any of the provisions of this section.

K. It shall be the duty of all public state and local officials, their employees, and all other persons to render and furnish to the Attorney General or his designee, when so requested, all information and assistance in their possession or within their power. Any officer participating in such inquiry and any person examined as a witness upon such inquiry who discloses to any person other than the Attorney General the name of any witness examined or any other information obtained upon such inquiry, except as so directed by the Attorney General, shall be guilty of a misdemeanor and subject to the sanctions prescribed in subsection I of this section. Such inquiry may upon written authorization by the Attorney General be made public.

L. The Attorney General may recommend rules and regulations to implement and carry out the provisions of this section. All such rules and regulations shall be subject to the approval of the Commission.

M. It shall be the duty of the Attorney General, or his designees, to maintain the secrecy of all evidence, testimony, documents, or other results of such investigations until formal proceedings are instituted. Violation of this subsection shall be punishable pursuant to § 38.2-218. Nothing contained in this section shall be construed to prevent the disclosure of any such investigative evidence by the Attorney General in his discretion to the Commissioner of Insurance, the State Corporation Commission, or to any federal or state law-enforcement authority that has restrictions governing confidentiality similar to those contained in this subsection.

1990, c. 596; 2002, c. 472.

[§ 38.2-5007. Interrogatories and depositions](#)

Any party to a proceeding under this chapter may, upon application to the Commission setting forth the materiality of the information requested, serve **interrogatories** or cause the depositions of witnesses residing within or without the Commonwealth to be taken, the costs to be taxed as expenses incurred in connection with the filing of a claim, in accordance with § 38.2-5009. Such depositions shall be taken after notice and in the manner prescribed by law, for depositions in actions at law, except that they shall be directed to the Commission, the Commissioner or the Deputy Commissioner before whom the proceedings may be pending.

1987, c. 540; 1989, c. 523; 2003, c. 897.

Title 40.1 – Labor and Employment

[§ 40.1-6. Powers and duties of Commissioner](#)

The Commissioner shall:

1. Have general supervision and control of the Department;

2. Enforce the provisions of this title and shall cause to be prosecuted all violations of law relating to employers or business establishments before any court of competent jurisdiction;
3. Make such rules and regulations as may be necessary for the enforcement of this title and procedural rules as are required to comply with the federal Occupational Safety and Health Act of 1970 (P.L. 91-596). All such rules and regulations shall be subject to Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2;
4. In the discharge of his duties, have power to take and preserve testimony, examine witnesses, and administer oaths and to file a written or printed list of relevant **interrogatories** and require full and complete answers to the same to be returned under oath within 30 days of the receipt of such list of questions;
5. Have power to appoint such representatives as may be necessary to aid the Commissioner in his work, with the duties of such representatives to be prescribed by the Commissioner;
6. Determine the prevailing wage required to be paid under a public contract for public works as provided in § 2.2-4321.3 and perform all other duties imposed on the Commissioner under such section. Any determination of the prevailing wage rate made by the Commissioner shall be based on applicable prevailing wage rate determinations made by the U.S. Secretary of Labor under the provisions of the Davis-Bacon Act, 40 U.S.C. § 276 et seq., as amended;
7. Have power to require that accident, injury, and occupational illness records and reports be kept at any place of employment and that such records and reports be made available to the Commissioner or his duly authorized representatives upon request, and to require employers to develop, maintain, and make available such other records and information as are deemed necessary for the proper enforcement of this title;
8. Have power, upon presenting appropriate credentials to the owner, operator, or agent in charge:
 - a. To enter without delay and at reasonable times any business establishment, construction site, or other area, workplace, or environment where work is performed by an employee of any employer in this Commonwealth; and
 - b. To inspect and investigate, during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, without prior notice unless such notice is authorized by the Commissioner or his representative, any such business establishment or place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, officer, owner, operator, agent, or employee. If such entry or inspection is refused, prohibited, or otherwise interfered with, the Commissioner shall have power to seek from a court having equity jurisdiction an order compelling such entry or inspection;
9. Make rules and regulations governing the granting of temporary or permanent variances from all standards promulgated by the Board under this title. Any interested or affected party may appeal to the Board, the Commissioner's determination to grant or deny such a variance. The Board may, as it sees fit, adopt, modify, or reject the determination of the Commissioner;
10. Have authority to issue orders to protect the confidentiality of all information reported to or otherwise obtained by the Commissioner, the Board, or the agents or employees of either that contains or might reveal a trade secret. Such information shall be confidential and shall be

limited to those persons who need such information for purposes of enforcement of this title. Violations of such orders shall be punishable as civil contempt upon application to the Circuit Court of the City of Richmond. It shall be the duty of each employer to notify the Commissioner or his representatives of the existence of trade secrets where he desires the protection provided herein; and

11. Serve as executive officer of the Virginia Safety and Health Codes Board and of the Apprenticeship Council and see that the rules, regulations, and policies that they promulgate are carried out.

Code 1950, § 40-4; 1962, c. 66; 1970, c. 321; 1972, c. 567; 1973, c. 425; 1984, cc. 590, 734; 1987, c. 165; 1997, c. 919; 1998, c. 97; 2004, c. 592; 2020, cc. 1216, 1243.

[§ 40.1-10. Offenses in regard to examinations, inspections, etc.](#)

If any person who may be sworn to give testimony shall willfully fail or refuse to answer any legal and proper question propounded to him concerning the subject of such examination as indicated in § 40.1-6, or if any person to whom a written or printed list of such **interrogatories** has been furnished by the Commissioner shall neglect or refuse to answer fully and return the same under oath, or if any person in charge of any business establishment shall refuse admission to, or obstruct in any manner the inspection or investigation of such establishment or the proper performance of the authorized duties of the Commissioner or any of his representatives, he shall be guilty of a misdemeanor. Such person, upon conviction thereof, shall be fined not exceeding \$100 nor less than \$25 or imprisoned in jail not exceeding 90 days, or both.

Code 1950, § 40-8; 1962, c. 66; 1970, c. 321.

Title 54.1 – Professions and Occupations

[§ 54.1-1120. Recovery from Fund generally](#)

A. The claimant shall be (i) an individual whose contract with the regulant involved contracting for the claimant's residence located in the Commonwealth or (ii) a property owners' association as defined in § 55.1-1800 whose contract with the regulant involved contracting for improvements to the common areas owned by the association.

The claimant shall not himself be (a) an employee of such judgment debtor, (b) a vendor of such judgment debtor, (c) another licensee, (d) the spouse or child of such judgment debtor or the employee of such spouse or child, or (e) a financial or lending institution or any person whose business involves the construction or development of real property.

B. Whenever any person is awarded a judgment in a court of competent jurisdiction in the Commonwealth or has a judgment entered in conformity with an order confirming an arbitration award from a court of competent jurisdiction in the Commonwealth against any individual or entity that involves improper or dishonest conduct occurring (i) during a period when such individual or entity was a regulant and (ii) in connection with a transaction involving contracting, the claimant may file a verified claim with the Director to obtain a directive ordering payment from the Fund of the amount unpaid upon the judgment, subject to the following conditions:

1. If an action is instituted against a regulant by any person in a court of competent jurisdiction in the Commonwealth, such person shall serve a copy of the complaint upon the Board by certified mail or the equivalent; however, if a person submits a dispute to arbitration against a regulant, such person shall serve upon the Board a copy of the statement of facts and allegations provided to any assigned arbitrator, as well as the name, address, and contact information for any such arbitrator.

2. A copy of any pleading or document filed subsequent to the initial service of process in the action against a regulant shall be provided to the Board. If the dispute is submitted to arbitration, a copy of any document or exhibit subsequently provided to any assigned arbitrator shall be provided to the Board. The claimant shall submit such copies to the Board by certified mail, or the equivalent, upon his receipt of the pleading, document, or exhibit.

3. A verified claim shall be filed with the Director no later than 12 months after the date of entry of the final judgment from which no further right of appeal exists. In addition to a verified claim, if a claimant is granted an order confirming an arbitration award, a verified copy of the decision of any assigned arbitrator, including a statement of reasoning and any findings of fact regarding any improper or dishonest conduct by the regulant shall be filed with the Director no later than 12 months after the date of entry of the judgment entered in conformity with an order from a court of competent jurisdiction in the Commonwealth confirming an arbitration award from which no further right of appeal exists.

4. Prior to submitting the verified claim, the claimant shall:

a. Conduct or make a reasonable attempt to conduct debtor's **interrogatories** to determine whether the judgment debtor has any assets that may be sold or applied in whole or partial satisfaction of the judgment; and

b. Take all legally available actions for the sale or application of any assets disclosed in the debtor's **interrogatories**.

C. If the regulant has filed bankruptcy, the claimant shall file a claim with the proper bankruptcy court. If no distribution is made, or the distribution ordered fails to satisfy the claim, the claimant may then file a claim with the Board. The verified claim shall be received by the Board within 12 months of the date of bankruptcy discharge or dismissal. In the event the judgment is silent as to the conduct of the regulant, the Board shall determine (i) whether the conduct of the regulant that gave rise to the claim was improper or dishonest and (ii) what amount, if any, such claimant is entitled to recover from the Fund.

1980, c. 635, § 54-145.3:3; 1984, c. 270; 1987, c. 555; 1988, cc. 393, 765; 1990, cc. 215, 437, 911; 1995, c. 784; 1996, c. 96; 1997, c. 885; 1999, cc. 55, 261; 2013, c. 343; 2015, c. 409; 2023, c. 248.

[§ 54.1-1122. Consideration of applications for payment](#)

A. The claimant shall submit the following supporting documentation with the claim:

1. Copies of the contract with the regulant and all written change orders to the contract. If no written contract between the regulant and the claimant is available, the claimant may submit an affidavit attesting to the terms of the agreement, promise, or other contractual obligation;

2. All pleadings or other documents filed with the court from which judgment was obtained;
3. All orders and opinions of the court from which judgment was obtained, including the final judgment order;
4. The transcript of the debtor's **interrogatories**, if conducted, or if no transcript is available, a sworn affidavit affirming that debtor's **interrogatories** were conducted, or evidence that debtor's **interrogatories** were attempted if not conducted; a description of assets of the judgment debtor disclosed in the debtor's **interrogatories**; and a description of all steps taken for the sale or application of those disclosed assets in whole or partial satisfaction of the judgment, or a statement why no means are legally available for the sale or application of those disclosed assets, or a statement that the value of the disclosed assets is less than the cost of levying upon and selling such assets including reasonable estimates of the fair market value of the disclosed assets and costs of levying upon selling such assets;
5. A statement of the balance of the judgment remaining unpaid at the time the claim is submitted to the Department, and a statement that the claimant agrees to notify the Department of any additional payment that may be received in whole or partial satisfaction of the judgment during the pendency of the claim before the Board; and
6. Any other documentary evidence or exhibits the claimant wishes the Board to consider with the claim.

B. The Department shall promptly consider the verified claim of the claimant administratively. If the claim form is incomplete or not properly notarized, or if all required supporting documentation is not included with the claim, then the Department may provide the claimant with notice of any deficiency and an additional opportunity to submit a corrected verified claim. The burden shall be on the claimant to comply with all claim requirements and to submit the necessary documentation within 12 months of the initial claim submission. Once the Department confirms that the verified claim is complete, it shall present such verified claim, along with a recommendation regarding payment, to the Board for the Board's consideration and shall notify the claimant of the Board's recommendation.

C. The Department's and Board's consideration of the claim shall be based solely on the contents of the verified claim. Neither an informal fact-finding conference pursuant to § 2.2-4019 nor a formal hearing pursuant to § 2.2-4020 shall be required, unless requested by the claimant.

D. A claimant shall not be denied recovery from the Fund due to the fact that order for judgment filed with the verified claim does not contain a specific finding of "improper or dishonest conduct." Any language in the order that supports the conclusion that the court found that the conduct of the regulant meets the definition of "improper or dishonest conduct" in § 54.1-1118 shall be used by the Board to determine eligibility for recovery from the Fund. To the extent the judgment order is silent as to the court's findings on the conduct of the regulant, the Board may determine whether the conduct of the regulant meets the definition of improper or dishonest conduct by substantial evidence in the verified claim.

E. If the Board finds there has been compliance with the required conditions, the Board shall issue a directive ordering payment from the fund to the claimant the amount remaining unpaid on the judgment, subject to the limitations set forth in § 54.1-1123. The claimant shall be notified in writing of the findings of the Board. The Board's findings shall be considered a "case decision" and judicial review of these findings shall be in accordance with § 2.2-4025 of the

Administrative Process Act (§ 2.2-4000 et seq.). Notwithstanding any other provision of law, the Board shall have the right to appeal a decision of any court which is contrary to any distribution recommended or authorized by it.

1980, c. 635, § 54-145.3:4; 1984, c. 270; 1987, c. 555; 1988, c. 765; 2006, c. 723; 2013, c. 343; 2017, c. 572.

§ 54.1-2114. Recovery from fund generally

A. The claimant shall not himself be (i) a regulant, (ii) the personal representative of a regulant, (iii) the spouse or child of the regulant against whom the judgment was awarded or the personal representative of such spouse or child, or (iv) a lending or financial institution or any person whose business involves the construction or development of real property.

B. Whenever any person is awarded a final judgment in any court of competent jurisdiction in the Commonwealth of Virginia against any individual or entity for improper or dishonest conduct as defined in the act, and the improper or dishonest conduct occurred during a period when the individual or entity was a regulant and occurred in connection with a transaction involving the sale, lease, or management of real property by the regulant acting in the capacity of a real estate broker or real estate salesperson and not in the capacity of a principal, or on his own account, the person to whom such judgment was awarded may file a verified claim with the Director for a directive ordering payment from the fund of the amount unpaid upon the judgment, subject to the following conditions:

1. If any action is instituted against a regulant by any person, such person shall serve a copy of the complaint upon the Board by certified mail or the equivalent.
2. A copy of any pleading or document filed subsequent to the initial service of process in the action against a regulant shall be provided to the Board. The claimant shall submit such copies to the Board by certified mail, or the equivalent, upon his receipt of the pleading or document.
3. A verified claim shall be filed with the Director no later than 12 months after the date of entry of the final judgment from which no further right of appeal exists.
4. Prior to submitting a verified claim, the claimant shall:
 - a. Conduct or make a reasonable attempt to conduct debtor's **interrogatories** to determine whether the judgment debtor has any assets, including any listings held by the regulant and any commissions due thereby; and
 - b. Take all legally available actions for the sale or application of any assets disclosed in the debtor's **interrogatories**.
5. If the judgment debtor has filed bankruptcy, the claimant shall file a claim with the proper bankruptcy court. If no distribution is made, or the distribution ordered fails to satisfy the claim, the claimant may then file a claim with the Board. The verified claim shall be received by the Board within 12 months of the date of bankruptcy discharge or dismissal. In the event the judgment is silent as to the conduct of the regulant, the Board shall determine (i) whether the conduct of the regulant that gave rise to the claim was improper or dishonest as defined in § 54.1-2112 and (ii) what amount, if any, such claimant is entitled to recover from the Fund.

C. The Department shall promptly consider the verified claim. If it appears that a prima facie case has been made for payment of the claim, the Department shall provide the regulant with a notice offering the opportunity to be heard at an informal fact-finding conference pursuant to § 2.2-4019 of the Administrative Process Act (§ 2.2-4000 et seq.). Such notice shall state that if the regulant does not request an informal fact-finding conference within 30 days, with three days added in instances where the notice is sent by mail, the Department shall present the claim to the Board with a recommendation to pay the verified claim.

D. A claimant shall not be denied recovery from the Fund due to the fact that the order for judgment filed with the verified claim does not contain a specific finding of improper or dishonest conduct. Any language in the order that supports the conclusion that the court found that the conduct of the regulant meets the definition of improper or dishonest conduct in § 54.1-2112 shall be used by the Board to determine eligibility for recovery from the Fund. To the extent the judgment order is silent as to the court's findings on the conduct of the regulant, the Board may determine whether the conduct of the regulant meets the definition of improper or dishonest conduct by substantial evidence in the verified claim.

E. If the Board finds that there has been compliance with the statutory conditions to which reference is made in this section, the Board shall issue a directive ordering payment to the claimant from the fund the amount unpaid on the judgment, subject to the limitations set forth in § 54.1-2116. The claimant shall be notified in writing of the findings of the Board. The Board's findings shall be considered a "case decision" and judicial review of these findings shall be in accordance with § 2.2-4025 of the Administrative Process Act (§ 2.2-4000 et seq.).

Notwithstanding any other provision of law, the Board shall have the right to appeal a decision of any court which is contrary to any distribution recommended or authorized by it.

1977, c. 69, § 54-765.4; 1984, c. 266; 1987, c. 555; 1988, c. 765; 1996, c. 115; 2006, c. 723; 2015, c. 409.

Title 58.1 - Taxation

§ 58.1-618. Assessment based on estimate

A. If any dealer fails to make a return as provided by this chapter, or a return that is false or fraudulent, it shall be the duty of the Tax Commissioner to make an estimate for the taxable period of the retail sales or distributions of such dealer, or of the gross proceeds from leases of tangible personal property, or taxable services by such dealer, or the cost price of all articles of tangible personal property imported by such dealer for use or consumption in the Commonwealth, or storage by such dealer of tangible personal property to be used or consumed in the Commonwealth, and assess the tax, plus such penalties as are provided in this chapter. The Tax Commissioner shall give such dealer ten days' notice in writing requiring such dealer to appear before him with such books, records, and papers as he may require relating to the business of such dealer for such taxable period. The Tax Commissioner may require such dealer or the agents and employees of such dealer to give testimony or to answer **interrogatories** under oath administered by the Tax Commissioner respecting such sale, distribution, lease, use, consumption, or storage of tangible personal property, or taxable services, or the failure to make a return thereof as provided in this chapter. If any dealer fails to make any such return or refuses

to permit an examination of his books, records, or papers, or to appear and answer questions within the scope of such investigation, the Tax Commissioner is hereby authorized to make the assessment based upon such information as may be available to him and to issue a memorandum of lien under § 58.1-1805 for the collection of any such taxes and penalties so found to be due. The assessment so made shall be deemed prima facie correct.

B. If the dealer has imported tangible personal property and fails to produce an invoice showing the sales price of the articles, or the invoice does not reflect the true or actual sales price as defined in this chapter, then the Tax Commissioner shall ascertain, in any manner feasible, the true sales price and assess and collect the tax, with penalties, to the extent such have accrued, on the true sales price as ascertained by him. The assessment so made shall be deemed prima facie correct.

C. In the case of the lease of tangible personal property, if the consideration given or reported by the dealer, in the judgment of the Tax Commissioner, does not represent the true or actual consideration, then the Tax Commissioner is authorized to fix the same and assess and collect the tax thereon in the same manner as above provided, with penalties to the extent such have accrued. The assessment so made shall be deemed prima facie correct.

Code 1950, § 58-441.28; 1966, c. 151; 1984, c. 675; 1985, c. 221.

Title 59.1 – Trade and Commerce

§ 59.1-9.10. Investigation by Attorney General of suspected violations; civil investigative demand to witnesses; access to business records, etc.

A. Whenever it shall appear to the Attorney General, either upon complaint or otherwise, that any person has engaged in, or is engaging in, or is about to engage in any act or practice prohibited by this chapter, the Attorney General may in his discretion either require or permit such person to file with him a statement in writing or otherwise, under oath, as to all facts and circumstances concerning the subject matter. The Attorney General may also require such other data and information as he may deem relevant to the subject matter of an investigation of a possible violation of this chapter and may make such special and independent investigations as he may deem necessary in connection with such matter.

B. In connection with any such investigation, the Attorney General, or his designee, is empowered to issue a civil investigative demand to witnesses by which he may (i) compel the attendance of such witnesses; (ii) examine such witnesses under oath before himself or a court of record; (iii) subject to subsection C, require the production of any books or papers that he deems relevant or material to the inquiry; and (iv) issue written **interrogatories** to be answered by the witness served or, if the witness served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the witness. The above investigative powers shall not abate or terminate by reason of any action or proceeding brought by the Attorney General under this chapter. When documentary material is demanded by a civil investigative demand, said demand shall not: (1) contain any requirement that would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this Commonwealth; or (2) require the disclosure of any

documentary material that would be privileged, or production of which for any other reason would not be required by a subpoena duces tecum issued by a court of the Commonwealth.

C. Where the information requested pursuant to a civil investigative demand may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based therein, and the burden of deriving or ascertaining the answer is substantially the same for the Attorney General as for the party from whom such information is requested, it is sufficient for that party to specify the records from which the answer may be derived or ascertained and to afford the Attorney General, or other individuals properly designated by the Attorney General, reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries. Further, the Attorney General is hereby authorized, and may so elect, to require the production pursuant to this section, of documentary material before or after the taking of any testimony of the person summoned pursuant to a civil investigative demand, in which event, said documentary matter shall be made available for inspection and copying during normal business hours at the principal place of business of the person served, or at such other time and place, as may be agreed upon by the person served and the Attorney General.

D. Any civil investigative demand issued by the Attorney General shall contain the following information:

1. The statute and section hereof, the alleged violation of which is under investigation and the subject matter of the investigation.
2. The date and place at which time the person is required to appear to produce documentary material in his possession, custody or control in the office of the Attorney General located in Richmond, Virginia. Such date shall not be less than twenty days from the date of the civil investigative demand.
3. Where documentary material is required to be produced, the same shall be described by class so as to clearly indicate the material demanded.

E. Service of civil investigative demand of the Attorney General as provided herein may be made by:

1. Delivery of a duly executed copy thereof to the person served, or if a person is not a natural person, to the principal place of business of the person to be served, or
2. Mailing by certified mail, return receipt requested, a duly executed copy thereof addressed to the person to be served at his principal place of business in the Commonwealth, or if said person has no place of business in the Commonwealth, to his principal office.

F. Within twenty days after the service of any such demand upon any person or enterprise, or at any time before the return date specified in the demand, whichever period is shorter, such party may file, in the Circuit Court of the City of Richmond and serve upon the Attorney General a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this chapter or upon any constitutional or other legal right or privilege of such party. The provisions of this subsection shall be the exclusive

means for a witness summoned pursuant to a civil investigative demand under this section to challenge a civil investigative demand issued pursuant to subsection B.

G. The examination of all witnesses under this section shall be conducted by the Attorney General, or his designee, before an officer authorized to administer oaths in this Commonwealth. The testimony shall be taken stenographically or by a sound recording device and shall be transcribed.

H. Any person required to testify or to submit documentary evidence shall be entitled, on payment of lawfully prescribed cost, to procure a copy of any document produced by such person and of his own testimony as stenographically reported or, in the case of depositions, as reduced to writing by or under the direction of a person taking the deposition. Any party compelled to testify or to produce documentary evidence may be accompanied and advised by counsel, but counsel may not, as a matter of right, otherwise participate in the investigation.

I. All persons served with a civil investigative demand by the Attorney General under this chapter, other than any person or persons whose conduct or practices are being investigated or any officer, director or person in the employ of such person under investigation, shall be paid the same fees and mileage as paid witnesses in the courts of this Commonwealth. No person shall be excused from attending such inquiry pursuant to the mandate of a civil investigative demand, or from producing a paper or from being examined or required to answer questions on the ground of failure to tender or pay a witness fee or mileage unless demand therefor is made at the time testimony is about to be taken and as a condition precedent to offering such production or testimony and unless payment thereof is not thereupon made.

J. Any natural person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry or to produce documentary evidence, if in his power to do so, in obedience of a civil investigative demand or lawful request of the Attorney General or those properly authorized by the Attorney General, pursuant to this section, shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than \$5,000, or by imprisonment in jail for not more than one year, or both such fine and imprisonment.

Any natural person who commits perjury or false swearing or contempt in answering, or failing to answer, or in producing evidence or failing to do so in accordance with a civil investigative demand or lawful request by the Attorney General, pursuant to this section, shall be guilty of a misdemeanor and upon conviction therefor by a court of competent jurisdiction shall be punished by a fine of not more than \$5,000, or by imprisonment in jail for not more than one year, or both such fine and imprisonment.

K. In any investigation brought by the Attorney General pursuant to this chapter, no individual shall be excused from attending, testifying or producing documentary material, objects or intangible things in obedience to a civil investigative demand or under order of the court on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to any penalty, but no testimony or other information compelled either by the Attorney General or under order of the court, or any information directly or indirectly derived from such testimony or other information, may be used against the individual or witness in any criminal case. However, he may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing evidence or failing to do so in accordance with the order of the Attorney General or

the court. If an individual refuses to testify or produce evidence after being granted immunity from prosecution and after being ordered to testify or produce evidence as aforesaid, he may be adjudged in civil contempt by a court of competent jurisdiction and committed to the county jail until such time as he purges himself of contempt by testifying, producing evidence or presenting a written statement as ordered. The foregoing shall not prevent the Attorney General from instituting other appropriate contempt proceedings against any person who violates any of the above provisions.

L. It shall be the duty of all public officials, both state and local, their deputies, assistants, clerks, subordinates or employees, and all other persons to render and furnish to the Attorney General, his deputy or other designated representative, when so requested, all information and assistance in their possession or within their power. Any officer participating in such inquiry and any person examined as a witness upon such inquiry who shall disclose to any such person other than the Attorney General the name of any witness examined or any other information obtained upon such inquiry, except as so directed by the Attorney General, shall be guilty of a misdemeanor and subject to the sanctions prescribed in subsection J. Such inquiry may upon written authorization of the Attorney General be made public.

M. The Attorney General may promulgate rules and regulations to implement and carry out the provisions of this section.

N. It shall be the duty of the Attorney General, or his designees, to maintain the secrecy of all evidence, testimony, documents or other results of such investigations. Violation of this subsection shall be a misdemeanor. Nothing herein contained shall be construed to prevent (i) the disclosure of any such investigative evidence by the Attorney General in his discretion to any federal or state law-enforcement authority that has restrictions governing confidentiality similar to those contained in this subsection or (ii) the presentation and disclosure of any such investigative evidence by the Attorney General, in his discretion, in any action or proceeding brought by the Attorney General under this chapter.

1974, c. 545; 1982, c. 285; 2000, c. 755.

Title 65.2 – Workers' Compensation

§ 65.2-703. Interrogatories and depositions

A. Any party to a proceeding under this title may serve interrogatories or cause the depositions of witnesses residing within or without the Commonwealth to be taken, the costs to be taxed as other costs by the Commission. All interrogatories, depositions, or any other discovery shall conform to rules governing discovery promulgated by the Commission.

B. The Commission shall adopt rules governing discovery conforming as nearly as practicable to Part Four of the Rules of the Virginia Supreme Court.

Code 1950, § 65-91.1; 1968, c. 660, § 65.1-95; 1970, c. 470; 1991, c. 355; 1993, c. 694; 2024, c. 559.

"motion craving oyer"

This term does not appear in Virginia Code. It can be found in the rules of the Supreme Court of Virginia.

"pro se"

Found in Titles 2.2, 8.01, 16.1, 18.2, 19.2, 20, and 32.1.

Title 2.2 – Administration of Government

[§ 2.2-3706.1. \(Effective until July 1, 2026\) Disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations](#)

A. For purposes of this section:

"Criminal investigative files" means any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution, other than criminal incident information subject to disclosure in accordance with subsection B.

"Family representative" means the decedent's personal representative or, if no personal representative as set forth in § 64.2-100 has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

"Immediate family members" means the decedent's family representative, spouse, child, sibling, parent, grandparent, or grandchild. "Immediate family members" include a stepparent, stepchild, stepsibling, and adoptive relationships.

"Ongoing" refers to a case in which the prosecution has not been finally adjudicated, the investigation continues to gather evidence for a possible future criminal case, and such case would be jeopardized by the premature release of evidence.

B. All public bodies engaged in criminal law-enforcement activities shall provide records and information when requested in accordance with the provisions of this chapter regarding criminal incident information relating to felony offenses contained in any report, notes, electronic communication, or other document, including filings through an incident-based reporting system, which shall include:

1. A general description of the criminal activity reported;
2. The date and time the alleged crime was committed;
3. The general location where the alleged crime was committed;
4. The identity of the investigating officer or other point of contact; and
5. A description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of this subsection.

C. Criminal investigative files relating to an ongoing criminal investigation or proceeding are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E or where such disclosure is prohibited by law.

D. Criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian, in his discretion, except as provided in subsection E; however, such records shall be disclosed, by request, to the following persons, regardless of whether any such person is a citizen of the Commonwealth:

1. The victim;
2. The victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding;
3. The parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding;
4. An attorney representing a petitioner in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon; and
5. For the sole purpose of inspection at the location where such records are maintained by the public body that is the custodian of the records, (i) an attorney or his agent when such attorney is considering representing a petitioner in a post-conviction proceeding or pardon, (ii) an attorney who provides a sworn declaration that the attorney has been retained by an individual for purposes of pursuing a civil or criminal action and has a good faith basis to believe that the records being requested are material to such action, or (iii) a person who is proceeding **pro se** in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon, who provides a sworn affidavit that the records being requested are material to such action.

An attorney or his agent who is in receipt of criminal investigative files or has inspected criminal investigative files pursuant to subdivision 4 or 5 shall not release such criminal investigative files or any information contained therein except as necessary to provide adequate legal advice or representation to a person whom the attorney either represents or is considering representing in a post-conviction proceeding or pardon or represents in a civil or criminal action.

An attorney who is in receipt of criminal investigative files pursuant to subdivision 4 shall return the criminal investigative files to the public body that is the custodian of such records within 90 days of a final determination of any writ of habeas corpus, writ of actual innocence, or other federal or state post-conviction proceeding or pardon or, if no petition for such writ or post-conviction proceeding or pardon was filed, within six months of the attorney's receipt of the records.

No disclosure for the purpose of inspection pursuant to clause (iii) of subdivision 5 shall be made unless an appropriate circuit court has reviewed the affidavit provided and determined the records requested are material to the action being pursued. The court shall order the person not to disclose or otherwise release any information contained in a criminal investigative file except as necessary for the pending action and may include other conditions as appropriate.

E. The provisions of subsections C and D shall not apply if the release of such information:

1. Would interfere with a particular ongoing criminal investigation or proceeding in a particularly identifiable manner;

2. Would deprive a person of a right to a fair trial or an impartial adjudication;
3. Would constitute an unwarranted invasion of personal privacy;
4. Would disclose (i) the identity of a confidential source or (ii) in the case of a record compiled by a law-enforcement agency in the course of a criminal investigation, information furnished only by a confidential source;
5. Would disclose law-enforcement investigative techniques and procedures, if such disclosure could reasonably be expected to risk circumvention of the law; or
6. Would endanger the life or physical safety of any individual.

Nothing in this subsection shall be construed to authorize the withholding of those portions of such information that are unlikely to cause any effect listed herein.

F. Notwithstanding the provisions of subsection C or D, no criminal investigative file or portion thereof, except disclosure of records under subdivision D 4 or clause (i) of subdivision D 5, shall be disclosed to any requester pursuant to this section, unless the public body has made reasonable efforts to notify (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to be notified is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian to be notified is not a person of interest or a suspect in the criminal investigation or proceeding.

Upon receipt of notice that a public body has received a request for criminal investigative files pursuant to this section, an individual listed in clause (i), (ii), or (iii) shall have 14 days to file in an appropriate court a petition for an injunction to prevent the disclosure of the records as set forth in § 8.01-622.2. The public body shall not respond to the request until at least 14 days has passed from the time notice was received by an individual listed in clause (i), (ii), or (iii) unless such individual has waived the 14-day period or at the request of the victim's insurance company or attorney. The period within which the public body shall respond to the underlying request pursuant to § 2.2-3704 shall be tolled pending the notification process and any subsequent disposition by the court.

G. No photographic, audio, video, or other record depicting a victim or allowing for a victim to be readily identified shall be released pursuant to subsection C or D to anyone except (i) the victim; (ii) the victim's family representative, if the victim is deceased and the family representative to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding; (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding; or (iv) the victim's insurance company or attorney.

H. Nothing in this section shall prohibit the disclosure of current anonymized, aggregate location and demographic data collected pursuant to § 52-30.2 or similar data documenting law-enforcement officer encounters with members of the public.

I. In the event of a conflict between this section as it relates to requests made under this section and other provisions of law, the other provisions of law, including court sealing orders, that restrict disclosure of criminal investigative files shall control.

2021, Sp. Sess. I, c. 483; 2022, c. 386; 2024, cc. 580, 582.

§ 2.2-3706.1. (Effective July 1, 2026) Disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations.

A. For purposes of this section:

"Criminal investigative files" means any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution, other than criminal incident information subject to disclosure in accordance with subsection B.

"Family representative" means the decedent's personal representative or, if no personal representative as set forth in § 64.2-100 has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

"Immediate family members" means the decedent's family representative, spouse, child, sibling, parent, grandparent, or grandchild. "Immediate family members" include a stepparent, stepchild, stepsibling, and adoptive relationships.

"Ongoing" refers to a case in which the prosecution has not been finally adjudicated, the investigation continues to gather evidence for a possible future criminal case, and such case would be jeopardized by the premature release of evidence.

B. All public bodies engaged in criminal law-enforcement activities shall provide records and information when requested in accordance with the provisions of this chapter regarding criminal incident information relating to felony offenses contained in any report, notes, electronic communication, or other document, including filings through an incident-based reporting system, which shall include:

1. A general description of the criminal activity reported;
2. The date and time the alleged crime was committed;
3. The general location where the alleged crime was committed;
4. The identity of the investigating officer or other point of contact; and
5. A description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of this subsection.

C. Criminal investigative files relating to an ongoing criminal investigation or proceeding are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E or where such disclosure is prohibited by law.

D. Criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian, in his discretion, except as provided in subsection E; however, such records shall be disclosed, by request, to the following persons, regardless of whether any such person is a citizen of the Commonwealth:

1. The victim;

2. The victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding;
3. The parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding;
4. An attorney representing a petitioner in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon; and
5. For the sole purpose of inspection at the location where such records are maintained by the public body that is the custodian of the records, (i) an attorney or his agent when such attorney is considering representing a petitioner in a post-conviction proceeding or pardon, (ii) an attorney who provides a sworn declaration that the attorney has been retained by an individual for purposes of pursuing a civil or criminal action and has a good faith basis to believe that the records being requested are material to such action, or (iii) a person who is proceeding **pro se** in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon, who provides a sworn affidavit that the records being requested are material to such action.

An attorney or his agent who is in receipt of criminal investigative files or has inspected criminal investigative files pursuant to subdivision 4 or 5 shall not release such criminal investigative files or any information contained therein except as necessary to provide adequate legal advice or representation to a person whom the attorney either represents or is considering representing in a post-conviction proceeding or pardon or represents in a civil or criminal action.

An attorney who is in receipt of criminal investigative files pursuant to subdivision 4 shall return the criminal investigative files to the public body that is the custodian of such records within 90 days of a final determination of any writ of habeas corpus, writ of actual innocence, or other federal or state post-conviction proceeding or pardon or, if no petition for such writ or post-conviction proceeding or pardon was filed, within six months of the attorney's receipt of the records.

No disclosure for the purpose of inspection pursuant to clause (iii) of subdivision 5 shall be made unless an appropriate circuit court has reviewed the affidavit provided and determined the records requested are material to the action being pursued. The court shall order the person not to disclose or otherwise release any information contained in a criminal investigative file except as necessary for the pending action and may include other conditions as appropriate.

E. The provisions of subsections C and D shall not apply if the release of such information:

1. Would interfere with a particular ongoing criminal investigation or proceeding in a particularly identifiable manner;
2. Would deprive a person of a right to a fair trial or an impartial adjudication;
3. Would constitute an unwarranted invasion of personal privacy;
4. Would disclose (i) the identity of a confidential source or (ii) in the case of a record compiled by a law-enforcement agency in the course of a criminal investigation, information furnished only by a confidential source;

5. Would disclose law-enforcement investigative techniques and procedures, if such disclosure could reasonably be expected to risk circumvention of the law; or

6. Would endanger the life or physical safety of any individual.

Nothing in this subsection shall be construed to authorize the withholding of those portions of such information that are unlikely to cause any effect listed herein.

F. Notwithstanding the provisions of subsection C or D, no criminal investigative file or portion thereof, except disclosure of records under subdivision D 4 or clause (i) of subdivision D 5, shall be disclosed to any requester pursuant to this section, unless the public body has made reasonable efforts to notify (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to be notified is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian to be notified is not a person of interest or a suspect in the criminal investigation or proceeding.

Upon receipt of notice that a public body has received a request for criminal investigative files pursuant to this section, an individual listed in clause (i), (ii), or (iii) shall have 14 days to file in an appropriate court a petition for an injunction to prevent the disclosure of the records as set forth in § 8.01-622.2. The public body shall not respond to the request until at least 14 days has passed from the time notice was received by an individual listed in clause (i), (ii), or (iii) unless such individual has waived the 14-day period or at the request of the victim's insurance company or attorney. The period within which the public body shall respond to the underlying request pursuant to § 2.2-3704 shall be tolled pending the notification process and any subsequent disposition by the court.

G. No photographic, audio, video, or other record depicting a victim or allowing for a victim to be readily identified shall be released pursuant to subsection C or D to anyone except (i) the victim; (ii) the victim's family representative, if the victim is deceased and the family representative to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding; (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding; or (iv) the victim's insurance company or attorney.

H. Nothing in this section shall prohibit the disclosure of current anonymized, aggregate location and demographic data collected pursuant to § 52-30.2 or similar data documenting law-enforcement officer encounters with members of the public.

I. In the event of a conflict between this section as it relates to requests made under this section and other provisions of law, the other provisions of law that restrict disclosure of criminal investigative files shall control.

J. The following records shall not be released under the provisions of this section:

1. Any record that has been expunged pursuant to § 19.2-392.2, unless dissemination is authorized pursuant to § 19.2-392.3 or 19.2-392.3:1; and

2. Any record that has been sealed pursuant to § 19.2-392.6:1, 19.2-392.7, 19.2-392.8, 19.2-392.10, 19.2-392.11, 19.2-392.12, 19.2-392.12:1, or 19.2-392.17, unless dissemination is authorized pursuant to § 19.2-392.13 and the rules and regulations adopted pursuant to § 9.1-128 and the procedures adopted pursuant to § 9.1-134.

2021, Sp. Sess. I, c. 483; 2022, c. 386; 2024, cc. 580, 582; 2025, cc. 634, 671.

Title 8.01 – Civil Remedies and Procedure

§ 8.01-271.1. Signing of pleadings, motions, and other papers; oral motions; sanctions

A. Except as otherwise provided in §§ 16.1-260 and 63.2-1901, every pleading, motion, or other paper of a party represented by an attorney shall be signed by at least one attorney of record who is an active member in good standing of the Virginia State Bar in his individual name, and the attorney's address shall be stated on the first pleading filed by that attorney in the action. A party who is not represented by an attorney, including a person confined in a state or local correctional facility proceeding **pro se**, shall sign his pleading, motion, or other paper and state his address. The signature of a person other than counsel of record who is an active member in good standing of the Virginia State Bar or a **pro se** litigant is not a valid signature. A minor who is not represented by an attorney shall sign his pleading, motion, or other paper by his next friend. Either or both parents of such minor may sign on behalf of such minor as his next friend. However, a parent may not sign on behalf of a minor if such signature is otherwise prohibited by subdivision 6 of § 64.2-716. The signature required by this section may be an electronic signature as defined in § 59.1-480 or a digital image of a signature. If a pleading, motion, or other paper is not signed in compliance with this paragraph, it is defective. Such a defect renders the pleading, motion, or other paper voidable.

B. The signature of an attorney or party constitutes a certificate by him that (i) he has read the pleading, motion, or other paper, (ii) to the best of his knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

C. An oral motion made by an attorney or party in any court of the Commonwealth constitutes a representation by him that (i) to the best of his knowledge, information and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and (ii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

D. If a pleading, motion, or other paper is signed or made in violation of this section, the court, upon motion or upon its own initiative, shall impose upon the person who signed the paper or made the motion, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper or making of the motion, including reasonable attorney fees.

E. Failure to raise the issue of a signature defect in a pleading, motion, or other paper before the trial court's jurisdiction expires pursuant to Rule 1:1 (a) and Rule 1:1B waives any challenge to that pleading, motion, or other paper based on such a defect.

F. Signature defects in appellate filings, including the notice of appeal, shall be raised in the appellate court where the appeal is taken. Failure to timely raise the issue of a defective signature in an appellate pleading, motion, or other paper while the case is pending before the appellate court waives any challenge to that pleading, motion, or other paper based on such a defect.

G. If a signature defect is not timely and properly cured after it is brought to the attention of the pleader or movant, the pleading, motion, or other paper is invalid and shall be stricken. A signature defect shall be cured within 21 days after it is brought to the attention of the pleader or movant. If a signature defect is timely and properly cured, the pleading, motion, or other paper shall be valid and relate back to the date it was originally served or filed.

1987, cc. 259, 682; 1998, c. 596; 2008, cc. 136, 845; 2018, c. 59; 2020, cc. 74, 351; 2024, c. 20.

[§ 8.01-319. Publication of interim notice](#)

A. In any case in which a nonresident party or party originally served by publication has been served as provided by law, and notice of further proceedings in the case is required but no method of service thereof is prescribed either by statute or by order or rule of court, such notice may be served by publication thereof once each week for two successive weeks in a newspaper published or circulated in the city or county in which the original proceedings are pending. If the original proceedings were instituted by order of publication, then the publication of such notice of additional or further proceedings shall be made in the same newspaper. A party, who appears **pro se** in an action, shall file with the clerk of the court in which the action is pending a written statement of his place of residence and mailing address, and shall inform the clerk in writing of any changes of residence and mailing address during the pendency of the action. The clerk and all parties to the action may rely on the last written statement filed as aforesaid. The court in which the action is pending may dispense with such notice for failure of the party to file the statement herein provided for or may require notice to be given in such manner as the court may determine.

B. Notwithstanding any provision to the contrary in paragraph A hereof, depositions may be taken, testimony heard and orders and decrees entered without an order of publication, when the defendant has been legally served with or has accepted service of process to commence a suit for divorce or for annulling or affirming a marriage, and he or she or the plaintiff:

1. Shall thereafter become a nonresident; or
2. Shall remove from the county or city in which the suit is pending, if a resident thereof, or in which he or she resided at the time of the institution of the suit, or was served with process, without having filed with the clerk of the court where the suit is pending a written statement of his or her intended future place of residence, and a like statement of subsequent changes of residence; or
3. When after such written statement has been filed with the clerk, notice shall have been served upon him or her at the last place of residence given in the written statement as provided by law; or
4. Could not be found by the sheriff of the county or city for the service of the notice, and the party sending the service makes affidavit that he has used due diligence to find the adverse party

without success. If such absent party has an attorney of record in such suit, notice shall be served on such attorney, as provided by § 8.01-314.

C. This section shall not apply to orders of publication in condemnation actions.

Code 1950, § 8-76; 1950, p. 68; 1954, c. 333; 1960, c. 16; 1970, cc. 241, 279; 1977, c. 617; 1978, c. 676; 1979, c. 464; 1982, c. 384.

§ 8.01-690. Applicability provisions

The provisions of this chapter shall apply to all **pro se** civil actions for money damages brought under the laws of this Commonwealth, or for injunctive, declaratory, or mandamus relief, brought by prisoners incarcerated in any state or local correctional facility, including a facility operated pursuant to the Corrections Private Services Act (§ 53.1-261 et seq.).

2002, c. 871; 2025, c. 337.

§ 8.01-696. Summary judgment; **pro se** prisoner civil action

Notwithstanding the provisions of § 8.01-420, any time after commencement of a **pro se** prisoner civil action, a party may move for summary judgment on all issues based upon the pleadings, any admissions, and supporting affidavits. The adverse party may serve supporting affidavits within 10 days after service of the motion. The judgment sought shall be rendered forthwith if the pleadings, admissions, and affidavits show that there is no genuine issue of material fact and that the moving party is entitled to a judgment as a matter of law.

2006, c. 435.

Title 16.1 – Courts Not of Record

§ 16.1-81.1. Certain corporations; **pro se** representation

When the amount in controversy in any action at law in a general district court does not exceed the sum of \$2,500, exclusive of interest, attorney fees contracted for in the instrument, and costs, a corporate plaintiff or defendant, the stock of which is held by no more than five persons and is not publicly offered or planned to be publicly offered at the time of the litigation, may be represented by an officer of that corporation who shall have all the rights and privileges given an individual to represent, plead, and try a case without an attorney, provided that such officer has the unanimous consent of all the shareholders to do so.

2009, c. 666.

§ 16.1-122.4. Representation and removal; rights of parties

A. All parties shall be represented by themselves in actions before the small claims court except as follows:

1. A corporation, partnership, limited liability company, or other legal or commercial entity may be represented by an owner, a general partner, an officer, a member, or an employee of that corporation, partnership, limited liability company, or other legal or commercial entity who shall have all the rights and privileges given an individual to represent, plead, and try a case without an attorney. An attorney may serve in this capacity if he is appearing **pro se**, but he may not serve in a representative capacity.

2. A plaintiff or defendant who, in the judge's opinion, is unable to understand or participate on his own behalf in the hearing may be represented by a friend or relative if the representative is familiar with the facts of the case and is not an attorney.

B. A defendant shall have the right to remove the case to the general district court at any point preceding the handing down of the decision by the judge and may be represented by an attorney for that purpose.

1988, c. 799; 1997, c. 243; 2001, c. 74; 2024, c. 58.

§ 16.1-274. Time for filing of reports; copies furnished to attorneys; amended reports; fees

A. Whenever any court directs an investigation pursuant to subdivision A of § 16.1-237 or § 16.1-273 or 9.1-153, or an evaluation pursuant to § 16.1-278.5, the probation officer, court-appointed special advocate, or other agency conducting such investigation shall file such report with the clerk of the court directing the investigation. The clerk shall furnish a copy of such report to all attorneys representing parties in the matter before the court no later than 72 hours, and in cases of child custody, 15 days, prior to the time set by the court for hearing the matter. If such probation officer or other agency discovers additional information or a change in circumstance after the filing of the report, an amended report shall be filed forthwith and a copy sent to each person who received a copy of the original report. Whenever such a report is not filed or an amended report is filed, the court shall grant such continuance of the proceedings as justice requires. All attorneys receiving such report or amended report shall return such to the clerk upon the conclusion of the hearing and shall not make copies of such report or amended report or any portion thereof. However, the chief judge of each juvenile and domestic relations district court may provide for an alternative means of copying and distributing reports or amended reports referenced above.

B. Notwithstanding the provisions of §§ 16.1-69.48:2 and 17.1-275, when the court directs the appropriate local department of social services to conduct supervised visitation or directs the appropriate local department of social services or court services unit to conduct an investigation pursuant to § 16.1-273 or to provide mediation services in matters involving a child's custody, visitation, or support, the court shall assess a fee against the petitioner, the respondent, or both, in accordance with fee schedules established by the appropriate local board of social services when the service is provided by a local department of social services or by a court services unit. The fee schedules shall include (i) standards for determining the paying party's or parties' ability to pay and (ii) a scale of fees based on the paying party's or parties' income and family size and the actual cost of the services provided. The fee charged shall not exceed the actual cost of the service. The fee shall be assessed as a cost of the case and shall be paid as prescribed by the court to the local department of social services, locally operated court services unit or Department of Juvenile Justice, whichever performed the service, unless payment is waived. The

method and medium for payment for such services shall be determined by the local department of social services, Department of Juvenile Justice, or the locally operated court services unit that provided the services.

C. When a local department of social services or any court services unit is requested by another local department or court services unit in the Commonwealth or by a similar department or entity in another state to conduct an investigation involving a child's custody, visitation or support pursuant to § 16.1-273 or, in the case of a request from another state pursuant to a provision corresponding to § 16.1-273, or to provide mediation services, or for a local department of social services to provide supervised visitation, the local department or the court services unit performing the service may require payment of fees prior to conducting the investigation or providing mediation services or supervised visitation.

D. In any matter in which the court appoints a guardian ad litem to represent a child, such guardian ad litem shall conduct an investigation in accordance with the Standards to Govern the Performance of Guardians Ad Litem for Children established by the Judicial Council of Virginia. Prior to the commencement of the dispositional hearing of any such matter, the guardian ad litem shall file with the court, with a copy to all attorneys representing parties to such matter and all parties proceeding **pro se** in such matter, a certification of the guardian ad litem's compliance with the Standards to Govern the Performance of Guardians Ad Litem for Children established by the Judicial Council of Virginia, specifically addressing compliance with such standards requiring face-to-face contact with the child in such certification. The guardian ad litem shall document the hours spent satisfying such face-to-face contact requirements in such certification, which shall be compensated at the same rate as that for in-court service.

Code 1950, § 16.1-208.1; 1972, c. 111; 1975, c. 286; 1977, c. 559; 1983, c. 174; 1987, c. 5; 1989, c. 725; 1990, c. 752; 1991, cc. 534, 618; 1992, c. 554; 1993, c. 975; 2001, c. 364; 2006, c. 675; 2012, cc. 164, 456; 2020, c. 21; 2022, c. 543.

Title 18.2 – Crimes and Offenses Generally

§ 18.2-472.1. Providing false information or failing to provide registration information; penalty; prima facie evidence

A. Any person subject to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, other than a person convicted of a Tier III offense or murder as defined in § 9.1-902, who knowingly fails to register, reregister, or verify his registration information, or who knowingly provides materially false information to the Sex Offender and Crimes Against Minors Registry is guilty of a Class 1 misdemeanor. A second or subsequent conviction for an offense under this subsection is a Class 6 felony.

B. Any person convicted of a Tier III offense or murder, as defined in § 9.1-902, who knowingly fails to register, reregister, or verify his registration information, or who knowingly provides materially false information to the Sex Offender and Crimes Against Minors Registry is guilty of a Class 6 felony. A second or subsequent conviction for an offense under this subsection is a Class 5 felony.

C. A prosecution pursuant to this section shall be brought in the city or county where the offender can be found or where the offender last registered, reregistered, or verified his registration information or, if the offender failed to comply with the duty to register, where the offender was last convicted of an offense for which registration or reregistration is required.

D. At any preliminary hearing pursuant to this section, an affidavit from the State Police issued as required in § 9.1-907 shall be admitted into evidence as prima facie evidence of the failure to comply with the duty to register, reregister, or verify his registration information. A copy of such affidavit shall be provided to the registrant or his counsel seven days prior to hearing or trial by the attorney for the Commonwealth.

E. The accused in any preliminary hearing in which an affidavit from the State Police issued as required in § 9.1-907 is offered into evidence pursuant to this section shall have the right to summon and call a custodian of records issuing the affidavit and examine him in the same manner as if he had been called as an adverse witness. Such witness shall appear at the cost of the Commonwealth.

F. At any trial or hearing other than a preliminary hearing conducted pursuant to this section, an affidavit from the State Police issued as required in § 9.1-907 shall constitute prima facie evidence of the failure to comply with the duty to register, reregister, or verify his registration information, provided the requirements of subsection G have been satisfied and the accused has not objected to the admission of the affidavit pursuant to subsection H.

G. If the attorney for the Commonwealth intends to offer the affidavit into evidence in lieu of testimony at a trial or hearing, other than a preliminary hearing, he shall:

1. Provide by mail, delivery, or otherwise, a copy of the affidavit to counsel of record for the accused, or to the accused if he is proceeding **pro se**, at no charge, no later than 28 days prior to the hearing or trial;
2. Provide simultaneously with the copy of the affidavit so provided under subdivision 1 a notice to the accused of his right to object to having the affidavit admitted without the presence and testimony of a custodian of the records; and
3. File a copy of the affidavit and notice with the clerk of the court hearing the matter on the day that the affidavit and notice are provided to the accused.

H. In any trial or hearing, other than a preliminary hearing, the accused may object in writing to admission of the affidavit, in lieu of testimony, as evidence of the facts stated therein. Such objection shall be filed with the court hearing the matter, with a copy to the attorney for the Commonwealth, no more than 14 days after the affidavit and notice were filed with the clerk by the attorney for the Commonwealth, or the objection shall be deemed waived. If timely objection is made, the affidavit shall not be admissible into evidence unless (i) the objection is waived by the accused or his counsel in writing or before the court, or (ii) the parties stipulate before the court to the admissibility of the affidavit.

I. Where a custodian of the records is not available for hearing or trial and the attorney for the Commonwealth has used due diligence to secure the presence of the person, the court shall order a continuance. Any continuances ordered pursuant to this subsection shall total not more than 90 days if the accused has been held continuously in custody and not more than 180 days if the accused has not been held continuously in custody.

J. Any objection by counsel for the accused, or the accused if he is proceeding **pro se**, to timeliness of the receipt of notice required by subsection G shall be made before hearing or trial upon his receipt of actual notice unless the accused did not receive actual notice prior to hearing or trial. A showing by the Commonwealth that the notice was mailed, delivered, or otherwise provided in compliance with the time requirements of this section shall constitute prima facie evidence that the notice was timely received by the accused. If the court finds upon the accused's objection made pursuant to this subsection, that he did not receive timely notice pursuant to subsection G, the accused's objection shall not be deemed waived and if the objection is made prior to hearing or trial, a continuance shall be ordered if requested by either party. Any continuance ordered pursuant to this subsection shall be subject to the time limitations set forth in subsection I.

K. For the purposes of this section any conviction for a substantially similar offense under the laws of (i) any foreign country or any political subdivision thereof, or (ii) any state or territory of the United States or any political subdivision thereof, the District of Columbia, or the United States shall be considered a prior conviction.

1997, c. 747; 1999, c. 845; 2001, c. 365; 2003, c. 584; 2006, cc. 857, 914, 931; 2008, c. 218; 2009, Sp. Sess. I, cc. 1, 4; 2010, c. 656; 2011, c. 285; 2020, c. 829.

Title 19.2 – Criminal Procedure

[§ 19.2-187.1. Procedures for notifying accused of certificate of analysis; waiver; continuances](#)

A. In any trial and in any hearing other than a preliminary hearing, in which the attorney for the Commonwealth intends to offer a certificate of analysis into evidence in lieu of testimony pursuant to § 19.2-187, the attorney for the Commonwealth shall:

1. Provide by mail, delivery, or otherwise, a copy of the certificate to counsel of record for the accused, or to the accused if he is proceeding **pro se**, at no charge, no later than 28 days prior to the hearing or trial;

2. Provide simultaneously with the copy of the certificate so provided under subdivision 1 a notice to the accused of his right to object to having the certificate admitted without the person who performed the analysis or examination being present and testifying;

- 2a. When the attorney for the Commonwealth intends to present such testimony through two-way video conferencing, attach to the copy of the certificate provided under subdivision 1 a notice on a page separate from the notice in subdivision 2 specifying that the person who performed the analysis or examination may testify by two-way video conferencing and that the accused has a right to object to such two-way video testimony; and

3. File a copy of the certificate and notice with the clerk of the court hearing the matter (i) on the day that the certificate and notice are provided to the accused or (ii) in the case of a breath test certificate for a violation of any offense listed in subsection E of § 18.2-270, no later than three business days following the day that the certificate and notice are provided to the accused.

B. The accused may object in writing to admission of the certificate of analysis, in lieu of testimony, as evidence of the facts stated therein and of the results of the analysis or examination. Such objection shall be filed with the court hearing the matter, with a copy to the

attorney for the Commonwealth, no more than 14 days after the certificate and notice were filed with the clerk by the attorney for the Commonwealth or the objection shall be deemed waived. If timely objection is made, the certificate shall not be admissible into evidence unless (i) the testimony of the person who performed the analysis or examination is admitted into evidence describing the facts and results of the analysis or examination during the Commonwealth's case-in-chief at the hearing or trial and that person is present and subject to cross-examination by the accused, (ii) the objection is waived by the accused or his counsel in writing or before the court, or (iii) the parties stipulate before the court to the admissibility of the certificate. If the accused demands, at hearing or trial, the presence of the person who performed the analysis or examination and he is thereafter found guilty of the charge or charges for which he demanded the presence of such witness, \$50 for expenses related to the witness's appearance at hearing or trial shall be charged to the accused as court costs.

B1. Except as provided in subsection D of § 19.2-187, when the attorney for the Commonwealth gives notice to the accused of intent to present testimony by two-way video conferencing, the accused may object in writing to the admission of such testimony and may file an objection as provided in subsection B. The provisions of subsection B shall apply to such objection *mutatis mutandis*.

B2. The two-way video testimony permitted by this section shall comply with the provisions of subsection B of § 19.2-3.1. In addition, unless otherwise agreed by the parties and the court, (i) all orders pertaining to witnesses apply to witnesses testifying by video conferencing; (ii) upon request, all materials read or used by the witness during his testimony shall be identified on the video; and (iii) any witness testifying by video conferencing shall certify at the conclusion of his testimony, under penalty of perjury, that he did not engage in any off-camera communications with any person during his testimony.

C. Where the person who performed the analysis and examination is not available for hearing or trial and the attorney for the Commonwealth has used due diligence to secure the presence of the person, the court shall order a continuance. Any continuances ordered pursuant to this subsection shall total not more than 90 days if the accused has been held continuously in custody and not more than 180 days if the accused has not been held continuously in custody.

D. Any objection by counsel for the accused, or the accused if he is proceeding **pro se**, to timeliness of the receipt of notice required by subsection A shall be made before hearing or trial upon his receipt of actual notice unless the accused did not receive actual notice prior to hearing or trial. A showing by the Commonwealth that the notice was mailed, delivered, or otherwise provided in compliance with the time requirements of this section shall constitute *prima facie* evidence that the notice was timely received by the accused. If the court finds upon the accused's objection made pursuant to this subsection, that he did not receive timely notice pursuant to subsection A, the accused's objection shall not be deemed waived and if the objection is made prior to hearing or trial, a continuance shall be ordered if requested by either party. Any continuance ordered pursuant to this subsection shall be subject to the time limitations set forth in subsection C.

E. Nothing in this section shall prohibit the admissibility of a certificate of analysis when the person who performed the analysis and examination testifies at trial or the hearing concerning the facts stated therein and of the results of the analysis or examination.

F. The accused in any hearing or trial in which a certificate of analysis is offered into evidence shall have the right to call the person performing such analysis or examination or involved in the chain of custody as a witness therein, and examine him in the same manner as if he had been called as an adverse witness. Such witness shall be summoned and appear at the cost of the Commonwealth; however, if the accused calls the person performing such analysis or examination as a witness and is found guilty of the charge or charges for which such witness is summoned, \$50 for expenses related to that witness's appearance at hearing or trial shall be charged to the accused as court costs.

G. Nothing in this section shall be construed as requiring a locality to purchase a two-way electronic video and audio communication system. Any decision to purchase such a system is at the discretion of the locality.

1976, c. 245; 1979, c. 364; 2009, Sp. Sess. I, cc. 1, 4; 2010, cc. 555, 656, 800; 2011, c. 32; 2017, c. 669.

[§ 19.2-263.3. Juror information confidential](#)

A. The court may, upon motion of either party or its own motion, and for good cause shown, issue an order regulating the disclosure of the name and home address of a juror who has been impaneled in a criminal trial to any person, other than to counsel for either party or a **pro se** defendant. For the purposes of this subsection, good cause shown includes, but is not limited to, a determination by the court that there is a likelihood of bribery, tampering, or physical injury to or harassment of a juror if his personal information is disclosed. An order regulating the disclosure of information may be modified, and the names and home addresses of the jurors in a criminal case may be disseminated to a person having a legitimate interest or need for the information, with restrictions upon its use and further dissemination as may be deemed appropriate by the court.

B. Additional personal information of a juror who has been impaneled in a criminal case shall be released only to the counsel for the defendant, a **pro se** defendant, and the attorney for the Commonwealth. The court may, upon motion of either party or its own motion, and for good cause shown, issue an order authorizing the disclosure of any additional personal information of a juror to any other person. Such order may be modified and may place restrictions on the use and further dissemination of such disclosed information.

C. In addition to the provisions of this section, the Supreme Court shall prescribe and publish rules that provide for the protection of the name, home address, and additional personal information of a juror in a criminal trial.

D. For purposes of this section, "additional personal information" means any information other than name and home address collected by the court, clerk, or jury commissioner at any time about a person who is selected to sit on a criminal jury and includes, but is not limited to, a juror's age, occupation, business address, telephone numbers, email addresses, and any other identifying information that would assist another in locating or contacting the juror.

2008, c. 538; 2017, c. 753.

§ 19.2-327.11. Contents and form of the petition based on previously unknown or unavailable evidence of actual innocence

A. The petitioner shall allege categorically and with specificity, under oath, all of the following: (i) the crime for which the petitioner was convicted or the offense for which the petitioner was adjudicated delinquent; (ii) that the petitioner is actually innocent of the crime for which he was convicted or the offense for which he was adjudicated delinquent; (iii) an exact description of (a) the previously unknown or unavailable evidence supporting the allegation of innocence or (b) the previously untested evidence and the scientific testing supporting the allegation of innocence; (iv)(a) that such evidence was previously unknown or unavailable to the petitioner or his trial attorney of record at the time the conviction or adjudication of delinquency became final in the circuit court or (b) if known, the reason that the evidence was not subject to scientific testing set forth in the petition; (v) the date (a) the previously unknown or unavailable evidence became known or available to the petitioner and the circumstances under which it was discovered or (b) the results of the scientific testing of previously untested evidence became known to the petitioner or any attorney of record; (vi)(a) that the previously unknown or unavailable evidence is such as could not, by the exercise of diligence, have been discovered or obtained before the time the conviction or adjudication of delinquency became final in the circuit court or (b) that the testing procedure was not available at the time the conviction or adjudication of delinquency became final in the circuit court; (vii) that the previously unknown, unavailable, or untested evidence is material and, when considered with all of the other evidence in the current record, will prove that no rational trier of fact would have found proof of guilt or delinquency beyond a reasonable doubt; and (viii) that the previously unknown, unavailable, or untested evidence is not merely cumulative, corroborative, or collateral. Nothing in this chapter shall constitute grounds to delay or stay any other appeals following conviction or adjudication of delinquency, or petitions to any court. Human biological evidence may not be used as the sole basis for seeking relief under this writ but may be used in conjunction with other evidence.

B. Such petition shall contain all relevant allegations of facts that are known to the petitioner at the time of filing; shall be accompanied by all relevant documents, affidavits, and test results; and shall enumerate and include all relevant previous records, applications, petitions, and appeals and their dispositions. The petition shall be filed on a form provided by the Supreme Court. If the petitioner fails to submit a completed form, the Court of Appeals may dismiss the petition or return the petition to the petitioner pending the completion of such form. Any false statement in the petition, if such statement is knowingly or willfully made, shall be a ground for prosecution of perjury as provided for in § 18.2-434.

C. In cases brought by counsel for the petitioner, the Court of Appeals shall not accept the petition unless it is accompanied by a duly executed return of service in the form of a verification that a copy of the petition and all attachments have been served on the attorney for the Commonwealth of the jurisdiction where the conviction or adjudication of delinquency occurred and the Attorney General, or an acceptance of service signed by these officials, or any combination thereof. In cases brought by petitioners **pro se**, the Court of Appeals shall not accept the petition unless it is accompanied by a certificate that a copy of the petition and all attachments have been sent, by certified mail, to the attorney for the Commonwealth of the jurisdiction where the conviction or adjudication of delinquency occurred and the Attorney General. The Court of Appeals may summarily dismiss any second or subsequent petition for

failure to identify new or different evidence in support of the factual innocence claim or, if new and different grounds are alleged, failure of the petitioner to assert those grounds in a prior petition filed pursuant to this section under circumstances that constitute an abuse of the writ. If the Court of Appeals does not summarily dismiss the petition, it shall so notify in writing the Attorney General, the attorney for the Commonwealth, and the petitioner. The Attorney General shall have 60 days after receipt of such notice in which to file a response to the petition that may be extended for good cause shown; however, nothing shall prevent the Attorney General from filing an earlier response. The response may contain a proffer of any evidence pertaining to the guilt or delinquency or innocence of the petitioner that is not included in the record of the case, including evidence that was suppressed at trial.

D. The Court of Appeals may inspect the record of any trial or appellate court action, and the Court may, in any case, award a writ of certiorari to the clerk of the respective court below, and have brought before the Court the whole record or any part of any record. If, in the judgment of the Court, the petition fails to state a claim, or if the assertions of previously unknown, unavailable, or untested evidence, even if true, would fail to qualify for the granting of relief under this chapter, the Court may dismiss the petition summarily, without any hearing or a response from the Attorney General.

E. In any petition filed pursuant to this chapter that is not summarily dismissed, the petitioner is entitled to representation by counsel subject to the provisions of Article 3 (§ 19.2-157 et seq.) and Article 4 (§ 19.2-163.3 et seq.) of Chapter 10. The Court of Appeals may, in its discretion, appoint counsel prior to deciding whether a petition should be summarily dismissed.

F. Upon the scheduling of a hearing pursuant to § 19.2-327.12 or any subsequent oral argument, the Attorney General shall notify the victim or the victim's representative of the hearing. The victim or victim's representative shall have the right to attend any such hearing. For purposes of this subsection, "victim" means the same as that term is defined in subsection B of § 19.2-11.01.

2004, c. 1024; 2013, cc. 170, 180; 2020, cc. 993, 994; 2021, Sp. Sess. I, cc. 344, 345; 2022, c. 625; 2023, c. 719.

Title 20 – Domestic Relations

[§ 20-99. How such suits instituted and conducted; costs](#)

Such suit shall be instituted and conducted as other suits in equity, except as otherwise provided in this section:

1. Except for a divorce granted on the grounds set forth in subdivision A (9) of § 20-91, no divorce, annulment, or affirmation of a marriage shall be granted on the uncorroborated testimony of the parties or either of them.
2. Whether the defendant answers or not, the cause shall be heard independently of the admissions of either party in the pleadings or otherwise.
3. Process or notice in such proceedings shall be served in the Commonwealth by any of the methods prescribed in § 8.01-296 by any person authorized to serve process under § 8.01-293. Service may be made on a nonresident by any of the methods prescribed in § 8.01-296 by any person authorized to serve process under § 8.01-320.

4. In cases where such suits have been commenced and an appearance has been made on behalf of the defendant by counsel, then notices to take depositions and of hearings, motions, and other proceedings except contempt proceedings, may be served by delivering or mailing a copy to counsel for opposing party, the foot of such notices bearing either acceptance of service or a certificate of counsel in compliance with the Rules of Supreme Court of Virginia. "Counsel for opposing party" shall include a **pro se** party who (i) has entered a general appearance in person or by filing a pleading or endorsing an order of withdrawal of that party's counsel or (ii) has signed a pleading in the case or who has notified the other parties and the clerk that he appears in the case.

5. In cases where such suits have been commenced, the defendant has been served pursuant to the provisions of subdivision 1 of § 8.01-296, and the defendant has failed to file an answer to the suit or otherwise appear within the time allowed by law, no further notice to take depositions or conduct an ore tenus hearing is required to be served on the defendant and the court may enter any order or final decree without further notice to the defendant.

6. Costs may be awarded to either party as equity and justice may require.

Code 1919, § 5106; 1920, p. 503; 1928, p. 535; 1938, p. 202; 1968, c. 484; 1975, c. 644; 1977, c. 60; 1984, cc. 609, 616; 1987, c. 594; 1991, c. 244; 1992, c. 563; 2012, cc. 78, 84; 2013, cc. 81, 100; 2021, Sp. Sess. I, c. 194.

[§ 20-99.1:1. How defendant may accept service; waive service](#)

A. A defendant in such suits may accept service of process by signing the proof of service before any officer authorized to administer oaths. This proof of service shall, when filed with the papers in the suit, have the same effect as if it had been served upon the defendant by a person authorized to serve process. In addition, service of process may be accepted or waived by any party, upon voluntary execution of a notarized writing specifying an intent to accept or waive any particular process, or by a defendant by filing an answer in the suit. Such notarized writing may be provided in the clerk's office of any circuit court and may be signed by such party to the proceedings before any clerk or deputy clerk of any circuit court, under oath, or may be drafted and filed by counsel or a **pro se** party in the proceeding, and shall, when filed with the papers in the suit, have the same effect as if the process specified had been personally served upon the defendant by a person authorized to serve process. For a suit for a no-fault divorce under subdivision A (9) of § 20-91, any such waiver may occur within a reasonable time prior to or after the suit is filed, provided that a copy of the complaint is attached to such waiver, or is otherwise provided to the defendant, and the final decree of divorce as proposed by the complainant is signed by the defendant. The court may enter any order or decree without further notice unless a defendant has filed an answer in the suit.

B. When service is accepted pursuant to this section by a nonresident person out of the Commonwealth, such service shall have the same effect as an order of publication duly executed.

C. Any process served outside the Commonwealth executed in such manner as provided for in this section is validated.

1988, c. 583; 1989, c. 562; 1992, c. 563; 2019, cc. 133, 237.

Title 32.1 - Health

§ 32.1-127.1:03. Health records privacy

A. There is hereby recognized an individual's right of privacy in the content of his health records. Health records are the property of the health care entity maintaining them, and, except when permitted or required by this section or by other provisions of state law, no health care entity, or other person working in a health care setting, may disclose an individual's health records.

Pursuant to this subsection:

1. Health care entities shall disclose health records to the individual who is the subject of the health record, including an audit trail of any additions, deletions, or revisions to the health record, if specifically requested, except as provided in subsections E and F and subsection B of § 8.01-413.
2. Health records shall not be removed from the premises where they are maintained without the approval of the health care entity that maintains such health records, except in accordance with a court order or subpoena consistent with subsection C of § 8.01-413 or with this section or in accordance with the regulations relating to change of ownership of health records promulgated by a health regulatory board established in Title 54.1.
3. No person to whom health records are disclosed shall redisclose or otherwise reveal the health records of an individual, beyond the purpose for which such disclosure was made, without first obtaining the individual's specific authorization to such redisclosure. This redisclosure prohibition shall not, however, prevent (i) any health care entity that receives health records from another health care entity from making subsequent disclosures as permitted under this section and the federal Department of Health and Human Services regulations relating to privacy of the electronic transmission of data and protected health information promulgated by the United States Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act (HIPAA) (42 U.S.C. § 1320d et seq.) or (ii) any health care entity from furnishing health records and aggregate or other data, from which individually identifying prescription information has been removed, encoded or encrypted, to qualified researchers, including, but not limited to, pharmaceutical manufacturers and their agents or contractors, for purposes of clinical, pharmaco-epidemiological, pharmaco-economic, or other health services research.
4. Health care entities shall, upon the request of the individual who is the subject of the health record, disclose health records to other health care entities, in any available format of the requester's choosing, as provided in subsection E.

B. As used in this section:

"Agent" means a person who has been appointed as an individual's agent under a power of attorney for health care or an advance directive under the Health Care Decisions Act (§ 54.1-2981 et seq.).

"Certification" means a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted.

"Guardian" means a court-appointed guardian of the person.

"Health care clearinghouse" means, consistent with the definition set out in 45 C.F.R. § 160.103, a public or private entity, such as a billing service, repricing company, community health management information system or community health information system, and "value-added" networks and switches, that performs either of the following functions: (i) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or (ii) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

"Health care entity" means any health care provider, health plan or health care clearinghouse.

"Health care provider" means those entities listed in the definition of "health care provider" in § 8.01-581.1, except that state-operated facilities shall also be considered health care providers for the purposes of this section. Health care provider shall also include all persons who are licensed, certified, registered or permitted or who hold a multistate licensure privilege issued by any of the health regulatory boards within the Department of Health Professions, except persons regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.

"Health plan" means an individual or group plan that provides, or pays the cost of, medical care.

"Health plan" includes any entity included in such definition as set out in 45 C.F.R. § 160.103.

"Health record" means any written, printed or electronically recorded material maintained by a health care entity in the course of providing health services to an individual concerning the individual and the services provided. "Health record" also includes the substance of any communication made by an individual to a health care entity in confidence during or in connection with the provision of health services or information otherwise acquired by the health care entity about an individual in confidence and in connection with the provision of health services to the individual.

"Health services" means, but shall not be limited to, examination, diagnosis, evaluation, treatment, pharmaceuticals, aftercare, habilitation or rehabilitation and mental health therapy of any kind, as well as payment or reimbursement for any such services.

"Individual" means a patient who is receiving or has received health services from a health care entity.

"Individually identifying prescription information" means all prescriptions, drug orders or any other prescription information that specifically identifies an individual.

"Parent" means a biological, adoptive or foster parent.

"Psychotherapy notes" means comments, recorded in any medium by a health care provider who is a mental health professional, documenting or analyzing the contents of conversation during a private counseling session with an individual or a group, joint, or family counseling session that are separated from the rest of the individual's health record. "Psychotherapy notes" does not include annotations relating to medication and prescription monitoring, counseling session start and stop times, treatment modalities and frequencies, clinical test results, or any summary of any symptoms, diagnosis, prognosis, functional status, treatment plan, or the individual's progress to date.

C. The provisions of this section shall not apply to any of the following:

1. The status of and release of information governed by §§ 65.2-604 and 65.2-607 of the Virginia Workers' Compensation Act;
2. Except where specifically provided herein, the health records of minors;
3. The release of juvenile health records to a secure facility or a shelter care facility pursuant to § 16.1-248.3; or
4. The release of health records to a state correctional facility pursuant to § 53.1-40.10 or a local or regional correctional facility pursuant to § 53.1-133.03.

D. Health care entities may, and, when required by other provisions of state law, shall, disclose health records:

1. As set forth in subsection E, pursuant to the written authorization of (i) the individual or (ii) in the case of a minor, (a) his custodial parent, guardian or other person authorized to consent to treatment of minors pursuant to § 54.1-2969 or (b) the minor himself, if he has consented to his own treatment pursuant to § 54.1-2969, or (iii) in emergency cases or situations where it is impractical to obtain an individual's written authorization, pursuant to the individual's oral authorization for a health care provider or health plan to discuss the individual's health records with a third party specified by the individual;
2. In compliance with a subpoena issued in accord with subsection H, pursuant to a search warrant or a grand jury subpoena, pursuant to court order upon good cause shown or in compliance with a subpoena issued pursuant to subsection C of § 8.01-413. Regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to this subdivision, nothing in this subdivision shall be construed to prohibit any staff or employee of a health care entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order;
3. In accord with subsection F of § 8.01-399 including, but not limited to, situations where disclosure is reasonably necessary to establish or collect a fee or to defend a health care entity or the health care entity's employees or staff against any accusation of wrongful conduct; also as required in the course of an investigation, audit, review or proceedings regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity;
4. In testimony in accordance with §§ 8.01-399 and 8.01-400.2;
5. In compliance with the provisions of § 8.01-413;
6. As required or authorized by law relating to public health activities, health oversight activities, serious threats to health or safety, or abuse, neglect or domestic violence, relating to contagious disease, public safety, and suspected child or adult abuse reporting requirements, including, but not limited to, those contained in §§ 16.1-248.3, 32.1-36, 32.1-36.1, 32.1-40, 32.1-41, 32.1-127.1:04, 32.1-276.5, 32.1-283, 32.1-283.1, 32.1-320, 37.2-710, 37.2-839, 53.1-40.10, 53.1-133.03, 54.1-2400.6, 54.1-2400.7, 54.1-2400.9, 54.1-2403.3, 54.1-2506, 54.1-2966, 54.1-2967, 54.1-2968, 54.1-3408.2, 63.2-1509, and 63.2-1606;
7. Where necessary in connection with the care of the individual;

8. In connection with the health care entity's own health care operations or the health care operations of another health care entity, as specified in 45 C.F.R. § 164.501, or in the normal course of business in accordance with accepted standards of practice within the health services setting; however, the maintenance, storage, and disclosure of the mass of prescription dispensing records maintained in a pharmacy registered or permitted in Virginia shall only be accomplished in compliance with §§ 54.1-3410, 54.1-3411, and 54.1-3412;
9. When the individual has waived his right to the privacy of the health records;
10. When examination and evaluation of an individual are undertaken pursuant to judicial or administrative law order, but only to the extent as required by such order;
11. To the guardian ad litem and any attorney representing the respondent in the course of a guardianship proceeding of an adult patient who is the respondent in a proceeding under Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2;
12. To the guardian ad litem and any attorney appointed by the court to represent an individual who is or has been a patient who is the subject of a commitment proceeding under § 19.2-169.6, Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, or a judicial authorization for treatment proceeding pursuant to Chapter 11 (§ 37.2-1100 et seq.) of Title 37.2;
13. To a magistrate, the court, the evaluator or examiner required under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or § 37.2-815, a community services board or behavioral health authority or a designee of a community services board or behavioral health authority, or a law-enforcement officer participating in any proceeding under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, § 19.2-169.6, or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 regarding the subject of the proceeding, and to any health care provider evaluating or providing services to the person who is the subject of the proceeding or monitoring the person's adherence to a treatment plan ordered under those provisions. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained;
14. To the attorney and/or guardian ad litem of a minor who represents such minor in any judicial or administrative proceeding, if the court or administrative hearing officer has entered an order granting the attorney or guardian ad litem this right and such attorney or guardian ad litem presents evidence to the health care entity of such order;
15. With regard to the Court-Appointed Special Advocate (CASA) program, a minor's health records in accord with § 9.1-156;
16. To an agent appointed under an individual's power of attorney or to an agent or decision maker designated in an individual's advance directive for health care or for decisions on anatomical gifts and organ, tissue or eye donation or to any other person consistent with the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.);
17. To third-party payors and their agents for purposes of reimbursement;
18. As is necessary to support an application for receipt of health care benefits from a governmental agency or as required by an authorized governmental agency reviewing such application or reviewing benefits already provided or as necessary to the coordination of

prevention and control of disease, injury, or disability and delivery of such health care benefits pursuant to § 32.1-127.1:04;

19. Upon the sale of a medical practice as provided in § 54.1-2405; or upon a change of ownership or closing of a pharmacy pursuant to regulations of the Board of Pharmacy;

20. In accord with subsection B of § 54.1-2400.1, to communicate an individual's specific and immediate threat to cause serious bodily injury or death of an identified or readily identifiable person;

21. Where necessary in connection with the implementation of a hospital's routine contact process for organ donation pursuant to subdivision B 4 of § 32.1-127;

22. In the case of substance abuse records, when permitted by and in conformity with requirements of federal law found in 42 U.S.C. § 290dd-2 and 42 C.F.R. Part 2;

23. In connection with the work of any entity established as set forth in § 8.01-581.16 to evaluate the adequacy or quality of professional services or the competency and qualifications for professional staff privileges;

24. If the health records are those of a deceased or mentally incapacitated individual to the personal representative or executor of the deceased individual or the legal guardian or committee of the incompetent or incapacitated individual or if there is no personal representative, executor, legal guardian or committee appointed, to the following persons in the following order of priority: a spouse, an adult son or daughter, either parent, an adult brother or sister, or any other relative of the deceased individual in order of blood relationship;

25. For the purpose of conducting record reviews of inpatient hospital deaths to promote identification of all potential organ, eye, and tissue donors in conformance with the requirements of applicable federal law and regulations, including 42 C.F.R. § 482.45, (i) to the health care provider's designated organ procurement organization certified by the United States Health Care Financing Administration and (ii) to any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks;

26. To the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2;

27. To an entity participating in the activities of a local health partnership authority established pursuant to Article 6.1 (§ 32.1-122.10:001 et seq.) of Chapter 4, pursuant to subdivision 1;

28. To law-enforcement officials by each licensed emergency medical services agency, (i) when the individual is the victim of a crime or (ii) when the individual has been arrested and has received emergency medical services or has refused emergency medical services and the health records consist of the prehospital patient care report required by § 32.1-116.1;

29. To law-enforcement officials, in response to their request, for the purpose of identifying or locating a suspect, fugitive, person required to register pursuant to § 9.1-901 of the Sex Offender and Crimes Against Minors Registry Act, material witness, or missing person, provided that only the following information may be disclosed: (i) name and address of the person, (ii) date and place of birth of the person, (iii) social security number of the person, (iv) blood type of the person, (v) date and time of treatment received by the person, (vi) date and time of death of the person, where applicable, (vii) description of distinguishing physical characteristics of the person, and (viii) type of injury sustained by the person;

30. To law-enforcement officials regarding the death of an individual for the purpose of alerting law enforcement of the death if the health care entity has a suspicion that such death may have resulted from criminal conduct;

31. To law-enforcement officials if the health care entity believes in good faith that the information disclosed constitutes evidence of a crime that occurred on its premises;

32. To the State Health Commissioner pursuant to § 32.1-48.015 when such records are those of a person or persons who are subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2;

33. To the Commissioner of the Department of Labor and Industry or his designee by each licensed emergency medical services agency when the records consist of the prehospital patient care report required by § 32.1-116.1 and the patient has suffered an injury or death on a work site while performing duties or tasks that are within the scope of his employment;

34. To notify a family member or personal representative of an individual who is the subject of a proceeding pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition, when the individual has the capacity to make health care decisions and (i) the individual has agreed to the notification, (ii) the individual has been provided an opportunity to object to the notification and does not express an objection, or (iii) the health care provider can, on the basis of his professional judgment, reasonably infer from the circumstances that the individual does not object to the notification. If the opportunity to agree or object to the notification cannot practicably be provided because of the individual's incapacity or an emergency circumstance, the health care provider may notify a family member or personal representative of the individual of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition if the health care provider, in the exercise of his professional judgment, determines that the notification is in the best interests of the individual. Such notification shall not be made if the provider has actual knowledge the family member or personal representative is currently prohibited by court order from contacting the individual;

35. To a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education; and

36. To a regional emergency medical services council pursuant to § 32.1-116.1, for purposes limited to monitoring and improving the quality of emergency medical services pursuant to § 32.1-111.3.

Notwithstanding the provisions of subdivisions 1 through 35, a health care entity shall obtain an individual's written authorization for any disclosure of psychotherapy notes, except when disclosure by the health care entity is (i) for its own training programs in which students, trainees, or practitioners in mental health are being taught under supervision to practice or to improve their skills in group, joint, family, or individual counseling; (ii) to defend itself or its employees or staff against any accusation of wrongful conduct; (iii) in the discharge of the duty, in accordance with subsection B of § 54.1-2400.1, to take precautions to protect third parties from violent behavior or other serious harm; (iv) required in the course of an investigation, audit,

review, or proceeding regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity; or (v) otherwise required by law.

E. Health care records required to be disclosed pursuant to this section shall be made available electronically only to the extent and in the manner authorized by the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5) and implementing regulations and the Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.) and implementing regulations. Notwithstanding any other provision to the contrary, a health care entity shall not be required to provide records in an electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested. Requests for copies of or electronic access to health records shall (a) be in writing, dated and signed by the requester; (b) identify the nature of the information requested; and (c) include evidence of the authority of the requester to receive such copies or access such records, and identification of the person to whom the information is to be disclosed; and (d) specify whether the requester would like the records in electronic format, if available, or in paper format. The health care entity shall accept a photocopy, facsimile, or other copy of the original signed by the requester as if it were an original. Within 30 days of receipt of a request for copies of or electronic access to health records, the health care entity shall do one of the following: (1) furnish such copies of or allow electronic access to the requested health records to any requester authorized to receive them in electronic format if so requested; (2) inform the requester if the information does not exist or cannot be found; (3) if the health care entity does not maintain a record of the information, so inform the requester and provide the name and address, if known, of the health care entity who maintains the record; or (4) deny the request (A) under subsection F, (B) on the grounds that the requester has not established his authority to receive such health records or proof of his identity, or (C) as otherwise provided by law. Procedures set forth in this section shall apply only to requests for health records not specifically governed by other provisions of state law.

F. Except as provided in subsection B of § 8.01-413, copies of or electronic access to an individual's health records shall not be furnished to such individual or anyone authorized to act on the individual's behalf when the individual's treating physician, clinical psychologist, clinical social worker, or licensed professional counselor has made a part of the individual's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the individual of such health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that such health record makes reference to a person other than a health care provider and the access requested would be reasonably likely to cause substantial harm to such referenced person. If any health care entity denies a request for copies of or electronic access to health records based on such statement, the health care entity shall inform the individual of the individual's right to designate, in writing, at his own expense, another reviewing physician, clinical psychologist, clinical social worker, or licensed professional counselor whose licensure, training and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, clinical social worker, or licensed professional counselor upon whose opinion the denial is based. The designated reviewing physician, clinical psychologist, clinical social worker, or licensed

professional counselor shall make a judgment as to whether to make the health record available to the individual.

The health care entity denying the request shall also inform the individual of the individual's right to request in writing that such health care entity designate, at its own expense, a physician, clinical psychologist, clinical social worker, or licensed professional counselor, whose licensure, training, and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, clinical social worker, or licensed professional counselor upon whose professional judgment the denial is based and who did not participate in the original decision to deny the health records, who shall make a judgment as to whether to make the health record available to the individual. The health care entity shall comply with the judgment of the reviewing physician, clinical psychologist, clinical social worker, or licensed professional counselor. The health care entity shall permit copying and examination of the health record by such other physician, clinical psychologist, clinical social worker, or licensed professional counselor designated by either the individual at his own expense or by the health care entity at its expense.

Any health record copied for review by any such designated physician, clinical psychologist, clinical social worker, or licensed professional counselor shall be accompanied by a statement from the custodian of the health record that the individual's treating physician, clinical psychologist, clinical social worker, or licensed professional counselor determined that the individual's review of his health record would be reasonably likely to endanger the life or physical safety of the individual or would be reasonably likely to cause substantial harm to a person referenced in the health record who is not a health care provider.

Further, nothing herein shall be construed as giving, or interpreted to bestow the right to receive copies of, or otherwise obtain access to, psychotherapy notes to any individual or any person authorized to act on his behalf.

G. A written authorization to allow release of an individual's health records shall substantially include the following information:

AUTHORIZATION TO RELEASE CONFIDENTIAL HEALTH RECORDS

Individual's Name _____

Health Care Entity's Name _____

Person, Agency, or Health Care Entity to whom disclosure is to be made

Information or Health Records to be disclosed

Purpose of Disclosure or at the Request of the Individual

As the person signing this authorization, I understand that I am giving my permission to the above-named health care entity for disclosure of confidential health records. I understand that the health care entity may not condition treatment or payment on my willingness to sign this authorization unless the specific circumstances under which such conditioning is permitted by

law are applicable and are set forth in this authorization. I also understand that I have the right to revoke this authorization at any time, but that my revocation is not effective until delivered in writing to the person who is in possession of my health records and is not effective as to health records already disclosed under this authorization. A copy of this authorization and a notation concerning the persons or agencies to whom disclosure was made shall be included with my original health records. I understand that health information disclosed under this authorization might be redisclosed by a recipient and may, as a result of such disclosure, no longer be protected to the same extent as such health information was protected by law while solely in the possession of the health care entity.

This authorization expires on (date) or (event) _____

Signature of Individual or Individual's Legal Representative if Individual is Unable to Sign

Relationship or Authority of Legal Representative

Date of Signature _____

H. Pursuant to this subsection:

1. Unless excepted from these provisions in subdivision 9, no party to a civil, criminal or administrative action or proceeding shall request the issuance of a subpoena duces tecum for another party's health records or cause a subpoena duces tecum to be issued by an attorney unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the other party's counsel or to the other party if **pro se**, simultaneously with filing the request or issuance of the subpoena. No party to an action or proceeding shall request or cause the issuance of a subpoena duces tecum for the health records of a nonparty witness unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the nonparty witness simultaneously with filing the request or issuance of the attorney-issued subpoena.

No subpoena duces tecum for health records shall set a return date earlier than 15 days from the date of the subpoena except by order of a court or administrative agency for good cause shown. When a court or administrative agency directs that health records be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of the order shall accompany the subpoena.

Any party requesting a subpoena duces tecum for health records or on whose behalf the subpoena duces tecum is being issued shall have the duty to determine whether the individual whose health records are being sought is **pro se** or a nonparty.

In instances where health records being subpoenaed are those of a **pro se** party or nonparty witness, the party requesting or issuing the subpoena shall deliver to the **pro se** party or nonparty witness together with the copy of the request for subpoena, or a copy of the subpoena in the case of an attorney-issued subpoena, a statement informing them of their rights and remedies. The statement shall include the following language and the heading shall be in boldface capital letters:

NOTICE TO INDIVIDUAL

The attached document means that _____ (insert name of party requesting or causing issuance of the subpoena) has either asked the court or administrative agency to issue a subpoena or a subpoena has been issued by the other party's attorney to your doctor, other health care providers _____ (names of health care providers inserted here) or other health care entity _____ (name of health care entity to be inserted here) requiring them to produce your health records. Your doctor, other health care provider or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court or the administrative agency to quash the subpoena. If you elect to file a motion to quash, such motion must be filed within 15 days of the date of the request or of the attorney-issued subpoena. You may contact the clerk's office or the administrative agency to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest. If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the health records to the clerk of court or administrative agency in a sealed envelope or package for safekeeping while your motion is decided.

2. Any party filing a request for a subpoena duces tecum or causing such a subpoena to be issued for an individual's health records shall include a Notice in the same part of the request in which the recipient of the subpoena duces tecum is directed where and when to return the health records. Such notice shall be in boldface capital letters and shall include the following language:

NOTICE TO HEALTH CARE ENTITIES

A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT OR THE ADMINISTRATIVE AGENCY AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, YOU MUST SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT OR ADMINISTRATIVE AGENCY THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING AS SHOWN ON THE SUBPOENA USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT OR ADMINISTRATIVE AGENCY WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING A RULING ON THE MOTION TO QUASH THE SUBPOENA. THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT OR ADMINISTRATIVE AGENCY.

3. Upon receiving a valid subpoena duces tecum for health records, health care entities shall have the duty to respond to the subpoena in accordance with the provisions of subdivisions 4, 5, 6, 7, and 8.

4. Except to deliver to a clerk of the court or administrative agency subpoenaed health records in a sealed envelope as set forth, health care entities shall not respond to a subpoena duces tecum for such health records until they have received a certification as set forth in subdivision 5 or 8 from the party on whose behalf the subpoena duces tecum was issued.

If the health care entity has actual receipt of notice that a motion to quash the subpoena has been filed or if the health care entity files a motion to quash the subpoena for health records, then the health care entity shall produce the health records, in a securely sealed envelope, to the clerk of the court or administrative agency issuing the subpoena or in whose court or administrative agency the action is pending. The court or administrative agency shall place the health records under seal until a determination is made regarding the motion to quash. The securely sealed envelope shall only be opened on order of the judge or administrative agency. In the event the court or administrative agency grants the motion to quash, the health records shall be returned to the health care entity in the same sealed envelope in which they were delivered to the court or administrative agency. In the event that a judge or administrative agency orders the sealed envelope to be opened to review the health records in camera, a copy of the order shall accompany any health records returned to the health care entity. The health records returned to the health care entity shall be in a securely sealed envelope.

5. If no motion to quash is filed within 15 days of the date of the request or of the attorney-issued subpoena, the party on whose behalf the subpoena was issued shall have the duty to certify to the subpoenaed health care entity that the time for filing a motion to quash has elapsed and that no motion to quash was filed. Any health care entity receiving such certification shall have the duty to comply with the subpoena duces tecum by returning the specified health records by either the return date on the subpoena or five days after receipt of the certification, whichever is later.

6. In the event that the individual whose health records are being sought files a motion to quash the subpoena, the court or administrative agency shall decide whether good cause has been shown by the discovering party to compel disclosure of the individual's health records over the individual's objections. In determining whether good cause has been shown, the court or administrative agency shall consider (i) the particular purpose for which the information was collected; (ii) the degree to which the disclosure of the records would embarrass, injure, or invade the privacy of the individual; (iii) the effect of the disclosure on the individual's future health care; (iv) the importance of the information to the lawsuit or proceeding; and (v) any other relevant factor.

7. Concurrent with the court or administrative agency's resolution of a motion to quash, if subpoenaed health records have been submitted by a health care entity to the court or

administrative agency in a sealed envelope, the court or administrative agency shall: (i) upon determining that no submitted health records should be disclosed, return all submitted health records to the health care entity in a sealed envelope; (ii) upon determining that all submitted health records should be disclosed, provide all the submitted health records to the party on whose behalf the subpoena was issued; or (iii) upon determining that only a portion of the submitted health records should be disclosed, provide such portion to the party on whose behalf the subpoena was issued and return the remaining health records to the health care entity in a sealed envelope.

8. Following the court or administrative agency's resolution of a motion to quash, the party on whose behalf the subpoena duces tecum was issued shall have the duty to certify in writing to the subpoenaed health care entity a statement of one of the following:

- a. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution; and, therefore, the health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will not be returned to the health care entity;
- b. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution and that, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall comply with the subpoena duces tecum by returning the health records designated in the subpoena by the return date on the subpoena or five days after receipt of certification, whichever is later;
- c. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution; therefore, no health records shall be disclosed and all health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will be returned to the health care entity;
- d. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and that only limited disclosure has been authorized. The certification shall state that only the portion of the health records as set forth in the certification, consistent with the court or administrative agency's ruling, shall be disclosed. The certification shall also state that health records that were previously delivered to the court or administrative agency for which disclosure has been authorized will not be returned to the health care entity; however, all health records for which disclosure has not been authorized will be returned to the health care entity; or
- e. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall return only those health records specified in the certification, consistent with the court or administrative agency's ruling, by the return date on the subpoena or five days after receipt of the certification, whichever is later.

A copy of the court or administrative agency's ruling shall accompany any certification made pursuant to this subdivision.

9. The provisions of this subsection have no application to subpoenas for health records requested under § 8.01-413, or issued by a duly authorized administrative agency conducting an investigation, audit, review or proceedings regarding a health care entity's conduct.

The provisions of this subsection shall apply to subpoenas for the health records of both minors and adults.

Nothing in this subsection shall have any effect on the existing authority of a court or administrative agency to issue a protective order regarding health records, including, but not limited to, ordering the return of health records to a health care entity, after the period for filing a motion to quash has passed.

A subpoena for substance abuse records must conform to the requirements of federal law found in 42 C.F.R. Part 2, Subpart E.

I. Health care entities may testify about the health records of an individual in compliance with §§ 8.01-399 and 8.01-400.2.

J. Except as provided by subsection B7 of § 8.01-413, if an individual requests a copy of his health record from a health care entity, the health care entity may impose a reasonable cost-based fee, which shall include only the cost of supplies for and labor of copying the requested information, postage when the individual requests that such information be mailed, and preparation of an explanation or summary of such information as agreed to by the individual. For the purposes of this section, "individual" shall subsume a person with authority to act on behalf of the individual who is the subject of the health record in making decisions related to his health care.

K. Nothing in this section shall prohibit a health care provider who prescribes or dispenses a controlled substance required to be reported to the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

L. An authorization for the disclosure of health records executed pursuant to this section shall remain in effect until (i) the authorization is revoked in writing and delivered to the health care entity maintaining the record that is subject to the authorization by the person who executed the authorization, (ii) any expiration date set forth in the authorization, or (iii) the health care entity maintaining the record becomes aware of any expiration event described in the authorization, whichever occurs first. However, any revocation of an authorization for the disclosure of health records executed pursuant to this section shall not be effective to the extent that the health care entity maintaining the record has disclosed health records prior to delivery of such revocation in reliance upon the authorization or as otherwise provided pursuant to 45 C.F.R. § 164.508. A statement in an authorization for the disclosure of health records pursuant to this section that the information to be used or disclosed is "all health records" is a sufficient description for the disclosure of all health records of the person maintained by the health care provider to whom the authorization was granted. If a health care provider receives a written revocation of an authorization for the disclosure of health records in accordance with this subsection, a copy of such written revocation shall be included in the person's original health record maintained by the health care provider.

An authorization for the disclosure of health records executed pursuant to this section shall, unless otherwise expressly limited in the authorization, be deemed to include authorization for the person named in the authorization to assist the person who is the subject of the health record in accessing health care services, including scheduling appointments for the person who is the subject of the health record and attending appointments together with the person who is the subject of the health record.

1997, c. 682; 1998, c. 470; 1999, cc. 812, 956, 1010; 2000, cc. 810, 813, 923, 927; 2001, c. 671; 2002, cc. 568, 658, 835, 860; 2003, cc. 471, 907, 983; 2004, cc. 49, 64, 65, 66, 67, 163, 773, 1014, 1021; 2005, cc. 39, 101, 642, 697; 2006, c. 433; 2007, c. 497; 2008, cc. 315, 782, 850, 870; 2009, cc. 606, 651, 813, 840; 2010, cc. 185, 340, 406, 456, 524, 778, 825; 2011, cc. 499, 668, 798, 812, 844, 871; 2012, cc. 386, 402, 479; 2016, c. 554; 2017, cc. 457, 712, 720; 2018, c. 165; 2020, c. 945; 2022, cc. 509, 534, 784; 2025, c. 182.

"return date"

Found in Titles 8.01, 15.2, 16.1, 18.2, 19.2, 20, 32.1, 33.2, 34, 38.2, 46.2, 55.1, and 59.1.

Title 8.01 – Civil Remedies and Procedure

§ 8.01-28. When judgment to be given in action upon contract or note unless defendant appears and denies claim under oath

In any action at law on a note or contract, express or implied, for the payment of money, or unlawful detainer pursuant to § 55.1-1245 or 55.1-1415 for the payment of money or possession of the premises, or both, if (i) the plaintiff files with his motion for judgment or civil warrant an affidavit made by himself or his agent, stating therein to the best of the affiant's belief the amount of the plaintiff's claim, that such amount is justly due, and the time from which plaintiff claims interest, and (ii) a copy of the affidavit together with a copy of any account filed with the motion for judgment or warrant and, in actions pursuant to § 55.1-1245 or 55.1-1415, proof of required notices is served on the defendant as provided in § 8.01-296 at the time a copy of the motion for judgment or warrant is so served, the plaintiff shall be entitled to a judgment on the affidavit and statement of account without further evidence unless the defendant either appears and pleads under oath or files with the court before the **return date** an affidavit or responsive pleading denying that the plaintiff is entitled to recover from the defendant on the claim. A denial by the defendant in general district court need not be in writing. The plaintiff or defendant shall, on motion, be granted a continuance whenever the defendant appears and pleads. If the defendant's pleading or affidavit admits that the plaintiff is entitled to recover from the defendant a sum certain less than that stated in the affidavit filed by the plaintiff, judgment may be taken by the plaintiff for the sum so admitted to be due, and the case will be tried as to the residue.

In the event of a defect in the affidavit, the plaintiff shall be entitled to a continuance.

Code 1950, § 8-511; 1954, c. 610; 1960, c. 426; 1977, c. 617; 1983, c. 136; 1991, cc. 56, 503; 2014, c. 688.

§ 8.01-130.4. When and by whom distress made

A distress action for rent may be brought no later than five years from the time the rent becomes due, whether the lease is ended or not. The distress shall be made by a sheriff of the county or city where the premises yielding the rent, or some part thereof, is located or the goods liable to distress may be found, under warrant from a judge of, or a magistrate serving, the judicial district. Such warrant shall be founded upon a sworn petition of the person claiming the rent, or his agent, that (i) the petitioner believes the amount of money or other thing by which the rent is measured, to be specified in the petition in accordance with § 8.01-130.6, is justly due to the claimant for rent reserved upon contract from the person of whom it is claimed, (ii) the petitioner alleges one or more of the grounds mentioned in § 8.01-534 and sets forth in the petition specific facts in support of such allegation, and (iii) the rent claimed is for rent due within five years from the time that it becomes due. The petition shall also specify the amount of the rent claimed and request either levy or seizure of the affected property prior to trial. The plaintiff shall, at the time

of suing out a distress, give bond in conformity with the provisions of § 8.01-537.1. The plaintiff praying for a distress warrant shall, at the time that he files his petition, pay the proper costs, fees, and taxes, and in the event of his failure to do so, the distress warrant shall not be issued.

A judge or magistrate shall make an ex parte review of the petition and may receive evidence only in the form of a sworn petition, which shall be filed in the office of the clerks of court. The warrant may be issued in accordance with the prayer of the petition by a judge or magistrate only upon a determination that there appears from the petition that there is reasonable cause to believe that one of the grounds mentioned in § 8.01-534 exists, the allegations required to be in the petition are true, and bond that complies with § 8.01-537.1 has been posted.

Each copy of the distress warrant shall be issued and served on each defendant together with (a) a form for requesting a hearing of exemption from levy or seizure, as provided in § 8.01-546.1, and (b) a copy of the bond. The distress warrant may be issued or executed on any day, including a Saturday, Sunday, or other legal holiday. Service shall be made in accordance with the methods described in § 8.01-487.1. The provisions of § 8.01-546.2 shall govern claims for exemption.

The officer into whose hands the warrant is delivered shall levy or seize as directed in the warrant, except as may be provided by statute, the property found on the premises of the tenant as provided by § 8.01-130.6. The officer shall return the warrant of distress to the court to which the warrant of distress is returnable by the **return date** unless otherwise notified by the court to make return by an earlier date.

Code 1919, § 5522; Code 1950, § 55-230; 1962, c. 10; 1974, c. 458; 1976, c. 177; 1980, c. 555; 1986, c. 341; 1993, c. 841; 2008, cc. 551, 691; 2019, c. 712.

[§ 8.01-130.5. Procedure for trial on warrant in distress](#)

The distress warrant shall contain a **return date** and be tried in the same manner as an action on a warrant as prescribed in § 16.1-79, except that the case shall be returnable not more than 30 days from its date of issuance. The trial or hearing of the issues, except as otherwise provided, shall be the same, as near as may be, as in actions in personam.

1980, c. 555, § 55-230.1; 1993, c. 841; 2019, c. 712.

[§ 8.01-216.11. Civil investigative demands; contents and deadlines](#)

Each civil investigative demand issued under this article shall state the nature of the conduct constituting the alleged violation of a false claims law that is under investigation, and the applicable provision of law alleged to be violated.

If such demand is for the production of documentary material, the demand shall (i) describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified; (ii) prescribe a **return date** for each such class that will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying; and (iii) identify the false claims law investigator to whom such material shall be made available.

If such demand is for answers to written interrogatories, the demand shall (i) set forth with specificity the written interrogatories to be answered; (ii) prescribe dates at which time answers

to written interrogatories shall be submitted; and (iii) identify the false claims law investigator to whom such answers shall be submitted.

If such demand is for the giving of oral testimony, the demand shall (i) prescribe a date, time, and place at which oral testimony shall be commenced; (ii) identify a false claims law investigator who shall conduct the examination and the custodian to whom the transcript of such examination shall be submitted; (iii) specify that such attendance and testimony are necessary to the conduct of the investigation; (iv) notify the person receiving the demand of the right to be accompanied by an attorney and any other representative; and (v) describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry that will be taken pursuant to the demand.

Any civil investigative demand that is an express demand for any product of discovery shall not be returned or returnable until twenty-one days after a copy of such demand has been served upon the person from whom the discovery was obtained.

The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued under this article shall be a date that is not less than seven days after the date on which the demand is received, unless the Attorney General determines that exceptional circumstances are present that warrant the commencement of such testimony within a lesser period of time.

The Attorney General shall not authorize the issuance of more than one civil investigative demand for oral testimony by the same person unless the person requests otherwise or unless the Attorney General, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary.

2002, c. 842.

[§ 8.01-216.14. Civil investigative demands; documentary material](#)

The production of documentary material in response to a civil investigative demand served under this article shall be made under a sworn certificate, in such form as the demand designates, by (i) in the case of a natural person, the person to whom the demand is directed, or (ii) in the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person. The certificate shall state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the investigator identified in the demand.

Any person upon whom any civil investigative demand for the production of documentary material has been served shall make such material available for inspection and copying to the investigator identified in such demand at the principal place of business of such person, or at such other place as the investigator and the person thereafter may agree and prescribe in writing, or as the court may direct. Such material shall be made available on the **return date** specified in such demand, or on such later date as the investigator may prescribe in writing. Such person may, upon written agreement between the person and the investigator, substitute copies for originals of all or any part of such material.

2002, c. 842.

§ 8.01-216.18. Civil investigative demands; judicial proceedings for noncompliance

A. Whenever any person fails to comply with any civil investigative demand issued under this article, or whenever satisfactory copying or reproduction of any material requested in such demand cannot be done and such person refuses to surrender the material, the Attorney General may file in the appropriate circuit court for the county or city in which such person resides, is found, or transacts business, and serve upon such person a petition for a court order for the enforcement of the civil investigative demand.

B. Any person who has received a civil investigative demand issued under this article may file, in the circuit court of any county or city within which such person resides, is found, or transacts business, and serve upon the investigator identified in such demand a petition for an order of the court to modify or set aside the demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the circuit court of the county or city in which the proceeding in which such discovery was obtained is or was last pending. Any petition under this section shall be filed (i) within twenty-one days after the date of service of the civil investigative demand, or at any time before the **return date** specified in the demand, whichever date is earlier, or (ii) within such longer period as may be prescribed in writing by any investigator identified in the demand.

C. The petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the demand to comply with the provisions of this article or upon any constitutional or other legal right or privilege of such person. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with any portions of the demand not sought to be modified or set aside.

D. In the case of any civil investigative demand issued under this article that is an express demand for any product of discovery, the person from whom such discovery was obtained may file, in the circuit court of the county or city in which the proceeding in which such discovery was obtained is or was last pending, and serve upon any investigator identified in the demand and upon the recipient of the demand a petition for a court order to modify or set aside those portions of the demand requiring production of any such product of discovery. Any petition under this subsection shall be filed (i) within twenty-one days after the date of service of the civil investigative demand or at any time before the **return date** specified in the demand, whichever date is earlier, or (ii) within such longer period as may be prescribed in writing by any investigator identified in the demand.

E. The petition shall specify each ground upon which the petitioner relies in seeking relief and may be based upon any failure of the demand from which relief is sought to comply with the provisions of this article, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of the petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand.

F. At any time during which any custodian is in custody or control of any documentary material or answers to interrogatories produced, or transcripts of oral testimony given by any person in compliance with any civil investigative demand issued under this article, such person, and in the case of an express demand for any product of discovery, the person from whom such discovery

was obtained, may file, in the circuit court of the county or city within which the office of such custodian is situated, and serve upon such custodian a petition for a court order to require the performance by the custodian of any duty imposed upon the custodian by this section. Whenever any petition is filed in any circuit court under this section, the court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry out the provisions of this section. Any final order so entered shall be subject to appeal in the same manner as appeals of other final orders in civil matters. Any disobedience of any final order entered under this section by any court shall be punished as contempt of the court.

G. Any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand issued under this article shall be exempt from disclosure under the Virginia Administrative Process Act (§ 2.2-4000 et seq.).

2002, c. 842.

[§ 8.01-413. Certain copies of health care provider's health records of patient admissible; right of patient, his attorney and authorized insurer to copies of such health records; subpoena; damages, costs and attorney fees](#)

A. In any case where the health records of a health care provider for any patient in a hospital or institution for the treatment of physical or mental illness are admissible or would be admissible as evidence, any typewritten copy, photograph, photostatted copy, or microphotograph or printout or other hard copy generated from computerized or other electronic storage, microfilm, or other photographic, mechanical, electronic, imaging, or chemical storage process thereof shall be admissible as evidence in any court of the Commonwealth in like manner as the original, if the printout or hard copy or microphotograph or photograph is properly authenticated by the employees having authority to release or produce the original health records.

Any health care provider whose health records relating to any such patient are subpoenaed for production as provided by law may comply with the subpoena by a timely mailing to the clerk issuing the subpoena or in whose court the action is pending properly authenticated copies, photographs or microphotographs in lieu of the originals. The court whose clerk issued the subpoena or, in the case of an attorney-issued subpoena, in which the action is pending, may, after notice to such health care provider, enter an order requiring production of the originals, if available, of any stored health records whose copies, photographs or microphotographs are not sufficiently legible.

Except as provided in subsection G, the party requesting the subpoena duces tecum or on whose behalf an attorney-issued subpoena duces tecum was issued shall be liable for the reasonable charges of the health care provider for the service of maintaining, retrieving, reviewing, preparing, copying, and mailing the items produced pursuant to subsections B2, B3, B4, and B6, as applicable.

B. Copies of health records, including an audit trail of any additions, deletions, or revisions to the health record, if specifically requested, shall be furnished within 30 days of receipt of such request to the patient, his attorney, his executor or administrator, or an authorized insurer upon such patient's, attorney's, executor's, administrator's, or authorized insurer's written request,

which request shall comply with the requirements of subsection E of § 32.1-127.1:03. If a health care provider is unable to provide such health records within 30 days of receipt of such request, such provider shall notify the requester of such health records in writing of the reason for the delay and shall have no more than 30 days after the date of such written notice to comply with such request.

However, copies of a patient's health records shall not be furnished to such patient when the patient's treating physician, clinical psychologist, clinical social worker, or licensed professional counselor in the exercise of professional judgment, has made a part of the patient's health records a written statement that in his opinion the furnishing to or review by the patient of such health records would be reasonably likely to endanger the life or physical safety of the patient or another person, or that such health records make reference to a person, other than a health care provider, and the access requested would be reasonably likely to cause substantial harm to such referenced person. In any such case, if requested by the patient or his attorney or authorized insurer, such health records shall be furnished within 30 days of the date of such request to the patient's attorney or authorized insurer, rather than to the patient.

If the health records are not provided to the patient in accordance with this section, then, if requested by the patient, the health care provider denying the request shall comply with the patient's request to either (i) provide a copy of the health records to a physician, clinical psychologist, clinical social worker, or licensed professional counselor of the patient's choice whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician, clinical psychologist, clinical social worker, or licensed professional counselor upon whose opinion the denial is based, who shall, at the patient's expense, make a judgment as to whether to make the health records available to the patient or (ii) designate a physician, clinical psychologist, clinical social worker, or licensed professional counselor whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician, clinical psychologist, clinical social worker, or licensed professional counselor upon whose opinion the denial is based and who did not participate in the original decision to deny the patient's request for his health records, who shall, at the expense of the provider denying access to the patient, review the health records and make a judgment as to whether to make the health records available to the patient. In either such event, the health care provider denying the request shall comply with the judgment of the reviewing physician, clinical psychologist, clinical social worker, or licensed professional counselor.

Except as provided in subsection G, a reasonable charge may be made by the health care provider maintaining the health records for the cost of the services relating to the maintenance, retrieval, review, and preparation of the copies of the health records, pursuant to subsections B2, B3, B4, and B6, as applicable. Any health care provider receiving such a request from a patient's attorney or authorized insurer shall require a writing signed by the patient confirming the attorney's or authorized insurer's authority to make the request, which shall comply with the requirements of subsection G of § 32.1-127.1:03, and shall accept a photocopy, facsimile, or other copy of the original signed by the patient as if it were an original.

B1. A health care provider shall produce the health records in either paper, hard copy, or electronic format, as requested by the requester. If the health care provider does not maintain the items being requested in an electronic format and does not have the capability to produce such items in an electronic format, such items shall be produced in paper or other hard copy format.

B2. When the health records requested pursuant to subsection B1 are produced in paper or hard copy format from records maintained in (i) paper or other hard copy format or (ii) electronic storage, a health care provider may charge the requester a reasonable fee not to exceed \$0.50 per page for up to 50 pages and \$0.25 per page thereafter for such copies, \$1 per page for hard copies from microfilm or other micrographic process, and a fee for search and handling not to exceed \$20, plus all postage and shipping costs.

B3. When the health records requested pursuant to subsection B1 are produced in electronic format from health records maintained in electronic storage, a health care provider may charge the requester a reasonable fee not to exceed \$0.37 per page for up to 50 pages and \$0.18 per page thereafter for such copies and a fee for search and handling not to exceed \$20, plus all postage and shipping costs. Except as provided in subsection B4, the total amount charged to the requester for health records produced in electronic format pursuant to this subsection, including any postage and shipping costs and any search and handling fee, shall not exceed \$160 for any request made on or after July 1, 2021, plus the reasonable costs to produce an audit trail of the health records, if specifically requested.

B4. When any portion of health records requested to be produced in electronic format is stored in paper or other hard copy format at the time of the request and not otherwise maintained in electronic storage, a health care provider may charge a fee pursuant to subsection B2 for the production of such portion, and such production of such portion is not subject to any limitations set forth in subsection B3, whether such portion is produced in paper or other hard copy format or converted to electronic format as requested by the requester. Any other portion otherwise maintained in electronic storage shall be produced electronically. The total search and handling fee shall not exceed \$20 for any production made pursuant to this subsection where the production contains both health records in electronic format and health records in paper or other hard copy format.

B5. Upon request, a patient's account balance or itemized listing of charges maintained by a health care provider shall be supplied at no cost up to three times every 12 months to either the patient or the patient's attorney.

B6. When the record requested is an X-ray series or study or other imaging study and is requested to be produced electronically, a health care provider may charge the requester a reasonable fee, which shall not exceed \$25 per X-ray series or study or other imaging study, and a fee for search and handling, which shall not exceed \$10, plus all postage and shipping costs. When an X-ray series or study or other imaging study is requested to be produced in hard copy format, or when a health care provider does not maintain such X-ray series or study or other imaging study being requested in an electronic format or does not have the capability to produce such X-ray series or study or other imaging study in an electronic format, a health care provider may charge the requester a reasonable fee, which may include a fee for search and handling not to exceed \$10 and the actual cost of supplies for and labor of copying the requested X-ray series or study or other imaging study, plus all postage and shipping costs.

B7. A health care provider shall provide one free copy of a patient's medical records stored or maintained in an electronic health record (EHR) per calendar year if requested by a patient or his attorney for the purpose of supporting a claim or appeal under Title II, XVI, XVIII, or XIX of the Social Security Act, 38 U.S.C. § 101 et seq., or under any federal or state financial needs-based benefit program, provided that the request is supported by a reasonable amount of

documentation, including evidence of representation in the Social Security disability courts such as the Social Security Administration Appointment of Representative form or a notice of or request for a hearing, regarding such purpose. Any additional requests for medical records in the same calendar year are subject to a reasonable fee for the production of the records. No fees shall be charged if no medical records are found in response to the request.

B8. Upon request by the patient, or his attorney, of health records as to the cost to produce such health records, a health care provider shall inform the patient, or his attorney, of the most cost-effective method to produce such a request pursuant to subsection B2, B3, B4, B6, or B7 as applicable.

B9. Production of health records to the patient, or his attorney, requested pursuant to this section shall not be withheld or delayed solely on the grounds of nonpayment for such health records.

C. Upon the failure of any health care provider to comply with any written request made in accordance with subsection B within the period of time specified in that subsection and within the manner specified in subsections E and F of § 32.1-127.1:03, the patient, his attorney, his executor or administrator, or authorized insurer may cause a subpoena duces tecum to be issued. The subpoena may be issued (i) upon filing a request therefor with the clerk of the circuit court wherein any eventual suit would be required to be filed, and upon payment of the fees required by subdivision A 18 of § 17.1-275, and fees for service or (ii) by the patient's attorney in a pending civil case in accordance with § 8.01-407 without payment of the fees established in subdivision A 23 of § 17.1-275.

A sheriff shall not be required to serve an attorney-issued subpoena that is not issued at least five business days prior to the date production of the record is desired.

No subpoena duces tecum for health records shall set a **return date** by which the health care provider must comply with such subpoena earlier than 15 days from the date of the subpoena, except by order of a court or administrative agency for good cause shown. When a court or administrative agency orders that health records be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of such order shall accompany such subpoena.

As to a subpoena duces tecum issued with at least a 15-day **return date**, if no motion to quash is filed within 15 days of the issuance of the subpoena, the party requesting the subpoena duces tecum or the party on whose behalf the subpoena was issued shall certify to the subpoenaed health care provider that (a) the time for filing a motion to quash has elapsed and (b) no such motion was filed. Upon receipt of such certification, the subpoenaed health care provider shall comply with the subpoena duces tecum by returning the specified health records by either (1) the **return date** on the subpoena or (2) five days after receipt of such certification, whichever is later.

The subpoena shall direct the health care provider to produce and furnish copies of the health records to the requester or clerk, who shall then make the same available to the patient, his attorney, or his authorized insurer.

If the court finds that a health care provider willfully refused to comply with a written request made in accordance with subsection B, either (A) by failing over the previous six-month period to respond to a second or subsequent written request, properly submitted to the health care provider in writing with complete required information, without good cause or (B) by imposing a charge in excess of the reasonable expense of making the copies and processing the request for

health records, the court may award damages for all expenses incurred by the patient or authorized insurer to obtain such copies, including a refund of fees if payment has been made for such copies, court costs, and reasonable attorney fees.

If the court further finds that such subpoenaed health records, subpoenaed pursuant to this subsection, or requested health records, requested pursuant to subsection B, are not produced for a reason other than compliance with § 32.1-127.1:03 or an inability to retrieve or access such health records, as communicated in writing to the subpoenaing party or requester within the time period required by subsection B, such subpoenaing party or requester shall be entitled to a rebuttable presumption that expenses and attorney fees related to the failure to produce such health records shall be awarded by the court.

D. The provisions of this section shall apply to any health care provider whose office is located within or outside the Commonwealth if the records pertain to any patient who is a party to a cause of action in any court in the Commonwealth, and shall apply only to requests made by the patient, his attorney, his executor or administrator, or any authorized insurer, in anticipation of litigation or in the course of litigation.

E. As used in this section, "health care provider" has the same meaning as provided in § 32.1-127.1:03 and includes an independent medical copy retrieval service contracted to provide the service of retrieving, reviewing, and preparing such copies for distribution. As used in this section, "health record" has the same meaning as provided in § 32.1-127.1:03.

F. Notwithstanding the authorization to admit as evidence health records in the form of microphotographs, prescription dispensing records maintained in or on behalf of any pharmacy registered or permitted in the Commonwealth shall only be stored in compliance with §§ 54.1-3410, 54.1-3411 and 54.1-3412.

G. The provisions of this section governing fees that may be charged by a health care provider whose records are subpoenaed or requested pursuant to this section shall not apply in the case of any request by a patient for a copy of his own health records, which shall be governed by subsection J of § 32.1-127.1:03. This subsection shall not be construed to affect other provisions of state or federal statute, regulation or any case decision relating to charges by health care providers for copies of health records requested by any person other than a patient when requesting his own health records pursuant to subsection J of § 32.1-127.1:03.

Code 1950, § 8-277.1; 1954, c. 329; 1976, c. 50; 1977, cc. 208, 617; 1981, c. 457; 1982, c. 378; 1990, cc. 99, 320; 1992, c. 696; 1994, cc. 390, 572; 1995, c. 586; 1997, c. 682; 1998, c. 470; 2000, cc. 813, 923; 2001, c. 567; 2002, cc. 463, 654; 2004, cc. 65, 335, 742, 1014; 2005, cc. 642, 697; 2009, c. 270; 2017, c. 457; 2020, c. 945; 2022, cc. 509, 534; 2025, c. 182.

[§ 8.01-512.3. Form of garnishment summons](#)

Any garnishment issued pursuant to § 8.01-511 shall be in the following form:

(a) Front side of summons:

GARNISHMENT SUMMONS

(Court Name)

(Name, address and telephone number of judgment creditor except that when the judgment creditor's attorney's name, address and telephone number appear on the summons, only the creditor's name shall be used.)

(Name, address and telephone number of judgment creditor's attorney)

(Name, street address and social security number of judgment debtor)

(Name and street address of garnishee)

_____ Hearing Date and Time

This is a garnishment against (check only one of the designations below):

☐ wages, salary, or other compensation. ☐ some other debt due or property
of the judgment debtor.

MAXIMUM PORTION OF
DISPOSABLE
EARNINGS SUBJECT TO
GARNISHMENT

STATEMENT

☐ Support	Judgment Principal	\$_____
☐ 50% ☐ 55% ☐ 60% ☐ 65%	Credits	\$_____

(if not specified, then 50%)	Interest	\$_____
☐ state taxes, 100%	Judgment Costs	\$_____
If none of the above is checked,	Attorney's Fees	\$_____
then § 34-29 (a) applies.	Garnishment Costs	\$_____
	TOTAL BALANCE DUE	\$_____

The garnishee shall rely on this
amount.

_____ Date of Judgment

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to

(1) File a written answer with this court, or

(2) Deliver payment to this court, or

(3) Appear before this court on the **return date** and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of

this summons on you and the date for your appearance in court, subject to the following limitations:

(1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons.

(2) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having 1,000 or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commissions, or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

Date of Issuance of Summons

Clerk

Date of delivery of writ of fieri facias to sheriff if different from date of issuance of this summons.

(b) A plain language interpretation of § 34-29 shall appear on the reverse side of the summons as follows:

"The following statement is not the law but is an interpretation of the law which is intended to assist those who must respond to this garnishment. You may rely on this only for general guidance because the law itself is the final word. (Read the law, § 34-29 of the Code of Virginia, for a full explanation. A copy of § 34-29 is available at the clerk's office. If you do not understand the law, call a lawyer for help.)

An employer may take as much as 25 percent of an employee's disposable earnings to satisfy this garnishment. But if an employee makes the minimum wage or less for his week's earnings, the employee will ordinarily get to keep 40 times the minimum hourly wage."

But an employer may withhold a different amount of money from that above if:

(1) The employee must pay child support or spousal support and was ordered to do so by a court procedure or other legal procedure. No more than 65 percent of an employee's earnings may be withheld for support;

(2) Money is withheld by order of a bankruptcy court; or

(3) Money is withheld for a tax debt.

"Disposable earnings" means the money an employee makes after taxes and after other amounts required by law to be withheld are satisfied. Earnings can be salary, hourly wages, commissions, bonuses, or otherwise, whether paid directly to the employee or not. After those earnings are in the bank for 30 days, they are not considered earnings any more.

If an employee tries to transfer, assign, or in any way give his earnings to another person to avoid the garnishment, it will not be legal; earnings are still earnings.

An employee cannot be fired because he is garnished for one debt.

Financial institutions that receive an employee's paycheck by direct deposit do not have to determine what part of a person's earnings can be garnished.

1983, c. 399; 1994, c. 40; 1995, c. 379; 1996, c. 1051; 2006, c. 55; 2017, cc. 36, 143.

[§ 8.01-516.1. Garnishment dispositions](#)

A. If the amount of liability is not disputed and the garnishee admits liability to the court either by (i) examination on the **return date** of the summons, or (ii) written statement as provided by § 8.01-515 on or before the **return date** of the summons, the court shall order the delivery of such estate or payment of the value of such estate into court without entering judgment against the garnishee. Should a garnishee fail to comply with the order within thirty days after service of such order on the garnishee, then judgment may be entered against the garnishee.

B. Upon certification by the judgment creditor, its bona fide employee, or its attorney that its claim has been satisfied or that it desires its action against the garnishee to be dismissed for any other reason, the court, or clerk thereof, where the action has been filed, shall, by written order, which may be served by the sheriff, notify the garnishee to cease withholding assets of the judgment debtor, and to treat any funds previously withheld as if the original garnishment action had not been filed. The court in which the garnishment action was filed shall then dismiss the action on or before the **return date**.

1983, c. 399; 1993, c. 385.

[§ 8.01-517. Exemption of portion of wages; payment of excess into court](#)

Notwithstanding the provisions of §§ 8.01-515 and 8.01-516.1, any employer against whom any garnishment is served in connection with an action or judgment against an employee may pay to such employee when due wages or salary not exceeding the amount exempted by § 34-29 unless such exemptions shall have been specifically disallowed by the court and shall answer such garnishment summons by a written statement verified by affidavit, showing the amount of wages or salary due on the **return date** of the garnishment summons and the amount of wages or salary so exempted, and if there shall be an excess of wages or salary so due over the amount of the exemptions, the employer may pay the amount of such excess into the court where the garnishment summons is returnable, which payment when determined by the court to be correct will constitute a discharge of any liability of the employer to the employee for the wages or salary so withheld.

Code 1950, § 8-445; 1952, c. 377; 1954, c. 379; 1977, c. 617.

[§ 8.01-576.5. Referral of disputes to dispute resolution proceedings](#)

While protecting the right to trial by jury, a court, on its own motion or on motion of one of the parties, may refer any contested civil matter, or selected issues in a civil matter, to an orientation

session in order to encourage the early resolution of disputes through the use of procedures that facilitate (i) open communication between the parties about the issues in the dispute, (ii) full exploration of the range of options to resolve the dispute, (iii) improvement in the relationship between the parties, and (iv) control by the parties over the outcome of the dispute. The neutral or intake specialist conducting the orientation session shall provide information regarding dispute resolution options available to the parties, screen for factors that would make the case inappropriate for a dispute resolution proceeding, and assist the parties in determining whether their case is suitable for a dispute resolution process such as mediation. The court shall set a date for the parties to return to court in accordance with its regular docket and procedure, irrespective of the referral to an orientation session. The parties shall notify the court, in writing, if the dispute is resolved prior to the **return date**.

Upon such referral, the parties shall attend one orientation session unless excused pursuant to § 8.01-576.6. Further participation in a dispute resolution proceeding shall be by consent of all parties. Attorneys for any party may participate in a dispute resolution proceeding.

1993, c. 905; 2002, c. 718.

[§ 15.2-968.1. \(For contingent effective date, see Acts 2023, c. 738, cl. 2\) Use of violation monitoring systems to enforce traffic light signals and certain traffic control devices](#)

A. For purposes of this section:

"Owner" means the registered owner on record with the Department of Motor Vehicles.

"Traffic control device" has the same meaning as set forth in § 46.2-100.

"Traffic control device violation monitoring system" means equipment that produces one or more photographs, microphotographs, video, or other recorded images of vehicles used or operated in violation of signs or markings placed in accordance with § 46.2-830. Traffic control device violation monitoring systems shall not be used to enforce violations of traffic light signals or speed limits.

"Traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered the intersection.

B. 1. The governing body of any county, city, or town may provide by ordinance for the establishment of a traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal violation monitoring systems at no more than one intersection for every 10,000 residents within each county, city, or town at any one time, provided, however, that within planning District 8, each such locality may install and operate traffic light signal violation monitoring systems at no more than 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city, or town, whichever is greater, at any one time.

2. In addition to the authority provided in subdivision 1, the governing body of any locality in Planning District 23 may provide by ordinance for the establishment of a traffic control device violation monitoring system imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic control devices in such locality in accordance with the provisions of this section. Such governing body may install and operate a traffic control device violation monitoring system at any intersection deemed by the governing body to be negatively impacted by traffic due to the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project (HREL-P).

C. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, (i) as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such locality or (ii) as evidenced by information obtained from a traffic control device violation monitoring system, to have failed to comply with a traffic control device within such locality. No operator shall be liable for a penalty pursuant to clause (i) and a penalty pursuant to clause (ii) arising out of the same act. No monetary penalty shall be imposed pursuant to this section for a first offense of failing to comply with a traffic control device, as evidenced by information obtained from a traffic control device violation monitoring system, and such operator shall be issued a written warning.

D. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system or traffic control device violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer employed by a locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system or traffic control device violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

E. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the **return date** established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50, nor shall

it include court costs. Any finding in a district court that an operator has violated an ordinance adopted as provided in this section shall be appealable to the circuit court in a civil proceeding.

G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2.

Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the **return date** of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system or traffic control device violation monitoring system in connection with the violation.

H. Information collected by a traffic light signal violation monitoring system or traffic control device violation monitoring system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the enforcement of traffic light or traffic control device violations. On behalf of a locality, a private entity that operates a traffic light signal violation monitoring system or traffic control device violation monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal or traffic control device. Information provided to the operator of a traffic light signal violation monitoring system or traffic control device violation monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system or traffic control device violation monitoring system shall be used exclusively for enforcing traffic light or traffic control device violations and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light or traffic control device violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of § 46.2-830, 46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a locality does not execute a summons for a violation of this section within 10 business days, all information collected pertaining to that suspected violation shall be purged within two business days. Any locality operating a traffic light signal violation monitoring system or traffic control device violation monitoring system shall annually certify compliance with this section and make all records

pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private entity.

I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic light signal violation monitoring system or equipment or traffic control device violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. However, only a law-enforcement officer employed by a locality may swear to or affirm the certificate required by subsection D. No locality shall enter into an agreement for compensation based on the number of violations or monetary penalties imposed.

J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the violation. Localities may consider the risk to pedestrians as a factor, if applicable.

K. 1. Before the implementation of a traffic light signal violation monitoring system at an intersection, the locality shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. No traffic light signal violation monitoring system shall be implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds. All traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between the time the signal turns red and the time the first violation is recorded. If recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

2. Before the implementation of a traffic control device violation monitoring system at an intersection, the governing body of the implementing locality shall complete an engineering safety analysis that addresses the impact of the HREL-P on congestion, accident rates, and driver disregard for traffic control devices. If recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

L. Any locality that uses a traffic light signal violation monitoring system or traffic control device violation monitoring system shall evaluate the system on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

M. Any locality that uses a traffic light signal violation monitoring system to enforce traffic light signals shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

N. Prior to or coincident with the implementation or expansion of a traffic light signal violation monitoring system or traffic control device violation monitoring system, a locality shall conduct a public awareness program, advising the public that the locality is implementing or expanding a traffic light signal violation monitoring system or traffic control device violation monitoring system.

O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal violation monitoring system or traffic control device violation monitoring system is owned, leased, or rented by a county, city, or town, then the county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes.

2007, cc. 836, 903; 2010, c. 175; 2012, cc. 805, 836; 2014, c. 163; 2015, c. 714; 2023, c. 738.

Title 15.2 – Cities, Counties and Towns

[§ 15.2-968.1. \(For contingent effective date, see Acts 2023, c. 738, cl. 2\) Use of violation monitoring systems to enforce traffic light signals and certain traffic control devices.](#)

A. The governing body of any county, city, or town may provide by ordinance for the establishment of a traffic signal enforcement program imposing monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in such locality in accordance with the provisions of this section. Each such locality may install and operate traffic light signal photo-monitoring systems at no more than one intersection for every 10,000 residents within each county, city, or town at any one time, provided, however, that within planning District 8, each such locality may install and operate traffic light signal photo-monitoring systems at no more than 10 intersections, or at no more than one intersection for every 10,000 residents within each county, city, or town, whichever is greater, at any one time.

B. The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such locality.

C. Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer employed by a locality authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

D. In the prosecution for a violation of any local ordinance adopted as provided in this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of such ordinance, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a

rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the **return date** established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

E. For purposes of this section, "owner" means the registered owner of such vehicle on record with the Department of Motor Vehicles. For purposes of this section, "traffic light signal violation monitoring system" means a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of § 46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.

F. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50, nor shall it include court costs. Any finding in a district court that an operator has violated an ordinance adopted as provided in this section shall be appealable to the circuit court in a civil proceeding.

G. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection D and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the **return date** of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.

H. Information collected by a traffic light signal violation monitoring system installed and operated pursuant to subsection A shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations. On behalf of a locality, a private entity that operates a traffic light signal violation monitoring system may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of

§ 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal. Information provided to the operator of a traffic light signal violation monitoring system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system, and used only for enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of § 46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a locality does not execute a summons for a violation of this section within 10 business days, all information collected pertaining to that suspected violation shall be purged within two business days. Any locality operating a traffic light signal violation monitoring system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private entity.

I. A private entity may enter into an agreement with a locality to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. However, only a law-enforcement officer employed by a locality may swear to or affirm the certificate required by subsection C. No locality shall enter into an agreement for compensation based on the number of violations or monetary penalties imposed.

J. When selecting potential intersections for a traffic light signal violation monitoring system, a locality shall consider factors such as (i) the accident rate for the intersection, (ii) the rate of red light violations occurring at the intersection (number of violations per number of vehicles), (iii) the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators, and (iv) the ability of law-enforcement officers to apprehend violators safely within a reasonable distance from the violation. Localities may consider the risk to pedestrians as a factor, if applicable.

K. Before the implementation of a traffic light signal violation monitoring system at an intersection, the locality shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. No traffic light signal violation monitoring system shall be implemented or utilized for a traffic signal having a yellow signal phase length of less than three seconds. All traffic light signal violation monitoring systems shall provide a minimum 0.5-second grace period between the time the signal turns red and the time the first violation is recorded. If recommended by the

engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

L. Any locality that uses a traffic light signal violation monitoring system shall evaluate the system on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

M. Any locality that uses a traffic light signal violation monitoring system to enforce traffic light signals shall place conspicuous signs within 500 feet of the intersection approach at which a traffic light signal violation monitoring system is used. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

N. Prior to or coincident with the implementation or expansion of a traffic light signal violation monitoring system, a locality shall conduct a public awareness program, advising the public that the locality is implementing or expanding a traffic light signal violation monitoring system.

O. Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal photo-monitoring system is owned, leased, or rented by a county, city, or town, then the county, city, or town may access and use the recorded images and associated information for employee disciplinary purposes.

2007, cc. 836, 903; 2010, c. 175; 2012, cc. 805, 836; 2014, c. 163; 2015, c. 714.

Title 16.1 – Courts Not of Record

[§ 16.1-69.55. Retention of case records; limitations on enforcement of judgments; extensions](#)

A. Criminal and traffic infraction proceedings:

1. In misdemeanor and traffic infraction cases, except misdemeanor cases under § 16.1-253.2, 18.2-57.2, or 18.2-60.4, all documents shall be retained for 10 years, including cases sealed in expungement proceedings under § 19.2-392.2. In misdemeanor cases under § 16.1-253.2, 18.2-57.2, or 18.2-60.4, all documents shall be retained for 20 years. In misdemeanor cases under §§ 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-346.01, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, all documents shall be retained for 50 years. Documents in misdemeanor and traffic infraction cases for which an appeal has been made shall be returned to and filed with the clerk of the appropriate circuit court pursuant to § 16.1-135;

2. In felony cases that are certified to the grand jury, all documents shall be certified to the clerk of the appropriate circuit court pursuant to §§ 19.2-186 and 19.2-190. All other felony case documents shall be handled as provided in subdivision 1;

3. Dockets and indices shall be retained for 10 years.

B. Civil proceedings:

1. All documents in civil proceedings in district court that are dismissed, including dismissal under § 8.01-335, shall be retained until completion of the Commonwealth's audit of the court records. Notwithstanding § 8.01-275.1, the clerks of the district courts may destroy documents in civil proceedings in which no service of process is had 24 months after the last **return date**;

2. In civil actions that result in a judgment, all documents in the possession of the general district court shall be retained for 10 years and, unless sooner satisfied, the judgment shall remain in force for a period of 10 years;

3. In civil cases that are appealed to the circuit court pursuant to § 16.1-112, all documents pertaining thereto shall be transferred to the circuit court in accordance with those sections;

4. The limitations on enforcement of general district court judgments provided in § 16.1-94.1 shall not apply if the plaintiff, prior to the expiration of that period for enforcement, pays the circuit court docketing and indexing fees on judgments from other courts together with any other required filing fees and docket the judgment in the circuit court having jurisdiction in the same geographic area as the general district court. However, a judgment debtor wishing to discharge a judgment pursuant to the provisions of § 8.01-456, when the judgment creditor cannot be located, may, prior to the expiration of that period for enforcement, pay the circuit court docketing and indexing fees on judgments from other courts together with any other required filing fees and docket the judgment in the circuit court having jurisdiction in the same geographic area as the general district court. After the expiration of the period provided in § 16.1-94.1, executions on such docketed civil judgments may issue from the general district court wherein the judgment was obtained upon the filing in the general district court of an abstract from the circuit court. In all other respects, the docketing of a general district court judgment in a circuit court confers upon such judgment the same status as if the judgment were a circuit court judgment;

5. Dockets for civil cases shall be retained for 10 years;

6. Indices in civil cases shall be retained for 10 years.

C. Juvenile and domestic relations district court proceedings:

1. In adult criminal cases, all records shall be retained as provided in subdivision A 1;

2. In juvenile cases, all documents and indices shall be governed by the provisions of § 16.1-306;

3. In all cases involving support arising under Title 16.1, 20, or 63.2, all documents and indices shall be retained until the last juvenile involved, if any, has reached 19 years of age and 10 years have elapsed from either dismissal or termination of the case by court order or by operation of law. Financial records in connection with such cases shall be subject to the provisions of § 16.1-69.56;

4. In all cases involving sexually violent offenses, as defined in § 37.2-900, and in all misdemeanor cases under §§ 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-346.01, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, all documents shall be retained for 50 years;

5. In cases transferred to circuit court for trial as an adult or appealed to circuit court, all documents pertaining thereto shall be transferred to circuit court;

6. All dockets in juvenile cases shall be governed by the provisions of subsection F of § 16.1-306.

D. At the direction of the chief judge of a district court, the clerk of that court may cause any or all papers or documents pertaining to civil and criminal cases that have been ended to be destroyed if such records, papers, or documents will no longer have administrative, fiscal,

historical, or legal value to warrant continued retention, provided such records, papers, or documents have been microfilmed or converted to an electronic format. Such microfilm and microphotographic processes and equipment shall meet state archival microfilm standards pursuant to § 42.1-82, or such electronic format shall follow state electronic records guidelines, and such records, papers, or documents so converted shall be placed in conveniently accessible files and provisions made for examining and using the same. The provisions of this subsection shall not apply to the documents for misdemeanor cases under §§ 16.1-253.2, 18.2-57.2, 18.2-60.4, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-346.01, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, which shall be retained as provided in subsection A.

1983, c. 499; 1990, c. 258; 1996, c. 463; 2003, c. 126; 2005, c. 135; 2007, cc. 369, 468, 869; 2008, c. 749; 2009, c. 740; 2011, cc. 445, 480; 2013, cc. 187, 377; 2014, c. 287; 2018, c. 128; 2021, Sp. Sess. I, c. 188.

[§ 16.1-122.3. Actions; how commenced; notice; continuances; pleadings](#)

A. Actions in the small claims court shall be commenced by the filing of a small claims civil warrant by a plaintiff.

B. At the time of filing a small claims civil warrant, the plaintiff shall pay to the clerk a required fee, which will be taxed as costs in the case. The plaintiff may be afforded the opportunity to receive preprinted information promulgated by the Committee on District Courts explaining the small claims court, including but not limited to information on case preparation, courtroom procedures, methods of collection, removal rights and appeals. The plaintiff shall select a time for the hearing which shall be held at least five days after service of the warrant. Such time shall be subject to concurrence by the clerk's office. The chief judge may limit the number of cases any one person may set for trial on any one date.

C. Upon the filing of the small claims civil warrant in small claims court, the court shall cause notice of process to be served upon the defendant. Notice of process shall consist of a copy of the warrant and shall be served by the method used in general district court. If applicable, the defendant shall be served with a copy of the preprinted information identified in subsection B of this section attached to the copy of the civil warrant.

D. All forms required by this article shall be prescribed by the Supreme Court of Virginia.

E. The trial shall be conducted on the first **return date**. However, by consent of all parties or upon order of the court, the time for trial may be changed from the time set for the first return. A continuance shall be granted to either the plaintiff or defendant only upon good cause shown.

F. There shall be no pleadings in small claims court actions other than the warrant and answer, grounds of defense and counterclaims not to exceed \$5,000.

1988, c. 799; 1990, c. 564; 2002, c. 704; 2006, c. 141.

[§ 16.1-345.4. Court review of mandatory outpatient treatment plan](#)

A. The juvenile and domestic relations district court judge shall hold a hearing within 15 days after receiving the motion for review of the mandatory outpatient treatment plan; however, if the fifteenth day is a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the hearing shall be held on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If the minor is being detained under a temporary detention order, the hearing shall be scheduled within the same time frame provided for a commitment hearing under § 16.1-341. The clerk shall provide notice of the hearing to the minor, his parents, the community services board, all treatment providers listed in the comprehensive mandatory outpatient treatment order, and the original petitioner for the minor's involuntary treatment. If the minor is not represented by counsel, the judge shall appoint an attorney to represent the minor in this hearing and any subsequent hearings under § 16.1-345.5, giving consideration to appointing the attorney who represented the minor at the proceeding that resulted in the issuance of the mandatory outpatient treatment order. The judge shall also appoint a guardian ad litem for the minor. The community services board shall offer to arrange the minor's transportation to the hearing if the minor is not detained and has no other source of transportation.

B. If requested by the minor's parents, the community services board, a treatment provider listed in the comprehensive mandatory outpatient treatment plan, or the original petitioner for the minor's involuntary treatment, the juvenile and domestic relations district court judge may order an evaluation and appoint a qualified evaluator in accordance with § 16.1-342 who shall personally examine the minor and certify to the court whether or not he has probable cause to believe that the minor meets the criteria for involuntary inpatient treatment or mandatory outpatient treatment as specified in § 16.1-345 and subsection A of § 16.1-345.2. The evaluator's report may be admitted into evidence without the appearance of the evaluator at the hearing if not objected to by the minor or his attorney. If the minor is not detained in an inpatient facility, the community services board shall arrange for the minor to be examined at a convenient location and time. The community services board shall offer to arrange for the minor's transportation to the examination, if the minor has no other source of transportation. If the minor refuses or fails to appear, the community services board shall notify the court, and the court shall issue a mandatory examination order and a civil **show cause** summons. The **return date** for the civil **show cause** summons shall be set on a date prior to the review hearing scheduled pursuant to subsection A, and the examination of the minor shall be conducted immediately after the hearing thereon, but in no event shall the period for the examination exceed eight hours.

C. If the minor fails to appear for the hearing, the juvenile and domestic relations district court judge shall, after consideration of any evidence from the minor, from his parents, from the community services board, or from any treatment provider identified in the mandatory outpatient treatment plan regarding why the minor failed to appear at the hearing, either (i) reschedule the hearing pursuant to subsection A, (ii) issue an emergency custody order pursuant to § 16.1-340, or (iii) issue a temporary detention order pursuant to § 16.1-340.1.

D. After hearing the evidence regarding the minor's material noncompliance with the mandatory outpatient treatment order and the minor's current condition, and any other relevant information referenced in § 16.1-345 and subsection A of § 16.1-345.2, the juvenile and domestic relations district court judge may make one of the following dispositions:

1. Upon finding by clear and convincing evidence that the minor meets the criteria for involuntary admission and treatment specified in § 16.1-345, the judge shall order the minor's

involuntary admission to a facility designated by the community services board for a period of treatment not to exceed 30 days;

2. Upon finding that the minor continues to meet the criteria for mandatory outpatient treatment specified in subsection A of § 16.1-345.2, and that a continued period of mandatory outpatient treatment appears warranted, the judge may renew the order for mandatory outpatient treatment, making any necessary modifications that are acceptable to the community services board or treatment provider responsible for the minor's treatment. In determining the appropriateness of outpatient treatment, the court may consider the minor's material noncompliance with the previous mandatory treatment order; or

3. Upon finding that neither of the above dispositions is appropriate, the judge may rescind the order for mandatory outpatient treatment.

Upon entry of an order for involuntary inpatient admission, transportation shall be provided in accordance with § 16.1-345.

E. For the purposes of this section, "juvenile and domestic relations district court judge" shall not include a special justice as authorized by § 37.2-803.

2009, cc. 455, 555; 2010, cc. 778, 825; 2014, cc. 691, 761.

Title 18.2 – Crimes and Offenses Generally

[§ 18.2-384. Proceeding against book alleged to be obscene](#)

A. Whenever he has reasonable cause to believe that any person is engaged in the sale or commercial distribution of any obscene book, any citizen or the attorney for the Commonwealth of any county or city, or city attorney, in which the sale or commercial distribution of such book occurs may institute a proceeding in the circuit court in said city or county for adjudication of the obscenity of the book.

B. The proceeding shall be instituted by filing with the court a petition:

1. Directed against the book by name or description;
2. Alleging the obscene nature of the book; and
3. Listing the names and addresses, if known, of the author, publisher, and all other persons interested in its sale or commercial distribution.

C. Upon the filing of a petition pursuant to this article, the court in term or in vacation shall forthwith examine the book alleged to be obscene. If the court find no probable cause to believe the book obscene, the judge thereof shall dismiss the petition; but if the court find probable cause to believe the book obscene, the judge thereof shall issue an order to show cause why the book should not be adjudicated obscene.

D. The order to show cause shall be:

1. Directed against the book by name or description;
2. Published once a week for two successive weeks in a newspaper of general circulation within the county or city in which the proceeding is filed;

3. If their names and addresses are known, served by registered mail upon the author, publisher, and all other persons interested in the sale or commercial distribution of the book; and

4. Returnable 21 days after its service by registered mail or the commencement of its publication, whichever is later.

E. When an order to show cause is issued pursuant to this article, and upon four days' notice to be given to the persons and in the manner prescribed by the court, the court may issue a temporary restraining order against the sale or distribution of the book alleged to be obscene.

F. On or before the **return date** specified in the order to show cause, the author, publisher, and any person interested in the sale or commercial distribution of the book may appear and file an answer. The court may by order permit any other person to appear and file an answer amicus curiae.

G. If no one appears and files an answer on or before the **return date** specified in the order to show cause, the court, upon being satisfied that the book is obscene, shall order the clerk of court to enter judgment that the book is obscene, but the court in its discretion may except from its judgment a restricted category of persons to whom the book is not obscene.

H. If an appearance is entered and an answer filed, the court shall order the proceeding set on the calendar for a prompt hearing. The court shall conduct the hearing in accordance with the rules of civil procedure applicable to the trial of cases by the court without a jury. At the hearing, the court shall receive evidence, including the testimony of experts, if such evidence be offered, pertaining to:

1. The artistic, literary, medical, scientific, cultural and educational values, if any, of the book considered as a whole;
2. The degree of public acceptance of the book, or books of similar character, within the county or city in which the proceeding is brought;
3. The intent of the author and publisher of the book;
4. The reputation of the author and publisher;
5. The advertising, promotion, and other circumstances relating to the sale of the book;
6. The nature of classes of persons, including scholars, scientists, and physicians, for whom the book may not have prurient appeal, and who may be subject to exception pursuant to subsection G.

I. In making a decision on the obscenity of the book, the court shall consider, among other things, the evidence offered pursuant to subsection H, if any, and shall make a written determination upon every such consideration relied upon in the proceeding in his findings of fact and conclusions of law or in a memorandum accompanying them.

J. If he finds the book not obscene, the court shall order the clerk of court to enter judgment accordingly. If he finds the book obscene, the court shall order the clerk of court to enter judgment that the book is obscene, but the court, in its discretion, may except from its judgment a restricted category of persons to whom the book is not obscene.

K. While a temporary restraining order made pursuant to subsection E is in effect, or after the entry of a judgment pursuant to subsection G, or after the entry of judgment pursuant to

subsection J, any person who publishes, sells, rents, lends, transports in intrastate commerce, or commercially distributes or exhibits the book, or has the book in his possession with intent to publish, sell, rent, lend, transport in intrastate commerce, or commercially distribute or exhibit the book, is presumed to have knowledge that the book is obscene under §§ 18.2-372 through 18.2-378 of this article.

L. Any party to the proceeding, including the petitioner, may appeal from the judgment of the court to the Court of Appeals, as otherwise provided by law.

M. It is expressly provided that the petition and proceeding authorized under this article, relating to books alleged to be obscene, shall be intended only to establish scienter in cases where the establishment of such scienter is thought to be useful or desirable by the petitioner; and the provisions of § 18.2-384 shall in nowise be construed to be a necessary prerequisite to the filing of criminal charges under this article.

Code 1950, § 18.1-236.3; 1960, c. 233; 1975, cc. 14, 15; 2021, Sp. Sess. I, c. 489.

Title 19.2 – Criminal Procedure

§ 19.2-76.2. Mailing of summons in certain cases

Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of a county, city or town parking ordinance is served in any county, city or town it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. In addition, whenever a summons for a violation of a county, city or town trash ordinance punishable as a misdemeanor under § 15.2-901 is served in any county, city or town, it may be executed by mailing a copy by first-class mail to the person who occupies the subject premises. If the person fail to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3 of this Code.

No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for his failure to appear on the **return date** of the summons.

1977, c. 233; 1978, c. 781; 1983, c. 254; 1984, c. 119.

§ 19.2-76.3. Failure to appear on **return date** for summons issued under § 19.2-76.2

A. If any person fails to appear on the date of the return contained in the summons issued in accordance with § 19.2-76.2, then a summons shall be delivered to the sheriff of the county, city, or town or to another authorized process server for service on that person as set out in § 8.01-296.

B. If such person then fails to appear on the date of return as contained in the summons so issued, a summons shall be executed in the manner set out in § 19.2-76.

C. No proceedings for contempt or arrest of any person summoned under the provisions of this section shall be instituted unless such person has been personally served with a summons and has failed to appear on the **return date** contained therein.

1983, c. 254; 1994, c. 642; 2016, cc. 242, 354.

Title 20 – Domestic Relations

§ 20-65. Summons or warrant; investigation and hearing

Upon the filing of such petition the court shall forthwith issue its summons or warrant against the spouse or parent and upon its execution may cause an investigation of the case to be made by a probation officer or other person designated for that purpose who shall report thereon to the court, and thereupon the court shall, upon the **return date** of the warrant or summons, proceed to determine and hear the case on its merits.

1944, p. 211; Michie Suppl. 1946, § 1937; 1974, c. 464; 1975, c. 557.

§ 20-124.4. Mediation

A. In any appropriate case the court shall refer the parents or persons with a legitimate interest to a dispute resolution orientation session to be conducted by a mediator certified pursuant to guidelines promulgated by the Judicial Council at no cost and in accordance with the procedures set out in Chapter 20.2 (§ 8.01-576.4 et seq.) of Title 8.01. In assessing the appropriateness of a referral, the court shall ascertain upon motion of a party whether there is a history of family abuse. If an agreement is not reached on any issue through further mediation as agreed to by the parties, prior to the **return date** set by the court pursuant to § 8.01-576.5, the court shall proceed with a hearing on any unresolved issue, unless a continuance has been granted by the court.

B. The fee of the mediator shall be \$100 per appointment mediated and shall be paid by the Commonwealth from the funds appropriated for payment of appointments made pursuant to subsection B of § 16.1-267. Any referral that includes both (i) custody or visitation and (ii) child or spousal support shall be considered two separate appointments.

1994, c. 769; 2000, c. 768; 2016, c. 507.

Title 32.1 - Health

§ 32.1-127.1:03. Health records privacy

A. There is hereby recognized an individual's right of privacy in the content of his health records. Health records are the property of the health care entity maintaining them, and, except when permitted or required by this section or by other provisions of state law, no health care entity, or other person working in a health care setting, may disclose an individual's health records.

Pursuant to this subsection:

1. Health care entities shall disclose health records to the individual who is the subject of the health record, including an audit trail of any additions, deletions, or revisions to the health record, if specifically requested, except as provided in subsections E and F and subsection B of § 8.01-413.

2. Health records shall not be removed from the premises where they are maintained without the approval of the health care entity that maintains such health records, except in accordance with a court order or subpoena consistent with subsection C of § 8.01-413 or with this section or in accordance with the regulations relating to change of ownership of health records promulgated by a health regulatory board established in Title 54.1.

3. No person to whom health records are disclosed shall redisclose or otherwise reveal the health records of an individual, beyond the purpose for which such disclosure was made, without first obtaining the individual's specific authorization to such redisclosure. This redisclosure prohibition shall not, however, prevent (i) any health care entity that receives health records from another health care entity from making subsequent disclosures as permitted under this section and the federal Department of Health and Human Services regulations relating to privacy of the electronic transmission of data and protected health information promulgated by the United States Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act (HIPAA) (42 U.S.C. § 1320d et seq.) or (ii) any health care entity from furnishing health records and aggregate or other data, from which individually identifying prescription information has been removed, encoded or encrypted, to qualified researchers, including, but not limited to, pharmaceutical manufacturers and their agents or contractors, for purposes of clinical, pharmaco-epidemiological, pharmaco-economic, or other health services research.

4. Health care entities shall, upon the request of the individual who is the subject of the health record, disclose health records to other health care entities, in any available format of the requester's choosing, as provided in subsection E.

B. As used in this section:

"Agent" means a person who has been appointed as an individual's agent under a power of attorney for health care or an advance directive under the Health Care Decisions Act (§ 54.1-2981 et seq.).

"Certification" means a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted.

"Guardian" means a court-appointed guardian of the person.

"Health care clearinghouse" means, consistent with the definition set out in 45 C.F.R. § 160.103, a public or private entity, such as a billing service, repricing company, community health management information system or community health information system, and "value-added" networks and switches, that performs either of the following functions: (i) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or (ii) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

"Health care entity" means any health care provider, health plan or health care clearinghouse.

"Health care provider" means those entities listed in the definition of "health care provider" in § 8.01-581.1, except that state-operated facilities shall also be considered health care providers for the purposes of this section. Health care provider shall also include all persons who are licensed, certified, registered or permitted or who hold a multistate licensure privilege issued by

any of the health regulatory boards within the Department of Health Professions, except persons regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.

"Health plan" means an individual or group plan that provides, or pays the cost of, medical care. "Health plan" includes any entity included in such definition as set out in 45 C.F.R. § 160.103.

"Health record" means any written, printed or electronically recorded material maintained by a health care entity in the course of providing health services to an individual concerning the individual and the services provided. "Health record" also includes the substance of any communication made by an individual to a health care entity in confidence during or in connection with the provision of health services or information otherwise acquired by the health care entity about an individual in confidence and in connection with the provision of health services to the individual.

"Health services" means, but shall not be limited to, examination, diagnosis, evaluation, treatment, pharmaceuticals, aftercare, habilitation or rehabilitation and mental health therapy of any kind, as well as payment or reimbursement for any such services.

"Individual" means a patient who is receiving or has received health services from a health care entity.

"Individually identifying prescription information" means all prescriptions, drug orders or any other prescription information that specifically identifies an individual.

"Parent" means a biological, adoptive or foster parent.

"Psychotherapy notes" means comments, recorded in any medium by a health care provider who is a mental health professional, documenting or analyzing the contents of conversation during a private counseling session with an individual or a group, joint, or family counseling session that are separated from the rest of the individual's health record. "Psychotherapy notes" does not include annotations relating to medication and prescription monitoring, counseling session start and stop times, treatment modalities and frequencies, clinical test results, or any summary of any symptoms, diagnosis, prognosis, functional status, treatment plan, or the individual's progress to date.

C. The provisions of this section shall not apply to any of the following:

1. The status of and release of information governed by §§ 65.2-604 and 65.2-607 of the Virginia Workers' Compensation Act;
2. Except where specifically provided herein, the health records of minors;
3. The release of juvenile health records to a secure facility or a shelter care facility pursuant to § 16.1-248.3; or
4. The release of health records to a state correctional facility pursuant to § 53.1-40.10 or a local or regional correctional facility pursuant to § 53.1-133.03.

D. Health care entities may, and, when required by other provisions of state law, shall, disclose health records:

1. As set forth in subsection E, pursuant to the written authorization of (i) the individual or (ii) in the case of a minor, (a) his custodial parent, guardian or other person authorized to consent to

treatment of minors pursuant to § 54.1-2969 or (b) the minor himself, if he has consented to his own treatment pursuant to § 54.1-2969, or (iii) in emergency cases or situations where it is impractical to obtain an individual's written authorization, pursuant to the individual's oral authorization for a health care provider or health plan to discuss the individual's health records with a third party specified by the individual;

2. In compliance with a subpoena issued in accord with subsection H, pursuant to a search warrant or a grand jury subpoena, pursuant to court order upon good cause shown or in compliance with a subpoena issued pursuant to subsection C of § 8.01-413. Regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to this subdivision, nothing in this subdivision shall be construed to prohibit any staff or employee of a health care entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order;

3. In accord with subsection F of § 8.01-399 including, but not limited to, situations where disclosure is reasonably necessary to establish or collect a fee or to defend a health care entity or the health care entity's employees or staff against any accusation of wrongful conduct; also as required in the course of an investigation, audit, review or proceedings regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity;

4. In testimony in accordance with §§ 8.01-399 and 8.01-400.2;

5. In compliance with the provisions of § 8.01-413;

6. As required or authorized by law relating to public health activities, health oversight activities, serious threats to health or safety, or abuse, neglect or domestic violence, relating to contagious disease, public safety, and suspected child or adult abuse reporting requirements, including, but not limited to, those contained in §§ 16.1-248.3, 32.1-36, 32.1-36.1, 32.1-40, 32.1-41, 32.1-127.1:04, 32.1-276.5, 32.1-283, 32.1-283.1, 32.1-320, 37.2-710, 37.2-839, 53.1-40.10, 53.1-133.03, 54.1-2400.6, 54.1-2400.7, 54.1-2400.9, 54.1-2403.3, 54.1-2506, 54.1-2966, 54.1-2967, 54.1-2968, 54.1-3408.2, 63.2-1509, and 63.2-1606;

7. Where necessary in connection with the care of the individual;

8. In connection with the health care entity's own health care operations or the health care operations of another health care entity, as specified in 45 C.F.R. § 164.501, or in the normal course of business in accordance with accepted standards of practice within the health services setting; however, the maintenance, storage, and disclosure of the mass of prescription dispensing records maintained in a pharmacy registered or permitted in Virginia shall only be accomplished in compliance with §§ 54.1-3410, 54.1-3411, and 54.1-3412;

9. When the individual has waived his right to the privacy of the health records;

10. When examination and evaluation of an individual are undertaken pursuant to judicial or administrative law order, but only to the extent as required by such order;

11. To the guardian ad litem and any attorney representing the respondent in the course of a guardianship proceeding of an adult patient who is the respondent in a proceeding under Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2;

12. To the guardian ad litem and any attorney appointed by the court to represent an individual who is or has been a patient who is the subject of a commitment proceeding under § 19.2-169.6,

Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, or a judicial authorization for treatment proceeding pursuant to Chapter 11 (§ 37.2-1100 et seq.) of Title 37.2;

13. To a magistrate, the court, the evaluator or examiner required under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or § 37.2-815, a community services board or behavioral health authority or a designee of a community services board or behavioral health authority, or a law-enforcement officer participating in any proceeding under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, § 19.2-169.6, or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 regarding the subject of the proceeding, and to any health care provider evaluating or providing services to the person who is the subject of the proceeding or monitoring the person's adherence to a treatment plan ordered under those provisions. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained;

14. To the attorney and/or guardian ad litem of a minor who represents such minor in any judicial or administrative proceeding, if the court or administrative hearing officer has entered an order granting the attorney or guardian ad litem this right and such attorney or guardian ad litem presents evidence to the health care entity of such order;

15. With regard to the Court-Appointed Special Advocate (CASA) program, a minor's health records in accord with § 9.1-156;

16. To an agent appointed under an individual's power of attorney or to an agent or decision maker designated in an individual's advance directive for health care or for decisions on anatomical gifts and organ, tissue or eye donation or to any other person consistent with the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.);

17. To third-party payors and their agents for purposes of reimbursement;

18. As is necessary to support an application for receipt of health care benefits from a governmental agency or as required by an authorized governmental agency reviewing such application or reviewing benefits already provided or as necessary to the coordination of prevention and control of disease, injury, or disability and delivery of such health care benefits pursuant to § 32.1-127.1:04;

19. Upon the sale of a medical practice as provided in § 54.1-2405; or upon a change of ownership or closing of a pharmacy pursuant to regulations of the Board of Pharmacy;

20. In accord with subsection B of § 54.1-2400.1, to communicate an individual's specific and immediate threat to cause serious bodily injury or death of an identified or readily identifiable person;

21. Where necessary in connection with the implementation of a hospital's routine contact process for organ donation pursuant to subdivision B 4 of § 32.1-127;

22. In the case of substance abuse records, when permitted by and in conformity with requirements of federal law found in 42 U.S.C. § 290dd-2 and 42 C.F.R. Part 2;

23. In connection with the work of any entity established as set forth in § 8.01-581.16 to evaluate the adequacy or quality of professional services or the competency and qualifications for professional staff privileges;

24. If the health records are those of a deceased or mentally incapacitated individual to the personal representative or executor of the deceased individual or the legal guardian or committee of the incompetent or incapacitated individual or if there is no personal representative, executor, legal guardian or committee appointed, to the following persons in the following order of priority: a spouse, an adult son or daughter, either parent, an adult brother or sister, or any other relative of the deceased individual in order of blood relationship;
25. For the purpose of conducting record reviews of inpatient hospital deaths to promote identification of all potential organ, eye, and tissue donors in conformance with the requirements of applicable federal law and regulations, including 42 C.F.R. § 482.45, (i) to the health care provider's designated organ procurement organization certified by the United States Health Care Financing Administration and (ii) to any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks;
26. To the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2;
27. To an entity participating in the activities of a local health partnership authority established pursuant to Article 6.1 (§ 32.1-122.10:001 et seq.) of Chapter 4, pursuant to subdivision 1;
28. To law-enforcement officials by each licensed emergency medical services agency, (i) when the individual is the victim of a crime or (ii) when the individual has been arrested and has received emergency medical services or has refused emergency medical services and the health records consist of the prehospital patient care report required by § 32.1-116.1;
29. To law-enforcement officials, in response to their request, for the purpose of identifying or locating a suspect, fugitive, person required to register pursuant to § 9.1-901 of the Sex Offender and Crimes Against Minors Registry Act, material witness, or missing person, provided that only the following information may be disclosed: (i) name and address of the person, (ii) date and place of birth of the person, (iii) social security number of the person, (iv) blood type of the person, (v) date and time of treatment received by the person, (vi) date and time of death of the person, where applicable, (vii) description of distinguishing physical characteristics of the person, and (viii) type of injury sustained by the person;
30. To law-enforcement officials regarding the death of an individual for the purpose of alerting law enforcement of the death if the health care entity has a suspicion that such death may have resulted from criminal conduct;
31. To law-enforcement officials if the health care entity believes in good faith that the information disclosed constitutes evidence of a crime that occurred on its premises;
32. To the State Health Commissioner pursuant to § 32.1-48.015 when such records are those of a person or persons who are subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2;
33. To the Commissioner of the Department of Labor and Industry or his designee by each licensed emergency medical services agency when the records consist of the prehospital patient care report required by § 32.1-116.1 and the patient has suffered an injury or death on a work site while performing duties or tasks that are within the scope of his employment;
34. To notify a family member or personal representative of an individual who is the subject of a proceeding pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or Chapter 8

(§ 37.2-800 et seq.) of Title 37.2 of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition, when the individual has the capacity to make health care decisions and (i) the individual has agreed to the notification, (ii) the individual has been provided an opportunity to object to the notification and does not express an objection, or (iii) the health care provider can, on the basis of his professional judgment, reasonably infer from the circumstances that the individual does not object to the notification. If the opportunity to agree or object to the notification cannot practicably be provided because of the individual's incapacity or an emergency circumstance, the health care provider may notify a family member or personal representative of the individual of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition if the health care provider, in the exercise of his professional judgment, determines that the notification is in the best interests of the individual. Such notification shall not be made if the provider has actual knowledge the family member or personal representative is currently prohibited by court order from contacting the individual;

35. To a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education; and

36. To a regional emergency medical services council pursuant to § 32.1-116.1, for purposes limited to monitoring and improving the quality of emergency medical services pursuant to § 32.1-111.3.

Notwithstanding the provisions of subdivisions 1 through 35, a health care entity shall obtain an individual's written authorization for any disclosure of psychotherapy notes, except when disclosure by the health care entity is (i) for its own training programs in which students, trainees, or practitioners in mental health are being taught under supervision to practice or to improve their skills in group, joint, family, or individual counseling; (ii) to defend itself or its employees or staff against any accusation of wrongful conduct; (iii) in the discharge of the duty, in accordance with subsection B of § 54.1-2400.1, to take precautions to protect third parties from violent behavior or other serious harm; (iv) required in the course of an investigation, audit, review, or proceeding regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity; or (v) otherwise required by law.

E. Health care records required to be disclosed pursuant to this section shall be made available electronically only to the extent and in the manner authorized by the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5) and implementing regulations and the Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.) and implementing regulations. Notwithstanding any other provision to the contrary, a health care entity shall not be required to provide records in an electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested. Requests for copies of or electronic access to health records shall (a) be in writing, dated and signed by the requester; (b) identify the nature of the information requested; and (c) include evidence of the authority of the requester to receive such copies or access such records, and identification of the person to whom the information is to be disclosed; and (d) specify

whether the requester would like the records in electronic format, if available, or in paper format. The health care entity shall accept a photocopy, facsimile, or other copy of the original signed by the requester as if it were an original. Within 30 days of receipt of a request for copies of or electronic access to health records, the health care entity shall do one of the following: (1) furnish such copies of or allow electronic access to the requested health records to any requester authorized to receive them in electronic format if so requested; (2) inform the requester if the information does not exist or cannot be found; (3) if the health care entity does not maintain a record of the information, so inform the requester and provide the name and address, if known, of the health care entity who maintains the record; or (4) deny the request (A) under subsection F, (B) on the grounds that the requester has not established his authority to receive such health records or proof of his identity, or (C) as otherwise provided by law. Procedures set forth in this section shall apply only to requests for health records not specifically governed by other provisions of state law.

F. Except as provided in subsection B of § 8.01-413, copies of or electronic access to an individual's health records shall not be furnished to such individual or anyone authorized to act on the individual's behalf when the individual's treating physician, clinical psychologist, clinical social worker, or licensed professional counselor has made a part of the individual's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the individual of such health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that such health record makes reference to a person other than a health care provider and the access requested would be reasonably likely to cause substantial harm to such referenced person. If any health care entity denies a request for copies of or electronic access to health records based on such statement, the health care entity shall inform the individual of the individual's right to designate, in writing, at his own expense, another reviewing physician, clinical psychologist, clinical social worker, or licensed professional counselor whose licensure, training and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, clinical social worker, or licensed professional counselor upon whose opinion the denial is based. The designated reviewing physician, clinical psychologist, clinical social worker, or licensed professional counselor shall make a judgment as to whether to make the health record available to the individual.

The health care entity denying the request shall also inform the individual of the individual's right to request in writing that such health care entity designate, at its own expense, a physician, clinical psychologist, clinical social worker, or licensed professional counselor, whose licensure, training, and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, clinical social worker, or licensed professional counselor upon whose professional judgment the denial is based and who did not participate in the original decision to deny the health records, who shall make a judgment as to whether to make the health record available to the individual. The health care entity shall comply with the judgment of the reviewing physician, clinical psychologist, clinical social worker, or licensed professional counselor. The health care entity shall permit copying and examination of the health record by such other physician, clinical psychologist, clinical social worker, or licensed professional counselor designated by either the individual at his own expense or by the health care entity at its expense.

Any health record copied for review by any such designated physician, clinical psychologist, clinical social worker, or licensed professional counselor shall be accompanied by a statement from the custodian of the health record that the individual's treating physician, clinical psychologist, clinical social worker, or licensed professional counselor determined that the individual's review of his health record would be reasonably likely to endanger the life or physical safety of the individual or would be reasonably likely to cause substantial harm to a person referenced in the health record who is not a health care provider.

Further, nothing herein shall be construed as giving, or interpreted to bestow the right to receive copies of, or otherwise obtain access to, psychotherapy notes to any individual or any person authorized to act on his behalf.

G. A written authorization to allow release of an individual's health records shall substantially include the following information:

AUTHORIZATION TO RELEASE CONFIDENTIAL HEALTH RECORDS

Individual's Name _____

Health Care Entity's Name _____

Person, Agency, or Health Care Entity to whom disclosure is to be made

Information or Health Records to be disclosed

Purpose of Disclosure or at the Request of the Individual

As the person signing this authorization, I understand that I am giving my permission to the above-named health care entity for disclosure of confidential health records. I understand that the health care entity may not condition treatment or payment on my willingness to sign this authorization unless the specific circumstances under which such conditioning is permitted by law are applicable and are set forth in this authorization. I also understand that I have the right to revoke this authorization at any time, but that my revocation is not effective until delivered in writing to the person who is in possession of my health records and is not effective as to health records already disclosed under this authorization. A copy of this authorization and a notation concerning the persons or agencies to whom disclosure was made shall be included with my original health records. I understand that health information disclosed under this authorization might be redisclosed by a recipient and may, as a result of such disclosure, no longer be protected to the same extent as such health information was protected by law while solely in the possession of the health care entity.

This authorization expires on (date) or (event) _____

Signature of Individual or Individual's Legal Representative if Individual is Unable to Sign

Relationship or Authority of Legal Representative

Date of Signature _____

H. Pursuant to this subsection:

1. Unless excepted from these provisions in subdivision 9, no party to a civil, criminal or administrative action or proceeding shall request the issuance of a subpoena duces tecum for another party's health records or cause a subpoena duces tecum to be issued by an attorney unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the other party's counsel or to the other party if **pro se**, simultaneously with filing the request or issuance of the subpoena. No party to an action or proceeding shall request or cause the issuance of a subpoena duces tecum for the health records of a nonparty witness unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the nonparty witness simultaneously with filing the request or issuance of the attorney-issued subpoena.

No subpoena duces tecum for health records shall set a **return date** earlier than 15 days from the date of the subpoena except by order of a court or administrative agency for good cause shown. When a court or administrative agency directs that health records be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of the order shall accompany the subpoena.

Any party requesting a subpoena duces tecum for health records or on whose behalf the subpoena duces tecum is being issued shall have the duty to determine whether the individual whose health records are being sought is **pro se** or a nonparty.

In instances where health records being subpoenaed are those of a **pro se** party or nonparty witness, the party requesting or issuing the subpoena shall deliver to the **pro se** party or nonparty witness together with the copy of the request for subpoena, or a copy of the subpoena in the case of an attorney-issued subpoena, a statement informing them of their rights and remedies. The statement shall include the following language and the heading shall be in boldface capital letters:

NOTICE TO INDIVIDUAL

The attached document means that _____ (insert name of party requesting or causing issuance of the subpoena) has either asked the court or administrative agency to issue a subpoena or a subpoena has been issued by the other party's attorney to your doctor, other health care providers _____ (names of health care providers inserted here) or other health care entity _____ (name of health care entity to be inserted here) requiring them to produce your health records. Your doctor, other health care provider or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court or the administrative agency to quash the subpoena. If you elect to file a motion to quash, such motion must be filed within 15 days of the date of the request or of the attorney-issued subpoena. You may contact the clerk's office or the administrative agency to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest. If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the health records to the clerk of court or administrative agency in a sealed envelope or package for safekeeping while your motion is decided.

2. Any party filing a request for a subpoena duces tecum or causing such a subpoena to be issued for an individual's health records shall include a Notice in the same part of the request in which the recipient of the subpoena duces tecum is directed where and when to return the health records. Such notice shall be in boldface capital letters and shall include the following language:

NOTICE TO HEALTH CARE ENTITIES

A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT OR THE ADMINISTRATIVE AGENCY AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, YOU MUST SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT OR ADMINISTRATIVE AGENCY THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING AS SHOWN ON THE SUBPOENA USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT OR ADMINISTRATIVE AGENCY WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING A RULING ON THE MOTION TO QUASH THE SUBPOENA. THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT OR ADMINISTRATIVE AGENCY.

3. Upon receiving a valid subpoena duces tecum for health records, health care entities shall have the duty to respond to the subpoena in accordance with the provisions of subdivisions 4, 5, 6, 7, and 8.

4. Except to deliver to a clerk of the court or administrative agency subpoenaed health records in a sealed envelope as set forth, health care entities shall not respond to a subpoena duces tecum for such health records until they have received a certification as set forth in subdivision 5 or 8 from the party on whose behalf the subpoena duces tecum was issued.

If the health care entity has actual receipt of notice that a motion to quash the subpoena has been filed or if the health care entity files a motion to quash the subpoena for health records, then the health care entity shall produce the health records, in a securely sealed envelope, to the clerk of

the court or administrative agency issuing the subpoena or in whose court or administrative agency the action is pending. The court or administrative agency shall place the health records under seal until a determination is made regarding the motion to quash. The securely sealed envelope shall only be opened on order of the judge or administrative agency. In the event the court or administrative agency grants the motion to quash, the health records shall be returned to the health care entity in the same sealed envelope in which they were delivered to the court or administrative agency. In the event that a judge or administrative agency orders the sealed envelope to be opened to review the health records in camera, a copy of the order shall accompany any health records returned to the health care entity. The health records returned to the health care entity shall be in a securely sealed envelope.

5. If no motion to quash is filed within 15 days of the date of the request or of the attorney-issued subpoena, the party on whose behalf the subpoena was issued shall have the duty to certify to the subpoenaed health care entity that the time for filing a motion to quash has elapsed and that no motion to quash was filed. Any health care entity receiving such certification shall have the duty to comply with the subpoena duces tecum by returning the specified health records by either the **return date** on the subpoena or five days after receipt of the certification, whichever is later.

6. In the event that the individual whose health records are being sought files a motion to quash the subpoena, the court or administrative agency shall decide whether good cause has been shown by the discovering party to compel disclosure of the individual's health records over the individual's objections. In determining whether good cause has been shown, the court or administrative agency shall consider (i) the particular purpose for which the information was collected; (ii) the degree to which the disclosure of the records would embarrass, injure, or invade the privacy of the individual; (iii) the effect of the disclosure on the individual's future health care; (iv) the importance of the information to the lawsuit or proceeding; and (v) any other relevant factor.

7. Concurrent with the court or administrative agency's resolution of a motion to quash, if subpoenaed health records have been submitted by a health care entity to the court or administrative agency in a sealed envelope, the court or administrative agency shall: (i) upon determining that no submitted health records should be disclosed, return all submitted health records to the health care entity in a sealed envelope; (ii) upon determining that all submitted health records should be disclosed, provide all the submitted health records to the party on whose behalf the subpoena was issued; or (iii) upon determining that only a portion of the submitted health records should be disclosed, provide such portion to the party on whose behalf the subpoena was issued and return the remaining health records to the health care entity in a sealed envelope.

8. Following the court or administrative agency's resolution of a motion to quash, the party on whose behalf the subpoena duces tecum was issued shall have the duty to certify in writing to the subpoenaed health care entity a statement of one of the following:

a. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution; and, therefore, the health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will not be returned to the health care entity;

b. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution and that,

since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall comply with the subpoena duces tecum by returning the health records designated in the subpoena by the **return date** on the subpoena or five days after receipt of certification, whichever is later;

c. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution; therefore, no health records shall be disclosed and all health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will be returned to the health care entity;

d. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and that only limited disclosure has been authorized. The certification shall state that only the portion of the health records as set forth in the certification, consistent with the court or administrative agency's ruling, shall be disclosed. The certification shall also state that health records that were previously delivered to the court or administrative agency for which disclosure has been authorized will not be returned to the health care entity; however, all health records for which disclosure has not been authorized will be returned to the health care entity; or

e. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall return only those health records specified in the certification, consistent with the court or administrative agency's ruling, by the **return date** on the subpoena or five days after receipt of the certification, whichever is later.

A copy of the court or administrative agency's ruling shall accompany any certification made pursuant to this subdivision.

9. The provisions of this subsection have no application to subpoenas for health records requested under § 8.01-413, or issued by a duly authorized administrative agency conducting an investigation, audit, review or proceedings regarding a health care entity's conduct.

The provisions of this subsection shall apply to subpoenas for the health records of both minors and adults.

Nothing in this subsection shall have any effect on the existing authority of a court or administrative agency to issue a protective order regarding health records, including, but not limited to, ordering the return of health records to a health care entity, after the period for filing a motion to quash has passed.

A subpoena for substance abuse records must conform to the requirements of federal law found in 42 C.F.R. Part 2, Subpart E.

I. Health care entities may testify about the health records of an individual in compliance with §§ 8.01-399 and 8.01-400.2.

J. Except as provided by subsection B7 of § 8.01-413, if an individual requests a copy of his health record from a health care entity, the health care entity may impose a reasonable cost-based fee, which shall include only the cost of supplies for and labor of copying the requested information, postage when the individual requests that such information be mailed, and

preparation of an explanation or summary of such information as agreed to by the individual. For the purposes of this section, "individual" shall subsume a person with authority to act on behalf of the individual who is the subject of the health record in making decisions related to his health care.

K. Nothing in this section shall prohibit a health care provider who prescribes or dispenses a controlled substance required to be reported to the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

L. An authorization for the disclosure of health records executed pursuant to this section shall remain in effect until (i) the authorization is revoked in writing and delivered to the health care entity maintaining the record that is subject to the authorization by the person who executed the authorization, (ii) any expiration date set forth in the authorization, or (iii) the health care entity maintaining the record becomes aware of any expiration event described in the authorization, whichever occurs first. However, any revocation of an authorization for the disclosure of health records executed pursuant to this section shall not be effective to the extent that the health care entity maintaining the record has disclosed health records prior to delivery of such revocation in reliance upon the authorization or as otherwise provided pursuant to 45 C.F.R. § 164.508. A statement in an authorization for the disclosure of health records pursuant to this section that the information to be used or disclosed is "all health records" is a sufficient description for the disclosure of all health records of the person maintained by the health care provider to whom the authorization was granted. If a health care provider receives a written revocation of an authorization for the disclosure of health records in accordance with this subsection, a copy of such written revocation shall be included in the person's original health record maintained by the health care provider.

An authorization for the disclosure of health records executed pursuant to this section shall, unless otherwise expressly limited in the authorization, be deemed to include authorization for the person named in the authorization to assist the person who is the subject of the health record in accessing health care services, including scheduling appointments for the person who is the subject of the health record and attending appointments together with the person who is the subject of the health record.

1997, c. 682; 1998, c. 470; 1999, cc. 812, 956, 1010; 2000, cc. 810, 813, 923, 927; 2001, c. 671; 2002, cc. 568, 658, 835, 860; 2003, cc. 471, 907, 983; 2004, cc. 49, 64, 65, 66, 67, 163, 773, 1014, 1021; 2005, cc. 39, 101, 642, 697; 2006, c. 433; 2007, c. 497; 2008, cc. 315, 782, 850, 870; 2009, cc. 606, 651, 813, 840; 2010, cc. 185, 340, 406, 456, 524, 778, 825; 2011, cc. 499, 668, 798, 812, 844, 871; 2012, cc. 386, 402, 479; 2016, c. 554; 2017, cc. 457, 712, 720; 2018, c. 165; 2020, c. 945; 2022, cc. 509, 534, 784; 2025, c. 182.

Title 33.2 – Highways and Other Surface Transportation Systems

§ 33.2-501. Designation of HOV lanes; use of such lanes; penalties

A. In order to facilitate the rapid and orderly movement of traffic to and from urban areas during peak traffic periods, the Board may designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as HOV lanes. When lanes have been so designated and have been appropriately marked with signs or other markers as the Board may prescribe, they shall be reserved during periods designated by the Board for the exclusive use of buses and high-occupancy vehicles. Any local governing body may also, with respect to highways under its exclusive jurisdiction, designate HOV lanes and impose and enforce restrictions on the use of such lanes. Any highway for which the locality receives highway maintenance funds pursuant to § 33.2-319 shall be deemed to be within the exclusive jurisdiction of the local governing body for the purposes of this section. HOV lanes shall be reserved for high-occupancy vehicles of a specified number of occupants as determined by the Board or, for HOV lanes designated by a local governing body, by that local governing body. However, no designation of any lane or lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

1. Emergency vehicles such as firefighting vehicles and emergency medical services vehicles;
2. Law-enforcement vehicles;
3. Motorcycles;
4. a. Transit and commuter buses designed to transport 16 or more passengers, including the driver;
- b. Any vehicle operating under a certificate issued under § 46.2-2075, 46.2-2080, 46.2-2096, 46.2-2099.4, or 46.2-2099.44;
5. Vehicles of public utility companies operating in response to an emergency call;
6. Vehicles bearing clean special fuel vehicle license plates issued pursuant to § 46.2-749.3, provided such use is in compliance with federal law;
7. Taxicabs having two or more occupants, including the driver; or
8. (Contingent effective date) Any active duty military member in uniform who is utilizing Interstate 264 and Interstate 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District.

In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and HOV lanes opened to use by all vehicles when restricting use of HOV lanes becomes impossible or undesirable and the temporary lifting of HOV limitations is indicated by signs along or above the affected portion of highway.

The Commissioner of Highways shall implement a program of the HOV facilities in the Hampton Roads Planning District beginning not later than May 1, 2000. This program shall include the temporary lifting of HOV restrictions and the opening of HOV lanes to all traffic when an incident resulting from nonrecurring causes within the general lanes occurs such that a lane of traffic is blocked or is expected to be blocked for 10 minutes or longer. The HOV restrictions for the facility shall be reinstated when the general lane is no longer blocked and is available for use.

The Commissioner of Highways shall maintain necessary records to evaluate the effects of such openings on the operation of the general lanes and the HOV lanes. This program will terminate if

the Federal Highway Administration requires repayment of any federal highway construction funds because of the program's impact on the HOV facilities in Hampton Roads.

B. In designating any lane or lanes of any highway as HOV lanes, the Board or local governing body shall specify the hour or hours of each day of the week during which the lanes shall be so reserved, and the hour or hours shall be plainly posted at whatever intervals along the lanes the Board or local governing body deems appropriate. Any person driving a motor vehicle in a designated HOV lane in violation of this section is guilty of a traffic infraction, which shall not be a moving violation, and on conviction shall be fined \$100. However, violations committed within the boundaries of Planning District 8 shall be punishable as follows:

1. For a first offense, by a fine of \$125;
2. For a second offense within a period of five years from a first offense, by a fine of \$250;
3. For a third offense within a period of five years from a first offense, by a fine of \$500; and
4. For a fourth or subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

Upon a conviction under this section, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this section, except that persons convicted of second, third, fourth, or subsequent violations within five years of a first offense committed in Planning District 8 shall be assessed three demerit points for each such violation.

C. In the prosecution of an offense, committed in the presence of a law-enforcement officer, of failure to obey a road sign restricting a highway, or portion thereof, to the use of high-occupancy vehicles, proof that the vehicle described in the HOV violation summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in open court under oath that he was not the operator of the vehicle at the time of the violation. A summons for a violation of this section may be executed in accordance with § 19.2-76.2. Such rebuttable presumption shall not arise when the registered owner of the vehicle is a rental or leasing company.

D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any locality, it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for his failure to appear on the **return date** of the summons.

E. Notwithstanding § 33.2-613, high-occupancy vehicles having three or more occupants (HOV-3) may be permitted to use the Omer L. Hirst-Adelard L. Brault Expressway (Dulles Toll Road) without paying a toll.

F. Notwithstanding the contrary provisions of this section, the following conditions shall be met before the HOV-2 designation of Interstate 66 can be changed to HOV-3 or any more restrictive designation:

1. The Department of Transportation shall publish a notice of its intent to change the existing designation and also immediately provide similar notice of its intent to all members of the General Assembly representing districts that touch or are directly impacted by traffic on Interstate 66.

2. The Department of Transportation shall hold public hearings in the corridor to receive comments from the public.

3. The Department of Transportation shall make a finding of the need for a change in such designation, based on public hearings and its internal data, and present this finding to the Board for approval.

4. The Board shall make written findings and a decision based upon the following criteria:

a. Is changing the HOV-2 designation to HOV-3 in the public interest?

b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate 66?

c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act Amendments of 1990?

d. Has the change in designation been screened and evaluated by the Northern Virginia Transportation Authority according to the process established pursuant to subdivision 2 of § 33.2-2500?

1973, c. 197, § 33.1-46.2; 1983, c. 339; 1988, c. 637; 1989, cc. 573, 744; 1993, cc. 82, 587; 1994, cc. 212, 426, 439; 1995, c. 55; 1996, cc. 34, 187, 191, 695, 921, 1037; 1997, c. 504; 1998, c. 321; 1999, cc. 914, 960; 2000, c. 322; 2002, cc. 89, 757; 2003, c. 324; 2004, c. 704; 2006, cc. 600, 873, 908; 2007, c. 317; 2008, c. 511; 2009, c. 676; 2010, cc. 111, 133, 390, 485; 2011, cc. 735, 881, 889; 2012, cc. 681, 743; 2014, c. 805; 2015, cc. 256, 502, 503; 2016, cc. 699, 715; 2019, c. 749.

Title 34 – Homestead and Other Exemptions

§ 34-17. When exemption may be set apart; garnished wages

A. The real or personal estate that a householder is entitled to hold as exempt may be set apart at any time before it is subjected by sale under creditor process or by a trustee in bankruptcy, or, if such creditor process does not require sale of the property, before it is turned over to the creditor.

B. A claim of homestead exemption to protect garnished wages may be filed by the debtor after the garnishment summons is served on the employer but prior to or upon the **return date** of the garnishment summons and shall be considered by the garnishing court.

Code 1919, § 6543; 1944, p. 489; 1974, c. 272; 1981, c. 580; 1985, c. 521; 1990, c. 942; 2003, c. 1000; 2005, c. 367; 2020, c. 328.

Title 38.2 - Insurance

§ 38.2-1916.1. Investigation by Attorney General of suspected violations; investigative demand to witnesses; access to business records, etc.; penalties

A. 1. Whenever it appears to the Attorney General, either upon complaint or otherwise, that any person has engaged in, or is engaging in, or is about to engage in any act or practice prohibited by § 38.2-1916, or any violation of subsection D of § 38.2-1919, the Attorney General may, consistent with his powers and duties to enforce the laws of the Commonwealth prohibiting conduct that unreasonably restrains trade, after notice to the Commission:

a. Either require or permit such person to file with him a statement in writing or otherwise, under oath, as to all facts and circumstances concerning the subject matter;

b. Require such other data and information as he may deem relevant to the subject matter of an investigation of a possible violation of § 38.2-1916 or subsection D of § 38.2-1919; and

c. Issue an investigative demand to witnesses by which he may (i) compel the attendance of such witnesses; (ii) examine such witnesses under oath before himself or the Commission; (iii) subject to subsection B of this section, require the production of any documents or things that he deems relevant or material to the inquiry; and (iv) issue written interrogatories to be answered by the witness served or, if the witness served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the witness.

2. The investigative powers authorized shall not abate or terminate by reason of any action or proceeding brought by the Attorney General or the Commission under this title. When a document or thing is demanded by an investigative demand, that demand shall not (i) contain any requirement that would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this Commonwealth; or (ii) require the disclosure of any document or thing that would be privileged, or production of which for any other reason would not be required by a subpoena duces tecum issued by a court of this Commonwealth.

B. Where the information requested pursuant to an investigative demand may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit, or inspection of such business records, or from a compilation, abstract, or summary based therein, and the burden of deriving or ascertaining the answer is substantially the same for the Attorney General as for the party from whom such information is requested, it shall be sufficient for that party to specify the records from which the answer may be derived or ascertained and to afford the Attorney General, or other individuals properly designated by the Attorney General, reasonable opportunity to examine, audit, or inspect such records and to make copies, compilations, abstracts, or summaries. The Attorney General is authorized, and may so elect, to require the production pursuant to this section, of documents or things before or after the taking of any testimony of the person summoned pursuant to an investigative demand, in which event, those documents or things shall be made available for

inspection and copying during normal business hours at the principal place of business of the person served, or at such other time and place as may be agreed upon by the person served and the Attorney General.

C. Any investigative demand issued by the Attorney General under this section shall contain (i) a citation to this statute and section, (ii) a citation to the statute and section pertaining to the alleged violation under investigation, (iii) the subject matter of the investigation, and (iv) the date, place, and time the person is required to appear to produce testimony or documentary material in his possession, custody or control. Such date shall not be less than twenty days from the date of the investigative demand. Where documentary material is required to be produced, it shall be described by class so as to clearly indicate the material demanded.

D. Service of an investigative demand as provided in this section may be made by:

1. Delivery of a duly executed copy thereof to the person served or, if a person is not a natural person, to the principal place of business of the person to be served; or
2. Mailing by certified mail, return receipt requested, a duly executed copy thereof addressed to the person to be served at his principal place of business in this Commonwealth, or if that person has no place of business in this Commonwealth, to his principal office.

E. Within twenty days after the service of any such demand upon any person or enterprise, or at any time before the **return date** specified in the demand, whichever period is shorter, such party may file with the Commission and serve upon the Attorney General a petition for an order of the Commission modifying or setting aside such demand. The time allowed for compliance with the demand, in whole or in part as deemed proper and ordered by the Commission, shall not run during the pendency of such petition in the Commission. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such party. The provisions of this subsection shall be the exclusive means for a witness summoned pursuant to an investigative demand under this section to challenge an investigative demand issued pursuant to subsection A of this section.

F. The examination of all witnesses under this section shall be conducted by the Attorney General, or his designee, before an officer authorized to administer oaths in this Commonwealth. The testimony shall be taken stenographically or by a sound-recording device and shall be transcribed.

G. Any person required to testify or to submit documentary evidence shall be entitled, on payment of lawfully prescribed cost, to procure a copy of any document produced by such person and of his own testimony as stenographically reported or, in the case of depositions, as reduced to writing by or under the direction of a person taking the deposition. Any party compelled to testify or to produce documents or things may be accompanied and advised by counsel, but counsel may not, as a matter of right, otherwise participate in the investigation.

H. All persons served with an investigative demand by the Attorney General under this section, other than any person or persons whose conduct or practices are being investigated or any officer, director, or person in the employ of such person under investigation, shall be paid the same fees and mileage as paid witnesses in the courts of this Commonwealth. No person shall be excused from attending such inquiry pursuant to the mandate of an investigative demand, from producing a document or thing, or from being examined or required to answer questions, on the

ground of failure to tender or pay a witness fee or mileage, unless a demand therefor is made at the time testimony is about to be taken and is made as a condition precedent to offering such production or testimony and unless payment is not made.

I. Any natural person who neglects or refuses (i) to attend and testify, (ii) to answer any lawful inquiry, or (iii) to produce documents or things, if in his power to do so, in obedience of an investigative demand or lawful request of the Attorney General or those properly authorized by the Attorney General, pursuant to this section, shall be subject to the penalty provisions of § 38.2-218. Any natural person who commits perjury, false swearing, or contempt in answering or failing to answer, or in producing a document or thing or failing to do so in accordance with an investigative demand or lawful request by the Attorney General, pursuant to this section, shall be guilty of a misdemeanor and upon conviction therefor by a court of competent jurisdiction shall be punished by a fine of not more than \$5,000 or by imprisonment in jail for not more than one year, or both.

J. In any investigation brought by the Attorney General pursuant to this chapter, no individual shall be excused from attending, testifying or producing documentary material, objects, or intangible things in obedience to an investigative demand or under order of the Commission on the ground that the testimony, document, or thing required of him may tend to incriminate him or subject him to any penalty. No testimony or other information compelled either by the Attorney General or under order of the Commission or a court or any information directly or indirectly derived from such testimony or other information may be used against the individual or witness in any criminal case. However, he may be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing, or contempt committed in answering or failing to answer, or in producing any document or thing or failing to do so in accordance with the demand of the Attorney General or the Commission. If an individual refuses to testify or produce any document or thing after being granted immunity from criminal prosecution and after being ordered to testify or produce any document or thing as authorized by this section, he may be found to be in civil contempt by a court of competent jurisdiction and incarcerated until such time as he purges himself of contempt by testifying, producing such document or thing, or presenting a written statement as ordered. Such finding of contempt shall not prevent the Attorney General from instituting other appropriate contempt proceedings against any person who violates any of the provisions of this section.

K. It shall be the duty of all public state and local officials, their employees, and all other persons to render and furnish to the Attorney General or his designee, when so requested, all information and assistance in their possession or within their power. Any officer participating in such inquiry and any person examined as a witness upon such inquiry who discloses to any person other than the Attorney General the name of any witness examined or any other information obtained upon such inquiry, except as so directed by the Attorney General, shall be guilty of a misdemeanor and subject to the sanctions prescribed in subsection I of this section. Such inquiry may upon written authorization by the Attorney General be made public.

L. The Attorney General may recommend rules and regulations to implement and carry out the provisions of this section. All such rules and regulations shall be subject to the approval of the Commission.

M. It shall be the duty of the Attorney General, or his designees, to maintain the secrecy of all evidence, testimony, documents, or other results of such investigations until formal proceedings

are instituted. Violation of this subsection shall be punishable pursuant to § 38.2-218. Nothing contained in this section shall be construed to prevent the disclosure of any such investigative evidence by the Attorney General in his discretion to the Commissioner of Insurance, the State Corporation Commission, or to any federal or state law-enforcement authority that has restrictions governing confidentiality similar to those contained in this subsection.

1990, c. 596; 2002, c. 472.

Title 46.2 – Motor Vehicles

§ 46.2-104. Possession of registration cards; exhibiting registration card and licenses; failure to carry license or registration card

The operator of any motor vehicle, trailer, or semitrailer being operated on the highways in the Commonwealth shall have in his possession: (i) the physical registration card issued by the Department or the registration card issued by the state or country in which the motor vehicle, trailer, or semitrailer is registered and (ii) his driver's license, learner's permit, or temporary driver's permit.

The owner or operator of any motor vehicle, trailer, or semitrailer shall stop on the signal of any law-enforcement officer who is in uniform or shows his badge or other sign of authority and shall, on the officer's request, exhibit his registration card, driver's license, learner's permit, or temporary driver's permit and write his name in the presence of the officer, if so required, for the purpose of establishing his identity.

Every person licensed by the Department as a driver or issued a learner's or temporary driver's permit who fails to carry his license or permit, and the registration card for the vehicle which he operates, is guilty of a traffic infraction and upon conviction punished by a fine of \$10. However, if any person summoned to appear before a court for failure to display his license, permit, or registration card presents, before the **return date** of the summons, to the court a license or permit issued to him prior to the time the summons was issued or a registration card, as the case may be, or appears pursuant to the summons and produces before the court a license or permit issued to him prior to the time the summons was issued or a registration card, as the case may be, he shall, upon payment of all applicable court costs, have complied with the provisions of this section.

Code 1950, §§ 46-15, 46-80; 1958, c. 541, § 46.1-7; 1964, c. 205; 1972, c. 362; 1978, cc. 500, 605; 1984, c. 780; 1988, c. 74; 1989, c. 727; 2008, cc. 551, 691; 2009, c. 756; 2022, c. 183.

§ 46.2-844. Passing stopped school buses; prima facie evidence; penalty

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, elderly individuals, or individuals with mental or physical disabilities, who, in violation of § 46.2-859, fails to stop and remain stopped until all such individuals are clear of the highway, private road, or school driveway and the bus is put in motion is subject to a civil penalty of \$250, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within 30 business days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. Such presumption shall be rebutted if (i) the owner of the vehicle files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section is presented prior to the **return date** established on the summons issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

Recorded images from a video-monitoring system that show the bus was stopped with at least one warning device prescribed in § 46.2-1090 activated shall be considered prima facie evidence that the bus was stopped for the purpose of taking on or discharging children, elderly individuals, or individuals with mental or physical disabilities.

B. 1. For purposes of this section, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

2. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division. In any locality that has adopted such an ordinance, a summons for a violation of subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection A and (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set

out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the **return date** of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.

3. Any private vendor contracting with a school division pursuant to this subsection may impose and collect an administrative fee in addition to the civil penalty imposed for a violation of subsection A and payable pursuant to this subsection, so as to recover the expenses of collecting any unpaid civil penalty when such penalty remains due more than 30 days after the date of the mailing of the summons and notice. The administrative fee shall be reasonably related to the actual cost of collecting the civil penalty and shall not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid civil penalty and any administrative fee detailed in a notice or citation issued by the private vendor. If paid no later than 60 days after the date of the mailing of the summons and notice, the administrative fee shall not exceed \$25. No contract entered into pursuant to this subsection shall require a minimum quota of violations captured or citations issued in order for the video-monitoring system to be deployed.

4. Any private vendor contracting with a school division pursuant to this subsection may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 30 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that improperly pass stopped school buses. Information provided to such private vendor shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used only for enforcement against individuals who violate the provisions of this section. The school division shall annually certify compliance with this subdivision and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any person who discloses personal information in violation of the provisions of this subdivision shall be subject to a civil penalty of \$1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private vendor.

1985, c. 511, § 46.1-212.1; 1987, c. 106; 1989, c. 727; 1997, cc. 622, 800, 908; 2001, c. 126; 2002, c. 541; 2011, cc. 787, 838; 2016, cc. 637, 700; 2019, cc. 543, 544; 2020, c. 783; 2023, cc. 148, 149, 382, 401, 402; 2024, c. 221.

[§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones, school crossing zones, and high-risk intersection segments; civil penalty](#)

A. For the purposes of this section:

"High-risk intersection segment" means any highway or portion thereof located not more than 1,000 feet from the limits of the property of a school that is part of or adjacent to an intersection containing a marked crosswalk that is identified in the manner provided in this section as one in which a traffic fatality has occurred since January 1, 2014.

"Highway work zone" has the same meaning ascribed to it in § 46.2-878.1.

"Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

"Retired sworn law-enforcement officer" means any officer of the United States, or of a state or political subdivision thereof, who was empowered by law to conduct investigations and make arrests and any attorney authorized by law to prosecute or participate in the prosecution of such offenses, who at the time of retirement kept an up-to-date certification and retired honorably in good standing. A retired sworn law-enforcement officer shall not be required to keep an up-to-date certification after the date of his retirement.

"School crossing zone" has the same meaning ascribed to it in § 46.2-873.

"Vehicle speed violation" means a violation of this title resulting from the operation of a vehicle in excess of the speed limit, including a violation of § 46.2-873 or 46.2-878.1.

B. A state or local law-enforcement agency may place and operate a photo speed monitoring device in school crossing zones for the purposes of recording violations of § 46.2-873 and in highway work zones for the purposes of recording violations of § 46.2-878.1.

A state or local law-enforcement agency may place and operate a photo speed monitoring device at a high-risk intersection segment located within the locality for the purpose of recording vehicle speed violations, provided that such law-enforcement agency certifies that a traffic fatality has occurred since January 1, 2014, in such segment.

C. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted speed limit in the zone monitored by the photo speed monitoring device. Such civil penalty shall not exceed \$100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons issued by a local law-enforcement officer or retired sworn law-enforcement officer employed by a locality shall be paid to the locality in which such violation occurred. Civil penalties collected under this section resulting from a summons issued by a law-enforcement officer or retired sworn law-enforcement officer employed by the Department of State Police shall be paid into the Literary Fund. However, all civil penalties collected under this section resulting from a summons issued based on evidence obtained from a photo speed monitoring device placed and operated at a high-risk intersection segment shall be paid to the Commonwealth Transportation Board to be used for the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.

D. If a photo speed monitoring device is used, proof of a vehicle speed violation shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer or a retired sworn law-enforcement officer, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. However, for any photo speed monitoring device placed in a school crossing zone, such sworn certificate or facsimile thereof shall not be prima facie evidence of the facts contained therein unless such photographs, microphotographs, videotapes, or other recorded images, or documentation, depict or confirm a portable sign or tilt-over sign that is in position or

blinking sign that is activated, indicating the school crossing zone pursuant to § 46.2-873, at the time of such vehicle speed violation. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such vehicle speed violation.

E. In the prosecution for a vehicle speed violation in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in a manner constituting a vehicle speed violation, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged vehicle speed violation, is presented, prior to the **return date** established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

F. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a law-enforcement officer uses a photo speed monitoring device to record a vehicle speed violation and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

G. A summons for a vehicle speed violation issued by mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection E and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the **return date** of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a vehicle speed violation issued pursuant to this section shall provide to the person summoned at least 30 days

from the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the law-enforcement agency that was operating the photo speed monitoring device does not execute a summons for a vehicle speed violation issued pursuant to this section within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

H. A private vendor may enter into an agreement with a law-enforcement agency to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations, and administration. However, only a law-enforcement officer or retired sworn law-enforcement officer may swear to or affirm the certificate required by this section. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. Any private vendor contracting with a law-enforcement agency pursuant to this section may enter into an agreement with the Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that committed a vehicle speed violation. Any such information provided to such private vendor shall be protected in a database.

I. Information collected by a photo speed monitoring device operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of vehicle speed violations. Information provided to the operator of a photo speed monitoring device shall be protected in a database and used only for enforcement of vehicle speed violations and enforcement against individuals who violate the provisions of this section. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively for enforcing vehicle speed violations and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of a vehicle speed violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a vehicle speed violation or a violation of this section, or such information is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. Any law-enforcement agency using photo speed monitoring devices shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000 per disclosure.

J. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone, highway work zone, or high-risk intersection segment at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.

K. Any state or local law-enforcement agency that places and operates a photo speed monitoring device pursuant to the provisions of this section shall report to the Department of State Police, in a format to be determined by the Department of State Police, by January 15 of each year on the number of traffic violations prosecuted, the number of successful prosecutions, and the total

amount of monetary civil penalties collected. The Department of State Police shall aggregate such information and report it to the General Assembly by February 15 of each year.

2020, c. 1232; 2024, c. 670; 2025, cc. 434, 670.

[§ 46.2-938. Issuance of warrant upon failure to comply with summons; penalties; suspension of licenses for failure to appear](#)

Upon the failure of any person to comply with the terms of a summons or notice as provided in § 46.2-936, such person shall be guilty of a Class 1 misdemeanor and the court may order a warrant for his arrest. The warrant shall be returnable to the court having jurisdiction of the offense and shall be accompanied by a report by the arresting officer which shall clearly identify the person arrested, specifying the section of the Code of Virginia or ordinance violated, the location of the offense, a description of the motor vehicle and its registration or license number.

If the warrant is returned to the court with the notation "not found" or the person named in the warrant does not appear on the **return date** thereof, the court shall forward a certificate of the fact of nonservice or nonappearance, with a copy of the report specified in the foregoing provisions of this section, to the Commissioner of the Department of Motor Vehicles, who shall forthwith suspend the driver's license of such person. The order of suspension shall specify the reason for the suspension. Such suspension shall continue until such time as the court has notified the Commissioner that the defendant has appeared before the court under the terms of the summons or notice and the warrant.

1974, c. 372, § 46.1-178.1; 1975, c. 201; 1981, c. 382; 1984, c. 780; 1989, c. 727.

[§ 46.2-1219.2. Parking of vehicles in commuter parking lots owned by the Virginia Department of Transportation](#)

A. It shall constitute a traffic infraction for any person to park any vehicle in any commuter parking lot owned by the Virginia Department of Transportation in any manner not in conformance with posted signs and pavement markings. In Planning District 8, such signs shall clearly indicate that before 10:00 a.m. Monday through Friday except holidays parking is only for commuters using mass transit or who are car pool or bicycle riders.

B. In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was parked in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the **return date** established on the summons issued pursuant to this section, to the court adjudicating

the alleged violation. A violation of this section may be charged on the uniform traffic summons form.

C. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any county, city, or town, it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

Enforcement of the provisions of this section may be enforced by any law-enforcement officer as defined in § 9.1-101.

2007, c. 263; 2016, c. 708.

Title 55.1 – Property and Conveyances

[§ 55.1-1250. Landlord's acceptance of rent with reservation; tenant's right of redemption](#)

A. No landlord may accept full payment of rent, as well as any damages, money judgment, award of attorney fees, and court costs, and receive an order of possession from a court of competent jurisdiction pursuant to an unlawful detainer action filed under Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01 and proceed with eviction under § 55.1-1245, unless there are bases for the entry of an order of possession other than nonpayment of rent stated in the unlawful detainer action filed by the landlord. However, a landlord may accept partial payment of rent and other amounts owed by the tenant to the landlord and receive an order of possession from a court of competent jurisdiction pursuant to an unlawful detainer action filed under Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01 and proceed with eviction for nonpayment of rent under § 55.1-1245, provided that the landlord has stated in a written notice to the tenant that any and all amounts owed to the landlord by the tenant, including payment of any rent, damages, money judgment, award of attorney fees, and court costs, would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. Such notice may be included in a written termination notice given by the landlord to the tenant in accordance with § 55.1-1245, and if so included, nothing herein shall be construed by a court of law or otherwise as requiring such landlord to give the tenant subsequent written notice. Such notice shall include the following language: "Any partial payment of rent made before or after a judgment of possession is ordered will not prevent your landlord from taking action to evict you. However, full payment of all amounts you owe the landlord, including all rent as contracted for in the rental agreement that is owed to the landlord as of the date payment is made, as well as any damages, money judgment, award of attorney fees, and court costs made at least 48 hours before the scheduled eviction will cause the eviction to be canceled, unless there are bases for the entry of an order of possession other than nonpayment of rent stated in the unlawful detainer action filed by the landlord." If the landlord elects to seek possession of the dwelling unit pursuant to § 8.01-126, the landlord shall provide a copy of this notice to the court for service to the tenant, along with the summons for unlawful detainer. If the dwelling unit is a public housing unit or other housing unit subject to regulation by the U.S. Department of Housing and Urban Development, nothing in this section shall be construed to require that

written notice be given to any public agency paying a portion of the rent under the rental agreement. If a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable. Notwithstanding the requirements of this section, a landlord with four or fewer rental dwelling units, or up to a 10 percent interest in four or fewer rental dwelling units, may limit a tenant's use of the right of redemption to once per lease period, provided that the landlord provides written notice of such limitation to the tenant.

B. The tenant may pay or present to the court a redemption tender for payment of all rent due and owing as of the **return date**, including late charges, attorney fees, and court costs, at or before the first **return date** on an action for unlawful detainer.

If the tenant presents a redemption tender to the court at the **return date**, the court shall continue the action for unlawful detainer for 10 days following the **return date** for payment to the landlord of all rent due and owing as of the **return date**, including late charges, attorney fees, and court costs, and dismiss the action upon such payment. Should the landlord not receive full payment of all rent due and owing as of the **return date**, including late charges, attorney fees, and court costs, within 10 days of the **return date**, the court shall, without further evidence, grant to the landlord judgment for all amounts due and immediate possession of the premises. For purposes of this section, "redemption tender" means a written commitment to pay all rent due and owing as of the **return date**, including late charges, attorney fees, and court costs, by a local government or nonprofit entity within 10 days of such **return date**.

C. In cases of unlawful detainer, a tenant, or any third party on behalf of a tenant, may pay the landlord or the landlord's attorney or pay into court all (i) rent due and owing as of the court date as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement and as provided by law, (iv) reasonable attorney fees as contracted for in the rental agreement and as provided by law, and (v) costs of the proceeding as provided by law, at which time the unlawful detainer proceeding shall be dismissed, unless there are bases for the entry of an order of possession other than nonpayment of rent stated in the unlawful detainer action filed by the landlord.

D. If such payment has not been made as of the **return date** for the unlawful detainer, the tenant, or any third party on behalf of the tenant, may pay to the landlord, the landlord's attorney, or the court all amounts claimed on the summons in unlawful detainer, including current rent, damages, late charges, costs of court, any civil recovery, attorney fees, and sheriff fees, including the sheriff fees for service of the writ of eviction if payment is made after issuance of the writ, no less than 48 hours before the date and time scheduled by the officer to whom the writ of eviction has been delivered to be executed. Upon receipt of such payment, the landlord, or the landlord's attorney or managing agent, shall promptly notify the officer to whom the writ of eviction has been delivered to be executed that the execution of the writ of eviction shall be canceled. If the landlord has actual knowledge that the tenant has made such payment and willfully fails to provide such notification, such act may be deemed to be a violation of § 55.1-1243.1. In addition, the landlord shall transmit to the court a notice of satisfaction of any money judgment in accordance with § 8.01-454.

E. Upon receiving a written request from the tenant, the landlord, or the landlord's attorney or managing agent, shall provide to the tenant a written statement of all amounts owed by the tenant to the landlord so that the tenant may pay the exact amount necessary for the tenant to exercise

his right of redemption pursuant to this section. Any payments made by the tenant shall be by cashier's check, certified check, or money order. A court shall not issue a writ of eviction on any judgment for possession that has expired or has been marked as satisfied.

2003, c. 427, § 55-248.34:1; 2006, c. 667; 2008, c. 489; 2010, c. 793; 2012, c. 788; 2013, c. 563; 2014, c. 813; 2018, cc. 220, 233; 2019, cc. 28, 43, 712; 2020, c. 1231; 2021, Sp. Sess. I, c. 410.

§ 55.1-2526. Holder relieved of liability for property paid or delivered to administrator; payment to owner by holder; proceedings against prior holder; notice to administrator and Attorney General; reimbursement of holder

A. Upon the payment or delivery of abandoned property to the administrator, the Commonwealth shall assume custody and shall be responsible for the safekeeping of such property. Any person who pays or delivers abandoned property to the administrator under this chapter is relieved of all liability to the extent of the value of the property so paid or delivered for any claim that then exists or that thereafter may arise or be made in respect to the property. Any holder that has paid moneys to the administrator pursuant to this chapter may make payment to any person appearing to such holder to be entitled thereto, and upon proof of such payment and proof that the payee was entitled thereto, the administrator shall forthwith reimburse the holder for the payment.

B. In the event that legal proceedings are instituted against a prior holder in a court of the Commonwealth, or in any other state or federal court, by any other state claiming to be entitled to unclaimed funds or abandoned property previously paid or delivered to the administrator, such holder shall give written notice to the administrator and the Attorney General of the Commonwealth of such proceedings (i) within 10 days after service of process or (ii) at least 10 days before the **return date** on which an answer or similar pleading is required to be filed. The Attorney General may intervene or take such other action as he deems appropriate or necessary to protect the interests of the Commonwealth.

C. If the notice provided in subsection B is given by the holder and thereafter a judgment is entered against the holder for any amount paid to the administrator pursuant to the terms of this chapter, the administrator shall, upon being furnished with proof thereof, return to the holder the amount of such judgment, not to exceed, however, the amount of the abandoned property paid to the administrator.

D. Property removed from a safe deposit box or other safekeeping repository that is received by the administrator shall be subject to the holder's right under this subsection to be reimbursed for the actual cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges. The administrator shall make the reimbursement to the holder out of the proceeds remaining after the deduction of the administrator's selling cost.

1960, c. 330, § 55-210.15; 1964, c. 466; 1984, c. 121; 2019, c. 712.

Title 59.1 – Trade and Commerce

§ 59.1-9.10. Investigation by Attorney General of suspected violations; civil investigative demand to witnesses; access to business records, etc.

A. Whenever it shall appear to the Attorney General, either upon complaint or otherwise, that any person has engaged in, or is engaging in, or is about to engage in any act or practice prohibited by this chapter, the Attorney General may in his discretion either require or permit such person to file with him a statement in writing or otherwise, under oath, as to all facts and circumstances concerning the subject matter. The Attorney General may also require such other data and information as he may deem relevant to the subject matter of an investigation of a possible violation of this chapter and may make such special and independent investigations as he may deem necessary in connection with such matter.

B. In connection with any such investigation, the Attorney General, or his designee, is empowered to issue a civil investigative demand to witnesses by which he may (i) compel the attendance of such witnesses; (ii) examine such witnesses under oath before himself or a court of record; (iii) subject to subsection C, require the production of any books or papers that he deems relevant or material to the inquiry; and (iv) issue written interrogatories to be answered by the witness served or, if the witness served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the witness. The above investigative powers shall not abate or terminate by reason of any action or proceeding brought by the Attorney General under this chapter. When documentary material is demanded by a civil investigative demand, said demand shall not: (1) contain any requirement that would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this Commonwealth; or (2) require the disclosure of any documentary material that would be privileged, or production of which for any other reason would not be required by a subpoena duces tecum issued by a court of the Commonwealth.

C. Where the information requested pursuant to a civil investigative demand may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based therein, and the burden of deriving or ascertaining the answer is substantially the same for the Attorney General as for the party from whom such information is requested, it is sufficient for that party to specify the records from which the answer may be derived or ascertained and to afford the Attorney General, or other individuals properly designated by the Attorney General, reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries. Further, the Attorney General is hereby authorized, and may so elect, to require the production pursuant to this section, of documentary material before or after the taking of any testimony of the person summoned pursuant to a civil investigative demand, in which event, said documentary matter shall be made available for inspection and copying during normal business hours at the principal place of business of the person served, or at such other time and place, as may be agreed upon by the person served and the Attorney General.

D. Any civil investigative demand issued by the Attorney General shall contain the following information:

1. The statute and section hereof, the alleged violation of which is under investigation and the subject matter of the investigation.
2. The date and place at which time the person is required to appear to produce documentary material in his possession, custody or control in the office of the Attorney General located in

Richmond, Virginia. Such date shall not be less than twenty days from the date of the civil investigative demand.

3. Where documentary material is required to be produced, the same shall be described by class so as to clearly indicate the material demanded.

E. Service of civil investigative demand of the Attorney General as provided herein may be made by:

1. Delivery of a duly executed copy thereof to the person served, or if a person is not a natural person, to the principal place of business of the person to be served, or

2. Mailing by certified mail, return receipt requested, a duly executed copy thereof addressed to the person to be served at his principal place of business in the Commonwealth, or if said person has no place of business in the Commonwealth, to his principal office.

F. Within twenty days after the service of any such demand upon any person or enterprise, or at any time before the **return date** specified in the demand, whichever period is shorter, such party may file, in the Circuit Court of the City of Richmond and serve upon the Attorney General a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this chapter or upon any constitutional or other legal right or privilege of such party. The provisions of this subsection shall be the exclusive means for a witness summoned pursuant to a civil investigative demand under this section to challenge a civil investigative demand issued pursuant to subsection B.

G. The examination of all witnesses under this section shall be conducted by the Attorney General, or his designee, before an officer authorized to administer oaths in this Commonwealth. The testimony shall be taken stenographically or by a sound recording device and shall be transcribed.

H. Any person required to testify or to submit documentary evidence shall be entitled, on payment of lawfully prescribed cost, to procure a copy of any document produced by such person and of his own testimony as stenographically reported or, in the case of depositions, as reduced to writing by or under the direction of a person taking the deposition. Any party compelled to testify or to produce documentary evidence may be accompanied and advised by counsel, but counsel may not, as a matter of right, otherwise participate in the investigation.

I. All persons served with a civil investigative demand by the Attorney General under this chapter, other than any person or persons whose conduct or practices are being investigated or any officer, director or person in the employ of such person under investigation, shall be paid the same fees and mileage as paid witnesses in the courts of this Commonwealth. No person shall be excused from attending such inquiry pursuant to the mandate of a civil investigative demand, or from producing a paper or from being examined or required to answer questions on the ground of failure to tender or pay a witness fee or mileage unless demand therefor is made at the time testimony is about to be taken and as a condition precedent to offering such production or testimony and unless payment thereof is not thereupon made.

J. Any natural person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry or to produce documentary evidence, if in his power to do so, in obedience of a civil

investigative demand or lawful request of the Attorney General or those properly authorized by the Attorney General, pursuant to this section, shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than \$5,000, or by imprisonment in jail for not more than one year, or both such fine and imprisonment.

Any natural person who commits perjury or false swearing or contempt in answering, or failing to answer, or in producing evidence or failing to do so in accordance with a civil investigative demand or lawful request by the Attorney General, pursuant to this section, shall be guilty of a misdemeanor and upon conviction therefor by a court of competent jurisdiction shall be punished by a fine of not more than \$5,000, or by imprisonment in jail for not more than one year, or both such fine and imprisonment.

K. In any investigation brought by the Attorney General pursuant to this chapter, no individual shall be excused from attending, testifying or producing documentary material, objects or intangible things in obedience to a civil investigative demand or under order of the court on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to any penalty, but no testimony or other information compelled either by the Attorney General or under order of the court, or any information directly or indirectly derived from such testimony or other information, may be used against the individual or witness in any criminal case. However, he may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing evidence or failing to do so in accordance with the order of the Attorney General or the court. If an individual refuses to testify or produce evidence after being granted immunity from prosecution and after being ordered to testify or produce evidence as aforesaid, he may be adjudged in civil contempt by a court of competent jurisdiction and committed to the county jail until such time as he purges himself of contempt by testifying, producing evidence or presenting a written statement as ordered. The foregoing shall not prevent the Attorney General from instituting other appropriate contempt proceedings against any person who violates any of the above provisions.

L. It shall be the duty of all public officials, both state and local, their deputies, assistants, clerks, subordinates or employees, and all other persons to render and furnish to the Attorney General, his deputy or other designated representative, when so requested, all information and assistance in their possession or within their power. Any officer participating in such inquiry and any person examined as a witness upon such inquiry who shall disclose to any such person other than the Attorney General the name of any witness examined or any other information obtained upon such inquiry, except as so directed by the Attorney General, shall be guilty of a misdemeanor and subject to the sanctions prescribed in subsection J. Such inquiry may upon written authorization of the Attorney General be made public.

M. The Attorney General may promulgate rules and regulations to implement and carry out the provisions of this section.

N. It shall be the duty of the Attorney General, or his designees, to maintain the secrecy of all evidence, testimony, documents or other results of such investigations. Violation of this subsection shall be a misdemeanor. Nothing herein contained shall be construed to prevent (i) the disclosure of any such investigative evidence by the Attorney General in his discretion to any federal or state law-enforcement authority that has restrictions governing confidentiality similar

to those contained in this subsection or (ii) the presentation and disclosure of any such investigative evidence by the Attorney General, in his discretion, in any action or proceeding brought by the Attorney General under this chapter.

1974, c. 545; 1982, c. 285; 2000, c. 755.

§ 59.1-201. Civil investigative orders

A. Whenever the attorney for the Commonwealth or the attorney for a county, city, or town has reasonable cause to believe that any person has engaged in, or is engaging in, or is about to engage in, any violation of § 59.1-200 or 59.1-200.1, the attorney for the Commonwealth or the attorney for a county, city, or town if, after making a good faith effort to obtain such information, is unable to obtain the data and information necessary to determine whether such violation has occurred, or that it is impractical for him to do so, he may apply to the circuit court within whose jurisdiction the person having information resides, or has its principal place of business, for an investigative order requiring such person to furnish to the attorney for the Commonwealth or attorney for a county, city, or town such data and information as is relevant to the subject matter of the investigation.

B. The circuit courts are empowered to issue investigative orders, authorizing discovery by the same methods and procedures as set forth for civil actions in the Rules of the Supreme Court of Virginia, in connection with investigations of violations of § 59.1-200 or 59.1-200.1 by the attorney for the Commonwealth or the attorney for a county, city, or town. An application for an investigative order shall identify:

1. The specific act or practice alleged to be in violation of § 59.1-200 or 59.1-200.1;
2. The grounds which shall demonstrate reasonable cause to believe that a violation of § 59.1-200 or 59.1-200.1 may have occurred, may be occurring or may be about to occur;
3. The category or class of data or information requested in the investigative order; and
4. The reasons why the attorney for the Commonwealth or attorney for a county, city, or town is unable to obtain such data and information, or the reason why it is impractical to do so, without a court order.

C. Within 21 days after the service upon a person of an investigative order, or at any time before the **return date** specified in such order, whichever is later, such person may file a motion to modify or set aside such investigative order or to seek a protective order as provided by the Rules of the Supreme Court of Virginia. Such motion shall specify the grounds for modifying or setting aside the order, and may be based upon the failure of the application or the order to comply with the requirements of this section, or upon any constitutional or other legal basis or privilege of such person.

D. Where the information requested by an investigative order may be derived or ascertained from the business records of the person upon whom the order is served, or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary thereof, and the burden of deriving or ascertaining the information is substantially the same for the attorney for the Commonwealth or attorney for a county, city, or town as for the person from whom such information is requested, it shall be sufficient for that person to specify the records from which the requested information may be derived or ascertained, and to afford the attorney

for the Commonwealth or attorney for the county, city, or town reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries thereof.

E. It shall be the duty of the attorney for the Commonwealth or attorney for a county, city, or town, his assistants, employees and agents, to maintain the secrecy of all evidence, documents, data and information obtained through the use of investigative orders or obtained as a result of the voluntary act of the person under investigation and it shall be unlawful for any person participating in such investigations to disclose to any other person not participating in such investigation any information so obtained. Any person violating this subsection shall be guilty of a Class 2 misdemeanor and shall be punished in accordance with § 18.2-11. Notwithstanding the foregoing, this section shall not preclude the presentation and disclosure of any information obtained pursuant to this section in any suit or action in any court of this Commonwealth wherein it is alleged that a violation of § 59.1-200 or 59.1-200.1 has occurred, is occurring or may occur, nor shall this section prevent the disclosure of any such information by the attorney for the Commonwealth or attorney for a county, city, or town to any federal or state law-enforcement authority that has restrictions governing confidentiality and the use of such information similar to those contained in this subsection; however, such disclosures may only be made as to information obtained after July 1, 1979.

F. Upon the failure of a person without lawful excuse to obey an investigative order under this section, the attorney for the Commonwealth or attorney for the county, city, or town may initiate contempt proceedings in the circuit court that issued the order to hold such person in contempt.

G. No information, facts or data obtained through an investigative order shall be admissible in any civil or criminal proceeding other than for the enforcement of this chapter and the remedies provided herein.

1977, c. 635; 1979, c. 493; 1982, c. 13; 1987, c. 464; 1995, c. 703; 2008, c. 485.

"rule to show cause"

Found in Titles 8.01, 16.1, 54.1, 56, 58.1, 63.2, and 64.2.

Title 8.01 – Civil Remedies and Procedure

§ 8.01-274.1. Motion or petition for rule to show cause for violation of court order

Except as otherwise provided by law, any party requesting a rule to show cause for a violation of a court order in any civil action in a court of record shall file with the court a motion or petition, which may be on a form prescribed by the Office of the Executive Secretary of the Supreme Court of Virginia. The motion or petition shall include facts identifying with particularity the violation of a specific court order and be sworn to or accompanied by an affidavit setting forth such facts. A rule to show cause entered by the court shall be served on the person alleged to have violated the court order, along with the accompanying motion or petition and any affidavit filed with such motion or petition.

2018, c. 522.

§ 8.01-508. How debtor may be arrested and held to answer

If any person summoned under § 8.01-506 fails to appear and answer, or makes any answers which are deemed by the commissioner or court to be evasive, or if, having answered, fails to make such conveyance and delivery as is required by § 8.01-507, the commissioner or court shall issue (i) a capias directed to any sheriff requiring such sheriff to take the person in default and deliver him to the commissioner or court so that he may be compelled to make proper answers, or such conveyance or delivery, as the case may be or (ii) a rule to show cause why the person summoned should not appear and make proper answer or make conveyance and delivery. If the person in default fails to answer or convey and deliver he may be incarcerated until he makes such answers or conveyance and delivery. Where a capias is issued, the person in default shall be admitted to bail as provided in Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2 if he cannot be brought promptly before the commissioner or court in the county or city to which the capias is returnable. Upon making such answers, or such conveyance and delivery, he shall be discharged by the commissioner or the court. He may also be discharged by the court from whose clerk's office the capias issued in any case where the court is of the opinion that he was improperly committed or is improperly or unlawfully detained in custody. If the person in default appeals the decision of the commissioner or court, he shall be admitted to bail as provided in Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2.

If the person held for failure to appear and answer interrogatories is detained in a jurisdiction other than that where the summons is issued, the sheriff in the requesting jurisdiction shall have the duty to transport such person to the place where interrogatories are to be taken.

Code 1950, § 8-438; 1977, c. 617; 1983, c. 278; 1985, c. 290; 1986, c. 326; 1999, cc. 829, 846.

Title 16.1 – Courts Not of Record

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys

A. Any corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, the Fort Monroe Authority, and the Department of Military Affairs, when the amount claimed in any civil action pursuant to subdivision (1) or (3) of § 16.1-77 does not exceed the jurisdictional amounts authorized in such subsections, exclusive of interest, may prepare, execute, file, and have served on other parties in any proceeding in a general district court a warrant in debt, motion for judgment, warrant in detinue, distress warrant, summons for unlawful detainer, counterclaim, crossclaim, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, writ of fieri facias, interpleader and civil appeal notice without the intervention of an attorney. Such papers may be signed by a corporate officer, a manager of a limited liability company, a general partner of any form of partnership or a trustee of any business trust, or such corporate officer, with the approval of the board of directors, or manager, general partner or trustee may authorize in writing an employee, a person licensed under the provisions of § 54.1-2106.1, or the property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement to sign such papers as the agent of the business entity. Only an agency employee designated in writing by the Adjutant General may sign such papers on behalf of the Department of Military Affairs. However, this section shall not apply to an action under subdivision (1) or (3) of § 16.1-77 which was assigned to a corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, or individual solely for the purpose of enforcing an obligation owed or right inuring to another.

B. Nothing in this section shall allow a nonlawyer to file a bill of particulars or grounds of defense or to argue motions, issue a subpoena, **rule to show cause**, or capias; file or interrogate at debtor interrogatories; or to file, issue or argue any other paper, pleading or proceeding not set forth in subsection A.

C. The provisions of § 8.01-271.1 shall apply to any pleading, motion or other paper filed or made pursuant to this section.

D. Parties not represented by counsel, and who have made an appearance in the case, shall promptly notify in writing the clerk of court wherein the litigation is pending, and any adverse party, of any change in the party's address necessary for accurate mailing or service of any pleadings or notices. In the absence of such notification, a mailing to or service upon a party at the most recent address contained in the court file of the case shall be deemed effective service or other notice.

1990, c. 645; 1992, c. 814; 1993, cc. 473, 478; 2003, cc. 665, 667; 2004, cc. 338, 365; 2005, c. 136; 2006, c. 374; 2017, c. 690; 2019, cc. 180, 477, 700; 2020, cc. 84, 194.

§ 16.1-260. Intake; petition; investigation

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests, and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk; (ii) designated nonattorney employees of the Department of Social Services may complete, sign, and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk; (iii) designated nonattorney employees of a local department of social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, and motions for a **rule to show cause**; and (iv) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of supervision, or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an order for support of a child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement. If a petitioner is seeking to establish child support, the intake officer shall provide the petitioner information on the possible availability of medical assistance through the Family Access to Medical Insurance Security (FAMIS) plan or other government-sponsored coverage through the Department of Medical Assistance Services.

B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and audio communication is used, an intake officer may exercise all powers conferred by law. All communications and proceedings shall be conducted in the same manner as if the appearance were in person, and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures thereon shall be treated as original signatures. Any two-way electronic video and audio communication system used for an appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

When the court service unit of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition.

An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of supervision, or delinquent only if the juvenile (a) is not alleged to have committed a violent juvenile felony or (b) has not previously been proceeded against informally or adjudicated delinquent for an offense that would be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded against informally by intake or had been adjudicated delinquent for an offense that would be a felony if committed by an adult.

If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the petition and proceed informally by developing a truancy plan, provided that (1) the juvenile has not previously been proceeded against informally or adjudicated in need of supervision on more than two occasions for failure to comply with compulsory school attendance as provided in § 22.1-254 and (2) the immediately previous informal action or adjudication occurred at least three calendar years prior to the current complaint. The juvenile and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the deferral period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (A) develop a plan for the juvenile, which may include restitution, the performance of community service, or on a complaint alleging that a child has committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor if committed by an adult and with the consent of the juvenile's parent or legal guardian, referral to a youth justice diversion program established pursuant to § 16.1-309.11, based upon community resources and the circumstances which resulted in the complaint, (B) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (C) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, or in the case of a referral to a youth justice diversion program established pursuant to § 16.1-309.11, that any subsequent report from the youth justice diversion program alleging that the juvenile failed to comply with the youth justice diversion program's sentence within 180 days of the sentencing date, may result in the filing of a petition with the court.

C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent, guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or other services which are required by law, (iv) family abuse has occurred and a protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need of supervision have utilized or attempted to utilize treatment and services available in the community and have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer determines that the parties have not attempted to utilize available treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult would be punishable as a Class 1 misdemeanor or as a felony, when such refusal is based solely upon a finding that no probable cause exists, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. The application for a warrant to the magistrate shall be filed within 10 days of the issuance of the written notification. The written notification shall indicate that the intake officer made a finding that no probable cause exists and shall provide notice that the complainant has 10 days to apply for a warrant to the magistrate. The complainant shall provide the magistrate with a copy of the written notification upon application to the magistrate. If a magistrate determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a child in need of services or in need of

supervision, a status offense, or a misdemeanor other than Class 1, his decision is final. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult would be punishable as a Class 1 misdemeanor or as a felony when such refusal is based upon a finding that (i) probable cause exists, but that (ii) the matter is appropriate for diversion, his decision is final and the complainant shall not have a right to apply to a magistrate for a warrant.

Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake officer shall accept and file a petition founded upon the warrant.

F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3;
12. An act of violence by a mob pursuant to § 18.2-42.1;
13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or
14. A threat pursuant to § 18.2-60.

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

H. The filing of a petition shall not be necessary:

1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of § 16.1-241.

3. In the case of a misdemeanor violation of § 18.2-266, 18.2-266.1, or 29.1-738 or the commission of any other alcohol-related offense, provided that the juvenile is released to the custody of a parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried. When a violation of § 4.1-305 is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided that such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 4.1-305 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as provided by law for adults provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the jurisdiction granted it in § 16.1-241.

Code 1950, § 16.1-164; 1956, c. 555; 1972, cc. 672, 835; 1973, c. 440; 1977, c. 559; 1979, c. 701; 1982, c. 91; 1983, c. 349; 1985, c. 488; 1986, c. 381; 1987, cc. 203, 632; 1988, cc. 792, 803; 1990, c. 742; 1991, cc. 496, 511, 534; 1992, cc. 502, 527, 542; 1993, c. 981; 1995, cc. 347, 429; 1996, cc. 755, 914; 1997, c. 862; 1999, cc. 54, 526, 952; 2002, c. 747; 2003, c. 587; 2004, cc. 105, 255, 309, 416, 517, 558; 2006, c. 677; 2008, cc. 136, 845; 2009, cc. 385, 726; 2010,

c. 742; 2011, cc. 384, 410, 825; 2012, c. 637; 2013, c. 746; 2014, cc. 674, 719; 2016, c. 704; 2018, cc. 281, 312; 2019, cc. 106, 206; 2020, cc. 753, 1285, 1286; 2021, Sp. Sess. I, cc. 30, 206, 457, 550, 551.

§ 38.2-4710. Penalty for engaging in business without license

Any person engaging in the business of financing insurance premiums in this Commonwealth without obtaining a license as required under this chapter shall be subject to a fine of not more than \$100 for each day that person operates without a license. The fine shall be imposed and judgment entered by the Commission after ten days' notice has been given to the defendant by **rule to show cause**.

1964, c. 147, § 38.1-744; 1986, c. 562.

Title 54.1 – Professions and Occupations

§ 54.1-3900. Practice of law; student internship program; definition

Persons who hold a license or certificate to practice law under the laws of this Commonwealth and have paid the license tax prescribed by law may practice law in the Commonwealth.

Any person authorized and practicing as counsel or attorney in any state or territory of the United States, or in the District of Columbia, may for the purpose of attending to any case he may occasionally have in association with a practicing attorney of this Commonwealth practice in the courts of this Commonwealth, in which case no license fee shall be chargeable against such nonresident attorney.

Nothing herein shall prohibit the limited practice of law by military legal assistance attorneys who are employed by a military program providing legal services to low-income military clients and their dependents pursuant to rules promulgated by the Supreme Court of Virginia.

Nothing herein shall prohibit a limited practice of law under the supervision of a practicing attorney by (i) third-year law students or (ii) persons who are in the final year of a program of study as authorized in § 54.1-3926, pursuant to rules promulgated by the Supreme Court of Virginia.

Nothing herein shall prohibit an employee of a state agency in the course of his employment from representing the interests of his agency in administrative hearings before any state agency, such representation to be limited to the examination of witnesses at administrative hearings relating to personnel matters and the adoption of agency standards, policies, rules and regulations.

Nothing herein shall prohibit designated nonattorney employees of the Department of Social Services from completing, signing and filing petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia in Department cases in the juvenile and domestic relations district courts.

Nothing herein shall prohibit designated nonattorney employees of a local department of social services from appearing before an intake officer to initiate a case in accordance with subsection A of § 16.1-260 on behalf of the local department of social services.

Nothing herein shall prohibit designated nonattorney employees of a local department of social services from completing, signing, and filing with the clerk of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, or motions for a **rule to show cause**.

Nothing herein shall prohibit a nonattorney attendance officer, or a local school division superintendent or his designee when acting as an attendance officer pursuant to § 22.1-258, from completing, signing, and filing with the intake officer of a juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by a juvenile and domestic relations district court pursuant to § 16.1-278.5 in response to the filing of a petition alleging the pupil is a child in need of supervision as defined in § 16.1-228.

As used in this chapter "attorney" means attorney-at-law.

Code 1950, § 54-42; 1972, c. 391; 1974, c. 456; 1976, c. 277; 1988, c. 765; 1991, c. 650; 1994, c. 30; 1998, c. 796; 2008, cc. 136, 845; 2016, c. 704; 2020, cc. 105, 106.

Title 56 – Public Service Companies

§ 56-71. Violations of provisions of chapter; penalty

Every public service company which, directly or indirectly, issues or causes to be issued any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, otherwise than in conformity with the order of the Commission authorizing the same, or contrary to the provisions of this chapter, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the Commission's order, as provided in this chapter, or to any purpose specified in such order in excess of the amount in such order authorized for such purpose, shall be subject, in a proceeding before the Commission under **rule to show cause**, to a penalty of not more than \$1,000 for each offense. Every violation of any such order, rule, direction, demand or requirement of the Commission, or of any provision of this chapter, shall be a separate and distinct offense and in case of continuing violation every day's continuance thereof shall be deemed to be a separate and distinct offense. The Commission shall also have jurisdiction, in a proceeding under § 13.1-519, to issue a cease and desist order enjoining any further or threatened violation of the provisions of this chapter.

1934, p. 225; Michie Code 1942, § 4073(12).

Title 58.1 - Taxation

§ 58.1-3146. **Rule to show cause** in such case; notice and hearing thereon

Prior to the final discharge of any treasurer, the clerk shall issue a rule, as directed by the appropriate circuit court, against the Comptroller, the governing body and the school board of the

county or city, to show cause, if any they can, why the treasurer should not be discharged. When the notice has been published and posted as aforesaid and the rule executed, then the court, on the day named in the notice, shall, if no cause be shown to the contrary, enter an order, finally discharging such treasurer. If an objection is made, the court shall hear such matter with or without formal pleadings, on oral testimony, or the court may refer any question that may arise in the proceedings to a commissioner in chancery to make a report thereon and may enter, upon final hearing, such order as it may deem proper. A copy of the order herein required, served upon the Comptroller, the chairman of the governing body, and the mayor of the city or superintendent of schools, respectively, shall be a sufficient service of the rule. The attorney for the locality may prepare and file any pleadings necessary pursuant to this section. If the locality has no attorney, or if the attorney declines or is unable to perform these tasks, the circuit court shall assign legal counsel for these purposes in accordance with § 15.2-1606, provided, however, that the Compensation Board shall not be obligated to reimburse the locality for fees incurred for this purpose.

Code 1950, § 58-934; 1984, c. 675; 2017, c. 677.

[§ 58.1-3709. Business located in more than one jurisdiction](#)

A. In any case where a business subject to a local license tax is located partially within a county, city or town and partially within another county, city or town by reason of the boundary line between such political subdivisions passing through such place of business, the situs for the local license of such business shall be each county, city or town in which any part of such place of business is located. If a local license tax is measured by the volume of business done, the volume allocable to each political subdivision for measuring the local license tax levied by it shall be such proportion of the total volume of business done at such place of business as the area within that political subdivision, which such place of business actually occupies and actively uses in connection with such business, bears to the total area which such place of business actually occupies and actively uses in connection with such business. And in every such case, if a local license tax is a flat tax, the amount thereof shall be adjusted so as to constitute such proportion of the entire flat license tax levied by the political subdivision as the area within that political subdivision, which such place of business actually occupies and actively uses in connection with such business, bears to the total area which such place of business actually occupies and actively uses in connection with such business. The word "area," as used in this section, means the area of the land actually occupied by the building or structure constituting the place of business; but if such place of business actually occupies and actively uses only a part of such building or structure, the land area below such part shall be the land area which shall be used in making the apportionment, whether or not such building or structure contains one story or floor or more than one story or floor. If the place of business is of such nature that inventories are kept or stored outside of a building or structure, then the land area used in keeping or storing such inventories, together with the land area actually occupied by any building or structure, or part thereof, which is actually occupied and actively used in connection with such business shall constitute the land area for making the apportionment. If the place of business has a parking area contiguous thereto for the use of its vehicles or those of its customers to the exclusion of any other business, such area shall be included in the word "area" as used in this section. If the place of business has a contiguous parking area used in common with other places of business, such parking area shall be apportioned for the purpose of this section among such places of business in the ratio of their

total areas to the whole parking area, and the area so apportioned shall be included within the word "area" as used in this section.

B. Any person whose place of business comes within the provisions of subsection A of this section and who considers himself aggrieved by the imposition upon him of a local license tax, may, at any time during the license year, apply for relief to any court of record having jurisdiction in any county or city involved, and the court shall issue against each such county or city a **rule to show cause** why relief should not be granted. The rule shall be served on the attorney for the Commonwealth for the county or on the city attorney for the city, as the case may be. The court shall hear the case without a jury and shall render judgment declaring the proper tax to be paid, and granting such relief as may be proper. In any case where the court finds that the tax imposed was excessive, no costs shall be awarded against the taxpayer, nor shall he be liable for penalty or interest on such tax if he pays the tax before the expiration of fifteen days after final judgment.

Code 1950, § 58-266.4; 1954, c. 517; 1978, c. 433; 1984, c. 675.

Title 63.2 – Welfare (Social Services)

§ 63.2-332. Powers and duties of local directors

The local director shall be the administrator of the local department and shall serve as secretary to the local board. Under the supervision of the local board, unless otherwise specifically stated, and in cooperation with other public and private agencies, the local director, in addition to the functions, powers and duties conferred and imposed by other provisions of law, shall have the powers and perform the duties contained in this title.

The local director shall designate nonattorney employees who are authorized to (i) initiate a case on behalf of the local department by appearing before an intake officer or (ii) complete, sign, and file with the clerk of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, or motions for a **rule to show cause**.

Code 1950, § 63-87; 1968, c. 578, § 63.1-67.1; 1972, c. 73; 2002, c. 747; 2016, c. 704.

Title 64.2 – Wills, Trusts, and Fiduciaries

§ 64.2-2020. Annual reports by guardians

A. Within six months from the date of qualification, a guardian appointed pursuant to § 64.2-2009 shall file an initial annual report reflecting the first four months of guardianship since qualification with the local department of social services for the jurisdiction where the incapacitated person then resides. After such initial annual report has been filed, the second and subsequent annual reports for each succeeding 12-month period shall be due within four months

from the last day of the 12-month period covered by the previous annual report. The annual report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court and shall be accompanied by a filing fee of \$5. To the extent practicable, the annual report shall be formatted in a manner to encourage standardized and detailed responses from guardians. The local department shall retain the fee in the jurisdiction where the fee is collected for use in the provision of services to adults in need of protection. Within 60 days of receipt of the annual report, the local department shall file a copy of the annual report with the clerk of the circuit court that appointed the guardian, to be placed with the court papers pertaining to the guardianship case. Twice each year the local department shall file with the clerk of the circuit court a list of all guardians who are more than 90 days delinquent in filing an annual report as required by this section. If the guardian is also a conservator, a settlement of accounts shall also be filed with the commissioner of accounts as provided in § 64.2-1305.

B. The annual report to the local department of social services shall include:

1. A description of the current mental, physical, and social condition of the incapacitated person, including any change in diagnosis or assessment of any such condition of such incapacitated person by any medical provider since the last report;
2. A description of the incapacitated person's living arrangements during the reported period, including a specific assessment of the adequacy of such living arrangement;
3. The medical, educational, vocational, social, recreational, and any other professional services and activities provided to the incapacitated person and the guardian's opinion as to the adequacy of the incapacitated person's care. The information required by this subdivision shall include (i) the specific names of the medical providers that have treated the incapacitated person and a description of the frequency or number of times the incapacitated person was seen by such providers; (ii) the date and location of and reason for any hospitalization of such incapacitated person; and (iii) a description of the educational, vocational, social, and recreational activities in which such incapacitated person participated;
4. A statement of whether the guardian agrees with the current treatment or habilitation plan;
5. A statement of whether the incapacitated person has been an alleged victim in a report of abuse, neglect, or exploitation made pursuant to Article 2 (§ 63.2-1603 et seq.) of Chapter 16 of Title 63.2, to the extent known, and whether there are any other indications of abuse, neglect, or exploitation of such incapacitated person;
6. A recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship;
7. The name of any persons whose access to communicate, visit, or interact with the incapacitated person has been restricted and the reasons for such restriction;
8. A self-assessment by the guardian as to whether he feels he is able to continue to carry out the powers and duties imposed upon him by § 64.2-2019 and as specified in the court's order of appointment pursuant to § 64.2-2009;
9. A statement as to whether the guardian and any skilled professional retained by such guardian to perform guardianship duties on behalf of the guardian have completed the training required by subsection E1 of § 64.2-2019;

10. Unless the incapacitated person resides with the guardian, a statement of the frequency and nature of any (i) in-person visits from the guardian with the incapacitated person over the course of the previous year and (ii) visits over the course of the previous year from a designee who is directly supervised or contracted by the guardian, including the name of the designee performing such visit. If any visit described in this section is made virtually, the guardian shall include such information in the annual report;

11. If no visit is made within a 120-day period, the guardian shall describe any challenges or limitations in completing such visit;

12. A general description of the activities taken on by the guardian for the benefit of the incapacitated person during the past year;

13. Any other information deemed necessary by the Office of the Executive Secretary of the Supreme Court of Virginia or the Department for Aging and Rehabilitative Services to understand the condition, treatment, and well-being of the incapacitated person;

14. Any other information useful in the opinion of the guardian; and

15. The compensation requested and the reasonable and necessary expenses incurred by the guardian.

The guardian shall certify by signing under oath that the information contained in the annual report is true and correct to the best of his knowledge. If a guardian makes a false entry or statement in the annual report, he shall be subject to a civil penalty of not more than \$600. Such penalty shall be collected by the attorney for the Commonwealth or the county or city attorney, and the proceeds shall be deposited into the general fund.

C. If the local department of social services files notice that the annual report has not been timely filed in accordance with subsection A with the clerk of the circuit court, the court may issue a summons or **rule to show cause** why the guardian has failed to file such annual report.

1997, c. 921, § 37.1-137.2; 1998, c. 582; 2000, c. 198; 2003, c. 527; 2005, c. 716, § 37.2-1021; 2012, c. 614; 2013, c. 133; 2019, c. 443; 2020, cc. 190, 372; 2022, c. 381; 2023, c. 540; 2024, cc. 17, 156, 587; 2025, c. 148.

"subpoena duces tecum"

Found in Titles 2.2, 8.01, 9.1, 15.2, 16.1, 18.2, 19.2, 20, 32.1, 38.2, 53.1, 54.1, 57, 58.1, 59.1, and 64.2.

Title 2.2 – Administration of Government

§ 2.2-312. Subpoenas

A. The State Inspector General or a designated subordinate may issue a subpoena for the appearance of an individual before any hearing conducted by the Office. The subpoena shall be served by the State Inspector General or a designated subordinate and enforced by the court of that jurisdiction.

B. The State Inspector General may make an ex parte application to the circuit court for the county or city wherein evidence sought is kept for the issuance of a **subpoena duces tecum** in furtherance of an investigation or to request production of any relevant records, documents, and physical or other evidence of any person, partnership, association, or corporation located in the Commonwealth. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a **subpoena duces tecum** requiring the immediate production of evidence.

2011, cc. 798, 871.

§ 2.2-521. Procedure for issuance of **subpoena duces tecum**

Whenever the Attorney General has reasonable cause to believe that any person has engaged in or is engaging in any unlawful discriminatory practice, he may apply to the judge of the circuit court of the jurisdiction in which the respondent resides or is doing business for a **subpoena duces tecum** against any person refusing to produce such data and information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. For purposes of this section, "person" includes any individual, partnership, corporation, association, legal representative, mutual company, joint stock company, trust, unincorporated organization, employee, employer, employment agency, labor organization, joint labor-management committee, or an agent thereof.

1987, c. 581, § 2.1-721; 2000, c. 64; 2001, c. 844, § 2.2-2635; 2012, cc. 803, 835.

§ 2.2-1812. Admissibility of reproductions of checks in evidence; compliance with subpoena

A. A reproduction of any check or draft or an enlargement of such reproduction drawn by the State Treasurer, when satisfactorily identified, shall be admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence. The introduction of a reproduced check or draft or of an enlargement thereof shall not preclude

admission of the original. Any such check or draft, reproduction or enlargement purporting to be sealed, sealed and signed, or signed alone by the State Treasurer or on his behalf by his designee, may be considered satisfactorily identified and admitted as evidence, without any proof of the seal or signature, or of the official character of the person whose name is signed to it.

B. The State Treasurer or his designee, when served with any summons, subpoena, **subpoena duces tecum** or order, directing him to produce any check or draft kept by or in the possession of any agency or institution of the Commonwealth, may comply by certifying a reproduction or enlargement in accordance with subsection A and mailing the reproduction or enlargement in a sealed envelope to the clerk of court. Upon good cause shown, any court may direct the Treasurer or his designee to appear personally, notwithstanding any other provision of this section.

1979, c. 173, § 2.1-190.1; 1994, c. 16; 2001, c. 844.

[§ 2.2-5517. Use of automatic license plate recognition systems by law-enforcement agencies](#)

A. For purposes of this section:

"Audit trail" means all records of queries and responses in an automatic license plate recognition system, and all records of actions in which system data is accessed, entered, updated, shared, or disseminated, including the (i) date and time of access; (ii) license plate number or other data elements used to query the system; (iii) specific purpose, as set forth in subsection D, for accessing or querying the system, including the offense type for any criminal investigation; (iv) associated call for service or case number; and (v) username of the person or persons who accessed or queried the system.

"Audit trail data" means all forms of data collected or generated by an automatic license plate recognition system for purposes of producing an audit trail.

"Automatic license plate recognition system" or "system" means a system of one or more high-speed cameras used in combination with computer algorithms to convert images of license plates, vehicles, or a combination of both into computer-readable data.

"Division" means the Division of Purchases and Supply of the Department of General Services.

"Law-enforcement agency" means any agency or entity that employs law-enforcement officers as defined in § 9.1-101.

"Missing or endangered person" means a person who has been identified as missing or endangered based on information provided by the National Criminal Information Center, the National Center for Missing and Exploited Children, or the Missing Children Information Clearinghouse (§ 52-31 et seq.) or pursuant to a Virginia Amber Alert (§ 52-34.1 et seq.), a Virginia Critical Operation for a Disappeared Child Initiative Alert (§ 52-34.3:1 et seq.), a Virginia Senior Alert (§ 52-34.4 et seq.), a Virginia Blue Alert (§ 52-34.7 et seq.), a Virginia Critically Missing Adult Alert (§ 52-34.10 et seq.), a Virginia Missing Person with Autism Alert (§ 52-34.13 et seq.), or any substantially similar alert under the laws of another state or territory of the United States, the District of Columbia, or the United States.

"Notification" means an alert from an automatic license plate recognition system that a license plate or vehicle matches a license plate or vehicle in a database utilized by the automatic license plate recognition system for comparison purposes.

"Person associated with human trafficking" means a person who is either a suspected victim or an alleged perpetrator of either commercial sex trafficking or labor trafficking.

"Publicly post" means to post on a website that is maintained by the agency or on any other website on which the agency generally posts information and that is available to the public or that clearly describes how the public may access such information.

"Query" means a search of automatic license plate recognition system data based on information entered by the user, including a full or partial license plate number, any identifying characteristics of a vehicle, the date, time, or location of an image, or any other data that is searchable within the automatic license plate recognition system.

"System data" means all forms of data collected or generated by an automatic license plate recognition system, including images of license plates, vehicles, any identifying characteristics of vehicles, the date, time, and location of an image, and any peripheral images collected from which analytical data may be extracted.

"Vendor" means a business, company, corporation, or other nongovernmental entity that contracts with a law-enforcement agency for the installation, use, or maintenance of an automatic license plate recognition system.

B. Pursuant to § 2.2-1112, the Division of Purchases and Supply shall determine the automatic license plate recognition systems for use in the Commonwealth in accordance with this section. An automatic license plate recognition system shall not be approved by the Division for use by a law-enforcement agency unless:

1. The vendor certifies that it will not sell or share any system data or audit trail data gathered in the Commonwealth, except upon request of the contracting law-enforcement agency for a purpose set forth in subsection F, and will only access system data or audit trail data upon request of the contracting law-enforcement agency for maintenance and quality assurance purposes;
2. The vendor certifies that its system is capable of purging system data collected or generated in the Commonwealth after 21 days of the date of its capture, or earlier if requested by the contracting law-enforcement agency, in such a manner that the system data is destroyed and not recoverable by either the vendor or the contracting law-enforcement agency;
3. The vendor certifies that its system is capable of producing an audit trail and purging audit trail data collected or generated in the Commonwealth after two years of the date of its capture in such a manner that the audit trail data is destroyed and not recoverable by either the vendor or the contracting law-enforcement agency;
4. The databases used by the system to provide notifications as set forth in subsection D are updated at least every 24 hours, or as soon as practicable after such updates become available; and
5. The system meets information security standards as established by the Virginia Information Technologies Agency.

C. (Effective July 1, 2026) A law-enforcement agency may enter into a contract with a vendor for the installation, use, or maintenance of a system approved by the Division. The contract shall specify that system data and audit trail data will be the property of the law-enforcement agency and that the system meets the requirements set forth in subsection B. The contract shall further specify that the vendor will immediately notify the law-enforcement agency upon receipt of any subpoena duces tecum, execution of any search warrant, or any other request from a third party for such system data or audit trail data, unless disclosure of such subpoena duces tecum, search warrant, or request is otherwise prohibited by law.

D. A law-enforcement agency may use a system only (i) as part of a criminal investigation into an alleged violation of the Code of Virginia or any ordinance of any county, city, or town where there is a reasonable suspicion that a crime was committed; (ii) as part of an active investigation related to a missing or endangered person, including whether to issue an alert for such person, or a person associated with human trafficking; or (iii) to receive notifications related to a missing or endangered person, a person with an outstanding warrant, a person associated with human trafficking, a stolen vehicle, or a stolen license plate. All information necessary for the creation of an audit trail shall be entered in order to query system data. A law-enforcement agency shall not query or download system data unless such data is related to at least one of these purposes. A law-enforcement agency may download audit trail data for purposes of generating audit reports. A stop of a motor vehicle based on a notification from the system shall be consistent with subsection M.

E. System data shall be purged after 21 days of the date of its capture in such a manner that such data is destroyed and not recoverable by either the vendor or the law-enforcement agency. Audit trail data shall be purged after two years of the date of its capture in such a manner that such data is destroyed and not recoverable by either the vendor or the law-enforcement agency. However, if the system data or the audit trail data is part of an ongoing investigation, prosecution, or civil action, such data shall be retained by the law-enforcement agency until (i) the investigation concludes without any criminal charges or (ii) the final disposition of any criminal or civil matter related to the data, including any direct appeals and any writs of habeas corpus pursuant to Article 3 (§ 8.01-654 et seq.) of Chapter 25 of Title 8.01 or federal law, in accordance with applicable records retention law and policy.

F. System data and audit trail data shall not be subject to disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). A law-enforcement agency shall not sell any system data or audit trail data. A law-enforcement agency shall not share system data or audit trail data with, or disseminate such data to, any database of any other state, federal, private, or commercial entity. A law-enforcement agency may share system data or audit trail data for the following purposes:

1. With another law-enforcement agency for purposes set forth in subsection D, which may include allowing another law-enforcement agency to query system data, provided that the agency receiving such data shall comply with all of the provisions of this section;
2. With the attorney for the Commonwealth for purposes set forth in subsection D or for complying with discovery or a court order in a criminal proceeding;
3. With a defendant or his counsel for purposes of complying with discovery or a court order in a criminal proceeding;

4. Pursuant to a court order or a court-issued subpoena duces tecum in any criminal or civil proceeding;

5. With the vendor for maintenance or quality assurance purposes; or

6. To alert the public to an emergency situation, a missing or endangered person, a person associated with human trafficking, or a person with an outstanding warrant.

In addition, the Department of State Police shall share system data obtained from any system installed, maintained, and operated on any limited access highway or any bridge, tunnel, or special structure under the jurisdiction of the Commonwealth Transportation Board or the Department of Transportation with any law-enforcement agency in the locality where such system is installed, maintained, or operated, and such law-enforcement agency may share such system data for the purposes set forth in this subsection.

G. A law-enforcement agency that uses a system shall maintain records sufficient to facilitate public reporting as required by this section, the production of an audit trail, and discovery in criminal and civil proceedings, appeals, and post-conviction proceedings.

H. A law-enforcement agency that uses a system shall establish a policy governing such use that is consistent with this section that includes:

1. Training requirements for individuals who will use or access the system;

2. The purposes for which the system can be used or accessed;

3. Procedures to ensure that the databases used by the system to provide notifications as set forth in subsection D are updated at least every 24 hours, or as soon as practicable after such updates become available;

4. Procedures to confirm the accuracy of any notifications made by the system before stopping a vehicle that are consistent with subsection M;

5. A prohibition against downloading system data that is not related to at least one of the purposes set forth in subsection D, except for downloads of audit trail data for purposes of generating audit reports;

6. An internal auditing procedure that occurs at least once every 30 days;

7. Procedures for the retention and destruction of system data and audit trail data that are consistent with subsection E;

8. A prohibition on the sale of system data and audit trail data and restrictions on the sharing of system data and audit trail data that are consistent with subsection F; and

9. Security procedures to protect the system, system data, and audit trail data from unauthorized access, destruction, use, modification, or disclosure.

I. A law-enforcement agency that uses a system shall report to the Department of State Police by April 1 of each year, in a format to be determined by the Department of State Police, on its use of the system during the preceding calendar year, which shall include the following data:

1. The total number of cameras owned or leased by an agency as part of a system at the conclusion of each calendar year, including the number of such cameras designed to be affixed inside or on a motor vehicle, permanently affixed adjacent to a highway, or temporarily affixed or placed adjacent to a highway for purposes of capturing system data;

2. A list of all state and federal databases with which the system data was compared, unless the existence of any such database itself is not public;
 3. The total number of times the system was queried, including the specific purposes of the queries, as set forth in subsection D, and the offense types for any criminal investigation;
 4. The race, ethnicity, age, and gender of any individual identified as a suspect and charged with a criminal offense as a result of a query of the system as part of a criminal investigation;
 5. The number of motor vehicles stopped based on notifications from the system, including the specific reasons for the notifications as set forth in subsection D;
 6. The race, ethnicity, age, and gender of the driver of any motor vehicle stopped based on a notification from the system;
 7. Whether the agency allows any other law-enforcement agencies to access its system data, and if so, which other agencies have been granted such access;
 8. The number of identified instances of unauthorized use of or access to the system, including the nature and circumstances of such instances; and
 9. The number of subpoena duces tecum, search warrants, and any other requests received from a third party for system data or audit trail data, including the identity of the entity that requested the issuance of such subpoena duces tecum, executed such search warrant, or requested such data, and whether any data was provided to such entity, unless disclosure of such subpoena duces tecum, search warrant, or request is otherwise prohibited by law.
- J. The Department of State Police shall aggregate the data provided pursuant to subsection I and report it to the Governor, the General Assembly, and the Virginia State Crime Commission by July 1 of each year.
- K. A law-enforcement agency that uses a system shall publicly post the policy set forth in subsection H and the report set forth in subsection I. Data shall not be publicly posted if it contains personal or case identifying information. If any data (i) contains an articulable concern for any person's safety, (ii) is otherwise prohibited from public disclosure by federal or state statute, or (iii) may compromise sensitive criminal justice information if disclosed, such data may be excluded from being publicly posted.
- L. A law-enforcement agency shall not use a system for the purpose of interfering with individuals engaged in lawful activities or tracking individuals on the basis of the content of lawfully protected speech.
- M. A notification by a system for purposes set forth in subsection D does not, by itself, constitute reasonable suspicion as grounds for law enforcement to stop a vehicle. Prior to stopping a vehicle based on a notification, a law-enforcement officer shall:
1. Develop independent reasonable suspicion for the stop; or
 2. Confirm that the license plate or identifying characteristics of a vehicle match the information contained in the database used to generate the notification.
- N. Any person who willfully and intentionally queries, accesses, or uses a system for a purpose other than set forth in subsection D, or who willfully and intentionally sells, shares, or

disseminates system data or audit trail data in violation of subsection F, is guilty of a Class 1 misdemeanor.

O. Any evidence obtained as the result of a violation of subsection D, F, L, or M is not admissible by the Commonwealth in any criminal or civil proceeding, but such evidence may be admitted by a defendant in a criminal proceeding or a litigant, other than the Commonwealth, in a civil proceeding.

P. This section does not apply to systems used:

1. For the enforcement of traffic laws, which includes parking regulations, speed limits, tolling requirements, high-occupancy vehicle requirements, or on-road emissions monitoring;
2. By the Department of Motor Vehicles at permanent weighing stations and in mobile weighing operations; or
3. By any state or local agency or any private entity for non-criminal justice purposes.

Q. A vendor shall immediately notify the contracting law-enforcement agency under subsection C upon receipt of a subpoena duces tecum, execution of a search warrant, or any other request from a third party for any system data or audit trail data, unless disclosure of such subpoena duces tecum, search warrant, or request is otherwise prohibited by law.

R. Prior to or coincident with the implementation of an automatic license plate recognition system, a local law-enforcement agency shall take measures to promote public awareness on the use of such system.

2025, c. 720.

Title 8.01 – Civil Remedies and Procedure

§ 8.01-2. General definitions for this title

As used in this title, unless the context otherwise requires, the term:

1. "Action" and "suit" may be used interchangeably and shall include all civil proceedings whether upon claims at law, in equity, or statutory in nature and whether in circuit courts or district courts;
2. "Decree" and "judgment" may be used interchangeably and shall include orders or awards;
3. "Fiduciary" shall include any one or more of the following:
 - a. guardian,
 - b. committee,
 - c. trustee,
 - d. executor,
 - e. administrator, and administrator with the will annexed,
 - f. curator of the will of any decedent, or
 - g. conservator;

4. "Rendition of a judgment" means the time at which the judgment is signed and dated;
5. "Person" shall include individuals, a trust, an estate, a partnership, an association, an order, a corporation, or any other legal or commercial entity;
6. "Person under a disability" shall include:
 - a. a person convicted of a felony during the period he is confined;
 - b. an infant;
 - c. an incapacitated person as defined in § 64.2-2000;
 - d. an incapacitated ex-service person under § 64.2-2016;
 - e. persons made defendants by the general description of "parties unknown" in suits involving real property; or
 - f. any other person who, upon motion to the court by any party to an action or suit or by any person in interest, is determined to be (i) incapable of taking proper care of his person, or (ii) incapable of properly handling and managing his estate, or (iii) otherwise unable to defend his property or legal rights either because of age or temporary or permanent impairment, whether physical, mental, or both. Such impairment may also include substance abuse as defined in § 37.2-100;
7. "Sheriff" shall include deputy sheriffs and such other persons designated in § 15.2-1603;
8. "Summons" and "subpoena" may be used interchangeably and shall include a subpoena duces tecum for the production of documents and tangible things;
9. "Court of equity," "law and equity court," "law and chancery court," "chancery court," "corporation court," "the chancery side," "court exercising powers in chancery," "court with equitable jurisdiction," and "receivership court" shall mean the circuit court when entertaining equitable claims;
10. A "motion for judgment," "bill," "bill of complaint," or "bill in equity" shall mean a complaint in a civil action, as provided in the Rules of Supreme Court of Virginia;
11. "Equity practice," "equity procedure," "chancery practice," and "chancery procedure" shall mean practice and procedure in a civil action as prescribed by this Code and the Rules of Supreme Court of Virginia.

1977, c. 617; 1988, c. 37; 1997, c. 921; 2005, cc. 681, 716; 2022, c. 299.

[§ 8.01-15.2. Servicemembers Civil Relief Act; default judgment; appointment of counsel](#)

A. Notwithstanding the provisions of § 8.01-428, in any civil action or proceeding in which the defendant does not make an appearance, the court shall not enter a judgment by default until the plaintiff files with the court an affidavit (i) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or (ii) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service. Subject to the provisions of § 8.01-3, the Supreme Court shall prescribe the form of such affidavit, or the requirement for an affidavit may be satisfied by a written statement, declaration, verification or certificate,

subscribed and certified or declared to be true under penalty of perjury. Any judgment by default entered by any court in any civil action or proceeding in violation of subchapter II of the Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.) may be set aside as provided by the Act. Failure to file an affidavit shall not constitute grounds to set aside an otherwise valid default judgment against a defendant who was not, at the time of service of process or entry of default judgment, a servicemember as defined in 50 U.S.C. § 3911.

B. Where appointment of counsel is required pursuant to 50 U.S.C. § 3931 or 3932 or another section of the Servicemembers Civil Relief Act, the court may assess reasonable attorney fees and costs against any party as the court deems appropriate, including a party aggrieved by a violation of the Act, and shall direct in its order which of the parties to the case shall pay such fees and costs. Such fees and costs shall not be assessed against the Commonwealth unless it is the party that obtains the judgment. Any attorney fees assessed pursuant to this subsection shall not exceed \$125, unless the court deems a higher amount appropriate.

C. The appointed counsel may issue a subpoena duces tecum for all discoverable electronic and print files, records, documents, and memoranda regarding the transactional basis for the suit. If requested in the subpoena, the plaintiff shall also deliver all documents or information concerning the location of the servicemember.

D. Counsel appointed pursuant to the Servicemembers Civil Relief Act shall not be selected by the plaintiff or have any affiliation with the plaintiff. However, counsel for the plaintiff may provide a list of attorneys familiar with the provisions of the Servicemembers Civil Relief Act upon the request of the court.

2004, c. 381; 2005, c. 909; 2016, c. 643; 2019, c. 454.

[§ 8.01-223.2. Immunity of persons for statements made at public hearing or communicated to third party](#)

A. A person shall be immune from tort liability if the tort claim is based solely on statements (i) regarding matters of public concern that would be protected under the First Amendment to the Constitution of the United States made by that person that are communicated to a third party, (ii) made at a public hearing before, or otherwise communicated to, the governing body of any locality or other political subdivision, or the boards, commissions, agencies and authorities thereof, and other governing bodies of any local governmental entity concerning matters properly before such body, (iii) made at a Title IX hearing before the applicable tribunal of an institution of higher education, or (iv) made by an employee against an employer where retaliatory action arising from such statements is prohibited by § 40.1-27.3.

B. The immunity provided by this section shall not apply to any statements that the declarant knew or should have known were false or were made with reckless disregard for whether they were false.

C. Any person who has a suit against him dismissed or a witness subpoena or subpoena duces tecum quashed, or otherwise prevails in a legal action, pursuant to the immunity provided by this section may be awarded reasonable attorney fees and costs.

2007, c. 798; 2016, c. 239; 2017, cc. 586, 597; 2020, c. 824; 2023, cc. 462, 463; 2025, c. 641.

§ 8.01-407.1. Identity of persons communicating anonymously over the Internet

A. In civil proceedings where it is alleged that an anonymous individual has engaged in Internet communications that are tortious, any subpoena seeking information held by a nongovernmental person or entity that would identify the tortfeasor shall be governed by the following procedure unless more expedited scheduling directions have been ordered by the court upon consideration of the interests of each person affected thereby:

1. At least thirty days prior to the date on which disclosure is sought, a party seeking information identifying an anonymous communicator shall file with the appropriate circuit court a complete copy of the subpoena and all items annexed or incorporated therein, along with supporting material showing:

a. That one or more communications that are or may be tortious or illegal have been made by the anonymous communicator, or that the party requesting the subpoena has a legitimate, good faith basis to contend that such party is the victim of conduct actionable in the jurisdiction where the suit was filed. A copy of the communications that are the subject of the action or subpoena shall be submitted.

b. That other reasonable efforts to identify the anonymous communicator have proven fruitless.

c. That the identity of the anonymous communicator is important, is centrally needed to advance the claim, relates to a core claim or defense, or is directly and materially relevant to that claim or defense.

d. That no motion to dismiss, motion for judgment on the pleadings, or judgment as a matter of law, demurrer or summary judgment-type motion challenging the viability of the lawsuit of the underlying plaintiff is pending. The pendency of such a motion may be considered by the court in determining whether to enforce, suspend or strike the proposed disclosure obligation under the subpoena.

e. That the individuals or entities to whom the subpoena is addressed are likely to have responsive information.

f. If the subpoena sought relates to an action pending in another jurisdiction, the application shall contain a copy of the pleadings in such action, along with the mandate, writ or commission of the court where the action is pending that authorizes the discovery of the information sought in the Commonwealth.

2. Two copies of the subpoena and supporting materials set forth in subdivision A. 1. a. through f. shall be served upon the person to whom it is addressed along with payment sufficient to cover postage for mailing one copy of the application within the United States by registered mail, return receipt requested.

3. Except where the anonymous communicator has consented to disclosure in advance, within five business days after receipt of a subpoena and supporting materials calling for disclosure of identifying information concerning an anonymous communicator, the individual or entity to whom the subpoena is addressed shall (i) send an electronic mail notification to the anonymous communicator reporting that the subpoena has been received if an e-mail address is available and (ii) dispatch one copy thereof, by registered mail or commercial delivery service, return receipt

requested, to the anonymous communicator at his last known address, if any is on file with the person to whom the subpoena is addressed.

4. At least seven business days prior to the date on which disclosure is sought under the subpoena, any interested person may file a detailed written objection, motion to quash, or motion for protective order. Any such papers filed by the anonymous communicator shall be served on or before the date of filing upon the party seeking the subpoena and the party to whom the subpoena is addressed. Any such papers filed by the party to whom the subpoena is addressed shall be served on or before the date of filing upon the party seeking the subpoena and the anonymous communicator whose identifying information is sought. Service is effective when it has been mailed, dispatched by commercial delivery service, transmitted by facsimile, or delivered to counsel of record and to parties having no counsel.

5. Any written objection, motion to quash, or motion for protective order shall set forth all grounds relied upon for denying the disclosure sought in the subpoena and shall also address to the extent feasible (i) whether the identity of the anonymous communicator has been disclosed in any way beyond its recordation in the account records of the party to whom the subpoena is addressed, (ii) whether the subpoena fails to allow a reasonable time for compliance, (iii) whether it requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) whether it subjects a person to undue burden.

6. The party to whom the subpoena is addressed shall not comply with the subpoena earlier than three business days before the date on which disclosure is due, to allow the anonymous communicator the opportunity to object. If any person files a written objection, motion to quash, or motion for protective order, compliance with the subpoena shall be deferred until the appropriate court rules on the obligation to comply. If an objection or motion is made, the party serving the subpoena shall not be entitled to inspect or copy the materials except pursuant to an order of the court on behalf of which the subpoena was issued. If an objection or motion has been filed, any interested person may notice the matter for a hearing. Two copies of any such notice shall be served upon the subpoenaed party, who shall mail one copy thereof, by registered mail or commercial delivery service, return receipt requested, to the anonymous communicator whose identifying information is the subject of the subpoena at that person's last known address.

B. The party requesting or issuing a subpoena for information identifying an anonymous Internet communicator shall serve along with each copy of such subpoena notices in boldface capital letters in substantially this form:

NOTICE TO INTERNET SERVICE PROVIDER

WITHIN FIVE BUSINESS DAYS AFTER RECEIPT OF THIS SUBPOENA CALLING FOR IDENTIFYING INFORMATION CONCERNING YOUR CLIENT, SUBSCRIBER OR CUSTOMER, EXCEPT WHERE CONSENT TO DISCLOSURE HAS BEEN GIVEN IN ADVANCE, YOU ARE REQUIRED BY § 8.01-407.1 OF THE CODE OF VIRGINIA TO MAIL ONE COPY THEREOF, BY REGISTERED MAIL OR COMMERCIAL DELIVERY SERVICE, RETURN RECEIPT REQUESTED, TO THE CLIENT, SUBSCRIBER OR CUSTOMER WHOSE IDENTIFYING INFORMATION IS THE SUBJECT OF THE SUBPOENA. AT LEAST SEVEN BUSINESS DAYS PRIOR TO THE DATE ON WHICH DISCLOSURE IS SOUGHT YOU MAY, BUT ARE NOT REQUIRED TO, FILE A DETAILED WRITTEN OBJECTION, MOTION TO QUASH OR MOTION FOR PROTECTIVE ORDER. ANY SUCH OBJECTION OR MOTION SHALL BE SERVED

UPON THE PARTY INITIATING THE SUBPOENA AND UPON THE CLIENT, SUBSCRIBER OR CUSTOMER WHOSE IDENTIFYING INFORMATION IS SOUGHT.

IF YOU CHOOSE NOT TO OBJECT TO THE SUBPOENA, YOU MUST ALLOW TIME FOR YOUR CLIENT, SUBSCRIBER OR CUSTOMER TO FILE HIS OWN OBJECTION, THEREFORE YOU MUST NOT RESPOND TO THE SUBPOENA ANY EARLIER THAN THREE BUSINESS DAYS BEFORE THE DISCLOSURE IS DUE.

IF YOU RECEIVE NOTICE THAT YOUR CLIENT, SUBSCRIBER OR CUSTOMER HAS FILED A WRITTEN OBJECTION, MOTION TO QUASH OR MOTION FOR PROTECTIVE ORDER REGARDING THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, NO DISCLOSURE PURSUANT TO THE SUBPOENA SHALL BE MADE EXCEPT PURSUANT TO AN ORDER OF THE COURT ON BEHALF OF WHICH THE SUBPOENA WAS ISSUED.

NOTICE TO INTERNET USER

THE ATTACHED PAPERS MEAN THAT _____ (INSERT NAME OF PARTY REQUESTING OR CAUSING ISSUANCE OF THE SUBPOENA) HAS EITHER ASKED THE COURT TO ISSUE A SUBPOENA, OR A SUBPOENA HAS BEEN ISSUED, TO YOUR INTERNET SERVICE PROVIDER _____ (INSERT NAME OF INTERNET SERVICE PROVIDER) REQUIRING PRODUCTION OF INFORMATION REGARDING YOUR IDENTITY. UNLESS A DETAILED WRITTEN OBJECTION IS FILED WITH THE COURT, THE SERVICE PROVIDER WILL BE REQUIRED BY LAW TO RESPOND BY PROVIDING THE REQUIRED INFORMATION. IF YOU BELIEVE YOUR IDENTIFYING INFORMATION SHOULD NOT BE DISCLOSED AND OBJECT TO SUCH DISCLOSURE, YOU HAVE THE RIGHT TO FILE WITH THE CLERK OF COURT A DETAILED WRITTEN OBJECTION, MOTION TO QUASH THE SUBPOENA OR MOTION TO OBTAIN A PROTECTIVE ORDER. YOU MAY ELECT TO CONTACT AN ATTORNEY TO REPRESENT YOUR INTERESTS. IF YOU ELECT TO FILE A WRITTEN OBJECTION, MOTION TO QUASH, OR MOTION FOR PROTECTIVE ORDER, IT SHOULD BE FILED AS SOON AS POSSIBLE, AND MUST IN ALL INSTANCES BE FILED NO LESS THAN SEVEN BUSINESS DAYS BEFORE THE DATE ON WHICH DISCLOSURE IS DUE (LISTED IN THE SUBPOENA). IF YOU ELECT TO FILE A WRITTEN OBJECTION OR MOTION AGAINST THIS SUBPOENA, YOU MUST AT THE SAME TIME SEND A COPY OF THAT OBJECTION OR MOTION TO BOTH YOUR INTERNET SERVICE PROVIDER AND THE PARTY WHO REQUESTED THE SUBPOENA. IF YOU WISH TO OPPOSE THE ATTACHED SUBPOENA, IN WHOLE OR IN PART, YOU OR YOUR ATTORNEY MAY FILE A WRITTEN OBJECTION, A MOTION TO QUASH THE SUBPOENA, OR A MOTION FOR A PROTECTIVE ORDER OR YOU MAY USE THE FORM BELOW, WHICH MUST BE FILED WITH THE COURT AND SERVED UPON THE PARTY REQUESTING THE SUBPOENA AND THE INTERNET SERVICE PROVIDER BY MAILING AT LEAST SEVEN BUSINESS DAYS PRIOR TO THE DATE SET IN THE SUBPOENA FOR DISCLOSURE:

Name of Court Listed on Subpoena

Name of Party Seeking Information

Case No. _____

OBJECTION TO **SUBPOENA DUCES TECUM**

I object to the **Subpoena duces tecum** addressed to _____ for the following reasons:

[Name of Internet Service Provider to Whom the Subpoena is Addressed]

(Please PRINT. Set forth, in detail, all reasons why the subpoena should not be complied with, and in addition, state (i) whether the identity of the anonymous communicator has been disclosed in any fashion, (ii) whether the subpoena fails to allow a reasonable time for compliance, (iii) whether it requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) whether it subjects a person to undue burden.)

(attach additional sheets if needed)

Respectfully Submitted,

John Doe

Enter e-mail nickname or other alias used in communicating via the Internet service provider to whom the subpoena is addressed.

CERTIFICATE

I hereby certify that a true copy of the above Objection to **Subpoena duces tecum** was mailed this _____ day of _____, (month, year), to

(Name and address of party seeking information) and

(Name and address of Internet Service Provider)

John Doe

Enter e-mail nickname or other alias used in communicating via the Internet service provider to whom the subpoena is addressed.

2002, c. 875.

§ 8.01-413. Certain copies of health care provider's health records of patient admissible; right of patient, his attorney and authorized insurer to copies of such health records; subpoena; damages, costs and attorney fees

A. In any case where the health records of a health care provider for any patient in a hospital or institution for the treatment of physical or mental illness are admissible or would be admissible as evidence, any typewritten copy, photograph, photostatted copy, or microphotograph or printout or other hard copy generated from computerized or other electronic storage, microfilm, or other photographic, mechanical, electronic, imaging, or chemical storage process thereof shall be admissible as evidence in any court of the Commonwealth in like manner as the original, if the printout or hard copy or microphotograph or photograph is properly authenticated by the employees having authority to release or produce the original health records.

Any health care provider whose health records relating to any such patient are subpoenaed for production as provided by law may comply with the subpoena by a timely mailing to the clerk issuing the subpoena or in whose court the action is pending properly authenticated copies, photographs or microphotographs in lieu of the originals. The court whose clerk issued the subpoena or, in the case of an attorney-issued subpoena, in which the action is pending, may, after notice to such health care provider, enter an order requiring production of the originals, if available, of any stored health records whose copies, photographs or microphotographs are not sufficiently legible.

Except as provided in subsection G, the party requesting the subpoena duces tecum or on whose behalf an attorney-issued subpoena duces tecum was issued shall be liable for the reasonable charges of the health care provider for the service of maintaining, retrieving, reviewing, preparing, copying, and mailing the items produced pursuant to subsections B2, B3, B4, and B6, as applicable.

B. Copies of health records, including an audit trail of any additions, deletions, or revisions to the health record, if specifically requested, shall be furnished within 30 days of receipt of such request to the patient, his attorney, his executor or administrator, or an authorized insurer upon such patient's, attorney's, executor's, administrator's, or authorized insurer's written request, which request shall comply with the requirements of subsection E of § 32.1-127.1:03. If a health care provider is unable to provide such health records within 30 days of receipt of such request, such provider shall notify the requester of such health records in writing of the reason for the delay and shall have no more than 30 days after the date of such written notice to comply with such request.

However, copies of a patient's health records shall not be furnished to such patient when the patient's treating physician, clinical psychologist, clinical social worker, or licensed professional counselor in the exercise of professional judgment, has made a part of the patient's health records a written statement that in his opinion the furnishing to or review by the patient of such health records would be reasonably likely to endanger the life or physical safety of the patient or another person, or that such health records make reference to a person, other than a health care provider, and the access requested would be reasonably likely to cause substantial harm to such

referenced person. In any such case, if requested by the patient or his attorney or authorized insurer, such health records shall be furnished within 30 days of the date of such request to the patient's attorney or authorized insurer, rather than to the patient.

If the health records are not provided to the patient in accordance with this section, then, if requested by the patient, the health care provider denying the request shall comply with the patient's request to either (i) provide a copy of the health records to a physician, clinical psychologist, clinical social worker, or licensed professional counselor of the patient's choice whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician, clinical psychologist, clinical social worker, or licensed professional counselor upon whose opinion the denial is based, who shall, at the patient's expense, make a judgment as to whether to make the health records available to the patient or (ii) designate a physician, clinical psychologist, clinical social worker, or licensed professional counselor whose licensure, training, and experience, relative to the patient's condition, are at least equivalent to that of the treating physician, clinical psychologist, clinical social worker, or licensed professional counselor upon whose opinion the denial is based and who did not participate in the original decision to deny the patient's request for his health records, who shall, at the expense of the provider denying access to the patient, review the health records and make a judgment as to whether to make the health records available to the patient. In either such event, the health care provider denying the request shall comply with the judgment of the reviewing physician, clinical psychologist, clinical social worker, or licensed professional counselor.

Except as provided in subsection G, a reasonable charge may be made by the health care provider maintaining the health records for the cost of the services relating to the maintenance, retrieval, review, and preparation of the copies of the health records, pursuant to subsections B2, B3, B4, and B6, as applicable. Any health care provider receiving such a request from a patient's attorney or authorized insurer shall require a writing signed by the patient confirming the attorney's or authorized insurer's authority to make the request, which shall comply with the requirements of subsection G of § 32.1-127.1:03, and shall accept a photocopy, facsimile, or other copy of the original signed by the patient as if it were an original.

B1. A health care provider shall produce the health records in either paper, hard copy, or electronic format, as requested by the requester. If the health care provider does not maintain the items being requested in an electronic format and does not have the capability to produce such items in an electronic format, such items shall be produced in paper or other hard copy format.

B2. When the health records requested pursuant to subsection B1 are produced in paper or hard copy format from records maintained in (i) paper or other hard copy format or (ii) electronic storage, a health care provider may charge the requester a reasonable fee not to exceed \$0.50 per page for up to 50 pages and \$0.25 per page thereafter for such copies, \$1 per page for hard copies from microfilm or other micrographic process, and a fee for search and handling not to exceed \$20, plus all postage and shipping costs.

B3. When the health records requested pursuant to subsection B1 are produced in electronic format from health records maintained in electronic storage, a health care provider may charge the requester a reasonable fee not to exceed \$0.37 per page for up to 50 pages and \$0.18 per page thereafter for such copies and a fee for search and handling not to exceed \$20, plus all postage and shipping costs. Except as provided in subsection B4, the total amount charged to the

requester for health records produced in electronic format pursuant to this subsection, including any postage and shipping costs and any search and handling fee, shall not exceed \$160 for any request made on or after July 1, 2021, plus the reasonable costs to produce an audit trail of the health records, if specifically requested.

B4. When any portion of health records requested to be produced in electronic format is stored in paper or other hard copy format at the time of the request and not otherwise maintained in electronic storage, a health care provider may charge a fee pursuant to subsection B2 for the production of such portion, and such production of such portion is not subject to any limitations set forth in subsection B3, whether such portion is produced in paper or other hard copy format or converted to electronic format as requested by the requester. Any other portion otherwise maintained in electronic storage shall be produced electronically. The total search and handling fee shall not exceed \$20 for any production made pursuant to this subsection where the production contains both health records in electronic format and health records in paper or other hard copy format.

B5. Upon request, a patient's account balance or itemized listing of charges maintained by a health care provider shall be supplied at no cost up to three times every 12 months to either the patient or the patient's attorney.

B6. When the record requested is an X-ray series or study or other imaging study and is requested to be produced electronically, a health care provider may charge the requester a reasonable fee, which shall not exceed \$25 per X-ray series or study or other imaging study, and a fee for search and handling, which shall not exceed \$10, plus all postage and shipping costs. When an X-ray series or study or other imaging study is requested to be produced in hard copy format, or when a health care provider does not maintain such X-ray series or study or other imaging study being requested in an electronic format or does not have the capability to produce such X-ray series or study or other imaging study in an electronic format, a health care provider may charge the requester a reasonable fee, which may include a fee for search and handling not to exceed \$10 and the actual cost of supplies for and labor of copying the requested X-ray series or study or other imaging study, plus all postage and shipping costs.

B7. A health care provider shall provide one free copy of a patient's medical records stored or maintained in an electronic health record (EHR) per calendar year if requested by a patient or his attorney for the purpose of supporting a claim or appeal under Title II, XVI, XVIII, or XIX of the Social Security Act, 38 U.S.C. § 101 et seq., or under any federal or state financial needs-based benefit program, provided that the request is supported by a reasonable amount of documentation, including evidence of representation in the Social Security disability courts such as the Social Security Administration Appointment of Representative form or a notice of or request for a hearing, regarding such purpose. Any additional requests for medical records in the same calendar year are subject to a reasonable fee for the production of the records. No fees shall be charged if no medical records are found in response to the request.

B8. Upon request by the patient, or his attorney, of health records as to the cost to produce such health records, a health care provider shall inform the patient, or his attorney, of the most cost-effective method to produce such a request pursuant to subsection B2, B3, B4, B6, or B7 as applicable.

B9. Production of health records to the patient, or his attorney, requested pursuant to this section shall not be withheld or delayed solely on the grounds of nonpayment for such health records.

C. Upon the failure of any health care provider to comply with any written request made in accordance with subsection B within the period of time specified in that subsection and within the manner specified in subsections E and F of § 32.1-127.1:03, the patient, his attorney, his executor or administrator, or authorized insurer may cause a subpoena duces tecum to be issued. The subpoena may be issued (i) upon filing a request therefor with the clerk of the circuit court wherein any eventual suit would be required to be filed, and upon payment of the fees required by subdivision A 18 of § 17.1-275, and fees for service or (ii) by the patient's attorney in a pending civil case in accordance with § 8.01-407 without payment of the fees established in subdivision A 23 of § 17.1-275.

A sheriff shall not be required to serve an attorney-issued subpoena that is not issued at least five business days prior to the date production of the record is desired.

No subpoena duces tecum for health records shall set a return date by which the health care provider must comply with such subpoena earlier than 15 days from the date of the subpoena, except by order of a court or administrative agency for good cause shown. When a court or administrative agency orders that health records be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of such order shall accompany such subpoena.

As to a subpoena duces tecum issued with at least a 15-day return date, if no motion to quash is filed within 15 days of the issuance of the subpoena, the party requesting the subpoena duces tecum or the party on whose behalf the subpoena was issued shall certify to the subpoenaed health care provider that (a) the time for filing a motion to quash has elapsed and (b) no such motion was filed. Upon receipt of such certification, the subpoenaed health care provider shall comply with the subpoena duces tecum by returning the specified health records by either (1) the return date on the subpoena or (2) five days after receipt of such certification, whichever is later.

The subpoena shall direct the health care provider to produce and furnish copies of the health records to the requester or clerk, who shall then make the same available to the patient, his attorney, or his authorized insurer.

If the court finds that a health care provider willfully refused to comply with a written request made in accordance with subsection B, either (A) by failing over the previous six-month period to respond to a second or subsequent written request, properly submitted to the health care provider in writing with complete required information, without good cause or (B) by imposing a charge in excess of the reasonable expense of making the copies and processing the request for health records, the court may award damages for all expenses incurred by the patient or authorized insurer to obtain such copies, including a refund of fees if payment has been made for such copies, court costs, and reasonable attorney fees.

If the court further finds that such subpoenaed health records, subpoenaed pursuant to this subsection, or requested health records, requested pursuant to subsection B, are not produced for a reason other than compliance with § 32.1-127.1:03 or an inability to retrieve or access such health records, as communicated in writing to the subpoenaing party or requester within the time period required by subsection B, such subpoenaing party or requester shall be entitled to a rebuttable presumption that expenses and attorney fees related to the failure to produce such health records shall be awarded by the court.

D. The provisions of this section shall apply to any health care provider whose office is located within or outside the Commonwealth if the records pertain to any patient who is a party to a cause of action in any court in the Commonwealth, and shall apply only to requests made by the patient, his attorney, his executor or administrator, or any authorized insurer, in anticipation of litigation or in the course of litigation.

E. As used in this section, "health care provider" has the same meaning as provided in § 32.1-127.1:03 and includes an independent medical copy retrieval service contracted to provide the service of retrieving, reviewing, and preparing such copies for distribution. As used in this section, "health record" has the same meaning as provided in § 32.1-127.1:03.

F. Notwithstanding the authorization to admit as evidence health records in the form of microphotographs, prescription dispensing records maintained in or on behalf of any pharmacy registered or permitted in the Commonwealth shall only be stored in compliance with §§ 54.1-3410, 54.1-3411 and 54.1-3412.

G. The provisions of this section governing fees that may be charged by a health care provider whose records are subpoenaed or requested pursuant to this section shall not apply in the case of any request by a patient for a copy of his own health records, which shall be governed by subsection J of § 32.1-127.1:03. This subsection shall not be construed to affect other provisions of state or federal statute, regulation or any case decision relating to charges by health care providers for copies of health records requested by any person other than a patient when requesting his own health records pursuant to subsection J of § 32.1-127.1:03.

Code 1950, § 8-277.1; 1954, c. 329; 1976, c. 50; 1977, cc. 208, 617; 1981, c. 457; 1982, c. 378; 1990, cc. 99, 320; 1992, c. 696; 1994, cc. 390, 572; 1995, c. 586; 1997, c. 682; 1998, c. 470; 2000, cc. 813, 923; 2001, c. 567; 2002, cc. 463, 654; 2004, cc. 65, 335, 742, 1014; 2005, cc. 642, 697; 2009, c. 270; 2017, c. 457; 2020, c. 945; 2022, cc. 509, 534; 2025, c. 182.

§ 8.01-413.1. Certain copies of employment records or papers admissible; right of employee or his attorney to copies of such records or papers; subpoena; damages, costs and attorney's fees

A. In any case where the original wage or salary records or papers of any employee are admissible or would be admissible as evidence, any typewritten copy, photograph, photostatic copy, or microphotograph thereof shall be admissible as evidence in any court of this Commonwealth in like manner as the original, provided the typewritten copy, photograph, photostatic copy or microphotograph is properly authenticated by the individual who would have authority to release or produce in court the original records. Any employer whose records or papers relating to any such employee are subpoenaed for production may comply with the subpoena by a timely mailing to the clerk issuing the subpoena properly authenticated copies, photographs or microphotographs in lieu of the originals. The court whose clerk issued the subpoena may, after notice to such employer, enter an order requiring production of the originals, if available, of any records or papers whose copies, photographs or microphotographs are not sufficiently legible. The party requesting the subpoena shall be liable for the reasonable charges of the employer for copying and mailing the items produced.

B. Every employer shall, upon receipt of a written request from a current or former employee or employee's attorney, furnish a copy of all records or papers retained by the employer in any

format, reflecting (i) the employee's dates of employment with the employer; (ii) the employee's wages or salary during the employment; (iii) the employee's job description and job title during the employment; and (iv) any injuries sustained by the employee during the course of the employment with the employer. Such records or papers shall be provided within 30 days of receipt of such a written request.

If the employer is unable to provide such records or papers within 30 days, the employer shall notify the requester of such records or papers in writing of the reason for the delay and shall have no more than 30 days after the date of such written notice to comply with such request. If the records or papers are kept in paper or hard copy format, the employer may charge a reasonable fee per page for copying. If the records or papers are kept in electronic format, the employer may charge a reasonable fee for the electronic records.

C. Upon failure of any employer to comply with a written request made in accordance with subsection B, the employee or his attorney may cause a subpoena duces tecum to be issued. The subpoena may be issued (i) upon filing a request therefor with the clerk of the circuit court wherein any eventual suit would be required to be filed and upon payment of the fees required by subdivision A 18 of § 17.1-275 and fees for service or (ii) by the employee's attorney in a pending civil case in accordance with § 8.01-407 without payment of the fees established in subdivision A 23 of § 17.1-275.

D. If the court finds that an employer willfully refused to comply with a written request made in accordance with subsection B, either (i) by failing to respond to a second or subsequent written request, properly submitted by the employee in writing, without good cause or (ii) by imposing a charge in excess of the reasonable expense of making the copies and processing the request for records or papers, the court may award damages for all expenses incurred by the employee to obtain such copies, including a refund of fees if payment has been made for such copies, court costs, and reasonable attorney fees.

E. The provisions of this section shall not require copies of an employee's records or papers to be furnished to such employee when the employee's treating physician or clinical psychologist, in the exercise of his professional judgment, has made a part of the employee's records or papers a written statement that in his opinion the furnishing to or review by the employee of such records or papers would be reasonably likely to endanger the life or physical safety of the employee or another person, or that such records or papers make reference to a person, other than a health care provider, and the access requested would be reasonably likely to cause substantial harm to such referenced person. In any such case, if requested by the employee or his attorney or authorized insurer, such records or papers shall be furnished within 30 days of the date of such request to the employee's attorney or authorized insurer, rather than to the employee.

1987, c. 503; 2019, c. 733.

§ 8.01-420.9. Subpoena duces tecum; financial records of nonparty

A. Notwithstanding any other provision of law, when any party in a civil action issues a subpoena duces tecum for the production of (i) records subject to attorney-client privilege or (ii) the financial records of a nonparty account holder, such attorney holding privileged records or nonparty account holder may file a motion to quash or modify such subpoena.

B. Upon receiving a valid **subpoena duces tecum** for financial records, no commercial business providing credit history or credit reports, issuer as defined in § 6.2-424, financial institution as defined in § 6.2-604, or money transmitter as defined in § 6.2-1900 shall condition compliance with such subpoena upon the payment of any fees for the costs of producing such records, but such commercial business, issuer, financial institution, or money transmitter may impose reasonable charges not to exceed the actual costs incurred in accessing, duplicating, supplying, or searching for the requested records. Nothing in this section shall be construed to create a cause of action against such commercial business, issuer, financial institution, or money transmitter that complies with a **subpoena duces tecum**.

2025, cc. 287, 300.

§ 8.01-506.1. Production of book accounts or other writing compelled

In any proceeding under the provisions of § 8.01-506, a **subpoena duces tecum** may be issued for a book of accounts or other writing containing material evidence pursuant to Rule 4:9A of the Rules of the Supreme Court. However, notwithstanding the provisions of Rule 4:9A, a **subpoena duces tecum** issued pursuant to this section may (i) be directed to a party to the case and (ii) be issued by a commissioner and may direct that evidence and any custodians subpoenaed be produced before the commissioner. If the **subpoena duces tecum** is against a party who is not a resident of the Commonwealth, but who has appeared in the case or been served with process in this Commonwealth, the service may be on his attorney of record.

The provisions of Rule 4:1(c) of the Supreme Court as to protective orders shall be applicable to proceedings under this section.

1978, c. 339; 1986, c. 249; 1993, c. 267.

§ 8.01-506.2. Proceedings in court of county or city where execution debtor resides

When pursuant to subsection B of § 8.01-506, a summons requires the execution debtor to appear before a court of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, the execution creditor may have the case filed or docketed in that court as follows:

1. The execution creditor shall file with that court an abstract of the judgment rendered.
2. The execution creditor shall pay a fee to that court in accordance with the provisions of § 16.1-69.48:2 or subdivision 17 of § 17.1-275.
3. After docketing or filing the abstract of judgment and payment of any fees, the court shall issue the summons and any subsequent executions on the filed or docketed judgment, including a **subpoena duces tecum** pursuant to § 8.01-506.1, and shall conduct such hearings and enter such orders pursuant to §§ 8.01-507, 8.01-507.1, 8.01-508, 8.01-509, and 8.01-510 as may be required.
4. The execution creditor shall file in both courts any releases or satisfactions of judgment.

2005, c. 726.

Title 9.1 – Commonwealth Public Safety

§ 9.1-142. Powers of Department relating to private security services businesses

A. In addition to the powers otherwise conferred upon it by law, the Department may:

1. Charge each applicant for licensure, certification or registration a nonrefundable fee as established by the Board to cover the costs of the Department for processing an application for a registration, certification or license, and enforcement of these regulations, and other costs associated with the maintenance of this program of regulation.
2. Charge nonrefundable fees for private security services training as established by the Board for processing school certifications and enforcement of training standards.
3. Conduct investigations to determine the suitability of applicants for registration, licensure, or certification of compliance agents, training schools, and instructors. For purposes of this investigation, the Department shall have access to criminal history record information maintained by the Central Criminal Records Exchange of the Department of State Police and shall conduct a background investigation, to include a National Criminal Records search and a Virginia Criminal History Records search.
4. Issue subpoenas. The Director or a designated subordinate may make an ex parte application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business, for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the Department or the Board to request production of any relevant records, documents and physical or other evidence of any person, partnership, association or corporation licensed or regulated by the Department pursuant to this article. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence.
5. Recover costs of the investigation and adjudication of violations of this article or Board regulations. Such costs may be recovered from the respondent when a sanction is imposed to fine or place on probation, suspend, revoke, or deny the issuance of any license, certification, or registration. Such costs shall be in addition to any monetary penalty which may be imposed. All costs recovered shall be deposited into the state treasury to the credit of the Private Security Services Regulatory Fund.
6. Institute proceedings to enjoin any person from engaging in any unlawful act enumerated in § 9.1-147. Such proceedings shall be brought in the name of the Commonwealth by the Department in circuit court of the city or county in which the unlawful act occurred or in which the defendant resides.

B. The Director, or agents appointed by him, shall be vested with the authority to administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of this article, or any Board regulation promulgated pursuant to authority given by this article. Information concerning alleged criminal violations shall be turned over to law-enforcement officers in appropriate jurisdictions. Agents shall be vested with authority to serve

such paper or process issued by the Department or the Board under regulations approved by the Board.

1976, c. 737, § 54-729.30; 1977, c. 376, § 54.1-1903; 1984, cc. 57, 779; 1985, c. 448; 1988, c. 765; 1991, c. 589; 1992, c. 578, § 9-183.4; 1994, c. 46; 1998, cc. 122, 807; 2001, c. 844.

[§ 9.1-150.3. Powers of Department of Criminal Justice Services relating to special conservators of the peace appointed pursuant to § 19.2-13](#)

A. In addition to the powers otherwise conferred upon it by law, the Department may (i) charge each applicant for registration a nonrefundable fee as established by the Board to cover the costs of the Department for processing an application for registration, and enforcement of the regulations, and other costs associated with the maintenance of the program of regulation; (ii) charge nonrefundable fees for private security services training as established by the Board for processing school certifications and enforcement of training standards; and (iii) conduct investigations to determine the suitability of applicants for registration, including a drug and alcohol screening. For purposes of this investigation, the Department shall require the applicant to provide personal descriptive information to be forwarded, along with the applicant's fingerprints, to the Central Criminal Records Exchange for the purpose of conducting a Virginia criminal history records search. The Central Criminal Records Exchange shall forward the fingerprints and personal description to the Federal Bureau of Investigation for the purpose of obtaining a national criminal record check.

B. The Director or his designee may make an ex parte application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the Department or the Board to request production of any relevant records, documents and physical or other evidence of any person, partnership, association or corporation licensed or regulated by the Department pursuant to this article. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence. Costs of the investigation and adjudication of violations of this article or Board regulations may be recovered. All costs recovered shall be deposited into the state treasury to the credit of the Conservators of the Peace Regulatory Fund. Such proceedings shall be brought in the name of the Commonwealth by the Department in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides. The Director, or agents appointed by him, shall have the authority to administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of this article, or any regulation promulgated hereunder and to serve process issued by the Department or the Board.

2003, c. 922.

[§ 9.1-185.3. Powers of Department of Criminal Justice Services relating to bail bondsmen](#)

A. In addition to the powers otherwise conferred upon it by law, the Department may (i) charge each applicant for licensure a nonrefundable fee as established by the Board to cover the costs of

processing an application for licensure, enforcement of the regulations, and other costs associated with the maintenance of the program of regulation; (ii) charge nonrefundable fees for training, processing school certifications and enforcement of training standards; (iii) conduct investigations to determine the suitability of applicants for licensure; and (iv) conduct investigations to determine if any disciplinary actions against a licensed bondsman are warranted. For purposes of determining eligibility for licensure, the Department shall require the applicant to provide personal descriptive information to be forwarded, along with the applicant's fingerprints, to the Central Criminal Records Exchange for the purpose of conducting a Virginia criminal history records search. The Central Criminal Records Exchange shall forward the fingerprints and personal description to the Federal Bureau of Investigation for the purpose of obtaining a national criminal record check.

B. The Director or his designee may make an ex parte application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the Department or the Board to request production of any relevant records, documents and physical or other evidence of any person, partnership, association or corporation licensed or regulated by the Department pursuant to this article. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence. Costs of the investigation and adjudication of violations of this article or Board regulations may be recovered. All costs recovered shall be deposited into the state treasury to the credit of the Bail Bondsman Regulatory Fund. Such proceedings shall be brought in the name of the Commonwealth by the Department in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides. The Director, or agents appointed by him, shall have the authority to administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of this article, or any regulation promulgated hereunder and to serve process issued by the Department or the Board.

2004, c. 460.

[§ 9.1-186.3. Powers of Department relating to bail enforcement agents](#)

A. In addition to the powers otherwise conferred upon it by law, the Department may charge each applicant for licensure or licensee a nonrefundable fee as established by the Board to (i) cover the costs of processing an application for licensure, enforcement of the regulations, and other costs associated with the maintenance of the program of regulation; (ii) cover the costs of bail recovery training, processing school certifications and enforcement of training standards; (iii) conduct investigations to determine the suitability of applicants for licensure and (iv) conduct investigations to determine if any disciplinary actions against a licensed bail enforcement agent are warranted. For purposes of determining eligibility for licensure, the Department shall require the applicant to provide personal descriptive information to be forwarded, along with the applicant's fingerprints, to the Central Criminal Records Exchange for the purpose of conducting a Virginia criminal history records search. The Central Criminal Records Exchange shall forward the fingerprints and personal description to the Federal Bureau of Investigation for the purpose of obtaining a national criminal record check.

B. The Director or his designee may make an ex parte application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the Department or the Board to request production of any relevant records, documents and physical or other evidence of any person, partnership, association or corporation licensed or regulated by the Department pursuant to this article. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence. Costs of the investigation and adjudication of violations of this article or Board regulations may be recovered. All costs recovered shall be deposited into the state treasury to the credit of the Bail Enforcement Agent Regulatory Fund. Such proceedings shall be brought in the name of the Commonwealth by the Department in the circuit court of the city or county in which the unlawful act occurred or in which the defendant resides. The Director, or agents appointed by him, shall have the authority to administer oaths or affirmations for the purpose of receiving complaints and conducting investigations of violations of this article, or any regulation promulgated hereunder and to serve process issued by the Department or the Board.

2004, c. 397.

Title 15.2 – Counties, Cities and Towns

[§ 15.2-1409. Investigations by governing bodies](#)

The governing body of any locality may make such investigations relating to its government affairs as it deems necessary, may employ financial, legal and other personnel it deems necessary to assist in such investigations, may order the attendance of witnesses and the production of books and papers and may administer oaths. Such governing bodies may apply to the circuit court for their locality for a subpoena or subpoena duces tecum against any person refusing to appear and testify or refusing to produce books, papers or records as ordered by such governing bodies and the judge of such court shall, upon good cause shown, cause the subpoenas to be issued. Any person failing to comply with any such subpoena shall be subject to punishment for contempt by the court issuing the subpoena.

Code 1950, § 15-394; 1962, c. 623, § 15.1-801; 1980, c. 335; 1997, c. 587.

[§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties](#)

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing. Conditions may include the period of validity for a special exception or special use permit; however, in the case of a special exception or special use permit for residential projects, the period of validity shall be no less than three years.

The governing body or the board of zoning appeals of the Cities of Hampton and Norfolk may impose a condition upon any special exception or use permit relating to retail alcoholic beverage control licensees which provides that such special exception or use permit will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility, or the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving (a) the storage or disposal of nonagricultural excavation material, waste, and debris or (b) temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (1) the strict application of the ordinance would produce undue hardship; (2) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (3) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period. If the decision or determination by the zoning administrator could impair the ability of an adjacent property owner to satisfy the minimum storage capacity and yield requirements for a residential drinking well pursuant to § 32.1-176.4 or any regulation adopted thereunder, the zoning administrator shall provide a copy of such decision or determination to such adjacent property owner so affected.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

However, any conviction resulting from a violation of provisions regulating the storage or disposal of nonagricultural excavation material, waste, and debris shall be punishable by a fine of \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of \$7,500.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for

determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions to incorporate generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2.

14. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

15. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

16. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and

any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

Code 1950, § 15-968.5; 1962, c. 407, § 15.1-491; 1964, c. 564; 1966, c. 455; 1968, cc. 543, 595; 1973, c. 286; 1974, c. 547; 1975, cc. 99, 575, 579, 582, 641; 1976, cc. 71, 409, 470, 683; 1977, c. 177; 1978, c. 543; 1979, c. 182; 1982, c. 44; 1983, c. 392; 1984, c. 238; 1987, c. 8; 1988, cc. 481, 856; 1989, cc. 359, 384; 1990, cc. 672, 868; 1992, c. 380; 1993, c. 672; 1994, c. 802; 1995, cc. 351, 475, 584, 603; 1996, c. 451; 1997, cc. 529, 543; 1998, c. 385; 1999, c. 792; 2000, cc. 764, 817; 2001, c. 240; 2002, cc. 547, 703; 2005, cc. 625, 677; 2006, cc. 304, 514, 533, 903; 2007, cc. 821, 937; 2008, cc. 297, 317, 343, 581, 593, 720, 777; 2009, c. 721; 2012, cc. 304, 318; 2014, c. 354; 2017, c. 398; 2018, c. 726; 2020, cc. 312, 402, 442, 443, 893, 894; 2024, c. 301; 2025, c. 519.

Title 16.1 – Courts Not of Record

§ 16.1-89. Subpoena duces tecum; attorney-issued subpoena duces tecum

A judge or clerk of a district court may issue a subpoena duces tecum pursuant to the terms of Rule 4:9A of the Rules of the Supreme Court of Virginia except that such subpoena may be directed to a party to the case as well as to a person who is not a party.

Subpoenas duces tecum for medical records issued by an attorney shall be subject to the provisions of §§ 8.01-413 and 32.1-127.1:03 except that no separate fee for issuance shall be imposed.

A subpoena duces tecum may also be issued by an attorney-at-law who is an active member of the Virginia State Bar at the time of issuance, as an officer of the court. Any such subpoena duces tecum shall be on a form approved by the Committee on District Courts, signed by the attorney as if a pleading and shall include the attorney's address. A copy, together with the attorney's certificate of service pursuant to Rule 1:12, shall be mailed or delivered to the clerk's office of the court in which the case is pending on the day of issuance by the attorney. The law governing subpoenas duces tecum issued by a clerk shall apply mutatis mutandis, except that attorneys may not issue subpoenas duces tecum in those cases in which they may not issue a summons as provided in § 8.01-407. A sheriff shall not be required to serve an attorney-issued subpoena that is not issued at least five business days prior to the date production of evidence is desired. When an attorney-at-law transmits one or more subpoenas duces tecum to a sheriff to be served in his jurisdiction, the provisions in § 8.01-407 regarding such transmittals shall apply.

If the time for compliance with a subpoena duces tecum issued by an attorney is less than 14 days after service of the subpoena, the person to whom it is directed may serve upon the party issuing the subpoena a written objection setting forth any grounds upon which such production, inspection or testing should not be had. If objection is made, the party on whose behalf the subpoena was issued and served shall not be entitled to the requested production, inspection or testing, except pursuant to an order of the court, but may, upon notice to the person to whom the subpoena was directed, move for an order to compel production, inspection or testing. Upon such timely motion, the court may quash, modify or sustain the subpoena.

1956, c. 555; 1979, c. 668; 1984, c. 500; 1986, c. 160; 2000, c. 813; 2004, c. 335.

§ 16.1-131. Subpoenas duces tecum and recognizances of witnesses; applicable provisions

The provisions of § 16.1-90 with respect to recognizances for witnesses upon the continuation of any case, shall be applicable to proceedings of a criminal nature as well as to civil actions. The provisions of Rule 3A:12 of the Rules of the Supreme Court shall apply to the issuance of a subpoena duces tecum and punishment for failure to comply.

1956, c. 555; 1986, c. 160.

§ 17.1-275. Fees collected by clerks of circuit courts; generally

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$18 for an instrument or document consisting of 10 or fewer pages or sheets; \$32 for an instrument or document consisting of 11 to 30 pages or sheets; and \$52 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$17 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. Three dollars and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § 20-25, \$25 to be paid by the petitioner.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § 2.2-3704. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, \$1.

22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

23. For preparation and issuance of a **subpoena duces tecum**, \$5.

24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

25. For providing court records or documents on microfilm, per frame, \$0.50.

26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings pursuant to § 17.1-258.3. Nothing herein shall be construed to prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by the clerk. Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.

28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit or debit card issuer that payment will not be made for any reason, the clerk may collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § 63.2-1201, except those filed pursuant to subdivisions 4 and 5 of § 63.2-1210, an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the Virginia Birth Father Registry Fund pursuant to § 63.2-1249.

30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.2-1021, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55.1-653 et seq.), the fees shall be as prescribed in that Act.

35. [Repealed.]

36. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

37. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

38. For lodging, indexing, and preserving a will in accordance with § 64.2-409, a fee of \$5.

39. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

40. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

41. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

42. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

43. For issuing any execution, and recording the return thereof, a fee of \$1.50.

44. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

Code 1950, § 14-123, p. 614; 1952, c. 146; 1954, c. 138; 1956, c. 217; 1964, c. 386, § 14.1-112; 1966, c. 217; 1970, c. 522; 1971, Ex. Sess., c. 95; 1972, cc. 626, 627, 647; 1973, c. 159; 1974, cc. 370, 523; 1975, c. 226; 1976, c. 344; 1977, cc. 449, 463; 1978, c. 502; 1980, c. 145; 1983, c. 103; 1984, cc. 225, 356; 1985, cc. 94, 201; 1986, c. 538; 1988, cc. 49, 52; 1989, c. 595; 1990, cc. 88, 738, 971; 1992, c. 784; 1993, cc. 95, 299, 386; 1994, cc. 64, 432, 498, 842; 1995, cc. 51, 371, 440, 463, 525, § 14.1-111.1; 1996, cc. 344, 976; 1997, cc. 215, 921; 1998, cc. 783, 840, 872; 1999, cc. 9, 1003; 2000, cc. 826, 830; 2001, cc. 481, 496, 501, 836; 2002, cc. 831, 832; 2004, c. 1004; 2005, cc. 373, 681; 2006, cc. 318, 623, 718, 825; 2007, cc. 548, 626, 646; 2009, c. 594; 2010, c. 874; 2011, cc. 707, 890; 2012, cc. 420, 714, 780; 2013, c. 263; 2014, c. 282; 2015, c. 641; 2017, c. 200; 2020, cc. 68, 69, 589, 653; 2021, Sp. Sess. I, c. 427; 2022, c. 377.

Title 18.2 – Crimes and Offenses Generally

[§ 18.2-152.17. Fraudulent procurement, sale, or receipt of telephone records](#)

A. Whoever (i) knowingly procures, attempts to procure, solicits, or conspires with another to procure a telephone record by fraudulent means; (ii) knowingly sells, or attempts to sell, a

telephone record without the authorization of the customer to whom the record pertains; or (iii) receives a telephone record knowing that such record has been obtained by fraudulent means is guilty of a Class 1 misdemeanor.

B. As used in this section:

"Procure" in regard to such a telephone record means to obtain by any means, whether electronically, in writing, or in oral form, with or without consideration.

"Telecommunications carrier" means any person that provides commercial telephone services to a customer, irrespective of the communications technology used to provide such service, including, but not limited to, traditional wireline or cable telephone service; cellular, broadband PCS, or other wireless telephone service; microwave, satellite, or other terrestrial telephone service; and voice over Internet telephone service.

"Telephone record" means information retained by a telecommunications carrier that relates to the telephone number dialed by the customer or the incoming number of a call directed to a customer, or other data related to such calls typically contained on a customer telephone bill such as the time the call started and ended, the duration of the call, the time of day the call was made, and any charges applied. For purposes of this section, any information collected and retained by customers utilizing Caller I.D., or other similar technology, does not constitute a telephone record.

C. Nothing in this section shall be construed to prevent any action by a law-enforcement agency, or any officer or employee of such agency, from obtaining telephone records in connection with the performance of the official duties of the agency.

D. Nothing in this section shall be construed to prohibit a telecommunications carrier from obtaining, using, disclosing, or permitting access to any telephone record, either directly or indirectly through its agents (i) in compliance with a subpoena or subpoena duces tecum or as otherwise authorized by law; (ii) with the lawful consent of the customer or subscriber; (iii) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, subscription to, such services; (iv) to a governmental entity, if the telecommunications carrier reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or (v) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under the Victims of Child Abuse Act of 1990.

E. Venue for the trial of any person charged with an offense under this section may be in the locality in which:

1. Any act was performed in furtherance of any course of conduct in violation of this section;
2. The accused has his principal place of business in the Commonwealth;
3. Any accused had control or possession of any proceeds of the violation or of any books, records, documents, property, financial instrument, telephone record, or other material or objects that were used in furtherance of the violation;
4. From which, to which, or through which any access to a telecommunication carrier was made whether by wires, electromagnetic waves, microwaves, optics or any other means of communication; or

5. The accused resides, or resided at the time of the offense.

2006, c. 469.

Title 19.2 – Criminal Procedure

§ 19.2-10.4. Subpoena duces tecum; attorney-issued subpoena duces tecum

In any criminal case a subpoena duces tecum may be issued by the attorney of record who is an active member of the Virginia State Bar at the time of issuance, as an officer of the court. Any such subpoena duces tecum shall be on a form approved by the Executive Secretary of the Supreme Court of Virginia, signed by the attorney of record as if a pleading, and shall include the attorney's address. A copy of the signed subpoena duces tecum, together with the attorney's certificate of service pursuant to Rule 1:12, shall be mailed or delivered to the adverse party and to the clerk's office of the court in which the case is pending on the day of issuance by the attorney. The law governing subpoenas duces tecum issued pursuant to Rule 3A:12(b) shall apply. A sheriff shall not be required to serve an attorney-issued subpoena duces tecum that is not issued at least five business days prior to the date production of evidence is desired. When an attorney transmits one or more subpoenas duces tecum to a sheriff to be served in his jurisdiction, the provisions in § 8.01-407 regarding such transmittals shall apply.

If the time for compliance with a subpoena duces tecum issued by an attorney is less than 14 days after service of the subpoena, the person to whom it is directed may serve upon the party issuing the subpoena a written objection setting forth any grounds upon which such production, inspection, or testing should not be required. If objection is made, the party on whose behalf the subpoena duces tecum was issued and served shall not be entitled to the requested production, inspection, or testing, except pursuant to an order of the court, but may, upon notice to the person to whom the subpoena was directed, move for an order to compel production, inspection, or testing. Upon such timely motion, the court may quash, modify, or sustain the subpoena duces tecum.

Subpoenas duces tecum for medical records issued by an attorney shall be subject to the provisions of §§ 8.01-413 and 32.1-127.1:03, except that no separate fee for issuance shall be imposed.

2020, c. 771.

§ 19.2-10.1. (Effective until July 1, 2026) Subpoena duces tecum for obtaining records concerning banking and credit cards

A. A financial institution as defined in § 6.2-604, money transmitter as defined in § 6.2-1900, or commercial businesses providing credit history or credit reports; or an issuer as defined in § 6.2-424 shall disclose a record or other information pertaining to a customer, to a law-enforcement officer pursuant to a subpoena duces tecum issued pursuant to this section.

1. In order to obtain such records, the law-enforcement official shall provide a statement of the facts documenting the reasons that the records or other information sought are relevant to a legitimate law-enforcement inquiry, relating to a named person or persons, to the attorney for the

Commonwealth. A court shall issue a subpoena duces tecum upon motion of the Commonwealth only if the court finds that there is probable cause to believe that a crime has been committed and to believe the records sought or other information sought, including electronic data and electronic communications, are relevant to a legitimate law-enforcement inquiry into that offense. The court may issue a subpoena duces tecum under this section regardless of whether any criminal charges have been filed.

2. A court issuing an order pursuant to this section, on a motion made promptly by the financial institution or credit card issuer, or enterprise may quash or modify the subpoena duces tecum, if the information or records requested are unusually voluminous in nature or compliance with such subpoena duces tecum would otherwise cause an undue burden on such provider.

B. No cause of action shall lie in any court against a financial institution or credit card issuer, or enterprise, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a subpoena duces tecum under this section.

C. Upon issuance of a subpoena duces tecum under this section, the statement shall be temporarily sealed by the court upon application of the attorney for the Commonwealth for good cause shown in an ex parte proceeding. Any individual arrested and claiming to be aggrieved by the order may move the court for the unsealing of the statement, and the burden of proof with respect to continued sealing shall be upon the Commonwealth.

D. Any and all records received by law enforcement pursuant to this section shall be utilized only for a reasonable amount of time and only for a legitimate law-enforcement purpose. Upon the completion of the investigation the records shall be submitted to the court by the attorney for the Commonwealth along with a proposed order requiring the records to be sealed. Upon entry of such order, the court shall seal the records in accordance with the requirements contained in subsection C.

2003, cc. 223, 541, 549; 2004, cc. 883, 996; 2010, cc. 702, 794.

[§ 19.2-10.1. \(Effective July 1, 2026\) Subpoena duces tecum for obtaining records concerning banking and credit cards.](#)

A. A financial institution as defined in § 6.2-604, money transmitter as defined in § 6.2-1922, or commercial businesses providing credit history or credit reports; or an issuer as defined in § 6.2-424 shall disclose a record or other information pertaining to a customer, to a law-enforcement officer pursuant to a subpoena duces tecum issued pursuant to this section.

1. In order to obtain such records, the law-enforcement official shall provide a statement of the facts documenting the reasons that the records or other information sought are relevant to a legitimate law-enforcement inquiry, relating to a named person or persons, to the attorney for the Commonwealth. A court shall issue a subpoena duces tecum upon motion of the Commonwealth only if the court finds that there is probable cause to believe that a crime has been committed and to believe the records sought or other information sought, including electronic data and electronic communications, are relevant to a legitimate law-enforcement inquiry into that offense. The court may issue a subpoena duces tecum under this section regardless of whether any criminal charges have been filed.

2. A court issuing an order pursuant to this section, on a motion made promptly by the financial institution or credit card issuer, or enterprise may quash or modify the subpoena duces tecum, if the information or records requested are unusually voluminous in nature or compliance with such subpoena duces tecum would otherwise cause an undue burden on such provider.

B. No cause of action shall lie in any court against a financial institution or credit card issuer, or enterprise, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a subpoena duces tecum under this section.

C. Upon issuance of a subpoena duces tecum under this section, the statement shall be temporarily sealed by the court upon application of the attorney for the Commonwealth for good cause shown in an ex parte proceeding. Any individual arrested and claiming to be aggrieved by the order may move the court for the unsealing of the statement, and the burden of proof with respect to continued sealing shall be upon the Commonwealth.

D. Any and all records received by law enforcement pursuant to this section shall be utilized only for a reasonable amount of time and only for a legitimate law-enforcement purpose. Upon the completion of the investigation the records shall be submitted to the court by the attorney for the Commonwealth along with a proposed order requiring the records to be sealed. Upon entry of such order, the court shall seal the records in accordance with the requirements contained in subsection C.

2003, cc. 223, 541, 549; 2004, cc. 883, 996; 2010, cc. 702, 794; 2025, c. 214.

§ 19.2-187.2. Procedure for subpoena duces tecum of analysis evidence

No subpoena duces tecum shall issue for the production of writings or documents used to reach the conclusion contained in a certificate of analysis prepared pursuant to § 19.2-187 except upon affidavit that the requested writings or documents are material. Upon a showing by the Commonwealth that the production of such writings and documents would place an undue burden on the Department of Forensic Science, the court may order that the subpoena duces tecum be satisfied by making the writings and documents available for inspection by the requesting party at the laboratory site where the analysis was performed or at the laboratory operated by the Department of Forensic Science which is closest to the court in which the case is pending.

1993, c. 629; 2005, cc. 868, 881.

§ 19.2-272. Definitions

"Witness" as used in this article shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

The word "state" shall include any territory of the United States and the District of Columbia.

The word "summons" shall include a subpoena (both subpoena ad testificandum and subpoena duces tecum), order or other notice requiring the appearance of a witness or production of documents.

Code 1950, § 19.1-269; 1960, c. 366; 1975, c. 495; 1988, c. 34.

Title 20 – Domestic Relations

§ 20-60.2. Admissibility and identification of support payment records

Copies of support payment records maintained by the Department of Social Services, when certified over the signature of a designated employee of such entity, shall be considered to be satisfactorily identified and shall be admitted in any proceeding as prima facie evidence of such transactions. Additional proof of the official character of the person certifying such record or the authenticity of his signature shall not be required. Whenever an employee of the Department of Social Services is served with a summons, subpoena, subpoena duces tecum or order directing him to produce such records, the employee may comply by transmitting a copy of the payment records certified as described above to the clerk of the court. Notwithstanding the provisions of this section, a judge may, upon good cause shown and upon notice of the items in the records being questioned, direct that an employee of the Department personally appear.

1985, c. 488.

Title 32.1 - Health

§ 32.1-127.1:03. Health records privacy

A. There is hereby recognized an individual's right of privacy in the content of his health records. Health records are the property of the health care entity maintaining them, and, except when permitted or required by this section or by other provisions of state law, no health care entity, or other person working in a health care setting, may disclose an individual's health records.

Pursuant to this subsection:

1. Health care entities shall disclose health records to the individual who is the subject of the health record, including an audit trail of any additions, deletions, or revisions to the health record, if specifically requested, except as provided in subsections E and F and subsection B of § 8.01-413.
2. Health records shall not be removed from the premises where they are maintained without the approval of the health care entity that maintains such health records, except in accordance with a court order or subpoena consistent with subsection C of § 8.01-413 or with this section or in accordance with the regulations relating to change of ownership of health records promulgated by a health regulatory board established in Title 54.1.
3. No person to whom health records are disclosed shall redisclose or otherwise reveal the health records of an individual, beyond the purpose for which such disclosure was made, without first obtaining the individual's specific authorization to such redisclosure. This redisclosure prohibition shall not, however, prevent (i) any health care entity that receives health records from another health care entity from making subsequent disclosures as permitted under this section and the federal Department of Health and Human Services regulations relating to privacy of the electronic transmission of data and protected health information promulgated by the United States Department of Health and Human Services as required by the Health Insurance Portability

and Accountability Act (HIPAA) (42 U.S.C. § 1320d et seq.) or (ii) any health care entity from furnishing health records and aggregate or other data, from which individually identifying prescription information has been removed, encoded or encrypted, to qualified researchers, including, but not limited to, pharmaceutical manufacturers and their agents or contractors, for purposes of clinical, pharmaco-epidemiological, pharmaco-economic, or other health services research.

4. Health care entities shall, upon the request of the individual who is the subject of the health record, disclose health records to other health care entities, in any available format of the requester's choosing, as provided in subsection E.

B. As used in this section:

"Agent" means a person who has been appointed as an individual's agent under a power of attorney for health care or an advance directive under the Health Care Decisions Act (§ 54.1-2981 et seq.).

"Certification" means a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted.

"Guardian" means a court-appointed guardian of the person.

"Health care clearinghouse" means, consistent with the definition set out in 45 C.F.R. § 160.103, a public or private entity, such as a billing service, repricing company, community health management information system or community health information system, and "value-added" networks and switches, that performs either of the following functions: (i) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or (ii) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

"Health care entity" means any health care provider, health plan or health care clearinghouse.

"Health care provider" means those entities listed in the definition of "health care provider" in § 8.01-581.1, except that state-operated facilities shall also be considered health care providers for the purposes of this section. Health care provider shall also include all persons who are licensed, certified, registered or permitted or who hold a multistate licensure privilege issued by any of the health regulatory boards within the Department of Health Professions, except persons regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.

"Health plan" means an individual or group plan that provides, or pays the cost of, medical care.

"Health plan" includes any entity included in such definition as set out in 45 C.F.R. § 160.103.

"Health record" means any written, printed or electronically recorded material maintained by a health care entity in the course of providing health services to an individual concerning the individual and the services provided. "Health record" also includes the substance of any communication made by an individual to a health care entity in confidence during or in connection with the provision of health services or information otherwise acquired by the health care entity about an individual in confidence and in connection with the provision of health services to the individual.

"Health services" means, but shall not be limited to, examination, diagnosis, evaluation, treatment, pharmaceuticals, aftercare, habilitation or rehabilitation and mental health therapy of any kind, as well as payment or reimbursement for any such services.

"Individual" means a patient who is receiving or has received health services from a health care entity.

"Individually identifying prescription information" means all prescriptions, drug orders or any other prescription information that specifically identifies an individual.

"Parent" means a biological, adoptive or foster parent.

"Psychotherapy notes" means comments, recorded in any medium by a health care provider who is a mental health professional, documenting or analyzing the contents of conversation during a private counseling session with an individual or a group, joint, or family counseling session that are separated from the rest of the individual's health record. "Psychotherapy notes" does not include annotations relating to medication and prescription monitoring, counseling session start and stop times, treatment modalities and frequencies, clinical test results, or any summary of any symptoms, diagnosis, prognosis, functional status, treatment plan, or the individual's progress to date.

C. The provisions of this section shall not apply to any of the following:

1. The status of and release of information governed by §§ 65.2-604 and 65.2-607 of the Virginia Workers' Compensation Act;
2. Except where specifically provided herein, the health records of minors;
3. The release of juvenile health records to a secure facility or a shelter care facility pursuant to § 16.1-248.3; or
4. The release of health records to a state correctional facility pursuant to § 53.1-40.10 or a local or regional correctional facility pursuant to § 53.1-133.03.

D. Health care entities may, and, when required by other provisions of state law, shall, disclose health records:

1. As set forth in subsection E, pursuant to the written authorization of (i) the individual or (ii) in the case of a minor, (a) his custodial parent, guardian or other person authorized to consent to treatment of minors pursuant to § 54.1-2969 or (b) the minor himself, if he has consented to his own treatment pursuant to § 54.1-2969, or (iii) in emergency cases or situations where it is impractical to obtain an individual's written authorization, pursuant to the individual's oral authorization for a health care provider or health plan to discuss the individual's health records with a third party specified by the individual;
2. In compliance with a subpoena issued in accord with subsection H, pursuant to a search warrant or a grand jury subpoena, pursuant to court order upon good cause shown or in compliance with a subpoena issued pursuant to subsection C of § 8.01-413. Regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to this subdivision, nothing in this subdivision shall be construed to prohibit any staff or employee of a health care entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order;

3. In accord with subsection F of § 8.01-399 including, but not limited to, situations where disclosure is reasonably necessary to establish or collect a fee or to defend a health care entity or the health care entity's employees or staff against any accusation of wrongful conduct; also as required in the course of an investigation, audit, review or proceedings regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity;
4. In testimony in accordance with §§ 8.01-399 and 8.01-400.2;
5. In compliance with the provisions of § 8.01-413;
6. As required or authorized by law relating to public health activities, health oversight activities, serious threats to health or safety, or abuse, neglect or domestic violence, relating to contagious disease, public safety, and suspected child or adult abuse reporting requirements, including, but not limited to, those contained in §§ 16.1-248.3, 32.1-36, 32.1-36.1, 32.1-40, 32.1-41, 32.1-127.1:04, 32.1-276.5, 32.1-283, 32.1-283.1, 32.1-320, 37.2-710, 37.2-839, 53.1-40.10, 53.1-133.03, 54.1-2400.6, 54.1-2400.7, 54.1-2400.9, 54.1-2403.3, 54.1-2506, 54.1-2966, 54.1-2967, 54.1-2968, 54.1-3408.2, 63.2-1509, and 63.2-1606;
7. Where necessary in connection with the care of the individual;
8. In connection with the health care entity's own health care operations or the health care operations of another health care entity, as specified in 45 C.F.R. § 164.501, or in the normal course of business in accordance with accepted standards of practice within the health services setting; however, the maintenance, storage, and disclosure of the mass of prescription dispensing records maintained in a pharmacy registered or permitted in Virginia shall only be accomplished in compliance with §§ 54.1-3410, 54.1-3411, and 54.1-3412;
9. When the individual has waived his right to the privacy of the health records;
10. When examination and evaluation of an individual are undertaken pursuant to judicial or administrative law order, but only to the extent as required by such order;
11. To the guardian ad litem and any attorney representing the respondent in the course of a guardianship proceeding of an adult patient who is the respondent in a proceeding under Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2;
12. To the guardian ad litem and any attorney appointed by the court to represent an individual who is or has been a patient who is the subject of a commitment proceeding under § 19.2-169.6, Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, or a judicial authorization for treatment proceeding pursuant to Chapter 11 (§ 37.2-1100 et seq.) of Title 37.2;
13. To a magistrate, the court, the evaluator or examiner required under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or § 37.2-815, a community services board or behavioral health authority or a designee of a community services board or behavioral health authority, or a law-enforcement officer participating in any proceeding under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, § 19.2-169.6, or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 regarding the subject of the proceeding, and to any health care provider evaluating or providing services to the person who is the subject of the proceeding or monitoring the person's adherence to a treatment plan ordered under those provisions. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public

from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained;

14. To the attorney and/or guardian ad litem of a minor who represents such minor in any judicial or administrative proceeding, if the court or administrative hearing officer has entered an order granting the attorney or guardian ad litem this right and such attorney or guardian ad litem presents evidence to the health care entity of such order;

15. With regard to the Court-Appointed Special Advocate (CASA) program, a minor's health records in accord with § 9.1-156;

16. To an agent appointed under an individual's power of attorney or to an agent or decision maker designated in an individual's advance directive for health care or for decisions on anatomical gifts and organ, tissue or eye donation or to any other person consistent with the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.);

17. To third-party payors and their agents for purposes of reimbursement;

18. As is necessary to support an application for receipt of health care benefits from a governmental agency or as required by an authorized governmental agency reviewing such application or reviewing benefits already provided or as necessary to the coordination of prevention and control of disease, injury, or disability and delivery of such health care benefits pursuant to § 32.1-127.1:04;

19. Upon the sale of a medical practice as provided in § 54.1-2405; or upon a change of ownership or closing of a pharmacy pursuant to regulations of the Board of Pharmacy;

20. In accord with subsection B of § 54.1-2400.1, to communicate an individual's specific and immediate threat to cause serious bodily injury or death of an identified or readily identifiable person;

21. Where necessary in connection with the implementation of a hospital's routine contact process for organ donation pursuant to subdivision B 4 of § 32.1-127;

22. In the case of substance abuse records, when permitted by and in conformity with requirements of federal law found in 42 U.S.C. § 290dd-2 and 42 C.F.R. Part 2;

23. In connection with the work of any entity established as set forth in § 8.01-581.16 to evaluate the adequacy or quality of professional services or the competency and qualifications for professional staff privileges;

24. If the health records are those of a deceased or mentally incapacitated individual to the personal representative or executor of the deceased individual or the legal guardian or committee of the incompetent or incapacitated individual or if there is no personal representative, executor, legal guardian or committee appointed, to the following persons in the following order of priority: a spouse, an adult son or daughter, either parent, an adult brother or sister, or any other relative of the deceased individual in order of blood relationship;

25. For the purpose of conducting record reviews of inpatient hospital deaths to promote identification of all potential organ, eye, and tissue donors in conformance with the requirements of applicable federal law and regulations, including 42 C.F.R. § 482.45, (i) to the health care provider's designated organ procurement organization certified by the United States Health Care

Financing Administration and (ii) to any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks;

26. To the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2;

27. To an entity participating in the activities of a local health partnership authority established pursuant to Article 6.1 (§ 32.1-122.10:001 et seq.) of Chapter 4, pursuant to subdivision 1;

28. To law-enforcement officials by each licensed emergency medical services agency, (i) when the individual is the victim of a crime or (ii) when the individual has been arrested and has received emergency medical services or has refused emergency medical services and the health records consist of the prehospital patient care report required by § 32.1-116.1;

29. To law-enforcement officials, in response to their request, for the purpose of identifying or locating a suspect, fugitive, person required to register pursuant to § 9.1-901 of the Sex Offender and Crimes Against Minors Registry Act, material witness, or missing person, provided that only the following information may be disclosed: (i) name and address of the person, (ii) date and place of birth of the person, (iii) social security number of the person, (iv) blood type of the person, (v) date and time of treatment received by the person, (vi) date and time of death of the person, where applicable, (vii) description of distinguishing physical characteristics of the person, and (viii) type of injury sustained by the person;

30. To law-enforcement officials regarding the death of an individual for the purpose of alerting law enforcement of the death if the health care entity has a suspicion that such death may have resulted from criminal conduct;

31. To law-enforcement officials if the health care entity believes in good faith that the information disclosed constitutes evidence of a crime that occurred on its premises;

32. To the State Health Commissioner pursuant to § 32.1-48.015 when such records are those of a person or persons who are subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2;

33. To the Commissioner of the Department of Labor and Industry or his designee by each licensed emergency medical services agency when the records consist of the prehospital patient care report required by § 32.1-116.1 and the patient has suffered an injury or death on a work site while performing duties or tasks that are within the scope of his employment;

34. To notify a family member or personal representative of an individual who is the subject of a proceeding pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition, when the individual has the capacity to make health care decisions and (i) the individual has agreed to the notification, (ii) the individual has been provided an opportunity to object to the notification and does not express an objection, or (iii) the health care provider can, on the basis of his professional judgment, reasonably infer from the circumstances that the individual does not object to the notification. If the opportunity to agree or object to the notification cannot practicably be provided because of the individual's incapacity or an emergency circumstance, the health care provider may notify a family member or personal representative of the individual of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and

general condition if the health care provider, in the exercise of his professional judgment, determines that the notification is in the best interests of the individual. Such notification shall not be made if the provider has actual knowledge the family member or personal representative is currently prohibited by court order from contacting the individual;

35. To a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education; and

36. To a regional emergency medical services council pursuant to § 32.1-116.1, for purposes limited to monitoring and improving the quality of emergency medical services pursuant to § 32.1-111.3.

Notwithstanding the provisions of subdivisions 1 through 35, a health care entity shall obtain an individual's written authorization for any disclosure of psychotherapy notes, except when disclosure by the health care entity is (i) for its own training programs in which students, trainees, or practitioners in mental health are being taught under supervision to practice or to improve their skills in group, joint, family, or individual counseling; (ii) to defend itself or its employees or staff against any accusation of wrongful conduct; (iii) in the discharge of the duty, in accordance with subsection B of § 54.1-2400.1, to take precautions to protect third parties from violent behavior or other serious harm; (iv) required in the course of an investigation, audit, review, or proceeding regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity; or (v) otherwise required by law.

E. Health care records required to be disclosed pursuant to this section shall be made available electronically only to the extent and in the manner authorized by the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5) and implementing regulations and the Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.) and implementing regulations. Notwithstanding any other provision to the contrary, a health care entity shall not be required to provide records in an electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested. Requests for copies of or electronic access to health records shall (a) be in writing, dated and signed by the requester; (b) identify the nature of the information requested; and (c) include evidence of the authority of the requester to receive such copies or access such records, and identification of the person to whom the information is to be disclosed; and (d) specify whether the requester would like the records in electronic format, if available, or in paper format. The health care entity shall accept a photocopy, facsimile, or other copy of the original signed by the requester as if it were an original. Within 30 days of receipt of a request for copies of or electronic access to health records, the health care entity shall do one of the following: (1) furnish such copies of or allow electronic access to the requested health records to any requester authorized to receive them in electronic format if so requested; (2) inform the requester if the information does not exist or cannot be found; (3) if the health care entity does not maintain a record of the information, so inform the requester and provide the name and address, if known, of the health care entity who maintains the record; or (4) deny the request (A) under subsection F, (B) on the grounds that the requester has not established his authority to receive such health records or proof of his identity, or (C) as otherwise provided by law. Procedures set forth in this

section shall apply only to requests for health records not specifically governed by other provisions of state law.

F. Except as provided in subsection B of § 8.01-413, copies of or electronic access to an individual's health records shall not be furnished to such individual or anyone authorized to act on the individual's behalf when the individual's treating physician, clinical psychologist, clinical social worker, or licensed professional counselor has made a part of the individual's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the individual of such health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that such health record makes reference to a person other than a health care provider and the access requested would be reasonably likely to cause substantial harm to such referenced person. If any health care entity denies a request for copies of or electronic access to health records based on such statement, the health care entity shall inform the individual of the individual's right to designate, in writing, at his own expense, another reviewing physician, clinical psychologist, clinical social worker, or licensed professional counselor whose licensure, training and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, clinical social worker, or licensed professional counselor upon whose opinion the denial is based. The designated reviewing physician, clinical psychologist, clinical social worker, or licensed professional counselor shall make a judgment as to whether to make the health record available to the individual.

The health care entity denying the request shall also inform the individual of the individual's right to request in writing that such health care entity designate, at its own expense, a physician, clinical psychologist, clinical social worker, or licensed professional counselor, whose licensure, training, and experience relative to the individual's condition are at least equivalent to that of the physician, clinical psychologist, clinical social worker, or licensed professional counselor upon whose professional judgment the denial is based and who did not participate in the original decision to deny the health records, who shall make a judgment as to whether to make the health record available to the individual. The health care entity shall comply with the judgment of the reviewing physician, clinical psychologist, clinical social worker, or licensed professional counselor. The health care entity shall permit copying and examination of the health record by such other physician, clinical psychologist, clinical social worker, or licensed professional counselor designated by either the individual at his own expense or by the health care entity at its expense.

Any health record copied for review by any such designated physician, clinical psychologist, clinical social worker, or licensed professional counselor shall be accompanied by a statement from the custodian of the health record that the individual's treating physician, clinical psychologist, clinical social worker, or licensed professional counselor determined that the individual's review of his health record would be reasonably likely to endanger the life or physical safety of the individual or would be reasonably likely to cause substantial harm to a person referenced in the health record who is not a health care provider.

Further, nothing herein shall be construed as giving, or interpreted to bestow the right to receive copies of, or otherwise obtain access to, psychotherapy notes to any individual or any person authorized to act on his behalf.

G. A written authorization to allow release of an individual's health records shall substantially include the following information:

AUTHORIZATION TO RELEASE CONFIDENTIAL HEALTH RECORDS

Individual's Name _____

Health Care Entity's Name _____

Person, Agency, or Health Care Entity to whom disclosure is to be made

Information or Health Records to be disclosed

Purpose of Disclosure or at the Request of the Individual

As the person signing this authorization, I understand that I am giving my permission to the above-named health care entity for disclosure of confidential health records. I understand that the health care entity may not condition treatment or payment on my willingness to sign this authorization unless the specific circumstances under which such conditioning is permitted by law are applicable and are set forth in this authorization. I also understand that I have the right to revoke this authorization at any time, but that my revocation is not effective until delivered in writing to the person who is in possession of my health records and is not effective as to health records already disclosed under this authorization. A copy of this authorization and a notation concerning the persons or agencies to whom disclosure was made shall be included with my original health records. I understand that health information disclosed under this authorization might be redisclosed by a recipient and may, as a result of such disclosure, no longer be protected to the same extent as such health information was protected by law while solely in the possession of the health care entity.

This authorization expires on (date) or (event) _____

Signature of Individual or Individual's Legal Representative if Individual is Unable to Sign

Relationship or Authority of Legal Representative

Date of Signature _____

H. Pursuant to this subsection:

1. Unless excepted from these provisions in subdivision 9, no party to a civil, criminal or administrative action or proceeding shall request the issuance of a subpoena duces tecum for another party's health records or cause a subpoena duces tecum to be issued by an attorney unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the other party's counsel or to the other party if pro se, simultaneously with filing the request or issuance of the subpoena. No party to an action or proceeding shall request or cause the issuance of a subpoena duces tecum for the health records of a nonparty witness unless a copy of the

request for the subpoena or a copy of the attorney-issued subpoena is provided to the nonparty witness simultaneously with filing the request or issuance of the attorney-issued subpoena.

No **subpoena duces tecum** for health records shall set a return date earlier than 15 days from the date of the subpoena except by order of a court or administrative agency for good cause shown. When a court or administrative agency directs that health records be disclosed pursuant to a **subpoena duces tecum** earlier than 15 days from the date of the subpoena, a copy of the order shall accompany the subpoena.

Any party requesting a **subpoena duces tecum** for health records or on whose behalf the **subpoena duces tecum** is being issued shall have the duty to determine whether the individual whose health records are being sought is pro se or a nonparty.

In instances where health records being subpoenaed are those of a pro se party or nonparty witness, the party requesting or issuing the subpoena shall deliver to the pro se party or nonparty witness together with the copy of the request for subpoena, or a copy of the subpoena in the case of an attorney-issued subpoena, a statement informing them of their rights and remedies. The statement shall include the following language and the heading shall be in boldface capital letters:

NOTICE TO INDIVIDUAL

The attached document means that _____ (insert name of party requesting or causing issuance of the subpoena) has either asked the court or administrative agency to issue a subpoena or a subpoena has been issued by the other party's attorney to your doctor, other health care providers _____ (names of health care providers inserted here) or other health care entity _____ (name of health care entity to be inserted here) requiring them to produce your health records. Your doctor, other health care provider or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court or the administrative agency to quash the subpoena. If you elect to file a motion to quash, such motion must be filed within 15 days of the date of the request or of the attorney-issued subpoena. You may contact the clerk's office or the administrative agency to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest. If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the health records to the clerk of court or administrative agency in a sealed envelope or package for safekeeping while your motion is decided.

2. Any party filing a request for a **subpoena duces tecum** or causing such a subpoena to be issued for an individual's health records shall include a Notice in the same part of the request in which the recipient of the **subpoena duces tecum** is directed where and when to return the health records. Such notice shall be in boldface capital letters and shall include the following language:

NOTICE TO HEALTH CARE ENTITIES

A COPY OF THIS **SUBPOENA DUCES TECUM** HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A

MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT OR THE ADMINISTRATIVE AGENCY AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, YOU MUST SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT OR ADMINISTRATIVE AGENCY THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING AS SHOWN ON THE SUBPOENA USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT OR ADMINISTRATIVE AGENCY WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING A RULING ON THE MOTION TO QUASH THE SUBPOENA. THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT OR ADMINISTRATIVE AGENCY.

3. Upon receiving a valid subpoena duces tecum for health records, health care entities shall have the duty to respond to the subpoena in accordance with the provisions of subdivisions 4, 5, 6, 7, and 8.

4. Except to deliver to a clerk of the court or administrative agency subpoenaed health records in a sealed envelope as set forth, health care entities shall not respond to a subpoena duces tecum for such health records until they have received a certification as set forth in subdivision 5 or 8 from the party on whose behalf the subpoena duces tecum was issued.

If the health care entity has actual receipt of notice that a motion to quash the subpoena has been filed or if the health care entity files a motion to quash the subpoena for health records, then the health care entity shall produce the health records, in a securely sealed envelope, to the clerk of the court or administrative agency issuing the subpoena or in whose court or administrative agency the action is pending. The court or administrative agency shall place the health records under seal until a determination is made regarding the motion to quash. The securely sealed envelope shall only be opened on order of the judge or administrative agency. In the event the court or administrative agency grants the motion to quash, the health records shall be returned to the health care entity in the same sealed envelope in which they were delivered to the court or administrative agency. In the event that a judge or administrative agency orders the sealed envelope to be opened to review the health records in camera, a copy of the order shall accompany any health records returned to the health care entity. The health records returned to the health care entity shall be in a securely sealed envelope.

5. If no motion to quash is filed within 15 days of the date of the request or of the attorney-issued subpoena, the party on whose behalf the subpoena was issued shall have the duty to certify to the subpoenaed health care entity that the time for filing a motion to quash has elapsed and that no motion to quash was filed. Any health care entity receiving such certification shall have the duty to comply with the subpoena duces tecum by returning the specified health records by either the return date on the subpoena or five days after receipt of the certification, whichever is later.

6. In the event that the individual whose health records are being sought files a motion to quash the subpoena, the court or administrative agency shall decide whether good cause has been shown by the discovering party to compel disclosure of the individual's health records over the individual's objections. In determining whether good cause has been shown, the court or administrative agency shall consider (i) the particular purpose for which the information was collected; (ii) the degree to which the disclosure of the records would embarrass, injure, or invade the privacy of the individual; (iii) the effect of the disclosure on the individual's future health care; (iv) the importance of the information to the lawsuit or proceeding; and (v) any other relevant factor.

7. Concurrent with the court or administrative agency's resolution of a motion to quash, if subpoenaed health records have been submitted by a health care entity to the court or administrative agency in a sealed envelope, the court or administrative agency shall: (i) upon determining that no submitted health records should be disclosed, return all submitted health records to the health care entity in a sealed envelope; (ii) upon determining that all submitted health records should be disclosed, provide all the submitted health records to the party on whose behalf the subpoena was issued; or (iii) upon determining that only a portion of the submitted health records should be disclosed, provide such portion to the party on whose behalf the subpoena was issued and return the remaining health records to the health care entity in a sealed envelope.

8. Following the court or administrative agency's resolution of a motion to quash, the party on whose behalf the subpoena duces tecum was issued shall have the duty to certify in writing to the subpoenaed health care entity a statement of one of the following:

a. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution; and, therefore, the health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will not be returned to the health care entity;

b. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution and that, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall comply with the subpoena duces tecum by returning the health records designated in the subpoena by the return date on the subpoena or five days after receipt of certification, whichever is later;

c. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution; therefore, no health records shall be disclosed and all health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will be returned to the health care entity;

d. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and that only limited disclosure has been authorized. The certification shall state that only the portion of the health records as set forth in the certification, consistent with the court or administrative agency's ruling, shall be disclosed. The certification shall also state that health records that were previously delivered to the court or administrative agency for which disclosure has been authorized will not be returned to the health care entity; however, all health records for which disclosure has not been authorized will be returned to the health care entity; or

e. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall return only those health records specified in the certification, consistent with the court or administrative agency's ruling, by the return date on the subpoena or five days after receipt of the certification, whichever is later.

A copy of the court or administrative agency's ruling shall accompany any certification made pursuant to this subdivision.

9. The provisions of this subsection have no application to subpoenas for health records requested under § 8.01-413, or issued by a duly authorized administrative agency conducting an investigation, audit, review or proceedings regarding a health care entity's conduct.

The provisions of this subsection shall apply to subpoenas for the health records of both minors and adults.

Nothing in this subsection shall have any effect on the existing authority of a court or administrative agency to issue a protective order regarding health records, including, but not limited to, ordering the return of health records to a health care entity, after the period for filing a motion to quash has passed.

A subpoena for substance abuse records must conform to the requirements of federal law found in 42 C.F.R. Part 2, Subpart E.

I. Health care entities may testify about the health records of an individual in compliance with §§ 8.01-399 and 8.01-400.2.

J. Except as provided by subsection B7 of § 8.01-413, if an individual requests a copy of his health record from a health care entity, the health care entity may impose a reasonable cost-based fee, which shall include only the cost of supplies for and labor of copying the requested information, postage when the individual requests that such information be mailed, and preparation of an explanation or summary of such information as agreed to by the individual. For the purposes of this section, "individual" shall subsume a person with authority to act on behalf of the individual who is the subject of the health record in making decisions related to his health care.

K. Nothing in this section shall prohibit a health care provider who prescribes or dispenses a controlled substance required to be reported to the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

L. An authorization for the disclosure of health records executed pursuant to this section shall remain in effect until (i) the authorization is revoked in writing and delivered to the health care entity maintaining the record that is subject to the authorization by the person who executed the authorization, (ii) any expiration date set forth in the authorization, or (iii) the health care entity maintaining the record becomes aware of any expiration event described in the authorization, whichever occurs first. However, any revocation of an authorization for the disclosure of health records executed pursuant to this section shall not be effective to the extent that the health care entity maintaining the record has disclosed health records prior to delivery of such revocation in reliance upon the authorization or as otherwise provided pursuant to 45 C.F.R. § 164.508. A statement in an authorization for the disclosure of health records pursuant to this section that the information to be used or disclosed is "all health records" is a sufficient description for the disclosure of all health records of the person maintained by the health care provider to whom the authorization was granted. If a health care provider receives a written revocation of an authorization for the disclosure of health records in accordance with this subsection, a copy of such written revocation shall be included in the person's original health record maintained by the health care provider.

An authorization for the disclosure of health records executed pursuant to this section shall, unless otherwise expressly limited in the authorization, be deemed to include authorization for the person named in the authorization to assist the person who is the subject of the health record in accessing health care services, including scheduling appointments for the person who is the subject of the health record and attending appointments together with the person who is the subject of the health record.

1997, c. 682; 1998, c. 470; 1999, cc. 812, 956, 1010; 2000, cc. 810, 813, 923, 927; 2001, c. 671; 2002, cc. 568, 658, 835, 860; 2003, cc. 471, 907, 983; 2004, cc. 49, 64, 65, 66, 67, 163, 773, 1014, 1021; 2005, cc. 39, 101, 642, 697; 2006, c. 433; 2007, c. 497; 2008, cc. 315, 782, 850, 870; 2009, cc. 606, 651, 813, 840; 2010, cc. 185, 340, 406, 456, 524, 778, 825; 2011, cc. 499, 668, 798, 812, 844, 871; 2012, cc. 386, 402, 479; 2016, c. 554; 2017, cc. 457, 712, 720; 2018, c. 165; 2020, c. 945; 2022, cc. 509, 534, 784; 2025, c. 182.

[§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person officiating at ceremony; blocking of social security number](#)

A. For each marriage performed in the Commonwealth, a record showing personal data, including the age of the married parties, the marriage license, and the certifying statement of the facts of marriage, shall be filed with the State Registrar as provided in this section.

B. The officer issuing a marriage license shall prepare the record based on the information obtained under oath or by affidavit from the parties to be married. The parties shall also include their social security numbers or other control numbers issued by the Department of Motor Vehicles pursuant to § 46.2-342 and affix their signatures to the application for such license.

C. Every person who officiates at a marriage ceremony shall certify to the facts of marriage and file the record in duplicate with the officer who issued the marriage license within five days after the ceremony. In the event such officiant dies or becomes incapacitated before completing the certificate of marriage, the official who issued the marriage license shall complete the certificate

of marriage upon the order of the court to which is submitted proof that the marriage was performed.

D. Every officer issuing marriage licenses shall on or before the tenth day of each calendar month forward to the State Registrar a record of each marriage filed with him during the preceding calendar month.

E. The State Registrar shall furnish forms for the marriage license, marriage certificate, and application for marriage license used in the Commonwealth. Such forms shall be configured so as to cause the social security number or control number required pursuant to the provisions of subsection B to appear only on the application for marriage license retained by the officer issuing the marriage license and the copy of such license forwarded to the State Registrar pursuant to the provisions of subsection D.

F. Applications for marriage licenses filed on and after July 1, 1997, and marriage registers recording such applications, which have not been configured to prevent disclosure of the social security number or control number required pursuant to the provisions of subsection B shall not be available for general public inspection in the offices of clerks of the circuit courts. The clerk shall make such applications and registers available for inspection only (i) upon the order of the circuit court within which such application was made or register is maintained, (ii) pursuant to a lawful subpoena duces tecum issued to the clerk, (iii) upon the written authorization of either of the applicants, or (iv) upon the request of a law-enforcement officer or duly authorized representative of the Division of Child Support Enforcement in the course of performing his official duties. Nothing in this subsection shall be construed to restrict public access to marriage licenses or to prohibit the clerk from making available to the public applications for marriage licenses and marriage registers stored in any electronic medium or other format that permits the blocking of the field containing the social security or control number required pursuant to the provisions of subsection B, so long as access to such number is blocked.

Code 1950, § 32-353.34; 1968, c. 318; 1972, c. 92; 1979, c. 711; 1997, cc. 794, 898; 2001, c. 836; 2002, c. 832; 2003, c. 504; 2004, c. 88; 2005, c. 679; 2020, cc. 209, 210, 211.

[§ 32.1-283.2. Local and regional child fatality review teams established; membership; authority; confidentiality; immunity](#)

A. Upon the initiative of any local or regional law-enforcement agency, fire department, department of social services, emergency medical services agency, attorney for the Commonwealth's office, or community services board, local or regional child fatality teams may be established for the purpose of conducting contemporaneous reviews of local child deaths in order to develop interventions and strategies for prevention specific to the locality or region. Each team shall establish rules and procedures to govern the review process. Agencies may share information but shall be bound by confidentiality and execute a sworn statement to honor the confidentiality of the information they share. Violations are punishable as a Class 3 misdemeanor. The State Child Fatality Review Team shall provide technical assistance and direction as provided for in subsection A of § 32.1-283.1.

B. Local and regional teams may be composed of the following persons from the localities represented on a particular board or their designees: a medical examiner appointed pursuant to § 32.1-282, a local social services official in charge of child protective services, a director of the

relevant local or district health department, a chief law-enforcement officer, a local fire marshal, a local emergency medical services agency chief, the attorney for the Commonwealth, an executive director of the local community services board or other local mental health agency, and such additional persons, not to exceed four, as may be appointed to serve by the chairperson of the local or regional team. The chairperson shall be elected from among the designated membership. The additional members appointed by the chairperson may include, but are not restricted to, representatives of local human services agencies; local public education agencies; local pediatricians, psychiatrists and psychologists; and local child advocacy organizations.

C. Each team shall establish local rules and procedures to govern the review process prior to conducting the first child fatality review. The review of a death shall be delayed until any criminal investigations connected with the death are completed or the Commonwealth consents to the commencement of such review prior to the completion of the criminal investigation.

D. All information and records obtained or created regarding the review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 7 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information or records shall not be subject to subpoena, **subpoena duces tecum**, or discovery or be admissible in any criminal or civil proceeding. If available from other sources, however, such information and records shall not be immune from subpoena, **subpoena duces tecum**, discovery or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during a fatality review. No person who participated in the reviews nor any member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and the family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form which shall not identify individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. Violations of this subsection are punishable as a Class 3 misdemeanor.

E. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in a child fatality review team review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports or records to review teams as part of such review, shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

1999, c. 867; 2004, c. 690; 2014, c. 583; 2015, cc. 502, 503; 2017, c. 778.

[§ 32.1-283.3. Family violence fatality review teams established; model protocol and data management; membership; authority; confidentiality, etc](#)

A. The Office of the Chief Medical Examiner shall develop a model protocol for the development and implementation of local family violence fatality review teams (teams) and such model protocol shall include relevant procedures for conducting reviews of fatal family violence incidents. A "fatal family violence incident" means any fatality that occurred or that is suspected of having occurred in the context of abuse between family members or intimate partners. The Office of the Chief Medical Examiner shall provide technical assistance to the local teams and serve as a clearinghouse for information.

B. Subject to available funding, the Office of the Chief Medical Examiner shall provide ongoing surveillance of fatal family violence occurrences and promulgate an annual report based on accumulated data.

C. Any county or city, or combination of counties, cities, or counties and cities, may establish a family violence fatality review team to examine fatal family violence incidents and to create a body of information to help prevent future family violence fatalities. The team shall have the authority to review the facts and circumstances of all fatal family violence incidents that occur within its designated geographic area.

D. Membership in the team may include, but shall not be limited to, health care professionals, representatives from the local bar, attorneys for the Commonwealth, judges, law-enforcement officials, criminologists, medical examiners appointed pursuant to § 32.1-282, other experts in forensic medicine and pathology, family violence victim advocates, health department professionals, probation and parole professionals, adult and child protective services professionals, and representatives of family violence local coordinating councils.

E. Each team shall establish local rules and procedures to govern the review process prior to the first fatal family violence incident review conducted. The review of a death shall be delayed until any criminal investigations or prosecutions connected with the death are completed.

F. All information and records obtained or created regarding the review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 7 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information or records shall not be subject to subpoena, **subpoena duces tecum** or discovery or be admissible in any criminal or civil proceeding. If available from other sources, however, such information and records shall not be immune from subpoena, **subpoena duces tecum**, discovery or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during a fatality review. No person who participated in the review nor any member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and the family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form which shall not identify individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. Violations of this subsection are punishable as a Class 3 misdemeanor.

G. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in a family violence fatality review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports or records to review teams as part of such review, shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

1999, cc. 849, 868; 2014, c. 583; 2016, c. 307; 2017, c. 778.

§ 32.1-283.4. Confidentiality of certain information and records collected and maintained by the Office of the Chief Medical Examiner

A. Confidential records and information obtained from private and public entities and provided to the Office of the Chief Medical Examiner during the course of a death investigation shall remain confidential and shall not be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. Information and records concerning a decedent collected and maintained by the Office of the Chief Medical Examiner during the course of surveillance programs or research or studies of deaths having public health importance shall be confidential and may only be published in summary or aggregate form or as authorized by the Chief Medical Examiner.

C. The confidential records and information set forth in subsections A and B shall not be subject to subpoena, subpoena duces tecum, or discovery when in the possession of the Office of the Chief Medical Examiner, or be admissible in any criminal or civil proceeding through any discovery relating to the Office. If available from other sources, however, such records and information shall not be immune from subpoena duces tecum, or discovery when obtained through such other sources solely because the records and information were presented to the Office during a death investigation.

D. Nothing in this section shall be construed to prohibit the disclosure or publication of the findings of investigations, surveillance programs, research, and studies in aggregate or statistical form from which personal identifiers have been removed.

2005, c. 37; 2007, c. 868.

§ 32.1-283.6. Local and regional adult fatality review teams established; membership; authority; confidentiality; immunity

A. Upon the initiative of any local or regional law-enforcement agency, department of social services, emergency medical services agency, attorney for the Commonwealth's office, community services board, or official with the Adult Protective Services Unit established pursuant to § 51.5-148, local or regional adult fatality review teams may be established for the purpose of conducting contemporaneous reviews of local adult deaths in order to develop interventions and strategies for prevention specific to the locality or region. For the purposes of this section, the team may review the death of any person age 60 years or older, or any adult age 18 years or older who is incapacitated, who resides in the Commonwealth and who is in need of

temporary or emergency protective services (i) who was the subject of an adult protective services or law-enforcement investigation; (ii) whose death was due to abuse, neglect, or exploitation or acts suggesting abuse, neglect, or exploitation; or (iii) whose death came under the jurisdiction of or was investigated by the Office of the Chief Medical Examiner as occurring in any suspicious, unusual, or unnatural manner, pursuant to § 32.1-283. Each team shall establish rules and procedures to govern the review process. Agencies may share information but shall be bound by confidentiality and execute a sworn statement to honor the confidentiality of the information they share. A violation of this subsection is punishable as a Class 3 misdemeanor. The Office of the Chief Medical Examiner shall develop a model protocol for the development and implementation of local or regional adult fatality review teams and such model protocol shall include relevant procedures for conducting reviews of adult fatalities.

B. Local and regional teams may be composed of the following persons from the localities represented on a particular board or their designees: a medical examiner appointed pursuant to § 32.1-282, a local adult protective services official, a local social services official, a director of the relevant local or district health department, an executive director of the local area agency on aging or other department representing the interests of the elderly or disabled, a chief law-enforcement officer, the attorney for the Commonwealth, an executive director of the local community services board or other local mental health agency, a local judge, and such additional persons as may be appointed to serve by the chair of the local or regional team. The chair shall be elected from among the designated membership. The additional members appointed by the chair may include, but are not restricted to, representatives of local human services agencies, local health care professionals specializing in geriatric care or care of incapacitated adults, local emergency medical services personnel, local long-term care providers, representatives of local advocacy or service organizations for elderly or disabled populations, experts in forensic medicine and pathology, local funeral services providers, local centers for independent living, local long-term care ombudsmen, and representatives of the local bar.

C. Each local or regional team shall establish operating procedures to govern the review process prior to conducting the first adult fatality review. The review of a death shall be delayed until any criminal investigations connected with the death are completed or the Commonwealth consents to the commencement of such review prior to the completion of the criminal investigation.

D. All information and records obtained or created regarding a review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 7 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information and records shall not be subject to subpoena, **subpoena duces tecum**, discovery, or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during the fatality review. No person who participated in the review and no member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form that does not identify any individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the

team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. A violation of this subsection is punishable as a Class 3 misdemeanor.

E. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in an adult fatality review team review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports, or records to review teams as part of such review shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

2015, c. 108; 2017, c. 778.

[§ 32.1-283.7. Local and regional overdose fatality review teams established; membership; authority; confidentiality; immunity](#)

A. Any county or city, or combination of counties, cities, or counties and cities, may establish a local or regional overdose fatality review team for the purpose of (i) conducting contemporaneous reviews of local overdose deaths, (ii) promoting cooperation and coordination among agencies involved in investigations of overdose deaths or in providing services to surviving family members, (iii) developing an understanding of the causes and incidence of overdose deaths in the locality, (iv) developing plans for and recommending changes within the agencies represented on the local team to prevent overdose deaths, and (v) advising the Department and other relevant state agencies on changes to law, policy, or practice to prevent overdose deaths.

B. A local or regional team may review the death of any person who resides in the Commonwealth and whose death was or is suspected to be due to overdose. Each team shall establish rules and procedures to govern the review process. Agencies may share information but shall be bound by confidentiality and execute a sworn statement to honor the confidentiality of the information they share. A violation of this subsection is punishable as a Class 3 misdemeanor. The Office of the Chief Medical Examiner may develop a model protocol for the development and implementation of local or regional overdose fatality review teams, and such model protocol may include relevant procedures for conducting reviews of overdose fatalities.

C. Local and regional teams may be composed of the following persons from the localities represented on a particular board or their designees: a medical examiner appointed pursuant to § 32.1-282, a local social services official, a director of the relevant local or district health department, a chief law-enforcement officer, an attorney for the Commonwealth, an executive director of the local community services board or other local mental health agency, a local judge, the local school division superintendent, a representative of a local jail or detention center, and such additional persons as may be appointed to serve by the chair of the local or regional team. The chair shall be elected from among the designated membership. The additional members appointed by the chair may include representatives of local human services agencies, local health care professionals who specialize in the prevention and treatment of substance abuse disorders, local emergency medical services personnel, a representative of a hospital, experts in forensic medicine and pathology, local funeral services providers, and representatives of the local bar.

D. Each local or regional team shall establish operating procedures to govern the review process prior to conducting the first overdose fatality review. The review of a death shall be delayed until any criminal investigations connected with the death are completed or the Commonwealth consents to the commencement of such review prior to the completion of the criminal investigation.

E. All information and records obtained or created regarding a review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 7 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information and records shall not be subject to subpoena, subpoena duces tecum, discovery, or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during the fatality review. No person who participated in the review and no member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form that does not identify any individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. A violation of this subsection is punishable as a Class 3 misdemeanor.

F. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in an overdose fatality review team review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports, or records to overdose fatality review teams as part of such review shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

2018, c. 600.

[§ 32.1-283.8. Maternal Mortality Review Team; duties; membership; confidentiality; penalties; report; etc.](#)

A. As used in this section, "maternal death" means the death of a woman who was pregnant at the time of death or within one year prior to the time of death, regardless of the outcome of the pregnancy, including any death determined to be a natural death, unnatural death, or violent death or for which no cause of death was determined.

B. There is hereby created the Maternal Mortality Review Team (the Team), which shall develop and implement procedures to ensure that certain maternal deaths occurring in the Commonwealth are analyzed in a systematic way. The Team shall review every maternal death in the Commonwealth. The Team shall not initiate a maternal death review until the conclusion of any law-enforcement investigation or criminal prosecution. The Team shall (i) develop and revise as

necessary operating procedures for maternal death reviews, including identification of cases to be reviewed and procedures for coordinating among the agencies and professionals involved; (ii) improve the identification of and data collection and record keeping related to causes of maternal deaths; (iii) recommend components of programs to increase awareness and prevention of and education about maternal deaths; and (iv) recommend training to improve the review of maternal deaths. Such operating procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision B 17 of § 2.2-4002.

C. The Team shall consist of the following persons or their designees: the Chief Medical Examiner, the Director of the Office of Family Health of the Department of Health, the State Registrar of Vital Records, and the Commissioner of Behavioral Health and Developmental Services. In addition, the Governor shall appoint one representative of each of the following entities: local law enforcement, local fire departments, local emergency medical services providers, local departments of social services, community services boards, attorneys for the Commonwealth, the Medical Society of Virginia, the Virginia Hospital and Healthcare Association, the Virginia College of Emergency Physicians, the Virginia Section of the American College of Obstetricians and Gynecologists, the Virginia Affiliate of the American College of Nurse-Midwives, the Virginia Chapter of the Association of Women's Health, Obstetric and Neonatal Nurses, the Virginia Neonatal Perinatal Collaborative, the Virginia Midwives Alliance, the Virginia Academy of Nutrition and Dietetics, the Department of Corrections, and the State Board of Local and Regional Jails. The Chief Medical Examiner and the Director of the Office of Family Health of the Department of Health shall serve as co-chairs of the Team and may appoint additional members of the Team as may be needed to complete maternal death reviews pursuant to this section.

After the initial staggering of terms, members other than the Chief Medical Examiner, the Director of the Office of Family Health of the Department of Health, the State Registrar of Vital Records, the Commissioner of Behavioral Health and Developmental Services, and the Director of the Department of Criminal Justice Services shall be appointed for a term of three years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. The Chief Medical Examiner, the Director of the Office of Family Health of the Department of Health, the State Registrar of Vital Records, the Commissioner of Behavioral Health and Developmental Services, and the Director of the Department of Criminal Justice Services shall serve terms coincident with their terms of office.

D. Upon the request of the Chief Medical Examiner in his capacity as a co-chair of the Team, made after the conclusion of any law-enforcement investigation or prosecution, the Chief Medical Examiner or his designee may inspect and copy information and records regarding a maternal death, including (i) any report of the circumstances of the maternal death maintained by any state or local law-enforcement agency or medical examiner, and (ii) information or records about the woman maintained by any social services agency or court. Information, records, or reports maintained by any attorney for the Commonwealth shall be made available for inspection and copying by the Chief Medical Examiner or his designee pursuant to procedures that shall be developed by the Chief Medical Examiner and the Commonwealth's Attorneys' Services Council established by § 2.2-2617. Any presentence report prepared pursuant to § 19.2-299 for any person convicted of a crime that led to the death of the woman shall be made available for inspection and copying by the Chief Medical Examiner or his designee. In addition, the Chief

Medical Examiner or his designee may inspect and copy from any health care provider in the Commonwealth, on behalf of the Team, (a) without obtaining consent, subject to any limitations on disclosure under applicable federal and state law, the health and mental health records of the woman and those prenatal medical records relating to any child born to the woman and (b) upon obtaining consent, from each adult regarding his records.

E. All information and records obtained or created by the Team or on behalf of the Team regarding a review shall be confidential and excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 7 of § 2.2-3705.5. All such information and records shall be used by the Team only in the exercise of its proper purpose and function and shall not be disclosed. In preparing information and records for review by the Team, the Department shall remove any individually identifiable information or information identifying a health care provider, as those terms are defined in 45 C.F.R. § 160.103. Such information shall not be subject to subpoena, subpoena duces tecum, or discovery, be admissible in any civil or criminal proceeding, or be used as evidence in any disciplinary proceeding or regulatory or licensure action of the Department of Health Professions or any health regulatory board. If available from other sources, however, such information and records shall not be immune from subpoena, discovery, or introduction into evidence when obtained through such other sources solely because the information and records were presented to the Team during a maternal death review. The findings of the Team may be disclosed or published in statistical or other form, but shall not identify any individual. Upon conclusion of the maternal death review, all information and records concerning the woman and the woman's family shall be shredded or otherwise destroyed by the Office of the Chief Medical Examiner in order to ensure confidentiality.

The portions of meetings in which individual maternal deaths are discussed by the Team shall be closed pursuant to subdivision A 21 of § 2.2-3711. In addition to the requirements of § 2.2-3712, all Team members and other persons attending closed Team meetings, including any persons presenting information or records on specific maternal deaths to the Team during closed meetings, shall execute a sworn statement to (i) honor the confidentiality of the information, records, discussions, and opinions disclosed during meetings at which the Team reviews a specific maternal death and (ii) not use any such information, records, discussions, or opinions disclosed during meetings at which the Team reviews a specific maternal death for any purpose other than the exercise of the proper purpose and function of the Team. Violations of this subsection are punishable as a Class 3 misdemeanor.

F. Upon notification of a maternal death, any state or local government agency maintaining records on the woman or the woman's family that are periodically purged shall retain such records for the longer of 12 months or until such time as the Team has completed its review of the case.

G. The Team shall compile annual statistical data, which shall be made available to the Governor and the General Assembly. Any statistical compilations prepared by the Team shall be public record and shall not contain any personal identifying information.

H. Members of the Team, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in a review by the Team, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports, or records to the Team as part of such review shall be immune from civil liability for any act or omission in

furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

2019, c. 834; 2023, c. 369; 2024, c. 376.

Title 38.2 - Insurance

§ 38.2-1916.1. Investigation by Attorney General of suspected violations; investigative demand to witnesses; access to business records, etc.; penalties

A. 1. Whenever it appears to the Attorney General, either upon complaint or otherwise, that any person has engaged in, or is engaging in, or is about to engage in any act or practice prohibited by § 38.2-1916, or any violation of subsection D of § 38.2-1919, the Attorney General may, consistent with his powers and duties to enforce the laws of the Commonwealth prohibiting conduct that unreasonably restrains trade, after notice to the Commission:

a. Either require or permit such person to file with him a statement in writing or otherwise, under oath, as to all facts and circumstances concerning the subject matter;

b. Require such other data and information as he may deem relevant to the subject matter of an investigation of a possible violation of § 38.2-1916 or subsection D of § 38.2-1919; and

c. Issue an investigative demand to witnesses by which he may (i) compel the attendance of such witnesses; (ii) examine such witnesses under oath before himself or the Commission; (iii) subject to subsection B of this section, require the production of any documents or things that he deems relevant or material to the inquiry; and (iv) issue written interrogatories to be answered by the witness served or, if the witness served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the witness.

2. The investigative powers authorized shall not abate or terminate by reason of any action or proceeding brought by the Attorney General or the Commission under this title. When a document or thing is demanded by an investigative demand, that demand shall not (i) contain any requirement that would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this Commonwealth; or (ii) require the disclosure of any document or thing that would be privileged, or production of which for any other reason would not be required by a subpoena duces tecum issued by a court of this Commonwealth.

B. Where the information requested pursuant to an investigative demand may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit, or inspection of such business records, or from a compilation, abstract, or summary based therein, and the burden of deriving or ascertaining the answer is substantially the same for the Attorney General as for the party from whom such information is requested, it shall be sufficient for that party to specify the records from which the answer may be derived or ascertained and to afford the Attorney General, or other individuals properly designated by the Attorney General, reasonable opportunity to examine, audit, or inspect such records and to make copies, compilations, abstracts, or summaries. The Attorney General is authorized, and may so elect, to require the production pursuant to this section, of documents or

things before or after the taking of any testimony of the person summoned pursuant to an investigative demand, in which event, those documents or things shall be made available for inspection and copying during normal business hours at the principal place of business of the person served, or at such other time and place as may be agreed upon by the person served and the Attorney General.

C. Any investigative demand issued by the Attorney General under this section shall contain (i) a citation to this statute and section, (ii) a citation to the statute and section pertaining to the alleged violation under investigation, (iii) the subject matter of the investigation, and (iv) the date, place, and time the person is required to appear to produce testimony or documentary material in his possession, custody or control. Such date shall not be less than twenty days from the date of the investigative demand. Where documentary material is required to be produced, it shall be described by class so as to clearly indicate the material demanded.

D. Service of an investigative demand as provided in this section may be made by:

1. Delivery of a duly executed copy thereof to the person served or, if a person is not a natural person, to the principal place of business of the person to be served; or
2. Mailing by certified mail, return receipt requested, a duly executed copy thereof addressed to the person to be served at his principal place of business in this Commonwealth, or if that person has no place of business in this Commonwealth, to his principal office.

E. Within twenty days after the service of any such demand upon any person or enterprise, or at any time before the return date specified in the demand, whichever period is shorter, such party may file with the Commission and serve upon the Attorney General a petition for an order of the Commission modifying or setting aside such demand. The time allowed for compliance with the demand, in whole or in part as deemed proper and ordered by the Commission, shall not run during the pendency of such petition in the Commission. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such party. The provisions of this subsection shall be the exclusive means for a witness summoned pursuant to an investigative demand under this section to challenge an investigative demand issued pursuant to subsection A of this section.

F. The examination of all witnesses under this section shall be conducted by the Attorney General, or his designee, before an officer authorized to administer oaths in this Commonwealth. The testimony shall be taken stenographically or by a sound-recording device and shall be transcribed.

G. Any person required to testify or to submit documentary evidence shall be entitled, on payment of lawfully prescribed cost, to procure a copy of any document produced by such person and of his own testimony as stenographically reported or, in the case of depositions, as reduced to writing by or under the direction of a person taking the deposition. Any party compelled to testify or to produce documents or things may be accompanied and advised by counsel, but counsel may not, as a matter of right, otherwise participate in the investigation.

H. All persons served with an investigative demand by the Attorney General under this section, other than any person or persons whose conduct or practices are being investigated or any officer, director, or person in the employ of such person under investigation, shall be paid the same fees and mileage as paid witnesses in the courts of this Commonwealth. No person shall be

excused from attending such inquiry pursuant to the mandate of an investigative demand, from producing a document or thing, or from being examined or required to answer questions, on the ground of failure to tender or pay a witness fee or mileage, unless a demand therefor is made at the time testimony is about to be taken and is made as a condition precedent to offering such production or testimony and unless payment is not made.

I. Any natural person who neglects or refuses (i) to attend and testify, (ii) to answer any lawful inquiry, or (iii) to produce documents or things, if in his power to do so, in obedience of an investigative demand or lawful request of the Attorney General or those properly authorized by the Attorney General, pursuant to this section, shall be subject to the penalty provisions of § 38.2-218. Any natural person who commits perjury, false swearing, or contempt in answering or failing to answer, or in producing a document or thing or failing to do so in accordance with an investigative demand or lawful request by the Attorney General, pursuant to this section, shall be guilty of a misdemeanor and upon conviction therefor by a court of competent jurisdiction shall be punished by a fine of not more than \$5,000 or by imprisonment in jail for not more than one year, or both.

J. In any investigation brought by the Attorney General pursuant to this chapter, no individual shall be excused from attending, testifying or producing documentary material, objects, or intangible things in obedience to an investigative demand or under order of the Commission on the ground that the testimony, document, or thing required of him may tend to incriminate him or subject him to any penalty. No testimony or other information compelled either by the Attorney General or under order of the Commission or a court or any information directly or indirectly derived from such testimony or other information may be used against the individual or witness in any criminal case. However, he may be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing, or contempt committed in answering or failing to answer, or in producing any document or thing or failing to do so in accordance with the demand of the Attorney General or the Commission. If an individual refuses to testify or produce any document or thing after being granted immunity from criminal prosecution and after being ordered to testify or produce any document or thing as authorized by this section, he may be found to be in civil contempt by a court of competent jurisdiction and incarcerated until such time as he purges himself of contempt by testifying, producing such document or thing, or presenting a written statement as ordered. Such finding of contempt shall not prevent the Attorney General from instituting other appropriate contempt proceedings against any person who violates any of the provisions of this section.

K. It shall be the duty of all public state and local officials, their employees, and all other persons to render and furnish to the Attorney General or his designee, when so requested, all information and assistance in their possession or within their power. Any officer participating in such inquiry and any person examined as a witness upon such inquiry who discloses to any person other than the Attorney General the name of any witness examined or any other information obtained upon such inquiry, except as so directed by the Attorney General, shall be guilty of a misdemeanor and subject to the sanctions prescribed in subsection I of this section. Such inquiry may upon written authorization by the Attorney General be made public.

L. The Attorney General may recommend rules and regulations to implement and carry out the provisions of this section. All such rules and regulations shall be subject to the approval of the Commission.

M. It shall be the duty of the Attorney General, or his designees, to maintain the secrecy of all evidence, testimony, documents, or other results of such investigations until formal proceedings are instituted. Violation of this subsection shall be punishable pursuant to § 38.2-218. Nothing contained in this section shall be construed to prevent the disclosure of any such investigative evidence by the Attorney General in his discretion to the Commissioner of Insurance, the State Corporation Commission, or to any federal or state law-enforcement authority that has restrictions governing confidentiality similar to those contained in this subsection.

1990, c. 596; 2002, c. 472.

Title 53.1 – Prisons and Other Methods of Correction

§ 53.1-17.3. Corrections Oversight Committee; membership; authority

A. There is created a Corrections Oversight Committee (the Committee) that shall consist of 13 voting members and two nonvoting members. Such voting members shall be appointed as follows: (i) two members of the Senate who are not members of the same political party, to be appointed by the Senate Committee on Rules; (ii) two members of the House of Delegates who are not members of the same political party, to be appointed by the Speaker of the House of Delegates; and (iii) the following nonlegislative citizen members to be appointed by the Governor: (a) one representative of a nonprofit prisoner advocacy group, (b) one representative of a nonprofit organization that provides training or rehabilitation programs for incarcerated inmates, (c) one male citizen and one female citizen who were formerly incarcerated within the Commonwealth for a term of imprisonment of three years or more within the 10 years immediately preceding his appointment, provided that such citizens have had their civil rights restored by the Governor, (d) one licensed physician, (e) one licensed mental health or behavioral health professional with experience providing mental health or counseling services to adults, (f) one person who is a grandparent, parent, child, sibling, or spouse or domestic partner of a person currently incarcerated within the Commonwealth and who is serving a term of incarceration of three years or more, (g) one current or former Department correctional officer in a supervisory role selected from an association of correctional officers and employees or a nonprofit organization in which he is a member, and (h) one current or former Department line correctional officer selected from an association of correctional officers and employees or a nonprofit organization in which he is a member. The two nonvoting members shall serve in an advisory role and shall consist of two current or former employees of the Department, a state correctional facility outside of the Commonwealth, or a federal correctional facility who served in such role within the 10 years immediately prior to appointment. Upon the request of an inmate, an inmate's family member or representative, or a Department staff member, employee, or contractor who believes he may be the subject of retaliation for providing testimony or other information to the Office or the Committee, such nonvoting members shall be excluded from any investigations, inspections, interviews, receipt of testimony, or review of documents by the Office or the Committee with regard to the requester.

B. Members appointed pursuant to this section shall serve a term of three years. Except as provided in subsection A, neither a member nor a member's spouse or domestic partner, parents, grandparents, children, or siblings shall be (i) a current or former employee or contractor of the Department at any time during the 10 years prior to his appointment to the Committee or (ii)

involved in active litigation against the Department. Members of the Committee shall not serve more than three consecutive terms. The Committee shall be co-chaired by two legislative members appointed pursuant to subsection A who are not members of the same chamber of the legislature or of the same political party. A co-chairman shall serve a term of three years and shall not serve more than two consecutive terms. The Committee co-chairmen shall be selected by the leaders of their respective political parties in the House of Delegates and the Senate. Except as provided in subsection A, all members of the Committee shall have the power to vote on matters and actions before the Committee. Matters and actions of the Committee shall be decided pursuant to a majority vote of the voting members present. To vote on actions or matters before the Committee, a quorum must exist, which shall include the Committee co-chairmen and six of the other voting members.

C. The Committee shall meet as the co-chairmen deem necessary, or on the call of a majority of the members.

D. Pursuant to §§ 2.2-2813 and 2.2-2825, Committee members are not eligible to receive compensation but are eligible for reimbursement of expenses.

E. The Committee shall hold at least two public hearings each year to present, review, and discuss the Office's inspections, findings, reports, and recommendations set forth in the Office's annual report.

F. The Committee co-chairmen, or their designees, shall meet at least twice each year with the Governor and the Director to report on the work and findings of the Committee and shall provide testimony before the relevant committees of the House of Delegates and Senate upon request from the committee chairman or vice-chairman or ranking member.

G. Upon a majority vote of its voting members, the Committee may make an ex parte application to the circuit court for the county or city wherein evidence sought is kept for the issuance of a subpoena duces tecum in furtherance of an investigation or to request production by the Department of any relevant records, documents, or other evidence, with the exception of confidential employee files and active internal affairs investigations. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena for the appearance of an individual before any hearing conducted by the Committee. The subpoena shall be served by the Office and enforced by the circuit court. Department employees may have counsel present during testimony. Subpoenas so issued shall be served and, upon application to the court by the Committee, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action.

H. The Committee shall conduct, at a minimum, one random inspection of a facility each year and shall visit a different facility upon each inspection. All members of the Committee may be present during each inspection and shall not announce an inspection to any individual or entity outside of the Committee before such inspection occurs. During the course of an inspection, members of the Committee shall have the same access to the facility, inmates, staff, documents, and records in accordance with § 53.1-17.4 and shall have the same powers as granted to the Office for an inspection pursuant to § 53.1-17.6.

2024, cc. 392, 393.

Title 54.1 – Professions and Occupations

§ 54.1-307. Subpoenas

In addition to the authority granted in § 2.2-4022 to issue subpoenas and the right to issue subpoenas granted the several regulatory boards within the Department of Professional and Occupational Regulation, the Director or a designated subordinate shall have the right to make an ex parte application to the circuit court for the city or county wherein evidence sought is kept or wherein a licensee does business, for the issuance of a subpoena duces tecum in furtherance of the investigation of a sworn complaint within the jurisdiction of the Department or a regulatory board to request production of any relevant records, documents and physical or other evidence of any person, partnership, association or corporation licensed or regulated by the Department. The court shall be authorized to issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena duces tecum requiring the immediate production of evidence.

1979, c. 408, § 54-1.40; 1988, c. 765; 1993, c. 499.

Title 57 – Religious and Charitable Matters; Cemeteries

§ 57-51. Nonresident registration

A. Any unregistered charitable organization, professional fund-raising counsel, or professional solicitor, having his or its principal place of business outside of the Commonwealth or organized under and by virtue of the laws of a foreign state who or which shall solicit contributions from people in the Commonwealth, shall be deemed to have irrevocably appointed the Secretary of the Commonwealth as his or its agent upon whom may be served any summons, subpoena, subpoena duces tecum, or other process directed to such charitable organization, or any partner, principal, officer, or director thereof or to such professional fund-raising counsel or professional solicitor. Service shall be made by leaving two copies of the process, notice, order, or demand, together with any fee required by law, in the office of the Secretary of the Commonwealth, together with an affidavit giving the last known post-office address of the defendant and such service shall be sufficient if notice of such service and a copy of the process, notice, order, or demand are forthwith sent by registered mail, with return receipt requested, by the Secretary of the Commonwealth or one of his staff to the defendant at the specified address. An affidavit by the Secretary of the Commonwealth showing compliance herewith shall be filed with the papers in the suit, action, or proceeding.

B. Any charitable organization, having no office or place of business within the Commonwealth and soliciting in the Commonwealth from outside of the Commonwealth solely by email, telephone or telegraph, direct mail, or advertising in national media, and any professional fund-raising counsel or professional solicitor engaged by such an organization, shall file with the Commissioner any report that would otherwise be required of it or request the Commissioner to determine that such organization is exempt under § 57-50 or 57-60.

1974, c. 574; 1979, c. 595; 1984, c. 268; 2023, c. 289.

Title 58.1 - Taxation

§ 58.1-109. Compliance with subpoena, etc., requiring production of confidential returns

The Tax Commissioner and each employee of the Department, when served with any summons, subpoena, **subpoena duces tecum** or order, directing him to produce any confidential tax returns kept by or in the possession of the Department, may comply therewith by certifying a reproduction or enlargement thereof in accordance with § 58.1-108 and mailing such reproduction or enlargement in a sealed envelope to the clerk of court. Such envelope shall not be opened unless and until a judge of such court determines that the information contained therein is of such importance that the ends of justice require that the secrecy and confidentiality of such returns be violated and no reproduction of said returns shall be allowed by the court. Unless otherwise directed by a judge of such court, the clerk shall return all such reproductions and enlargements to the Department after the entry of a final order in the case. A charge not exceeding one dollar per page may be made for each such copy and shall be paid by the party requesting such order. Upon good cause shown, any court may direct the Tax Commissioner or any employee of the Department to appear in person, notwithstanding any other provision of this section.

Code 1950, § 58-48.4; 1972, c. 350; 1984, c. 675.

§ 59.1-9.10. Investigation by Attorney General of suspected violations; civil investigative demand to witnesses; access to business records, etc

A. Whenever it shall appear to the Attorney General, either upon complaint or otherwise, that any person has engaged in, or is engaging in, or is about to engage in any act or practice prohibited by this chapter, the Attorney General may in his discretion either require or permit such person to file with him a statement in writing or otherwise, under oath, as to all facts and circumstances concerning the subject matter. The Attorney General may also require such other data and information as he may deem relevant to the subject matter of an investigation of a possible violation of this chapter and may make such special and independent investigations as he may deem necessary in connection with such matter.

B. In connection with any such investigation, the Attorney General, or his designee, is empowered to issue a civil investigative demand to witnesses by which he may (i) compel the attendance of such witnesses; (ii) examine such witnesses under oath before himself or a court of record; (iii) subject to subsection C, require the production of any books or papers that he deems relevant or material to the inquiry; and (iv) issue written interrogatories to be answered by the witness served or, if the witness served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the witness. The above investigative powers shall not abate or terminate by reason of any action or proceeding brought by the Attorney General under this chapter. When documentary material is demanded by a civil investigative demand, said demand shall not: (1) contain any requirement that would be unreasonable or improper if contained in a **subpoena duces tecum** issued by a court of this Commonwealth; or (2) require the disclosure of any

documentary material that would be privileged, or production of which for any other reason would not be required by a subpoena duces tecum issued by a court of the Commonwealth.

C. Where the information requested pursuant to a civil investigative demand may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based therein, and the burden of deriving or ascertaining the answer is substantially the same for the Attorney General as for the party from whom such information is requested, it is sufficient for that party to specify the records from which the answer may be derived or ascertained and to afford the Attorney General, or other individuals properly designated by the Attorney General, reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries. Further, the Attorney General is hereby authorized, and may so elect, to require the production pursuant to this section, of documentary material before or after the taking of any testimony of the person summoned pursuant to a civil investigative demand, in which event, said documentary matter shall be made available for inspection and copying during normal business hours at the principal place of business of the person served, or at such other time and place, as may be agreed upon by the person served and the Attorney General.

D. Any civil investigative demand issued by the Attorney General shall contain the following information:

1. The statute and section hereof, the alleged violation of which is under investigation and the subject matter of the investigation.
2. The date and place at which time the person is required to appear to produce documentary material in his possession, custody or control in the office of the Attorney General located in Richmond, Virginia. Such date shall not be less than twenty days from the date of the civil investigative demand.
3. Where documentary material is required to be produced, the same shall be described by class so as to clearly indicate the material demanded.

E. Service of civil investigative demand of the Attorney General as provided herein may be made by:

1. Delivery of a duly executed copy thereof to the person served, or if a person is not a natural person, to the principal place of business of the person to be served, or
2. Mailing by certified mail, return receipt requested, a duly executed copy thereof addressed to the person to be served at his principal place of business in the Commonwealth, or if said person has no place of business in the Commonwealth, to his principal office.

F. Within twenty days after the service of any such demand upon any person or enterprise, or at any time before the return date specified in the demand, whichever period is shorter, such party may file, in the Circuit Court of the City of Richmond and serve upon the Attorney General a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this chapter or upon any constitutional or other legal right or privilege of such party. The provisions of this subsection shall be the exclusive

means for a witness summoned pursuant to a civil investigative demand under this section to challenge a civil investigative demand issued pursuant to subsection B.

G. The examination of all witnesses under this section shall be conducted by the Attorney General, or his designee, before an officer authorized to administer oaths in this Commonwealth. The testimony shall be taken stenographically or by a sound recording device and shall be transcribed.

H. Any person required to testify or to submit documentary evidence shall be entitled, on payment of lawfully prescribed cost, to procure a copy of any document produced by such person and of his own testimony as stenographically reported or, in the case of depositions, as reduced to writing by or under the direction of a person taking the deposition. Any party compelled to testify or to produce documentary evidence may be accompanied and advised by counsel, but counsel may not, as a matter of right, otherwise participate in the investigation.

I. All persons served with a civil investigative demand by the Attorney General under this chapter, other than any person or persons whose conduct or practices are being investigated or any officer, director or person in the employ of such person under investigation, shall be paid the same fees and mileage as paid witnesses in the courts of this Commonwealth. No person shall be excused from attending such inquiry pursuant to the mandate of a civil investigative demand, or from producing a paper or from being examined or required to answer questions on the ground of failure to tender or pay a witness fee or mileage unless demand therefor is made at the time testimony is about to be taken and as a condition precedent to offering such production or testimony and unless payment thereof is not thereupon made.

J. Any natural person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry or to produce documentary evidence, if in his power to do so, in obedience of a civil investigative demand or lawful request of the Attorney General or those properly authorized by the Attorney General, pursuant to this section, shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than \$5,000, or by imprisonment in jail for not more than one year, or both such fine and imprisonment.

Any natural person who commits perjury or false swearing or contempt in answering, or failing to answer, or in producing evidence or failing to do so in accordance with a civil investigative demand or lawful request by the Attorney General, pursuant to this section, shall be guilty of a misdemeanor and upon conviction therefor by a court of competent jurisdiction shall be punished by a fine of not more than \$5,000, or by imprisonment in jail for not more than one year, or both such fine and imprisonment.

K. In any investigation brought by the Attorney General pursuant to this chapter, no individual shall be excused from attending, testifying or producing documentary material, objects or intangible things in obedience to a civil investigative demand or under order of the court on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to any penalty, but no testimony or other information compelled either by the Attorney General or under order of the court, or any information directly or indirectly derived from such testimony or other information, may be used against the individual or witness in any criminal case. However, he may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing evidence or failing to do so in accordance with the order of the Attorney General or

the court. If an individual refuses to testify or produce evidence after being granted immunity from prosecution and after being ordered to testify or produce evidence as aforesaid, he may be adjudged in civil contempt by a court of competent jurisdiction and committed to the county jail until such time as he purges himself of contempt by testifying, producing evidence or presenting a written statement as ordered. The foregoing shall not prevent the Attorney General from instituting other appropriate contempt proceedings against any person who violates any of the above provisions.

L. It shall be the duty of all public officials, both state and local, their deputies, assistants, clerks, subordinates or employees, and all other persons to render and furnish to the Attorney General, his deputy or other designated representative, when so requested, all information and assistance in their possession or within their power. Any officer participating in such inquiry and any person examined as a witness upon such inquiry who shall disclose to any such person other than the Attorney General the name of any witness examined or any other information obtained upon such inquiry, except as so directed by the Attorney General, shall be guilty of a misdemeanor and subject to the sanctions prescribed in subsection J. Such inquiry may upon written authorization of the Attorney General be made public.

M. The Attorney General may promulgate rules and regulations to implement and carry out the provisions of this section.

N. It shall be the duty of the Attorney General, or his designees, to maintain the secrecy of all evidence, testimony, documents or other results of such investigations. Violation of this subsection shall be a misdemeanor. Nothing herein contained shall be construed to prevent (i) the disclosure of any such investigative evidence by the Attorney General in his discretion to any federal or state law-enforcement authority that has restrictions governing confidentiality similar to those contained in this subsection or (ii) the presentation and disclosure of any such investigative evidence by the Attorney General, in his discretion, in any action or proceeding brought by the Attorney General under this chapter.

1974, c. 545; 1982, c. 285; 2000, c. 755.

Title 64.2 – Wills, Trusts, and Fiduciaries

[§ 64.2-455. Wills to be recorded; recording copies; effect; transfer to The Library of Virginia](#)

A. Every will or authenticated copy admitted to probate by any circuit court or clerk of any circuit court shall be recorded by the clerk and remain in the clerk's office, except during such time as the same may be carried to another court under a **subpoena duces tecum** or as otherwise provided in § 17.1-213. A certified copy of such will or of any authenticated copy may be recorded in any county or city wherein there is any estate, real or personal, devised or bequeathed by such will.

B. The personal representative of the testator shall cause a certified copy of any will or of any authenticated copy so admitted to record to be recorded in any county or city wherein there is any real estate of which the testator possessed at the time of his death or that is devised by his will.

C. Every will or certified copy when recorded shall have the effect of notice to all persons of any devise or disposal by the will of real estate situated in a county or city in which such will or copy is so recorded.

D. With the approval of the judges of a circuit court of any county or city, the clerk of such court may transfer such original wills from his office to the Archives Division of The Library of Virginia. A copy of any will that has been microfilmed or stored in an electronic medium, prepared from such microfilmed or electronic record and certified as authentic by the clerk or his designee, shall constitute a certified copy of the will for any purpose arising under this title for which a certified copy of the will is required.

Code 1950, § 64-90; 1964, c. 169; 1966, c. 254; 1968, c. 656, § 64.1-94; 1978, c. 366; 1994, c. 64; 2001, c. 836; 2002, c. 832; 2012, c. 614.

"tenant's assertion"

Found in Title 55.1.

Title 55.1 - Property and Conveyances

§ 55.1-1237. Notice to tenant in event of foreclosure

A. The landlord of a dwelling unit used as a single-family residence shall give written notice to the tenant or any prospective tenant of such dwelling unit that the landlord has received a notice of a mortgage default, mortgage acceleration, or foreclosure sale relative to the loan on the dwelling unit within five business days after written notice from the lender is received by the landlord. This requirement shall not apply (i) to any managing agent who does not receive a copy of such written notice from the lender or (ii) if the tenant or prospective tenant provides a copy of the written notice from the lender to the landlord or the managing agent.

B. If the landlord fails to provide the notice required by this section, the tenant shall have the right to terminate the rental agreement upon written notice to the landlord at least five business days prior to the effective date of termination. If the tenant terminates the rental agreement, the landlord shall make disposition of the tenant's security deposit in accordance with law or the provisions of the rental agreement, whichever is applicable.

C. If the dwelling unit is foreclosed upon and there is a tenant in such dwelling unit on the date of the foreclosure sale, the successor in interest who acquires the dwelling unit at the foreclosure sale shall assume such interest subject to the following:

1. If the successor in interest acquires the dwelling unit for the purpose of occupying such unit as his primary residence, the successor in interest shall provide written notice to the tenant, in accordance with the provisions of § 55.1-1202, notifying the tenant that the rental agreement is terminated and that the tenant must vacate the dwelling unit on a date not less than 90 days after the date of such written notice.

2. If the successor in interest acquires the dwelling unit for any other purpose, the successor in interest shall acquire the dwelling unit subject to the rental agreement and the tenant shall be permitted to occupy the dwelling unit for the remaining term of the lease, provided, however, that the successor in interest may terminate the rental agreement pursuant to § 55.1-1245 or the terms of the rental agreement. The successor in interest shall provide written notice to the tenant, in accordance with the provisions of § 55.1-1202, informing the tenant of such.

The terms of the terminated rental agreement remain in effect except that the tenant shall make rental payments (i) to the successor owner as directed in a written notice to the tenant in this subsection; (ii) to the managing agent of the owner, if any, or successor owner; or (iii) into a court escrow account pursuant to the provisions of § 55.1-1244; however, there is no obligation of a tenant to file a **tenant's assertion** and pay rent into escrow. Where there is not a managing agent designated in the rental agreement, the tenant shall remain obligated for payment of the rent but shall not be held to be delinquent or assessed a late charge until the successor owner provides written notice identifying the name, address, and telephone number of the party to which the rent should be paid.

2018, c. 221, § 55-248.21:3; 2019, c. 712; 2021, Sp. Sess. I, c. 426.

§ 55.1-1244. **Tenant's assertion; rent escrow**

A. The tenant may assert that there exists upon the leased premises a condition that constitutes a material noncompliance by the landlord with the rental agreement or with provisions of law or that, if not promptly corrected, will constitute a fire hazard or serious threat to the life, health, or safety of occupants of the premises, including (i) a lack of heat or hot or cold running water, except where the tenant is responsible for payment of the utility charge and where the lack of such heat or hot or cold running water is the direct result of the tenant's failure to pay the utility charge; (ii) a lack of light, electricity, or adequate sewage disposal facilities; (iii) an infestation of rodents; or (iv) the existence of paint containing lead pigment on surfaces within the dwelling, provided that the landlord has notice of such paint. The tenant may file such an assertion in a general district court in which the premises is located by a declaration setting forth such assertion and asking for one or more forms of relief as provided for in subsection D.

B. Prior to the granting of any relief, the tenant shall show to the satisfaction of the court that:

1. Prior to the commencement of the action, the landlord or his agent refused or, having a reasonable opportunity to do so, failed to remedy the condition for which he was served a written notice of the condition by the tenant or was notified of such condition by a violation or condemnation notice from an appropriate state or local agency. For the purposes of this subsection, what period of time shall be deemed to be unreasonable delay is left to the discretion of the court, except that there shall be a rebuttable presumption that a period in excess of 30 days from receipt of the notification by the landlord is unreasonable; and

2. The tenant has paid into court the amount of rent called for under the rental agreement, within five days of the date due under the rental agreement, unless or until such amount is modified by subsequent order of the court under this chapter.

C. It shall be sufficient answer or rejoinder to an assertion made pursuant to subsection A if the landlord establishes to the satisfaction of the court that (i) the conditions alleged by the tenant do not in fact exist; (ii) such conditions have been removed or remedied; (iii) such conditions have been caused by the tenant, his guest or invitee, members of the family of such tenant, or a guest or invitee of such family member; or (iv) the tenant has unreasonably refused entry to the landlord to the premises for the purpose of correcting such conditions.

D. Any court shall make findings of fact on the issues before it and shall issue any order that may be required. Such an order may include any one or more of the following:

1. Terminating the rental agreement upon the request of the tenant or ordering the surrender of the premises to the landlord if the landlord prevails on a request for possession pursuant to an unlawful detainer properly filed with the court;

2. Ordering all moneys already accumulated in escrow disbursed to the landlord or to the tenant in accordance with this chapter;

3. Ordering that the escrow be continued until the conditions causing the complaint are remedied;

4. Ordering that the amount of rent, whether paid into the escrow account or paid to the landlord, be abated as determined by the court in such an amount as may be equitable to represent the existence of any condition found by the court to exist. In all cases where the court deems that the tenant is entitled to relief under this chapter, the burden shall be upon the landlord to show cause why there should not be an abatement of rent;

5. Ordering any amount of moneys accumulated in escrow disbursed to the tenant where the landlord refuses to make repairs after a reasonable time or to the landlord or to a contractor chosen by the landlord in order to make repairs or to otherwise remedy the condition. In either case, the court shall in its order insure that moneys thus disbursed will be in fact used for the purpose of making repairs or effecting a remedy;

6. Referring any matter before the court to the proper state or local agency for investigation and report and granting a continuance of the action or complaint pending receipt of such investigation and report. When such a continuance is granted, the tenant shall deposit with the court, within five days of date due under the rental agreement, subject to any abatement under this section, rents that become due during the period of the continuance, to be held by the court pending its further order;

7. Ordering escrow funds disbursed to pay a mortgage on the property in order to stay a foreclosure; or

8. Ordering escrow funds disbursed to pay a creditor to prevent or satisfy a bill to enforce a mechanic's or materialman's lien.

E. Notwithstanding any provision of subsection D, where an escrow account is established by the court and the condition is not fully remedied within six months of the establishment of such account, and the landlord has not made reasonable attempts to remedy the condition, the court shall award all moneys accumulated in escrow to the tenant. In such event, the escrow shall not be terminated, but shall begin upon a new six-month period with the same result if, at the end of the period, the condition has not been remedied.

F. The initial hearing on the **tenant's assertion** filed pursuant to subsection A shall be held within 15 calendar days from the date of service of process on the landlord as authorized by § 55.1-1216, except that the court shall order an earlier hearing where emergency conditions are alleged to exist upon the premises, such as failure of heat in winter, lack of adequate sewage disposal facilities, or any other condition that constitutes an immediate threat to the health or safety of the inhabitants of the leased premises. The court, on motion of either party or on its own motion, may hold hearings subsequent to the initial proceeding in order to further determine the rights and obligations of the parties. Distribution of escrow moneys may only occur by order of the court after a hearing of which both parties are given notice as required by law or upon motion of both the landlord and tenant or upon certification by the appropriate inspector that the work required by the court to be done has been satisfactorily completed. If the tenant proceeds under this subsection, he may not proceed under any other section of this article as to that breach.

G. In cases where the court deems that the tenant is entitled to relief under this section and enters judgment for the tenant, the court, in its discretion, may impose upon the landlord the reasonable costs of the tenant, including court costs, and reasonable attorney fees.

1974, c. 680, § 55-248.27; 2000, c. 760; 2001, c. 524; 2016, cc. 384, 459; 2017, c. 730; 2019, cc. 324, 712.

§ 55.1-1246. Barring guest or invitee of a tenant

A. A guest or invitee of a tenant may be barred from the premises by the landlord upon written notice served personally upon the guest or invitee of the tenant for conduct on the landlord's property where the premises are located that violates the terms and conditions of the rental agreement, a local ordinance, or a state or federal law. A copy of the notice shall be served upon the tenant in accordance with this chapter. The notice shall describe the conduct of the guest or invitee that is the basis for the landlord's action.

B. In addition to the remedies against the tenant authorized by this chapter, a landlord may apply to the magistrate for a warrant for trespass, provided that the guest or invitee has been served in accordance with subsection A.

C. The tenant may file a **tenant's assertion**, in accordance with § 55.1-1244, requesting that the general district court review the landlord's action to bar the guest or invitee.

1999, cc. 359, 390, § 55-248.31:01; 2000, c. 760; 2019, c. 712.

"unlawful detainer"

Article 13 of Chapter 3 of Title 8.01 is titled "Unlawful Entry and Detainer."

Also found in Titles 16.1, 44, and 55.1.

Title 8.01 - Civil Remedies and Procedure

§ 8.01-28. When judgment to be given in action upon contract or note unless defendant appears and denies claim under oath

In any action at law on a note or contract, express or implied, for the payment of money, or **unlawful detainer** pursuant to § 55.1-1245 or 55.1-1415 for the payment of money or possession of the premises, or both, if (i) the plaintiff files with his motion for judgment or civil warrant an affidavit made by himself or his agent, stating therein to the best of the affiant's belief the amount of the plaintiff's claim, that such amount is justly due, and the time from which plaintiff claims interest, and (ii) a copy of the affidavit together with a copy of any account filed with the motion for judgment or warrant and, in actions pursuant to § 55.1-1245 or 55.1-1415, proof of required notices is served on the defendant as provided in § 8.01-296 at the time a copy of the motion for judgment or warrant is so served, the plaintiff shall be entitled to a judgment on the affidavit and statement of account without further evidence unless the defendant either appears and pleads under oath or files with the court before the return date an affidavit or responsive pleading denying that the plaintiff is entitled to recover from the defendant on the claim. A denial by the defendant in general district court need not be in writing. The plaintiff or defendant shall, on motion, be granted a continuance whenever the defendant appears and pleads. If the defendant's pleading or affidavit admits that the plaintiff is entitled to recover from the defendant

a sum certain less than that stated in the affidavit filed by the plaintiff, judgment may be taken by the plaintiff for the sum so admitted to be due, and the case will be tried as to the residue.

In the event of a defect in the affidavit, the plaintiff shall be entitled to a continuance.

Code 1950, § 8-511; 1954, c. 610; 1960, c. 426; 1977, c. 617; 1983, c. 136; 1991, cc. 56, 503; 2014, c. 688.

§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general district court

A. For the purposes of this section, "termination notice" means a notice given under § 55.1-1245 or other notice of termination of tenancy given by the landlord to the tenant of a dwelling unit, or any notice of termination given by a landlord to a tenant of a nonresidential premises.

B. In any case when possession of any house, land or tenement is unlawfully detained by the person in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may present to a magistrate or a clerk or judge of a general district court a statement under oath of the facts which authorize the removal of the tenant or other person in possession, describing such premises; and thereupon such magistrate, clerk or judge shall issue his summons against the person or persons named in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge may be served as provided in § 8.01-293, 8.01-296, or 8.01-299. When issued by a magistrate it may be returned to and the case heard and determined by the judge of a general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not more than 21 days from the date of filing. If the case cannot be heard within 21 days from the date of filing, the initial hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing. If the plaintiff requests that the initial hearing be set on a date later than 21 days from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also available for the court. Such summons shall be served at least 10 days before the return day thereof. If a summons for unlawful detainer is filed by an owner of a residential single family dwelling unit in the Commonwealth and the court finds based upon the evidence that (i) no rental agreement exists or has ever existed between the owner and the occupant; (ii) the occupant occupies such dwelling unit without permission of such owner; and (iii) the owner has given such occupant a written notice to vacate such dwelling unit at least 72 hours prior to the date of filing, an emergency hearing on such summons shall occur as soon as practicable, but not more than 14 days from the date of filing. If the case cannot be heard within 14 days from the date of filing, the emergency hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing.

C. Any summons issued pursuant to the provisions of this section shall contain a notice to the tenant that, pursuant to the provisions of § 18.2-465.1, it is unlawful for his employer to discharge him from employment or take any adverse personnel action against him as a result of his absence from employment due to appearing at any initial or subsequent hearing on such summons, provided that he has given reasonable notice of such hearing to his employer.

D. The court shall not enter an order of possession unless the plaintiff, plaintiff's attorney, or agent has presented a copy of a proper termination notice issued to the defendant and the court has entered such notice into evidence.

E. Notwithstanding any rule of court or provision of law to the contrary, the plaintiff, plaintiff's attorney, or agent in an **unlawful detainer** case may submit into evidence a photocopy of a properly executed paper document or paper printout of an electronically stored document including a copy of the original lease or other documents, provided that the plaintiff provides an affidavit or sworn testimony that the copy of such document is a true and accurate copy of the original lease. If the defendant fails to appear in court, the plaintiff, plaintiff's attorney, or agent may introduce into evidence by an affidavit or sworn testimony a statement of the amount of outstanding rent, late charges, attorney fees, costs, and any other charges or damages as contracted for in the rental agreement that are due and owing as of the date of the hearing. The plaintiff, plaintiff's attorney, or agent shall advise the court of any payments made by or on behalf of the defendant that result in a reduction of the amount due and owing to the plaintiff.

F. 1. The plaintiff may include on the summons for **unlawful detainer** a request for all amounts due and owing as of the date of the hearing and the approximate amount the defendant may owe as of the date of the hearing if the defendant makes no payments prior to the date of such hearing. Notwithstanding any rule of court or provision of law to the contrary, if such request is made on the summons for **unlawful detainer**, the court shall permit amendment of the amount requested on the summons for **unlawful detainer** filed in court in accordance with the evidence and the amounts contracted for in the rental agreement. If the plaintiff makes such a request and additional amounts become due and owing prior to the final disposition of a pending **unlawful detainer**, a plaintiff may amend the amount in an **unlawful detainer** to request all amounts due and owing as of the date of final disposition.

If, however, the plaintiff has not included on the summons for **unlawful detainer** a request for all amounts due and owing as of the date of the hearing, the court may permit the plaintiff to amend the amount requested on the summons for **unlawful detainer** upon finding that (i) the evidence accurately sets forth the amount due and owing to the plaintiff, (ii) the plaintiff provided the defendant with a separate written notice of additional amounts due and owing as of the date of the hearing and of the plaintiff's intent to amend the amount requested on the summons, and (iii) the defendant had the opportunity at court to object to any additional amounts claimed.

2. If the plaintiff requests on the summons for **unlawful detainer** all amounts due and owing as of the date of the hearing or if the court grants an amendment of the amounts requested on the summons for **unlawful detainer**, the plaintiff shall not subsequently file additional **unlawful detainers** or warrants in debt against the defendant for such additional amounts if those amounts could have been included in the amended amount. Any such subsequent **unlawful detainers** or warrants in debt filed for amounts that were included in the amended amount shall be dismissed. Nothing in this section shall preclude the plaintiff from filing an **unlawful detainer** for a non-rent lease violation during the pendency of an **unlawful detainer** for nonpayment of rent or from filing a warrant in debt for amounts unrelated to the **unlawful detainer** against the defendant.

3. In determining the amount due the plaintiff as of the date of the hearing, if the rental agreement or lease provides that rent is due and payable on the first of the month in advance for the entire month, at the request of the plaintiff or the plaintiff's attorney or agent, the amount due as of the date of the hearing shall include the rent due for the entire month in which the hearing is

held, and rent shall not be prorated as of the actual court date. Otherwise, the rent shall be prorated as of the date of the hearing. However, nothing herein shall be construed to permit a landlord to collect rent in excess of the amount stated in such rental agreement or lease. If a money judgment has been granted for the amount due for the month of the hearing pursuant to this section and the landlord re-rents such dwelling unit and receives rent from a new tenant prior to the end of such month, the landlord is required to reflect the applicable portion of the judgment as satisfied pursuant to § 16.1-94.01.

4. If, on the date of a foreclosure sale of a single-family residential dwelling unit, the former owner remains in possession of such dwelling unit, such former owner becomes a tenant at sufferance. Such tenancy may be terminated by a written termination notice from the successor owner given to such tenant at least three days prior to the effective date of termination. Upon the expiration of the three-day period, the successor owner may file an **unlawful detainer** under this section. Such tenant shall be responsible for payment of fair market rental from the date of such foreclosure until the date the tenant vacates the dwelling unit, as well as damages, and for payment of reasonable attorney fees and court costs.

Code 1950, § 8-791; 1954, c. 333; 1966, c. 436; 1968, c. 639; 1972, c. 397; 1975, c. 235; 1977, c. 617; 1978, c. 344; 1980, c. 502; 2000, c. 1055; 2008, cc. 551, 691; 2012, c. 788; 2013, c. 63; 2014, c. 168; 2015, c. 547; 2017, c. 481; 2018, c. 255; 2019, cc. 130, 132; 2022, c. 467; 2024, cc. 268, 331.

§ 8.01-128. Verdict and judgment; damages

A. If it appears that the plaintiff was forcibly or unlawfully turned out of possession, or that it was unlawfully detained from him, the verdict or judgment shall be for the plaintiff for the premises, or such part thereof as may be found to have been so held or detained. The verdict or judgment shall also be for such damages as the plaintiff may prove to have been sustained by him by reason of such forcible or unlawful entry, or unlawful detention, of such premises, and such rent as he may prove to have been owing to him.

B. The plaintiff may, alternatively, receive a final, appealable judgment for possession of the property unlawfully entered or unlawfully detained and be issued an order of possession at the initial hearing on a summons for **unlawful detainer**, upon evidence presented by the plaintiff to the court. At the initial hearing, upon request of the plaintiff, the court shall bifurcate the **unlawful detainer** case and set a continuance date no later than 120 days from the date of the initial hearing to determine final rent and damages. On such continuance date, the court shall permit amendment of the amount requested on the summons for **unlawful detainer** filed in court in accordance with the (i) notice of hearing to establish final rent and damages mailed to the last known address of the defendant and filed with the court at least 15 days prior to the continuance date as provided herein, (ii) evidence presented to the court, and (iii) amounts contracted for in the rental agreement. Nothing in this subsection shall preclude a defendant who appears in court at the initial court date from contesting an **unlawful detainer** action as otherwise provided by law.

If under this section an appeal is taken as to possession, the entire case shall be considered appealed. The plaintiff shall, in the instance of a continuance taken under this section, mail to the defendant at the defendant's last known address at least 15 days prior to the continuance date a notice advising (a) of the continuance date, (b) of the amounts of final rent and damages, and (c)

that the plaintiff is seeking judgment for additional sums. A copy of such notice shall be filed with the court.

C. No verdict or judgment rendered under this section shall bar any separate concurrent or future action for any such damages or rent as may not be so claimed.

Code 1950, § 8-793; 1954, c. 609; 1977, c. 617; 2005, c. 779; 2010, c. 550; 2011, c. 76; 2016, c. 281; 2017, c. 481; 2019, cc. 180, 700.

§ 8.01-129. Appeal from judgment of general district court

A. An appeal shall lie from the judgment of a general district court, in any proceeding under this article, to the circuit court in the same manner and with like effect and upon like security as appeals taken under the provisions of § 16.1-106 et seq. except as specifically provided in this section. The appeal shall be taken within 10 days and the security approved by the court from which the appeal is taken. Notwithstanding the provisions of § 16.1-106 et seq., the bond shall be posted and the writ tax paid within 10 days of the date of the judgment.

B. In any **unlawful detainer** case filed under § 8.01-126, if a judge grants the plaintiff a judgment for possession of the premises, upon request of the plaintiff, the judge shall further order that the writ of eviction issue immediately upon entry of judgment for possession. In such case, the clerk shall deliver the writ of eviction to the sheriff, who shall then, at least 72 hours prior to execution of such writ, serve notice of intent to execute the writ, including the date and time of eviction, as provided in § 8.01-470. In no case, however, shall the sheriff evict the defendant from the dwelling unit prior to the expiration of the defendant's 10-day appeal period. If the defendant perfects an appeal, the sheriff shall return the writ to the clerk who issued it.

When the appeal is taken by the defendant, he shall be required to give security also for all rent which has accrued and may accrue upon the premises, but for not more than one year's rent, and also for all damages that have accrued or may accrue from the unlawful use and occupation of the premises for a period not exceeding three months. Trial by jury shall be had upon application of any party.

Code 1950, § 8-794; 1950, p. 68; 1977, c. 617; 1984, c. 565; 1998, c. 750; 2004, c. 343; 2008, c. 489; 2017, c. 481; 2018, c. 145; 2019, cc. 180, 700.

§ 8.01-130. Judgment not to bar action of trespass, ejectment, or **unlawful detainer**

No judgment in an action brought under the provisions of this article shall bar any action of trespass, ejectment, or **unlawful detainer** between the same parties, nor shall any such judgment or verdict be conclusive, in any such future action, of the facts therein found.

Code 1950, § 8-795; 1977, c. 617; 2018, c. 255.

§ 8.01-130.01. **Unlawful detainer**; expungement

A. If, in an action for **unlawful detainer** filed in general district court, (i) such action is dismissed and the 30-day period following such dismissal has passed or (ii) a voluntary nonsuit of such action is taken and the six-month period following such nonsuit has passed, provided that no

order of possession has been entered in the case, the court shall, without further petition or hearing, enter an order requiring the expungement of the court records. The court shall not automatically expunge such records in an **unlawful detainer** action where a judgement is entered in favor of the defendant; however, such a defendant may file a petition, and the court shall, without a hearing, expunge such records in accordance with the provisions of subsection B.

B. For **unlawful detainer** actions commenced prior to July 1, 2024, for which the court still has records, if (i) such action was dismissed and the 30-day period following such dismissal has passed or (ii) a voluntary nonsuit of such action was taken and the six-month period following such nonsuit has passed, provided that no order of possession has been entered in the case, the defendant may file a petition on a form created by the Supreme Court in the general district court in which the underlying **unlawful detainer** action was filed requesting expungement of the court records relating to the **unlawful detainer**. The petition shall provide the date that the order of dismissal, entry of judgment in favor of the defendant, or nonsuit was entered, the address of the property that was the subject of the **unlawful detainer** action, and the name of the plaintiff in the **unlawful detainer** action.

Upon finding that the **unlawful detainer** action was dismissed and the 30-day period following such dismissal has passed or a nonsuit was taken and the six-month period following such nonsuit has passed, and no order of possession was entered, the court shall, without a hearing, enter an order requiring the expungement of the court records.

2020, c. 1013; 2024, c. 372.

[§ 8.01-156. Authority of sheriffs, etc., to store and sell personal property removed from premises; recovery of possession by owner; disposition or sale](#)

In any county or city, when personal property is removed from premises pursuant to an action of **unlawful detainer** or ejectment, or pursuant to any other action in which personal property is removed from premises in order to restore such premises to the person entitled thereto, the sheriff shall oversee the removal of such personal property and it shall be placed in a storage area designated by the governing body of the county or city if such an area has been so designated, or, in the case of a manufactured home, at the request of the owner of the real property, to be placed into a storage area designated by the owner of the real property which may be the manufactured home lot or other location within the manufactured home park, unless the owner of such personal property then and there removes it from the public way. The sheriff and the owner of the real property shall not have any liability for the loss of any such manufactured home remaining on the manufactured home lot, nor shall they have any liability for the loss of any removed personal property.

The owner, before obtaining possession of such personal property so placed in a storage area shall pay to the parties entitled thereto the reasonable and necessary costs incidental to such removal and storage. Should such owner fail or refuse to pay such costs within 30 days from the date of placing the property in storage, the sheriff shall, after due notice to the owner and holders of liens of record, dispose of the property by publicly advertised public sale. The proceeds from such sale shall be used to pay all costs of removal, storage, and sale, all fees and liens, and the balance of such funds shall be paid to the person entitled thereto. Should the cost of removal and storage exceed the proceeds realized from such sale the county or city shall reimburse the sheriff

for such excess, except that any such excess costs related to the disposal of a manufactured home shall be paid by the owner of the real property from which the manufactured home was removed. The sheriff, in his discretion, may refuse to remove or dispose of such manufactured home until the owner of the real property pays to the sheriff the estimated cost of such removal and disposition. Subsequent to disposition, the sheriff shall reimburse the owner to the extent the actual cost is less than the estimated cost, or shall request additional payment to the extent the actual cost exceeds the estimated cost.

Code 1950, § 8-825.1; 1964, c. 387; 1977, c. 617; 1992, c. 454; 1993, c. 16; 2005, c. 791; 2006, c. 129.

§ 8.01-296. Manner of serving process upon natural persons

In addition to any other manner of service upon natural persons prescribed elsewhere in the Code, and subject to the provisions of § 8.01-286.1, in any action at law or in equity or any other civil proceeding in any court, process, for which no particular mode of service is prescribed, may be served upon natural persons as follows:

1. By delivering a copy thereof in writing to the party in person; or
2. By substituted service in the following manner:
 - a. If the party to be served is not found at his usual place of abode, by delivering a copy of such process and giving information of its purport to any person found there, who is a member of his family, other than a temporary sojourner or guest, and who is of the age of 16 years or older; or
 - b. If such service cannot be effected under subdivision 2 a, then by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such place of abode, provided that not less than 10 days before judgment by default may be entered, the party causing service or his attorney or agent mails to the party served a copy of such process and thereafter files in the office of the clerk of the court a certificate of such mailing. In any civil action brought in a general district court, the mailing of the application for a **warrant in debt** or affidavit for summons in **unlawful detainer** or other civil pleading or a copy of such pleading, whether yet issued by the court or not, which contains the date, time and place of the return, prior to or after filing such pleading in the general district court, shall satisfy the mailing requirements of this section. In any civil action brought in a circuit court, the mailing of a copy of the pleadings with a notice that the proceedings are pending in the court indicated and that upon the expiration of 10 days after the giving of the notice and the expiration of the statutory period within which to respond, without further notice, the entry of a judgment by default as prayed for in the pleadings may be requested, shall satisfy the mailing requirements of this section and any notice requirement of the Rules of Court. Any judgment by default entered after July 1, 1989, upon posted service in which proceedings a copy of the pleadings was mailed as provided for in this section prior to July 1, 1989, is validated.
 - c. The person executing such service shall note the manner and the date of such service on the original and the copy of the process so delivered or posted under this subdivision and shall effect the return of process as provided in §§ 8.01-294 and 8.01-325.
3. If service cannot be effected under subdivisions 1 and 2, then by order of publication in appropriate cases under the provisions of §§ 8.01-316 through 8.01-320.

4. The landlord or his duly authorized agent or representative may serve notices required by the rental agreement or by law upon the tenant or occupant under a rental agreement that is within the purview of Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1.

Code 1950, § 8-51; 1954, c. 333; 1977, c. 617; 1989, cc. 518, 524; 1990, cc. 729, 767; 1996, c. 538; 2005, c. 866; 2008, c. 489; 2024, c. 454.

§ 8.01-375. Exclusion of witnesses in civil cases (Subsection (a) of Supreme Court Rule 2:615 derived in part from this section and subsection (b) of Supreme Court Rule 2:615 derived from this section)

The court trying any civil case may upon its own motion, and shall upon the motion of any party, require the exclusion of every witness. However, the following shall be exempt from the rule of this section as a matter of right: (i) each named party who is an individual; (ii) one officer or agent of each party that is a public or private corporation, partnership, association, governmental agency, or other entity; (iii) an attorney alleged in a habeas corpus proceeding to have acted ineffectively; and (iv) in an unlawful detainer action filed in general district court, a managing agent as defined in § 55.1-1200.

Where expert witnesses are to testify in the case, the court may, at the request of all parties, allow one expert witness for each party to remain in the courtroom; however, in cases pertaining to the distribution of marital property pursuant to § 20-107.3 or the determination of child or spousal support pursuant to § 20-108.1, the court may, upon motion of any party, allow one expert witness for each party to remain in the courtroom throughout the hearing.

Code 1950, § 8-211.1; 1966, c. 268; 1975, c. 652; 1977, c. 617; 1986, c. 36; 1987, c. 70; 2001, c. 348; 2006, c. 757; 2016, c. 281; 2023, c. 615.

Title 16.1 - Courts Not of Record

§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be \$36. No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for collection of overdue book rental fees. Of the fees collected under this section, \$10 of each such fee collected shall be apportioned to the Courts Technology Fund established under § 17.1-132.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall

remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed \$1 for the first two pages and \$.50 for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

Code 1950, § 14-133; 1954, c. 287; 1956, c. 556; 1958, c. 555; 1960, cc. 17, 106; 1964, c. 386, § 14.1-125; 1970, c. 569; 1971, Ex. Sess., cc. 155, 253; 1973, c. 545; 1975, c. 591; 1982, c. 569; 1983, c. 499; 1984, cc. 293, 702; 1990, c. 943; 1991, c. 577; 1992, c. 555; 1997, c. 42; 1998, c. 872; 2003, c. 1039; 2006, cc. 623, 718; 2010, c. 874; 2011, c. 890; 2020, c. 1289; 2020, Sp. Sess. I, c. 56; 2022, Sp. Sess. I, c. 1.

[§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys](#)

A. Any corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, the Fort Monroe Authority, and the Department of Military Affairs, when the amount claimed in any civil action pursuant to subdivision (1) or (3) of § 16.1-77 does not exceed the jurisdictional amounts authorized in such subsections, exclusive of interest, may prepare, execute, file, and have served on other parties in any proceeding in a general district court a warrant in debt, motion for judgment, warrant in detinue, distress warrant, summons for **unlawful detainer**, counterclaim, crossclaim, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, writ of fieri facias, interpleader and civil appeal notice without the intervention of an attorney. Such papers may be signed by a corporate officer, a manager of a limited liability company, a general partner of any form of partnership or a trustee of any business trust, or such corporate officer, with the approval of the board of directors, or manager, general partner or trustee may authorize in writing an employee, a person licensed under the provisions of § 54.1-2106.1, or the property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement to sign such papers as the agent of the business entity. Only an agency employee designated in writing by the Adjutant General may sign such papers on behalf of the Department of Military Affairs. However, this section shall not apply to an action under subdivision (1) or (3) of § 16.1-77 which was assigned to a corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, or individual solely for the purpose of enforcing an obligation owed or right inuring to another.

B. Nothing in this section shall allow a nonlawyer to file a bill of particulars or grounds of defense or to argue motions, issue a subpoena, rule to show cause, or capias; file or interrogate at debtor interrogatories; or to file, issue or argue any other paper, pleading or proceeding not set forth in subsection A.

C. The provisions of § 8.01-271.1 shall apply to any pleading, motion or other paper filed or made pursuant to this section.

D. Parties not represented by counsel, and who have made an appearance in the case, shall promptly notify in writing the clerk of court wherein the litigation is pending, and any adverse party, of any change in the party's address necessary for accurate mailing or service of any pleadings or notices. In the absence of such notification, a mailing to or service upon a party at the most recent address contained in the court file of the case shall be deemed effective service or other notice.

1990, c. 645; 1992, c. 814; 1993, cc. 473, 478; 2003, cc. 665, 667; 2004, cc. 338, 365; 2005, c. 136; 2006, c. 374; 2017, c. 690; 2019, cc. 180, 477, 700; 2020, cc. 84, 194.

[§ 16.1-107. Requirements for appeal](#)

A. No appeal shall be allowed unless and until the party applying for the same or someone for him shall give bond, in an amount and with sufficient surety approved by the judge or by his clerk if there is one, or in an amount sufficient to satisfy the judgment of the court in which it was rendered. Either such amount shall include the award of attorney fees, if any. Such bond shall be posted within 30 days from the date of judgment, except for an appeal from the judgment of a general district court on an **unlawful detainer** pursuant to § 8.01-129. However, no appeal bond shall be required of a plaintiff in a civil case where the defendant has not asserted a counterclaim, the Commonwealth or when an appeal is proper to protect the estate of a decedent, an infant, a convict, or an insane person, or the interest of a county, city, town or transportation district created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2. In a case where a defendant with indemnity coverage through a policy of liability insurance appeals, the bond required by this section shall not exceed the amount of the judgment that is covered by a policy of indemnity coverage.

B. In all civil cases, except trespass, ejectment, **unlawful detainer** against a former owner based upon a foreclosure against that owner, or any action involving the recovering of rents, no indigent person shall be required to post an appeal bond. In cases of **unlawful detainer** against a former owner based upon a foreclosure against that owner, a person who has been determined to be indigent pursuant to the guidelines set forth in § 19.2-159 shall post an appeal bond within 30 days from the date of judgment.

C. Notwithstanding the provisions of subsection B, no indigent person shall be required to post a bond to appeal any **unlawful detainer** action brought by a public housing authority.

D. In cases of **unlawful detainer** for a residential dwelling unit, notwithstanding the provisions of § 8.01-129, an appeal bond shall be posted by the defendant with payment into the general district court in the amount of outstanding rent, late charges, attorney fees, and any other charges or damages due, as contracted for in the rental agreement, and as amended on the **unlawful detainer** by the court. If such amount is not so paid, any such appeal shall not be perfected as a matter of law. Upon perfection of an appeal, the defendant shall pay the rental amount as

contracted for in the rental agreement to the plaintiff on or before the fifth day of each month. If any such rental payment is not so paid, upon written motion of the plaintiff with a copy of such written motion mailed by regular mail to the tenant, the judge of the circuit court shall, without hearing, enter judgment for the amount of outstanding rent, late charges, attorney fees, and any other charges or damages due as of that date, subtracting any payments made by such tenant as reflected in the court accounts and on a written affidavit submitted by the plaintiff, plaintiff's managing agent, or plaintiff's attorney with a copy of such affidavit mailed by regular mail to the tenant, and an order of possession without further hearings or proceedings in such court. Any funds held in a court account shall be released to the plaintiff without further hearing or proceeding of the court unless the defendant has filed a motion to retain some or all of such funds and the court, after a hearing, enters an order finding that the defendant is likely to succeed on the merits of a counterclaim alleging money damages against the plaintiff, in which case funds shall be held by order of such court.

E. If such bond is furnished by or on behalf of any party against whom judgment has been rendered for money or property or both, the bond shall be conditioned for the performance and satisfaction of such judgment or order as may be entered against such party on appeal, and for the payment of all costs and damages which may be awarded against him in the appellate court. If the appeal is by a party against whom there is no recovery except for costs, the bond shall be conditioned for the payment of such costs and damages as may be awarded against him on the appeal.

F. In addition to the foregoing, any party applying for appeal shall, within 30 days from the date of the judgment, pay to the clerk of the court from which the appeal is taken the amount of the writ tax of the court to which the appeal is taken and costs as required by subdivision A 13 of § 17.1-275, including all fees for service of process of the notice of appeal in the circuit court pursuant to § 16.1-112.

G. For purposes of this section, "indigent" means that the defendant has been determined to be indigent pursuant to the guidelines set forth in § 19.2-159.

1956, c. 555; 1972, c. 585; 1978, c. 501; 1992, c. 565; 1993, c. 970; 1998, c. 266; 2004, c. 366; 2006, c. 116; 2007, c. 869; 2008, c. 706; 2010, c. 267; 2011, c. 58; 2017, c. 657; 2019, c. 785; 2021, Sp. Sess. I, c. 199; 2025, cc. 684, 688.

Title 44 - Military and Emergency Laws

[§ 44-209. Closure of United States government; civil relief for furloughed employees and contractors](#)

A. As used in this section:

"Closure of the United States government" means a closure of the United States federal government as a result of a lapse of appropriation that leads to (i) the curtailment of federal agency activities and services, (ii) a shutdown of nonessential operations, (iii) nonessential workers being furloughed, and (iv) only essential employees in departments covering the safety of human life or protection of property being retained.

"Written proof" means (i) a paystub issued by a federal government agency showing zero dollars in earnings for a pay period within the period of any closure of the United States government, (ii) a copy of a furlough notification letter or essential employee status letter indicating the employee's status as nonessential, or (iii) a letter from a company under contract with the United States government issued and signed by an officer or owner of the company or by the company's human resources director stating that the employee's not receiving payment from the contractor is directly attributable to a closure of the United States government.

B. Notwithstanding any provision of law to the contrary, any tenant as defined in § 55.1-1200 who is a defendant in an unlawful detainer for nonpayment of rent pursuant to § 55.1-1245 for rent due after the commencement of a closure of the United States government seeking a judgment for the payment of money or possession of the premises shall be granted a 60-day continuance of such unlawful detainer action from the initial court date if the tenant appears on such court date and provides written proof that he was furloughed or otherwise was or is not currently receiving wages or payments as a result of a closure of the United States government, and is (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government. The provisions of this subsection shall not apply if the landlord has filed a material noncompliance notice for a non-rent violation of the rental agreement or of the Code of Virginia.

C. Notwithstanding any provision of law to the contrary, any homeowner who, after the commencement of a closure of the United States government, defaults on a note that is secured by a one-family to four-family residential property located in the Commonwealth and is subject to a foreclosure proceeding on any mortgage or to the execution of or sale under any deed of trust shall be granted a 60-day stay of such proceeding if the homeowner, within 90 days of such closure or 90 days following the end of a closure of the United States government, whichever is later, requests a stay and provides written proof to his lender that he was furloughed or otherwise was or is not currently receiving wages or payments as a result of a closure of the United States government, and is (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government.

D. Notwithstanding any provision of law to the contrary, any owner who rents a one-family to four-family residential dwelling unit located in the Commonwealth to a tenant as defined in § 55.1-1200 and who, after the commencement of a closure of the United States government, defaults on a note that is secured by such dwelling unit and is subject to a foreclosure proceeding on any mortgage or to the execution of or sale under any deed of trust shall be granted a 60-day stay of such proceeding if the owner, within 90 days of such closure or 90 days following the end of a closure of the United States government, whichever is later, requests a stay and provides written proof to his lender that his tenant was furloughed or otherwise was or is not currently receiving wages or payments as a result of a closure of the United States government, and is (i) an employee of the United States government, (ii) an independent contractor for the United States government, or (iii) an employee of a company under contract with the United States government.

E. The provisions of this section shall not (i) apply in an instance where a separate, signed legal agreement exists between a landlord and tenant or homeowner and mortgage holder to stay legal action or defer the filing of an unlawful detainer motion for nonpayment of rent or foreclosure

proceeding on any mortgage or to the execution of or sale under any deed of trust for a term of 60 days or greater or (ii) affect any other terms of a valid rental agreement or note secured by a one-family to four-family residential property, mortgage, or deed of trust unrelated to nonpayment of rent or default of a mortgage caused by a closure of the United States government.

2020, c. 1202; 2025, c. 520.

Title 55.1 - Property and Conveyances

§ 55.1-1200. Definitions

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

"Action" means any recoupment, counterclaim, setoff, or other civil action and any other proceeding in which rights are determined, including actions for possession, rent, **unlawful detainer**, unlawful entry, and distress for rent.

"Application deposit" means any refundable deposit of money, however denominated, including all money intended to be used as a security deposit under a rental agreement, or property, that is paid by a tenant to a landlord for the purpose of being considered as a tenant for a dwelling unit.

"Application fee" means any nonrefundable fee that is paid by a tenant to a landlord or managing agent for the purpose of being considered as a tenant for a dwelling unit.

"Assignment" means the transfer by any tenant of all interests created by a rental agreement.

"Authorized occupant" means a person entitled to occupy a dwelling unit with the consent of the landlord, but who has not signed the rental agreement and therefore does not have the financial obligations as a tenant under the rental agreement.

"Building or housing code" means any law, ordinance, or governmental regulation concerning fitness for habitation or the construction, maintenance, operation, occupancy, use, or appearance of any structure or that part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

"Commencement date of rental agreement" means the date upon which the tenant is entitled to occupy the dwelling unit as a tenant.

"Community land trust" means a community housing development organization whose board of directors is composed of tenants, corporate members who are not tenants, and any other category of persons specified in the bylaws of the organization and that:

1. Is not sponsored by a for-profit organization;
2. Acquires parcels of land, held in perpetuity, primarily for conveyance under long-term ground leases;
3. Transfers ownership of any structural improvements located on such leased parcels to the tenant; and

4. Retains a preemptive option to purchase any such structural improvement at a price determined by formula that is designed to ensure that the improvement remains affordable to low-income and moderate-income families in perpetuity.

"Damage insurance" means a bond or commercial insurance coverage as specified in the rental agreement to secure the performance by the tenant of the terms and conditions of the rental agreement and to replace all or part of a security deposit.

"Dwelling unit" means a structure or part of a structure that is used as a home or residence by one or more persons who maintain a household, including a manufactured home, as defined in § 55.1-1300.

"Effective date of rental agreement" means the date on which the rental agreement is signed by the landlord and the tenant obligating each party to the terms and conditions of the rental agreement.

"Essential service" includes heat, running water, hot water, electricity, and gas.

"Facility" means something that is built, constructed, installed, or established to perform some particular function.

"Good faith" means honesty in fact in the conduct of the transaction concerned.

"Guest or invitee" means a person, other than the tenant or an authorized occupant, who has the permission of the tenant to visit but not to occupy the premises.

"Interior of the dwelling unit" means the inside of the dwelling unit, consisting of interior walls, floor, and ceiling, that enclose the dwelling unit as conditioned space from the outside air.

"Landlord" means the owner, lessor, or sublessor of the dwelling unit or the building of which such dwelling unit is a part. "Landlord" also includes a managing agent of the premises who fails to disclose the name of such owner, lessor, or sublessor. Such managing agent shall be subject to the provisions of § 16.1-88.03. "Landlord" does not include a community land trust.

"Managing agent" means the person authorized by the landlord to act as the property manager on behalf of the landlord pursuant to the written property management agreement.

"Mold remediation in accordance with professional standards" means mold remediation of that portion of the dwelling unit or premises affected by mold, or any personal property of the tenant affected by mold, performed consistent with guidance documents published by the U.S. Environmental Protection Agency, the U.S. Department of Housing and Urban Development, or the American Conference of Governmental Industrial Hygienists (Bioaerosols: Assessment and Control); Standard and Reference Guides of the Institute of Inspection, Cleaning and Restoration Certification (IICRC) for Professional Water Damage Restoration and Professional Mold Remediation; or any protocol for mold remediation prepared by an industrial hygienist consistent with such guidance documents.

"Multifamily dwelling unit" means more than one single-family dwelling unit located in a building. However, nothing in this definition shall be construed to apply to any nonresidential space in such building.

"Natural person," wherever the chapter refers to an owner as a "natural person," includes co-owners who are natural persons, either as tenants in common, joint tenants, tenants in partnership, tenants by the entirety, trustees or beneficiaries of a trust, general partnerships,

limited liability partnerships, registered limited liability partnerships or limited liability companies, or any other lawful combination of natural persons permitted by law.

"Notice" means notice given in writing by either regular mail or hand delivery, with the sender retaining sufficient proof of having given such notice in the form of a certificate of service confirming such mailing prepared by the sender. However, a person shall be deemed to have notice of a fact if he has actual knowledge of it, he has received a verbal notice of it, or, from all of the facts and circumstances known to him at the time in question, he has reason to know it exists. A person "notifies" or "gives" a notice or notification to another by taking steps reasonably calculated to inform another person, whether or not the other person actually comes to know of it. If notice is given that is not in writing, the person giving the notice has the burden of proof to show that the notice was given to the recipient of the notice.

"Organization" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, or association; two or more persons having a joint or common interest; any combination thereof; and any other legal or commercial entity.

"Owner" means one or more persons or entities, jointly or severally, including a mortgagee in possession, in whom is vested:

1. All or part of the legal title to the property; or
2. All or part of the beneficial ownership and a right to present use and enjoyment of the premises.

"Person" means any individual, group of individuals, corporation, partnership, business trust, association, or other legal entity, or any combination thereof.

"Premises" means a dwelling unit and the structure of which it is a part, facilities and appurtenances contained therein, and grounds, areas, and facilities held out for the use of tenants generally or whose use is promised to the tenant.

"Processing fee for payment of rent with bad check" means the processing fee specified in the rental agreement, not to exceed \$50, assessed by a landlord against a tenant for payment of rent with a check drawn by the tenant on which payment has been refused by the payor bank because the drawer had no account or insufficient funds.

"Readily accessible" means areas within the interior of the dwelling unit available for observation at the time of the move-in inspection that do not require removal of materials, personal property, equipment, or similar items.

"Rent" means all money, other than a security deposit, owed or paid to the landlord under the rental agreement, including prepaid rent paid more than one month in advance of the rent due date.

"Rental agreement" or "lease agreement" means all rental agreements, written or oral, and valid rules and regulations adopted under § 55.1-1228 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

"Rental application" means the written application or similar document used by a landlord to determine if a prospective tenant is qualified to become a tenant of a dwelling unit.

"Renter's insurance" means insurance coverage specified in the rental agreement that is a combination multi-peril policy containing fire, miscellaneous property, and personal liability coverage insuring personal property located in dwelling units not occupied by the owner.

"Residential tenancy" means a tenancy that is based on a rental agreement between a landlord and a tenant for a dwelling unit.

"Roomer" means a person occupying a dwelling unit that lacks a major bathroom or kitchen facility, in a structure where one or more major facilities are used in common by occupants of the dwelling unit and other dwelling units. "Major facility" in the case of a bathroom means a toilet and either a bath or shower and in the case of a kitchen means a refrigerator, stove, or sink.

"Security deposit" means any refundable deposit of money that is furnished by a tenant to a landlord to secure the performance of the terms and conditions of a rental agreement, as a security for damages to the leased premises, or as a pet deposit. However, such money shall be deemed an application deposit until the commencement date of the rental agreement. "Security deposit" does not include a damage insurance policy or renter's insurance policy, as those terms are defined in § 55.1-1206, purchased by a landlord to provide coverage for a tenant.

"Single-family residence" means a structure, other than a multifamily residential structure, maintained and used as a single dwelling unit, condominium unit, or any other dwelling unit that has direct access to a street or thoroughfare and does not share heating facilities, hot water equipment, or any other essential facility or essential service with any other dwelling unit.

"Sublease" means the transfer by any tenant of any but not all interests created by a rental agreement.

"Tenant" means a person entitled only under the terms of a rental agreement to occupy a dwelling unit to the exclusion of others and includes a roomer. "Tenant" does not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit.

"Tenant records" means all information, including financial, maintenance, and other records about a tenant or prospective tenant, whether such information is in written or electronic form or any other medium.

"Utility" means electricity, natural gas, or water and sewer provided by a public service corporation or such other person providing utility services as permitted under § 56-1.2. If the rental agreement so provides, a landlord may use submetering equipment or energy allocation equipment as defined in § 56-245.2 or a ratio utility billing system as defined in § 55.1-1212.

"Visible evidence of mold" means the existence of mold in the dwelling unit that is visible to the naked eye by the landlord or tenant in areas within the interior of the dwelling unit readily accessible at the time of the move-in inspection.

"Written notice" means notice given in accordance with § 55.1-1202, including any representation of words, letters, symbols, numbers, or figures, whether (i) printed in or inscribed on a tangible medium or (ii) stored in an electronic form or any other medium, retrievable in a perceivable form, and regardless of whether an electronic signature authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.) is affixed.

1974, c. 680, § 55-248.4; 1977, c. 427; 1987, c. 428; 1990, c. 55; 1991, c. 205; 1999, cc. 77, 258, 359, 390; 2000, cc. 760, 816; 2002, c. 531; 2003, cc. 355, 425, 855; 2004, c. 123; 2007, c. 634; 2008, cc. 489, 640; 2010, cc. 180, 550, § 55-221.1; 2012, c. 788; 2013, c. 563; 2014, c. 651; 2015, c. 596; 2016, c. 744; 2017, c. 730; 2019, cc. 5, 45, 477; 2021, Sp. Sess. I, c. 427; 2025, c. 28.

§ 55.1-1201. Applicability of chapter; local authority

A. This chapter shall apply to all jurisdictions in the Commonwealth and may not be waived or otherwise modified, in whole or in part, by the governing body of any locality or its boards or commissions or other instrumentalities or by the courts of the Commonwealth. Occupancy in a public housing unit or other housing unit that is a dwelling unit is subject to this chapter; however, if the provisions of this chapter are inconsistent with the regulations of the U.S. Department of Housing and Urban Development, such regulations shall control.

B. The provisions of this chapter shall apply to occupancy in all single-family and multifamily dwelling units and multifamily dwelling units located in the Commonwealth.

C. The following tenancies and occupancies are not residential tenancies under this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar services;
2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
3. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;
4. Occupancy in a campground as defined in § 35.1-1;
5. Occupancy by a tenant who pays no rent pursuant to a rental agreement;
6. Occupancy by an employee of a landlord whose right to occupancy in a multifamily dwelling unit is conditioned upon employment in and about the premises or a former employee whose occupancy continues less than 60 days;
7. Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest; or
8. Occupancy in a recovery residence as defined in § 37.2-431.1.

D. The following provisions apply to occupancy in a hotel, motel, extended stay facility, etc.:

1. A guest who is an occupant of a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter, and the innkeeper or property owner, or his agent, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of eviction issued pursuant to such action, which would otherwise be required under this chapter.

2. A hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

3. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging as his primary residence for 90 consecutive days or less, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

4. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, including those governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), boardinghouse, or similar transient lodging as his primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

5. Nothing herein shall be construed to preclude the owner of a lodging establishment that uses self-help eviction pursuant to this section from pursuing any civil or criminal remedies under the laws of the Commonwealth.

E. Nothing in this chapter shall prohibit a locality from establishing a commission, reconciliatory in nature only, or designating an existing agency, which upon mutual agreement of the parties may mediate conflicts that may arise out of the application of this chapter, nor shall anything in this chapter be deemed to prohibit an ordinance designed to effect compliance with local property maintenance codes. This chapter shall supersede all other local ordinances or regulations concerning landlord and tenant relations and the leasing of residential property.

1974, c. 680, § 55-248.3; 1977, c. 427; 2000, c. 760, § 55-248.3:1; 2001, c. 416; 2017, c. 730; 2018, cc. 50, 78, 221; 2019, cc. 180, 700, 712; 2022, cc. 732, 755.

[§ 55.1-1204. Terms and conditions of rental agreement; payment of rent; copy of rental agreement for tenant](#)

A. A landlord and tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule of law, including rent, charges for late payment of rent, the term of the agreement, automatic renewal of the rental agreement, requirements for notice of intent to vacate or terminate the rental agreement, and other provisions governing the rights and obligations of the parties.

B. A landlord shall offer a prospective tenant a written rental agreement containing the terms governing the rental of the dwelling unit and setting forth the terms and conditions of the landlord-tenant relationship and shall provide with it the statement of tenant rights and responsibilities developed by the Department of Housing and Community Development and posted on its website pursuant to § 36-139. The parties to a written rental agreement shall sign the form developed by the Department of Housing and Community Development and posted on

its website pursuant to § 36-139 acknowledging that the tenant has received from the landlord the statement of tenant rights and responsibilities. The written rental agreement shall be effective upon the date signed by the parties.

If a tenant fails to sign the form available pursuant to this subsection, the landlord shall record the date or dates on which he provided the form to the tenant and the fact that the tenant failed to sign such form. Subsequent to the effective date of the tenancy, a landlord may, but shall not be required to, provide a tenant with and allow such tenant an opportunity to sign the form described pursuant to this subsection. The form shall be current as of the date of delivery.

C. If a landlord does not offer a written rental agreement, the tenancy shall exist by operation of law, consisting of the following terms and conditions:

1. The provision of this chapter shall be applicable to the dwelling unit that is being rented;
2. The duration of the rental agreement shall be for 12 months and shall not be subject to automatic renewal, except in the event of a month-to-month lease as otherwise provided for under subsection D of § 55.1-1253;
3. Rent shall be paid in 12 equal periodic installments in an amount agreed upon by the landlord and the tenant and if no amount is agreed upon, the installments shall be at fair market rent;
4. Rent payments shall be due on the first day of each month during the tenancy and shall be considered late if not paid by the fifth of the month;
5. If the rent is paid by the tenant after the fifth day of any given month, the landlord shall be entitled to charge a late charge as provided in this chapter;
6. The landlord may collect a security deposit in an amount that does not exceed a total amount equal to two months of rent; and
7. The parties may enter into a written rental agreement at any time during the 12-month tenancy created by this subsection.

D. Except as provided in the written rental agreement, or as provided in subsection C if no written agreement is offered, rent shall be payable without demand or notice at the time and place agreed upon by the parties. Except as provided in the written rental agreement, rent is payable at the place designated by the landlord, and periodic rent is payable at the beginning of any term of one month or less and otherwise in equal installments at the beginning of each month. If the landlord receives from a tenant a written request for a written statement of charges and payments, he shall provide the tenant with a written statement showing all debits and credits over the tenancy or the past 12 months, whichever is shorter. The landlord shall provide such written statement within 10 business days of receiving the request.

E. A landlord shall not charge a tenant for late payment of rent unless such charge is provided for in the written rental agreement. No such late charge shall exceed the lesser of 10 percent of the periodic rent or 10 percent of the remaining balance due and owed by the tenant.

F. Except as provided in the written rental agreement or, as provided in subsection C if no written agreement is offered, the tenancy shall be week-to-week in the case of a tenant who pays weekly rent and month-to-month in all other cases. Terminations of tenancies shall be governed by § 55.1-1253 unless the rental agreement provides for a different notice period.

G. If the rental agreement contains any provision allowing the landlord to approve or disapprove a sublessee or assignee of the tenant, the landlord shall, within 10 business days of receipt of the written application of the prospective sublessee or assignee on a form to be provided by the landlord, approve or disapprove the sublessee or assignee. Failure of the landlord to act within 10 business days is evidence of his approval.

H. The landlord shall provide a copy of the signed written rental agreement and the statement of tenant rights and responsibilities to the tenant within 10 business days of the effective date of the written rental agreement. The failure of the landlord to deliver such a rental agreement and statement shall not affect the validity of the agreement. However, the landlord shall not file or maintain an action, including any summons for unlawful detainer, against the tenant in a court of law for any alleged lease violation until he has provided the tenant with the statement of tenant rights and responsibilities.

The landlord shall provide the tenant with an additional hard copy of such tenant's rental agreement once per year upon request or shall maintain such rental agreement in an electronic format that can be easily accessed by or shared with the tenant upon request. Any additional electronic copy of a tenant's rental agreement provided pursuant to this subsection shall be provided by the landlord at no charge to the tenant.

I. No unilateral change in the terms of a rental agreement by a landlord or tenant shall be valid unless (i) notice of the change is given in accordance with the terms of the rental agreement or as otherwise required by law and (ii) both parties consent in writing to the change.

J. 1. The landlord shall provide the tenant with a written receipt, upon request from the tenant, whenever the tenant pays rent in the form of cash or money order. No landlord shall charge a tenant any fee for the collection or processing of any payment of rent, security deposit, or any other fees, unless the landlord offers an alternative method of payment that does not include additional fees.

2. A landlord with four or fewer rental dwelling units, or up to a 10 percent interest in four or fewer rental dwelling units, shall not be required to accept payment of periodic rent and any security deposit by debit or credit card.

K. A landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth shall be required to provide written notice to any tenant who has the option to renew a rental agreement or whose rental agreement contains an automatic renewal provision of any increase in rent during the subsequent rental agreement term. Such landlord shall also provide written notice of nonrenewal to any tenant. Such notices shall be provided to the tenant no less than 60 days prior to the end of the rental agreement term. This subsection shall not apply to any periodic tenancy created pursuant to subsection C of § 55.1-1253.

1974, c. 680, § 55-248.7; 1977, c. 427; 1983, c. 39; 1988, c. 68; 2000, c. 760; 2003, c. 424; 2012, cc. 464, 503; 2013, c. 563; 2017, c. 730; 2019, cc. 5, 45, 712; 2020, cc. 985, 986, 998, 1231; 2021, Sp. Sess. I, c. 427; 2023, cc. 450, 679, 706; 2024, c. 831; 2025, cc. 554, 562, 627, 655.

[§ 55.1-1226. Security deposits](#)

A. No landlord may demand or receive a security deposit, however denominated, in an amount or value in excess of two months' periodic rent. Upon termination of the tenancy or the date the tenant vacates the dwelling unit, whichever occurs last, such security deposit, whether it is property or money held by the landlord as security as provided in this section, may be applied by the landlord solely to (i) the payment of accrued rent, including the reasonable charges for late payment of rent specified in the rental agreement; (ii) the payment of the amount of damages that the landlord has suffered by reason of the tenant's noncompliance with § 55.1-1227, less reasonable wear and tear; (iii) other damages or charges as provided in the rental agreement; or (iv) actual damages for breach of the rental agreement pursuant to § 55.1-1251. The security deposit and any deductions, damages, and charges shall be itemized by the landlord in a written notice given to the tenant, together with any amount due to the tenant, within 45 days after the termination date of the tenancy or the date the tenant vacates the dwelling unit, whichever occurs last. As of the date of the termination of the tenancy or the date the tenant vacates the dwelling unit, whichever occurs last, the tenant shall be required to deliver possession of the dwelling unit to the landlord. If the termination date is prior to the expiration of the rental agreement or any renewal thereof, or the tenant has not given proper notice of termination of the rental agreement, the tenant shall be liable for actual damages pursuant to § 55.1-1251, in which case, the landlord shall give written notice of security deposit disposition within the 45-day period but may retain any security balance to apply against any financial obligations of the tenant to the landlord pursuant to this chapter or the rental agreement. If the tenant fails to vacate the dwelling unit as of the termination of the tenancy, the landlord may file an unlawful detainer action pursuant to § 8.01-126.

B. Where there is more than one tenant subject to a rental agreement, unless otherwise agreed to in writing by each of the tenants, disposition of the security deposit shall be made with one check being payable to all such tenants and sent to a forwarding address provided by one of the tenants. The landlord shall make the security deposit disposition within the 45-day time period required by subsection A, but if no forwarding address is provided to the landlord, the landlord may continue to hold such security deposit in escrow. If a tenant fails to provide a forwarding address to the landlord to enable the landlord to make a refund of the security deposit, upon the expiration of one year from the date of the end of the 45-day time period, the landlord may remit such sum to the State Treasurer as unclaimed property on a form prescribed by the administrator that includes the name; social security number, if known; and last known address of each tenant on the rental agreement. If the landlord or managing agent is a real estate licensee, compliance with this subsection shall be deemed compliance with § 54.1-2108 and corresponding regulations of the Real Estate Board.

C. Nothing in this section shall be construed by a court of law or otherwise as entitling the tenant, upon the termination of the tenancy, to an immediate credit against the tenant's delinquent rent account in the amount of the security deposit. The landlord shall apply the security deposit in accordance with this section within the 45-day time period required by subsection A. However, provided that the landlord has given prior written notice in accordance with this section, the landlord may withhold a reasonable portion of the security deposit to cover an amount of the balance due on the water, sewer, or other utility account that is an obligation of the tenant to a third-party provider under the rental agreement for the dwelling unit, and upon payment of such obligations the landlord shall provide written confirmation to the tenant within 10 days, along with payment to the tenant of any balance otherwise due to the tenant. In order to withhold such funds as part of the disposition of the security deposit, the landlord shall have so

advised the tenant of his rights and obligations under this section in (i) a termination notice to the tenant in accordance with this chapter, (ii) a written notice to the tenant confirming the vacating date in accordance with this section, or (iii) a separate written notice to the tenant at least 15 days prior to the disposition of the security deposit. Any written notice to the tenant shall be given in accordance with § 55.1-1202.

The tenant may provide the landlord with written confirmation of the payment of the final water, sewer, or other utility bill for the dwelling unit, in which case the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period required by subsection A. If the tenant provides such written confirmation after the expiration of the 45-day period, the landlord shall refund any remaining balance of the security deposit held to the tenant within 10 days following the receipt of such written confirmation provided by the tenant. If the landlord otherwise receives confirmation of payment of the final water, sewer, or other utility bill for the dwelling unit, the landlord shall refund the security deposit, unless there are other authorized deductions, within the 45-day period.

D. Nothing in this section shall be construed to prohibit the landlord from making the disposition of the security deposit prior to the 45-day period required by subsection A and charging an administrative fee to the tenant for such expedited processing, if the rental agreement so provides and the tenant requests expedited processing in a separate written document.

E. The landlord shall notify the tenant in writing of any deductions provided by this section to be made from the tenant's security deposit during the course of the tenancy. Such notification shall be made within 30 days of the date of the determination of the deduction and shall itemize the reasons in the same manner as provided in subsection F. No such notification shall be required for deductions made less than 30 days prior to the termination of the rental agreement. If the landlord willfully fails to comply with this section, the court shall order the return of the security deposit to the tenant, together with actual damages and reasonable attorney fees, unless the tenant owes rent to the landlord, in which case the court shall order an amount equal to the security deposit credited against the rent due to the landlord. In the event that damages to the premises exceed the amount of the security deposit and require the services of a third-party contractor, the landlord shall give written notice to the tenant advising him of that fact within the 45-day period required by subsection A. If notice is given as prescribed in this subsection, the landlord shall have an additional 15-day period to provide an itemization of the damages and the cost of repair. This section shall not preclude the landlord or tenant from recovering other damages to which he may be entitled under this chapter. The holder of the landlord's interest in the premises at the time of the termination of the tenancy, regardless of how the interest is acquired or transferred, is bound by this section and shall be required to return any security deposit received by the original landlord that is duly owed to the tenant, whether or not such security deposit is transferred with the landlord's interest by law or equity, regardless of any contractual agreements between the original landlord and his successors in interest.

F. The landlord shall:

1. Maintain and itemize records for each tenant of all deductions from security deposits provided for under this section that the landlord has made by reason of a tenant's noncompliance with § 55.1-1227, or for any other reason set out in this section, during the preceding two years; and
2. Permit a tenant or his authorized agent or attorney to inspect such tenant's records of deductions at any time during normal business hours.

G. Upon request by the landlord to a tenant to vacate, or within five days after receipt of notice by the landlord of the tenant's intent to vacate, the landlord shall provide written notice to the tenant of the tenant's right to be present at the landlord's inspection of the dwelling unit for the purpose of determining the amount of security deposit to be returned. If the tenant desires to be present when the landlord makes the inspection, he shall, in writing, so advise the landlord, who in turn shall notify the tenant of the date and time of the inspection, which must be made within 72 hours of delivery of possession. Following the move-out inspection, the landlord shall provide the tenant with a written security deposit disposition statement, including an itemized list of damages. If additional damages are discovered by the landlord after the security deposit disposition has been made, nothing in this section shall be construed to preclude the landlord from recovery of such damages against the tenant, provided, however, that the tenant may present into evidence a copy of the move-out report to support the tenant's position that such additional damages did not exist at the time of the move-out inspection.

H. If the tenant has any assignee or sublessee, the landlord shall be entitled to hold a security deposit from only one party in compliance with the provisions of this section.

I. The landlord may permit a tenant to provide damage insurance coverage in lieu of the payment of a security deposit. Such damage insurance in lieu of a security deposit shall conform to the following criteria:

1. The provider of damage insurance is licensed or approved by the Virginia State Corporation Commission;
2. The coverage is effective upon the payment of the first premium and remains effective for the entire lease term;
3. The coverage provided per claim is no less than the amount the landlord requires for security deposits;
4. The provider of damage insurance agrees to approve or deny payment of a claim; and
5. The provider of damage insurance shall notify the landlord within 10 days if the damage policy lapses or is canceled.

J. A tenant who initially opts to provide damage insurance in lieu of a security deposit may, at any time without consent of the landlord, opt to pay the full security deposit to the landlord in lieu of maintaining a damage insurance policy. The landlord shall not alter the terms of the lease in the event a tenant opts to pay the full amount of the security deposit pursuant to this subsection.

2000, cc. 760, 761, § 55-248.15:1; 2001, c. 524; 2003, c. 438; 2007, c. 634; 2010, c. 550; 2013, c. 563; 2014, c. 651; 2015, c. 596; 2017, c. 730; 2018, c. 221; 2019, c. 712; 2020, cc. 384, 823, 998; 2021, Sp. Sess. I, c. 427; 2023, cc. 433, 434.

[§ 55.1-1229. Access; consent; correction of nonemergency conditions; relocation of tenant; security systems](#)

A. 1. The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises; make necessary or agreed-upon repairs, decorations, alterations, or improvements; supply necessary or agreed-upon services; or exhibit

the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen, or contractors.

2. If, upon inspection of a dwelling unit during the term of a tenancy, the landlord determines there is a violation by the tenant of § 55.1-1227 or the rental agreement materially affecting health and safety that can be remedied by repair, replacement of a damaged item, or cleaning in accordance with § 55.1-1248, the landlord may make such repairs and send the tenant an invoice for payment. If, upon inspection of the dwelling unit during the term of a tenancy, the landlord discovers a violation of the rental agreement, this chapter, or other applicable law, the landlord may send a written notice of termination pursuant to § 55.1-1245.

3. If the rental agreement so provides and if a tenant without reasonable justification declines to permit the landlord or managing agent to exhibit the dwelling unit for sale or lease, the landlord may recover damages, costs, and reasonable attorney fees against such tenant.

As used in this subdivision, "reasonable justification" includes the tenant's reasonable concern for his own health, or the health of any authorized occupant, during a state of emergency declared by the Governor pursuant to § 44-146.17 in response to a communicable disease of public health threat as defined in § 44-146.16, provided that the tenant has provided written notice to the landlord informing the landlord of such concern. In such circumstances, the tenant shall provide to the landlord or managing agent a video tour of the dwelling unit or other acceptable substitute for exhibiting the dwelling unit for sale or lease.

4. The landlord may enter the dwelling unit without consent of the tenant in case of emergency. The landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency or if it is impractical to do so, the landlord shall give the tenant notice of his intent to enter and may enter only at reasonable times. Unless impractical to do so, the landlord shall give the tenant at least 72 hours' notice of routine maintenance to be performed that has not been requested by the tenant. Such routine maintenance shall be performed within 14 days of delivery of the notice to the tenant, and the notice shall state the last date on which the maintenance may possibly be performed. If the tenant makes a request for maintenance, the landlord is not required to provide notice to the tenant. Notwithstanding the foregoing, during a state of emergency declared by the Governor pursuant to § 44-146.17 in response to a communicable disease of public health threat as defined in § 44-146.16, the tenant may provide written notice to the landlord requesting that one or more nonemergency property conditions in the dwelling unit not be addressed in the normal course of business of the landlord due to such communicable disease of public health threat. In such case, the tenant shall be deemed to have waived any and all claims and rights under this chapter against the landlord for failure to address such nonemergency property conditions. At any time thereafter, the tenant may consent in writing to the landlord addressing such nonemergency property conditions in the normal course of business of the landlord. In the case of a tenant who has provided notice that he does not want nonemergency repairs made during the state of emergency due to a communicable disease of public health threat, the landlord may nonetheless enter the dwelling unit to do nonemergency repairs and maintenance with at least seven days' written notice to the tenant and at a time consented to by the tenant, no more than once every six months, provided that the employees and agents sent by the landlord are wearing all appropriate and reasonable personal protective equipment as required by state law. Furthermore, if the landlord is required to conduct maintenance or an inspection pursuant to the agreement for the loan or insurance policy that covers the dwelling unit, the tenant shall allow such maintenance or inspection, provided that the

employees and agents sent by the landlord are wearing all appropriate personal protective equipment as required by state law.

5. During the pendency of an unlawful detainer filed by the landlord against the tenant, the landlord may request the court to enter an order requiring the tenant to provide the landlord with access to such dwelling unit.

B. Upon the sole determination by the landlord of the existence of a nonemergency property condition in the dwelling unit that requires the tenant to temporarily vacate the dwelling unit in order for the landlord to properly remedy such property condition, the landlord may, upon at least 30 days' written notice to the tenant, require the tenant to temporarily vacate the dwelling unit for a period not to exceed 30 days to a comparable dwelling unit, or hotel, as selected by the landlord and at no expense or cost to the tenant. The landlord shall not be required to pay for any other expenses of the tenant that arise after the temporary relocation period. The landlord and tenant may agree for the tenant to temporarily vacate the dwelling unit in less than 30 days. For purposes of this subsection, "nonemergency property condition" means (i) a condition in the dwelling unit that, in the determination of the landlord, is necessary for the landlord to remedy in order for the landlord to be in compliance with § 55.1-1220; (ii) the condition does not need to be remedied within a 24-hour period, with any condition that needs to be remedied within 24 hours being defined as an "emergency condition"; and (iii) the condition can only be effectively remedied by the temporary relocation of the tenant pursuant to the provisions of this subsection.

The tenant shall continue to be responsible for payment of rent under the rental agreement during the period of any temporary relocation. The landlord shall pay all costs of repairs or remediation required to address the nonemergency property condition. Refusal of the tenant to cooperate with a temporary relocation pursuant to this subsection shall be deemed a breach of the rental agreement, unless the tenant agrees to vacate the unit and terminate the rental agreement within the 30-day notice period. If the landlord properly remedies the nonemergency property condition within the 30-day period, nothing in this section shall be construed to entitle the tenant to terminate the rental agreement. Further, nothing in this section shall be construed to limit the landlord from taking legal action against the tenant for any noncompliance that occurs during the period of any temporary relocation pursuant to this subsection. During the pendency of an unlawful detainer filed by the landlord against the tenant, the landlord may request the court to enter an order requiring the tenant to provide the landlord with access to such dwelling unit.

C. The landlord has no other right to access except by court order or that permitted by §§ 55.1-1248 and 55.1-1249 or if the tenant has abandoned or surrendered the premises.

D. The tenant may install within the dwelling unit new security systems that the tenant may believe necessary to ensure his safety, including chain latch devices approved by the landlord and fire detection devices, provided that:

1. Installation does no permanent damage to any part of the dwelling unit;
2. A duplicate of all keys and instructions for the operation of all devices are given to the landlord; and
3. Upon termination of the tenancy, the tenant is responsible for payment to the landlord for reasonable costs incurred for the removal of all such devices and repairs to all damaged areas.

E. Upon written request of a tenant in a dwelling unit, the landlord shall install a carbon monoxide alarm in the tenant's dwelling unit within 90 days. The landlord may charge the tenant

a reasonable fee to recover the costs of the equipment and labor for such installation. The landlord's installation of a carbon monoxide alarm shall be in compliance with the Uniform Statewide Building Code (§ 36-97 et seq.).

1974, c. 680, § 55-248.18; 1993, c. 634; 1995, c. 601; 1999, c. 65; 2000, c. 760; 2001, c. 524; 2004, c. 307; 2008, cc. 489, 617; 2009, c. 663; 2011, c. 766; 2014, c. 632; 2015, c. 596; 2016, c. 744; 2017, c. 730; 2018, cc. 41, 81; 2019, c. 712; 2021, Sp. Sess. I, c. 409; 2024, c. 46.

§ 55.1-1230. Access following entry of certain court orders

A. A tenant or authorized occupant who has obtained an order from a court pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant or authorized occupant to do so, provided that:

1. Installation of the new lock or security devices does no permanent damage to any part of the dwelling unit; and
2. A duplicate copy of all keys and instructions for the operation of all devices are given to the landlord.

Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas.

B. A person who is not a tenant or authorized occupant of the dwelling unit and who has obtained an order from a court pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such person possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide a copy of such order to the landlord and submit a rental application to become a tenant of such dwelling unit within 10 days of the entry of such order. If such person's rental application meets the landlord's tenant selection criteria, such person may become a tenant of such dwelling unit under a written rental agreement. If such person submits a rental application and does not meet the landlord's tenant selection criteria, such person shall vacate the dwelling unit no later than 30 days after the date the landlord gives such person written notice that his rental application has been rejected. If such person does not provide a copy of the protective order to the landlord and submit a rental application to the landlord within 10 days as required by this section, such person shall vacate the dwelling unit no later than 30 days after the date of the entry of such order. Such person shall be liable to the landlord for failure to vacate the dwelling unit as required in this section.

Any tenant obligated on a rental agreement shall pay the rent and otherwise comply with any and all requirements of the rental agreement and any applicable laws and regulations. The landlord may pursue all of its remedies under the rental agreement and applicable laws and regulations, including filing an **unlawful detainer** action pursuant to § 8.01-126 to obtain a money judgment and to evict any persons residing in such dwelling unit.

C. A landlord who has received a copy of a court order in accordance with subsection A shall not provide copies of any keys to the dwelling unit to any person excluded from the premises by such order.

D. This section shall not apply when the court order excluding a person was issued **ex parte**.

2005, cc. 735, 825, § 55-248.18:1; 2016, c. 595; 2019, c. 712.

§ 55.1-1242. Rent escrow required for continuance of tenant's case

A. Where a landlord has filed an **unlawful detainer** action seeking possession of the premises as provided by this chapter and the tenant seeks to obtain a continuance of the action or to set it for a contested trial, the court shall, upon request of the landlord, order the tenant to pay an amount equal to the rent that is due as of the initial court date into the court escrow account prior to granting the tenant's request for a delayed court date. However, if the tenant asserts a good faith defense, and the court so finds, the court shall not require the rent to be escrowed. If the landlord requests a continuance or to set the case for a contested trial, the court shall not require the rent to be escrowed.

B. If the court finds that the tenant has not asserted a good faith defense, the tenant shall be required to pay an amount determined by the court to be proper into the court escrow account in order for the case to be continued or set for contested trial. The court may grant the tenant a continuance of no more than one week to make full payment of the court-ordered amount into the court escrow account. If the tenant fails to pay the entire amount ordered, the court shall, upon request of the landlord, enter judgment for the landlord and enter an order of possession of the premises.

C. The court shall further order that should the tenant fail to pay future rents due under the rental agreement into the court escrow account, the court shall, upon the request of the landlord, enter judgment for the landlord and enter an order of possession of the premises.

D. Upon motion of the landlord, the court may disburse the moneys held in the court escrow account to the landlord for payment of his mortgage or other expenses relating to the dwelling unit.

E. Except as provided in subsection D, no rent required to be escrowed under this section shall be disbursed within 10 days of the date of the judgment unless otherwise agreed to by the parties. If an appeal is taken by the plaintiff, the rent held in escrow shall be transmitted to the clerk of the circuit court to be held in such court escrow account pending the outcome of the appeal.

1999, cc. 382, 506, § 55-248.25:1; 2009, c. 137; 2019, c. 712.

§ 55.1-1244. Tenant's assertion; rent escrow

A. The tenant may assert that there exists upon the leased premises a condition that constitutes a material noncompliance by the landlord with the rental agreement or with provisions of law or that, if not promptly corrected, will constitute a fire hazard or serious threat to the life, health, or safety of occupants of the premises, including (i) a lack of heat or hot or cold running water, except where the tenant is responsible for payment of the utility charge and where the lack of such heat or hot or cold running water is the direct result of the tenant's failure to pay the utility

charge; (ii) a lack of light, electricity, or adequate sewage disposal facilities; (iii) an infestation of rodents; or (iv) the existence of paint containing lead pigment on surfaces within the dwelling, provided that the landlord has notice of such paint. The tenant may file such an assertion in a general district court in which the premises is located by a declaration setting forth such assertion and asking for one or more forms of relief as provided for in subsection D.

B. Prior to the granting of any relief, the tenant shall show to the satisfaction of the court that:

1. Prior to the commencement of the action, the landlord or his agent refused or, having a reasonable opportunity to do so, failed to remedy the condition for which he was served a written notice of the condition by the tenant or was notified of such condition by a violation or condemnation notice from an appropriate state or local agency. For the purposes of this subsection, what period of time shall be deemed to be unreasonable delay is left to the discretion of the court, except that there shall be a rebuttable presumption that a period in excess of 30 days from receipt of the notification by the landlord is unreasonable; and

2. The tenant has paid into court the amount of rent called for under the rental agreement, within five days of the date due under the rental agreement, unless or until such amount is modified by subsequent order of the court under this chapter.

C. It shall be sufficient answer or rejoinder to an assertion made pursuant to subsection A if the landlord establishes to the satisfaction of the court that (i) the conditions alleged by the tenant do not in fact exist; (ii) such conditions have been removed or remedied; (iii) such conditions have been caused by the tenant, his guest or invitee, members of the family of such tenant, or a guest or invitee of such family member; or (iv) the tenant has unreasonably refused entry to the landlord to the premises for the purpose of correcting such conditions.

D. Any court shall make findings of fact on the issues before it and shall issue any order that may be required. Such an order may include any one or more of the following:

1. Terminating the rental agreement upon the request of the tenant or ordering the surrender of the premises to the landlord if the landlord prevails on a request for possession pursuant to an unlawful detainer properly filed with the court;

2. Ordering all moneys already accumulated in escrow disbursed to the landlord or to the tenant in accordance with this chapter;

3. Ordering that the escrow be continued until the conditions causing the complaint are remedied;

4. Ordering that the amount of rent, whether paid into the escrow account or paid to the landlord, be abated as determined by the court in such an amount as may be equitable to represent the existence of any condition found by the court to exist. In all cases where the court deems that the tenant is entitled to relief under this chapter, the burden shall be upon the landlord to show cause why there should not be an abatement of rent;

5. Ordering any amount of moneys accumulated in escrow disbursed to the tenant where the landlord refuses to make repairs after a reasonable time or to the landlord or to a contractor chosen by the landlord in order to make repairs or to otherwise remedy the condition. In either case, the court shall in its order insure that moneys thus disbursed will be in fact used for the purpose of making repairs or effecting a remedy;

6. Referring any matter before the court to the proper state or local agency for investigation and report and granting a continuance of the action or complaint pending receipt of such investigation and report. When such a continuance is granted, the tenant shall deposit with the court, within five days of date due under the rental agreement, subject to any abatement under this section, rents that become due during the period of the continuance, to be held by the court pending its further order;

7. Ordering escrow funds disbursed to pay a mortgage on the property in order to stay a foreclosure; or

8. Ordering escrow funds disbursed to pay a creditor to prevent or satisfy a bill to enforce a mechanic's or materialman's lien.

E. Notwithstanding any provision of subsection D, where an escrow account is established by the court and the condition is not fully remedied within six months of the establishment of such account, and the landlord has not made reasonable attempts to remedy the condition, the court shall award all moneys accumulated in escrow to the tenant. In such event, the escrow shall not be terminated, but shall begin upon a new six-month period with the same result if, at the end of the period, the condition has not been remedied.

F. The initial hearing on the tenant's assertion filed pursuant to subsection A shall be held within 15 calendar days from the date of service of process on the landlord as authorized by § 55.1-1216, except that the court shall order an earlier hearing where emergency conditions are alleged to exist upon the premises, such as failure of heat in winter, lack of adequate sewage disposal facilities, or any other condition that constitutes an immediate threat to the health or safety of the inhabitants of the leased premises. The court, on motion of either party or on its own motion, may hold hearings subsequent to the initial proceeding in order to further determine the rights and obligations of the parties. Distribution of escrow moneys may only occur by order of the court after a hearing of which both parties are given notice as required by law or upon motion of both the landlord and tenant or upon certification by the appropriate inspector that the work required by the court to be done has been satisfactorily completed. If the tenant proceeds under this subsection, he may not proceed under any other section of this article as to that breach.

G. In cases where the court deems that the tenant is entitled to relief under this section and enters judgment for the tenant, the court, in its discretion, may impose upon the landlord the reasonable costs of the tenant, including court costs, and reasonable attorney fees.

1974, c. 680, § 55-248.27; 2000, c. 760; 2001, c. 524; 2016, cc. 384, 459; 2017, c. 730; 2019, cc. 324, 712.

[§ 55.1-1245. \(Effective the later of July 1, 2028, or 7 years after the COVID-19 pandemic state of emergency expires\) Noncompliance with rental agreement; monetary penalty](#)

A. Except as otherwise provided in this chapter, if there is a material noncompliance by the tenant with the rental agreement or a violation of § 55.1-1227 materially affecting health and safety, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice if the breach is not remedied in 21 days and that the rental agreement shall terminate as provided in the notice.

B. If the breach is remediable by repairs or the payment of damages or otherwise and the tenant adequately remedies the breach prior to the date specified in the notice, the rental agreement shall not terminate.

C. If the tenant commits a breach that is not remediable, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the breach and stating that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice.

Notwithstanding anything to the contrary, when a breach of the tenant's obligations under this chapter or the rental agreement involves or constitutes a criminal or a willful act that is not remediable and that poses a threat to health or safety, the landlord may terminate the rental agreement immediately and proceed to obtain possession of the premises. For purposes of this subsection, any illegal drug activity involving a controlled substance, as used or defined by the Drug Control Act (§ 54.1-3400 et seq.), or any activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety, by the tenant, an authorized occupant, or a guest or invitee of the tenant shall constitute an immediate nonremediable violation for which the landlord may proceed to terminate the tenancy without the necessity of waiting for a conviction of any criminal offense that may arise out of the same actions. In order to obtain an order of possession from a court of competent jurisdiction terminating the tenancy for illegal drug activity or for any other activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety, the landlord shall prove any such violations by a preponderance of the evidence. However, where the illegal drug activity or any activity that involves or constitutes a criminal or willful act that also poses a threat to health and safety is engaged in by an authorized occupant or a guest or invitee of the tenant, the tenant shall be presumed to have knowledge of such activities unless the presumption is rebutted by a preponderance of the evidence. The initial hearing on the landlord's action for immediate possession of the premises shall be held within 15 calendar days from the date of service on the tenant; however, the court shall order an earlier hearing when emergency conditions are alleged to exist upon the premises that constitute an immediate threat to the health or safety of the other tenants. After the initial hearing, if the matter is scheduled for a subsequent hearing or for a contested trial, the court, to the extent practicable, shall order that the matter be given priority on the court's docket. Such subsequent hearing or contested trial shall be heard no later than 30 calendar days from the date of service on the tenant. During the interim period between the date of the initial hearing and the date of any subsequent hearing or contested trial, the court may afford any further remedy or relief as is necessary to protect the interests of parties to the proceeding or the interests of any other tenant residing on the premises. Failure by the court to hold either of the hearings within the time limits set out in this section shall not be a basis for dismissal of the case.

D. If the tenant is a victim of family abuse as defined in § 16.1-228 that occurred in the dwelling unit or on the premises and the perpetrator is barred from the dwelling unit pursuant to § 55.1-1246 on the basis of information provided by the tenant to the landlord, or by a protective order from a court of competent jurisdiction pursuant to § 16.1-253.1 or 16.1-279.1 or subsection B of § 20-103, the lease shall not terminate solely due to an act of family abuse against the tenant. However, these provisions shall not be applicable if (i) the tenant fails to provide written documentation corroborating the tenant's status as a victim of family abuse and the exclusion from the dwelling unit of the perpetrator no later than 21 days from the alleged offense or (ii) the perpetrator returns to the dwelling unit or the premises, in violation of a bar notice, and the tenant fails to promptly notify the landlord within 24 hours that the perpetrator has returned to the dwelling unit or the premises, unless the tenant proves by a preponderance of the evidence

that the tenant had no actual knowledge that the perpetrator violated the bar notice, or it was not possible for the tenant to notify the landlord within 24 hours, in which case the tenant shall promptly notify the landlord, but in no event later than seven days. If the provisions of this subsection are not applicable, the tenant shall remain responsible for the acts of the other co-tenants, authorized occupants, or guests or invitees pursuant to § 55.1-1227 and is subject to termination of the tenancy pursuant to the lease and this chapter.

E. If the tenant has been served with a prior written notice that required the tenant to remedy a breach, and the tenant remedied such breach, where the tenant intentionally commits a subsequent breach of a like nature as the prior breach, the landlord may serve a written notice on the tenant specifying the acts and omissions constituting the subsequent breach, make reference to the prior breach of a like nature, and state that the rental agreement will terminate upon a date not less than 30 days after receipt of the notice.

F. If rent is unpaid when due, and the tenant fails to pay rent within five days after written notice is served on him notifying the tenant of his nonpayment, and of the landlord's intention to terminate the rental agreement if the rent is not paid within the five-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. If a check for rent is delivered to the landlord drawn on an account with insufficient funds, or if an electronic funds transfer has been rejected because of insufficient funds or a stop-payment order has been placed in bad faith by the authorizing party, and the tenant fails to pay rent within five days after written notice is served on him notifying the tenant of his nonpayment and of the landlord's intention to terminate the rental agreement if the rent is not paid by cash, cashier's check, certified check, or a completed electronic funds transfer within the five-day period, the landlord may terminate the rental agreement and proceed to obtain possession of the premises as provided in § 55.1-1251. Nothing shall be construed to prevent a landlord from seeking an award of costs or attorney fees under § 8.01-27.1 or civil recovery under § 8.01-27.2, as a part of other damages requested on the **unlawful detainer** filed pursuant to § 8.01-126, provided that the landlord has given notice in accordance with § 55.1-1202, which notice may be included in the five-day termination notice provided in accordance with this section.

G. If a public housing authority issues a notice of nonpayment of rent to a tenant, such public housing authority shall also provide to the tenant along with the notice of nonpayment written information printed on pink or orange paper explaining how the tenant may recertify the tenant's income, including how the tenant can, in accordance with federal law and policy, report changes in income, request a minimum rent hardship exemption, and file grievances. Such information shall be posted by the public housing authority in conspicuous locations in each public housing community under its authority.

H. Except as otherwise provided in this chapter, the landlord may recover damages and obtain injunctive relief for any noncompliance by the tenant with the rental agreement or § 55.1-1227. In the event of a breach of the rental agreement or noncompliance by the tenant, the landlord shall be entitled to recover from the tenant the following, regardless of whether a lawsuit is filed or an order is obtained from a court: (i) rent due and owing as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, (v) costs of the proceeding as contracted for in the rental agreement or as provided by law only if court action has been filed, and (vi) damages to the dwelling unit or premises as contracted for in the rental agreement.

I. In a case where a lawsuit is pending before the court upon a breach of the rental agreement or noncompliance by the tenant and the landlord prevails, the court shall award a money judgment to the landlord and against the tenant for the relief requested, which may include the following: (i) rent due and owing as of the court date as contracted for in the rental agreement; (ii) other charges and fees as contracted for in the rental agreement; (iii) late charges contracted for in the rental agreement; (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, unless in any such action the tenant proves by a preponderance of the evidence that the tenant's failure to pay rent or vacate was reasonable; (v) costs of the proceeding as contracted for in the rental agreement or as provided by law; and (vi) damages to the dwelling unit or premises.

J. 1. A landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, shall not take any adverse action, as defined in 15 U.S.C. § 1681a(k), against an applicant for tenancy based solely on payment history or an eviction for nonpayment of rent that occurred during the period beginning on March 12, 2020, and ending 30 days after the expiration or revocation of any state of emergency declared by the Governor related to the COVID-19 pandemic.

2. If such a landlord denies an applicant for tenancy, then the landlord shall provide to the applicant written notice of the denial and of the applicant's right to assert that his failure to qualify was based upon payment history or an eviction based on nonpayment of rent that occurred during the period beginning on March 12, 2020, and ending 30 days after the expiration or revocation of any state of emergency related to the COVID-19 pandemic. The written notice of denial shall include the statewide legal aid telephone number and website address and shall inform the applicant that he must assert his right to challenge the denial within seven days of the postmark date. If the landlord does not receive a response from the applicant within seven days of the postmark date, the landlord may proceed. If, in addition to the written notice, the landlord provides notice to the applicant by electronic or telephonic means using an email address, telephone number, or other contact information provided by the applicant informing the applicant of his denial and right to assert that his failure to qualify was based upon payment history or an eviction based on nonpayment of rent that occurred during the period beginning on March 12, 2020, and ending 30 days after the expiration or revocation of any state of emergency related to the COVID-19 pandemic and the tenant does not make such assertion that the failure to qualify was the result of such payment history or eviction prior to the close of business on the next business day, the landlord may proceed. The landlord must be able to validate the date and time that any communication sent by electronic or telephonic means was sent to the applicant. If a landlord does receive a response from the applicant asserting such a right, and the landlord relied upon a consumer or tenant screening report, the landlord shall make a good faith effort to contact the generator of the report to ascertain whether such determination was due solely to the applicant for tenancy's payment history or an eviction for nonpayment that occurred during the period beginning on March 12, 2020, and ending 30 days after the expiration or revocation of any state of emergency declared by the Governor related to the COVID-19 pandemic. If the landlord does not receive a response from the generator of the report within three business days of requesting the information, the landlord may proceed with using the information from the report without additional action.

3. If such a landlord does not comply with the provisions of this subsection, the applicant for tenancy may recover statutory damages of \$1,000, along with attorney fees.

1974, c. 680, § 55-248.31; 1978, c. 378; 1980, c. 502; 1982, c. 260; 1984, c. 78; 1987, c. 387; 1988, c. 62; 1989, c. 301; 1995, c. 580; 2000, c. 760; 2003, c. 363; 2004, c. 232; 2005, cc. 808, 883; 2006, cc. 628, 717; 2007, c. 273; 2008, c. 489; 2013, c. 563; 2014, c. 813; 2017, c. 730; 2019, c. 712; 2020, Sp. Sess. I, cc. 46, 47; 2025, cc. 684, 688.

§ 55.1-1250. Landlord's acceptance of rent with reservation; tenant's right of redemption

A. No landlord may accept full payment of rent, as well as any damages, money judgment, award of attorney fees, and court costs, and receive an order of possession from a court of competent jurisdiction pursuant to an **unlawful detainer** action filed under Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01 and proceed with eviction under § 55.1-1245, unless there are bases for the entry of an order of possession other than nonpayment of rent stated in the **unlawful detainer** action filed by the landlord. However, a landlord may accept partial payment of rent and other amounts owed by the tenant to the landlord and receive an order of possession from a court of competent jurisdiction pursuant to an **unlawful detainer** action filed under Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01 and proceed with eviction for nonpayment of rent under § 55.1-1245, provided that the landlord has stated in a written notice to the tenant that any and all amounts owed to the landlord by the tenant, including payment of any rent, damages, money judgment, award of attorney fees, and court costs, would be accepted with reservation and would not constitute a waiver of the landlord's right to evict the tenant from the dwelling unit. Such notice may be included in a written termination notice given by the landlord to the tenant in accordance with § 55.1-1245, and if so included, nothing herein shall be construed by a court of law or otherwise as requiring such landlord to give the tenant subsequent written notice. Such notice shall include the following language: "Any partial payment of rent made before or after a judgment of possession is ordered will not prevent your landlord from taking action to evict you. However, full payment of all amounts you owe the landlord, including all rent as contracted for in the rental agreement that is owed to the landlord as of the date payment is made, as well as any damages, money judgment, award of attorney fees, and court costs made at least 48 hours before the scheduled eviction will cause the eviction to be canceled, unless there are bases for the entry of an order of possession other than nonpayment of rent stated in the **unlawful detainer** action filed by the landlord." If the landlord elects to seek possession of the dwelling unit pursuant to § 8.01-126, the landlord shall provide a copy of this notice to the court for service to the tenant, along with the summons for **unlawful detainer**. If the dwelling unit is a public housing unit or other housing unit subject to regulation by the U.S. Department of Housing and Urban Development, nothing in this section shall be construed to require that written notice be given to any public agency paying a portion of the rent under the rental agreement. If a landlord enters into a new written rental agreement with the tenant prior to eviction, an order of possession obtained prior to the entry of such new rental agreement is not enforceable. Notwithstanding the requirements of this section, a landlord with four or fewer rental dwelling units, or up to a 10 percent interest in four or fewer rental dwelling units, may limit a tenant's use of the right of redemption to once per lease period, provided that the landlord provides written notice of such limitation to the tenant.

B. The tenant may pay or present to the court a redemption tender for payment of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, at or before the first return date on an action for **unlawful detainer**.

If the tenant presents a redemption tender to the court at the return date, the court shall continue the action for **unlawful detainer** for 10 days following the return date for payment to the landlord of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, and dismiss the action upon such payment. Should the landlord not receive full payment of all rent due and owing as of the return date, including late charges, attorney fees, and court costs, within 10 days of the return date, the court shall, without further evidence, grant to the landlord judgment for all amounts due and immediate possession of the premises. For purposes of this section, "redemption tender" means a written commitment to pay all rent due and owing as of the return date, including late charges, attorney fees, and court costs, by a local government or nonprofit entity within 10 days of such return date.

C. In cases of **unlawful detainer**, a tenant, or any third party on behalf of a tenant, may pay the landlord or the landlord's attorney or pay into court all (i) rent due and owing as of the court date as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement and as provided by law, (iv) reasonable attorney fees as contracted for in the rental agreement and as provided by law, and (v) costs of the proceeding as provided by law, at which time the **unlawful detainer** proceeding shall be dismissed, unless there are bases for the entry of an order of possession other than nonpayment of rent stated in the **unlawful detainer** action filed by the landlord.

D. If such payment has not been made as of the return date for the **unlawful detainer**, the tenant, or any third party on behalf of the tenant, may pay to the landlord, the landlord's attorney, or the court all amounts claimed on the summons in **unlawful detainer**, including current rent, damages, late charges, costs of court, any civil recovery, attorney fees, and sheriff fees, including the sheriff fees for service of the writ of eviction if payment is made after issuance of the writ, no less than 48 hours before the date and time scheduled by the officer to whom the writ of eviction has been delivered to be executed. Upon receipt of such payment, the landlord, or the landlord's attorney or managing agent, shall promptly notify the officer to whom the writ of eviction has been delivered to be executed that the execution of the writ of eviction shall be canceled. If the landlord has actual knowledge that the tenant has made such payment and willfully fails to provide such notification, such act may be deemed to be a violation of § 55.1-1243.1. In addition, the landlord shall transmit to the court a notice of satisfaction of any money judgment in accordance with § 8.01-454.

E. Upon receiving a written request from the tenant, the landlord, or the landlord's attorney or managing agent, shall provide to the tenant a written statement of all amounts owed by the tenant to the landlord so that the tenant may pay the exact amount necessary for the tenant to exercise his right of redemption pursuant to this section. Any payments made by the tenant shall be by cashier's check, certified check, or money order. A court shall not issue a writ of eviction on any judgment for possession that has expired or has been marked as satisfied.

2003, c. 427, § 55-248.34:1; 2006, c. 667; 2008, c. 489; 2010, c. 793; 2012, c. 788; 2013, c. 563; 2014, c. 813; 2018, cc. 220, 233; 2019, cc. 28, 43, 712; 2020, c. 1231; 2021, Sp. Sess. I, c. 410.

[§ 55.1-1251. Remedy after termination](#)

If the rental agreement is terminated, the landlord may have a claim for possession and for rent and a separate claim for actual damages for breach of the rental agreement, reasonable attorney fees as provided in § 55.1-1245, and the cost of service of any notice under § 55.1-1245 or 55.1-1415 or process by a sheriff or private process server, which cost shall not exceed the amount authorized by § 55.1-1247, and such claims may be enforced, without limitation, by initiating an action for unlawful entry or detainer. Actual damages for breach of the rental agreement may include a claim for rent that would have accrued until the expiration of the term of the rental agreement or until a tenancy pursuant to a new rental agreement commences, whichever occurs first, provided that nothing contained in this section shall diminish the duty of the landlord to mitigate actual damages for breach of the rental agreement. In obtaining post-possession judgments for actual damages as defined in this section, the landlord shall not seek a judgment for accelerated rent through the end of the term of the tenancy.

In any **unlawful detainer** action brought by the landlord, this section shall not be construed to prevent the landlord from being granted by the court a simultaneous judgment for money due and for possession of the premises without a credit for any security deposit. Upon the tenant vacating the premises either voluntarily or by a writ of eviction, security deposits shall be credited to the tenant's account by the landlord in accordance with the requirements of § 55.1-1226.

1974, c. 680, § 55-248.35; 1981, c. 539; 1988, c. 68; 1989, c. 383; 1996, c. 326; 2000, c. 760; 2001, c. 524; 2019, cc. 180, 700, 712.

[§ 55.1-1255. Authority of sheriffs to store and sell personal property removed from residential premises; recovery of possession by owner; disposition or sale](#)

Notwithstanding the provisions of § 8.01-156, when personal property is removed from a dwelling unit, the premises, or any storage area provided by the landlord pursuant to an action of **unlawful detainer** or ejectment, or pursuant to any other action in which personal property is removed from the dwelling unit in order to restore the dwelling unit to the person entitled to such dwelling unit, the sheriff shall oversee the removal of such personal property to be placed into the public way. The tenant shall have the right to remove his personal property from the public way during the 24-hour period after eviction. Upon the expiration of the 24-hour period after eviction, the landlord shall remove, or dispose of, any such personal property remaining in the public way.

At the landlord's request, any personal property removed pursuant to this section shall be placed into a storage area designated by the landlord, which may be the dwelling unit. The tenant shall have the right to remove his personal property from the landlord's designated storage area at reasonable times during the 24 hours after eviction or at such other reasonable times until the landlord has disposed of the property as provided in this section. During that 24-hour period and until the landlord disposes of the remaining personal property of the tenant, the landlord and the sheriff shall not have any liability for the risk of loss for such personal property. If the landlord fails to allow reasonable access to the tenant to remove his personal property as provided in this section, the tenant shall have a right to injunctive or other relief as otherwise provided by law.

Any property remaining in the landlord's storage area upon the expiration of the 24-hour period after eviction may be disposed of by the landlord as the landlord sees fit or appropriate. If the

landlord receives any funds from any sale of such remaining property, the landlord shall pay such funds to the account of the tenant and apply the funds to any amounts due the landlord by the tenant, including the reasonable costs incurred by the landlord in the eviction process described in this section or the reasonable costs incurred by the landlord in selling or storing such property. If any funds are remaining after application, the remaining funds shall be treated as a security deposit under the provisions of § 55.1-1226.

The notice posted by the sheriff with the writ of eviction setting the date and time of the eviction, pursuant to § 8.01-470, shall provide notice to the tenant of the rights afforded to tenants in this section and shall include a copy of this statute attached to, or made a part of, the notice.

2001, c. 222, § 55-248.38:2; 2006, c. 129; 2013, c. 563; 2019, cc. 180, 700, 712.

[§ 55.1-1262. Eviction Diversion Pilot Program; process; court-ordered payment plan](#)

A. A tenant in an **unlawful detainer** case shall be eligible to participate in the Program if he:

1. Appears in court on the first docket call of the case and requests to have the case referred into the Program;
2. Pays to the landlord or into the court at least 25 percent of the amount due on the **unlawful detainer** as amended on the first docket call of the case;
3. Provides sworn testimony that he is employed and has sufficient funds to make the payments under the court payment plan, or otherwise has sufficient funds to make such payments;
4. Provides sworn testimony explaining the reasons for being unable to make rental payments as contracted for in the rental agreement;
5. Has not been late within the last 12 months in payment of rent as contracted for in the rental agreement at the rate of either (i) more than two times in six months or (ii) more than three times in 12 months;
6. Has not exercised the right of redemption pursuant to § 55.1-1250 within the last six months; and
7. Has not participated in an eviction diversion program within the last 12 months.

B. The court shall direct an eligible tenant pursuant to subsection A and his landlord to participate in the Program and to enter into a court-ordered payment plan. The court shall provide for a continuance of the case on the docket of the general district court in which the **unlawful detainer** action is filed to allow for full payment under the plan. The court-ordered payment plan shall be based on a payment agreement entered into by the landlord and tenant, on a form provided by the Executive Secretary, and shall contain the following provisions:

1. All payments shall be (i) made to the landlord; (ii) paid by cashier's check, certified check, or money order; and (iii) received by the landlord on or before the fifth day of each month included in the plan;
2. The remaining payments of the amounts on the amended **unlawful detainer** after the first payments made on the first docket call of the case shall be paid on the following schedule: (i) 25 percent due by the fifth day of the month following the initial court hearing date, (ii) 25 percent due by the fifth day of the second month following the initial court hearing date, and (iii) the

final payment of 25 percent due by the fifth day of the third month following the initial court hearing date; and

3. All rental payments shall continue to be made by the tenant to the landlord as contracted for in the rental agreement within five days of the due date established by the rental agreement each month during the course of the court-ordered payment plan.

C. If the tenant makes all payments in accordance with the court-ordered payment plan, the judge shall dismiss the **unlawful detainer** as being satisfied.

D. If the tenant fails to make a payment under the court-ordered payment plan or to keep current any monthly rental payments to the landlord as contracted for in the rental agreement within five days of the due date established by the rental agreement, the landlord shall submit to the general district court clerk a written notice, on a form provided by the Executive Secretary, that the tenant has failed to make payments in accordance with the plan. A copy of such written notice shall be given to the tenant in accordance with § 55.1-1202.

The court shall enter an order of possession without further hearings or proceedings, unless the tenant files an affidavit with the court within 10 days of the date of such notice stating that the current rent has in fact been paid and that the landlord has not properly acknowledged payment of such rent. A copy of such affidavit shall be given to the landlord in accordance with § 55.1-1202.

The landlord may seek a money judgement for final rent and damages pursuant to subsection B of § 8.01-128.

E. Nothing in this section shall be construed to limit (i) the landlord from filing an **unlawful detainer** for a non-rent violation against the tenant while such tenant is participating in the Program or (ii) the landlord and tenant from entering into a voluntary payment agreement outside the provisions of this section.

2019, cc. 355, 356, § 55-248.40:3; 2022, c. 797; 2024, cc. 32, 42; 2025, cc. 476, 490.

[§ 55.1-1303. Landlord's obligations](#)

The landlord shall:

1. Comply with applicable laws governing health, zoning, safety, and other matters pertaining to manufactured home parks;
2. Make all repairs and do whatever is necessary to put and keep the manufactured home park in a fit and habitable condition, including maintaining in a clean and safe condition all facilities and common areas provided by the landlord for use by the tenants of two or more manufactured home lots;
3. Maintain in good and working order and condition all electrical, plumbing, sanitary, heating, ventilating, air conditioning, and other facilities and appliances supplied or required to be supplied by the landlord;
4. Provide and maintain appropriate receptacles as a manufactured home park facility, except when door-to-door garbage and waste pickup is available within the manufactured home park for

the collection and storage of garbage and other waste incidental to the occupancy of the manufactured home park, and arrange for the removal of the garbage and other waste;

5. Provide reasonable access to electric, water, and sewage disposal connections for each manufactured home lot. In the event of a planned disruption by the landlord in electric, water, or sewage disposal services, the landlord shall give written notice to tenants no less than 48 hours prior to the planned disruption in service; and

6. Provide a copy of any written rental agreement and the statement of tenant rights and responsibilities to the tenant within one month of the effective date of the written rental agreement. The parties to a written rental agreement shall sign the form developed by the Department of Housing and Community Development and posted on its website pursuant to § 36-139 acknowledging that the tenant has received from the landlord the statement of tenant rights and responsibilities. If a tenant fails to sign the form available pursuant to this subsection, the landlord shall record the date or dates on which he provided the form to the tenant and the fact that the tenant failed to sign such form. Subsequent to the effective date of the tenancy, a landlord may, but shall not be required to, provide a tenant with and allow such tenant an opportunity to sign the form described pursuant to this subsection. The failure of the landlord to deliver such a rental agreement and statement shall not affect the validity of the agreement. However, the landlord shall not file or maintain an action, including any summons for **unlawful detainer**, against the tenant in a court of law for any alleged lease violation until he has provided the tenant with the statement of tenant rights and responsibilities.

1975, c. 535, § 55-248.43; 1992, c. 709; 2001, c. 44; 2019, c. 712; 2021, Sp. Sess. I, cc. 91, 92; 2023, c. 450.

§ 55.1-1400. Applicability; right to terminate tenant

A. As used in this chapter, unless the context requires a different meaning, "nonresidential tenancy" means the rental of any real estate for purposes other than residential use, including business, industrial, or agricultural purposes.

B. The provisions of this chapter shall apply to all nonresidential tenancies. The lease or rental agreement controls the landlord-tenant relationship unless such lease or rental agreement is silent, in which case the provisions of this chapter apply. The right to evict a tenant whose right of possession has been terminated in any commercial or other nonresidential tenancy under this chapter may be effectuated by self-help eviction without further legal process so long as such eviction does not incite a breach of the peace. However, nothing in this chapter shall be construed to preclude termination of any commercial or other nonresidential tenancy by the filing of an **unlawful detainer** action, entry of an order of possession, and eviction pursuant to § 55.1-1416.

Code 1919, § 5512; Code 1950, § 55-217; 2017, c. 730; 2019, c. 712.

§ 55.1-1415. Failure to pay certain rents after five days' notice forfeits right of possession

If any tenant or lessee of nonresidential rental property who is in default in the payment of rent continues to be in default five days after receipt of written notice that requires possession of the premises or the payment of rent, such tenant or lessee forfeits his right to possession of the

premises. In such case, the possession of the defendant may, at the option of the landlord or lessor, be deemed unlawful, and he may proceed to recover possession of the premises.

The right to evict a tenant whose right of possession has been terminated in any nonresidential tenancy under this chapter may be effectuated by self-help eviction without further legal process so long as such eviction does not incite a breach of the peace. However, nothing in this section shall be construed to preclude termination of any nonresidential tenancy by the filing of an unlawful detainer action as provided by Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01, entry of an order of possession, and eviction pursuant to § 55.1-1416.

Code 1919, § 5448; Code 1950, § 55-225; 2008, c. 489; 2018, c. 221; 2019, c. 712.

[§ 55.1-1416. Authority of sheriffs to store and sell personal property removed from nonresidential premises; recovery of possession by owner; disposition or sale](#)

Notwithstanding the provisions of § 8.01-156, when personal property is removed from any nonresidential rental property pursuant to an action of unlawful detainer or ejectment, or pursuant to any other action in which personal property is removed from the premises in order to restore such premises to the person entitled to such premises, the sheriff shall oversee the removal of such personal property to be placed into the public way. The tenant shall have the right to remove his personal property from the public way during the 24-hour period after eviction. Upon the expiration of the 24-hour period after eviction, the landlord shall remove, or dispose of, any such personal property remaining in the public way.

At the landlord's request, any personal property removed pursuant to this section shall be placed into a storage area designated by the landlord, which may be the leased or rented premises. The tenant shall have the right to remove his personal property from the landlord's designated storage area at reasonable times during the 24 hours after eviction from the premises or at such other reasonable times until the landlord has disposed of the property as provided in this section. During that 24-hour period and until the landlord disposes of the remaining personal property of the tenant, the landlord and the sheriff shall not have any liability for the loss of such personal property. If the landlord fails to allow reasonable access to the tenant to remove his personal property as provided in this section, the tenant shall have a right to injunctive relief and such other relief as may be provided by law.

Any property remaining in the landlord's storage area upon the expiration of the 24-hour period after eviction may be disposed of by the landlord as the landlord sees fit or appropriate. If the landlord receives any funds from any sale of such remaining property, the landlord shall pay such funds to the account of the tenant and apply such funds to any amounts due the landlord by the tenant, including the reasonable costs incurred by the landlord in the eviction process described in this section or the reasonable costs incurred by the landlord in selling or storing such property. If any funds are remaining after application, the remaining funds shall be treated as security deposit under applicable law.

The notice posted by the sheriff setting the date and time of the eviction, pursuant to § 8.01-470, shall provide notice to the tenant of the rights afforded to tenants in this section and shall include in the notice a copy of this statute attached to, or made a part of, this notice.

Nothing in this section shall affect the right of a landlord to enforce an inchoate or perfected lien of the landlord on the personal property of a tenant in a nonresidential premises leased to such tenant or the right of a landlord to distress, levy, and seize such personal property as otherwise provided by law.

2001, c. 222, § 55-237.1; 2006, cc. 91, 129; 2016, c. 744; 2017, c. 730; 2019, c. 712.

"warrant in debt"

Found in Titles 8.01, 16.1, and 55.1.

Title 8.01 - Civil Remedies and Procedures

§ 8.01-27.2. Civil recovery for giving bad check

A. Except as otherwise provided in Chapter 12 (§ 55.1-1200 et seq.) or Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, in the event a check, draft or order, the payment of which has been refused by the drawee because of lack of funds in or credit with such drawee, is not paid in full within thirty days after receipt by the drawer of (i) written notice by registered, certified, or regular mail with the sender retaining an affidavit of service of mailing or other sufficient proof of mailing, which may be a U.S. Postal Certificate of Mailing or (ii) if for nonpayment of rent under § 55.1-1245 or 55.1-1415, written notice in accordance therewith, from the payee that the check, draft or order has been returned unpaid, the payee may recover from the drawer in a civil action brought by the filing of a **warrant in debt**, the lesser of \$250 or three times the amount of the check, draft or order. The amount recovered as authorized by this section shall be in addition to the amounts authorized for recovery under § 8.01-27.1. No action may be initiated under this section if any action has been initiated under § 18.2-181. The drawer shall be obligated to pay the cost of service and the cost of mailing, as applicable.

B. If an electronic funds transfer has been rejected because of insufficient funds or a stop-payment order has been placed in bad faith by the authorizing party, the authorizing party and the payee shall have the same rights and remedies as if the drawer had issued a bad check under § 8.01-27.1. For purposes of this subsection, "electronic funds transfer" has the same meaning as provided in 15 U.S.C. § 1693(a).

§ 8.01-27.4. Civil recovery for professional services

In the event any insured or enrollee of an accident and sickness insurance policy, health services plan or health maintenance organization receives payment from the insurance company, health services plan or health maintenance organization licensed under Title 38.2, pursuant to a claim that involves the provision of services to the insured or enrollee by a professional licensed under Title 54.1, and within 30 days of receipt of the payment does not forward the payment with the necessary endorsement to the professional for application towards the unpaid balance on the professional services subject to the claim, the professional may in a civil action brought by the filing of a **warrant in debt** recover from the insured or enrollee the lesser of \$250 or three times the amount of the payment, together with the amount of the payment. The amount recovered as authorized by this section shall be in addition to the amounts authorized for recovery under § 8.01-27.1. No action may be initiated under this section unless the professional, prior to receipt of payment by the insured or enrollee, forwards to the insured or enrollee via first class mail an invoice for services rendered.

2004, c. 909; 2005, c. 141.

§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general district court

A. For the purposes of this section, "termination notice" means a notice given under § 55.1-1245 or other notice of termination of tenancy given by the landlord to the tenant of a dwelling unit, or any notice of termination given by a landlord to a tenant of a nonresidential premises.

B. In any case when possession of any house, land or tenement is unlawfully detained by the person in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may present to a magistrate or a clerk or judge of a general district court a statement under oath of the facts which authorize the removal of the tenant or other person in possession, describing such premises; and thereupon such magistrate, clerk or judge shall issue his summons against the person or persons named in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge may be served as provided in § 8.01-293, 8.01-296, or 8.01-299. When issued by a magistrate it may be returned to and the case heard and determined by the judge of a general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not more than 21 days from the date of filing. If the case cannot be heard within 21 days from the date of filing, the initial hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing. If the plaintiff requests that the initial hearing be set on a date later than 21 days from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also available for the court. Such summons shall be served at least 10 days before the return day thereof. If a summons for unlawful detainer is filed by an owner of a residential single family dwelling unit in the Commonwealth and the court finds based upon the evidence that (i) no rental agreement exists or has ever existed between the owner and the occupant; (ii) the occupant occupies such dwelling unit without permission of such owner; and (iii) the owner has given such occupant a written notice to vacate such dwelling unit at least 72 hours prior to the date of filing, an emergency hearing on such summons shall occur as soon as practicable, but not more than 14 days from the date of filing. If the case cannot be heard within 14 days from the date of filing, the emergency hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing.

C. Any summons issued pursuant to the provisions of this section shall contain a notice to the tenant that, pursuant to the provisions of § 18.2-465.1, it is unlawful for his employer to discharge him from employment or take any adverse personnel action against him as a result of his absence from employment due to appearing at any initial or subsequent hearing on such summons, provided that he has given reasonable notice of such hearing to his employer.

D. The court shall not enter an order of possession unless the plaintiff, plaintiff's attorney, or agent has presented a copy of a proper termination notice issued to the defendant and the court has entered such notice into evidence.

E. Notwithstanding any rule of court or provision of law to the contrary, the plaintiff, plaintiff's attorney, or agent in an unlawful detainer case may submit into evidence a photocopy of a properly executed paper document or paper printout of an electronically stored document including a copy of the original lease or other documents, provided that the plaintiff provides an affidavit or sworn testimony that the copy of such document is a true and accurate copy of the

original lease. If the defendant fails to appear in court, the plaintiff, plaintiff's attorney, or agent may introduce into evidence by an affidavit or sworn testimony a statement of the amount of outstanding rent, late charges, attorney fees, costs, and any other charges or damages as contracted for in the rental agreement that are due and owing as of the date of the hearing. The plaintiff, plaintiff's attorney, or agent shall advise the court of any payments made by or on behalf of the defendant that result in a reduction of the amount due and owing to the plaintiff.

F. 1. The plaintiff may include on the summons for unlawful detainer a request for all amounts due and owing as of the date of the hearing and the approximate amount the defendant may owe as of the date of the hearing if the defendant makes no payments prior to the date of such hearing. Notwithstanding any rule of court or provision of law to the contrary, if such request is made on the summons for unlawful detainer, the court shall permit amendment of the amount requested on the summons for unlawful detainer filed in court in accordance with the evidence and the amounts contracted for in the rental agreement. If the plaintiff makes such a request and additional amounts become due and owing prior to the final disposition of a pending unlawful detainer, a plaintiff may amend the amount in an unlawful detainer to request all amounts due and owing as of the date of final disposition.

If, however, the plaintiff has not included on the summons for unlawful detainer a request for all amounts due and owing as of the date of the hearing, the court may permit the plaintiff to amend the amount requested on the summons for unlawful detainer upon finding that (i) the evidence accurately sets forth the amount due and owing to the plaintiff, (ii) the plaintiff provided the defendant with a separate written notice of additional amounts due and owing as of the date of the hearing and of the plaintiff's intent to amend the amount requested on the summons, and (iii) the defendant had the opportunity at court to object to any additional amounts claimed.

2. If the plaintiff requests on the summons for unlawful detainer all amounts due and owing as of the date of the hearing or if the court grants an amendment of the amounts requested on the summons for unlawful detainer, the plaintiff shall not subsequently file additional unlawful detainers or **warrants in debt** against the defendant for such additional amounts if those amounts could have been included in the amended amount. Any such subsequent unlawful detainers or **warrants in debt** filed for amounts that were included in the amended amount shall be dismissed. Nothing in this section shall preclude the plaintiff from filing an unlawful detainer for a non-rent lease violation during the pendency of an unlawful detainer for nonpayment of rent or from filing a **warrant in debt** for amounts unrelated to the unlawful detainer against the defendant.

3. In determining the amount due the plaintiff as of the date of the hearing, if the rental agreement or lease provides that rent is due and payable on the first of the month in advance for the entire month, at the request of the plaintiff or the plaintiff's attorney or agent, the amount due as of the date of the hearing shall include the rent due for the entire month in which the hearing is held, and rent shall not be prorated as of the actual court date. Otherwise, the rent shall be prorated as of the date of the hearing. However, nothing herein shall be construed to permit a landlord to collect rent in excess of the amount stated in such rental agreement or lease. If a money judgment has been granted for the amount due for the month of the hearing pursuant to this section and the landlord re-rents such dwelling unit and receives rent from a new tenant prior to the end of such month, the landlord is required to reflect the applicable portion of the judgment as satisfied pursuant to § 16.1-94.01.

4. If, on the date of a foreclosure sale of a single-family residential dwelling unit, the former owner remains in possession of such dwelling unit, such former owner becomes a tenant at sufferance. Such tenancy may be terminated by a written termination notice from the successor owner given to such tenant at least three days prior to the effective date of termination. Upon the expiration of the three-day period, the successor owner may file an unlawful detainer under this section. Such tenant shall be responsible for payment of fair market rental from the date of such foreclosure until the date the tenant vacates the dwelling unit, as well as damages, and for payment of reasonable attorney fees and court costs.

Code 1950, § 8-791; 1954, c. 333; 1966, c. 436; 1968, c. 639; 1972, c. 397; 1975, c. 235; 1977, c. 617; 1978, c. 344; 1980, c. 502; 2000, c. 1055; 2008, cc. 551, 691; 2012, c. 788; 2013, c. 63; 2014, c. 168; 2015, c. 547; 2017, c. 481; 2018, c. 255; 2019, cc. 130, 132; 2022, c. 467; 2024, cc. 268, 331.

§ 8.01-296. Manner of serving process upon natural persons

In addition to any other manner of service upon natural persons prescribed elsewhere in the Code, and subject to the provisions of § 8.01-286.1, in any action at law or in equity or any other civil proceeding in any court, process, for which no particular mode of service is prescribed, may be served upon natural persons as follows:

1. By delivering a copy thereof in writing to the party in person; or
2. By substituted service in the following manner:
 - a. If the party to be served is not found at his usual place of abode, by delivering a copy of such process and giving information of its purport to any person found there, who is a member of his family, other than a temporary sojourner or guest, and who is of the age of 16 years or older; or
 - b. If such service cannot be effected under subdivision 2 a, then by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such place of abode, provided that not less than 10 days before judgment by default may be entered, the party causing service or his attorney or agent mails to the party served a copy of such process and thereafter files in the office of the clerk of the court a certificate of such mailing. In any civil action brought in a general district court, the mailing of the application for a **warrant in debt** or affidavit for summons in unlawful detainer or other civil pleading or a copy of such pleading, whether yet issued by the court or not, which contains the date, time and place of the return, prior to or after filing such pleading in the general district court, shall satisfy the mailing requirements of this section. In any civil action brought in a circuit court, the mailing of a copy of the pleadings with a notice that the proceedings are pending in the court indicated and that upon the expiration of 10 days after the giving of the notice and the expiration of the statutory period within which to respond, without further notice, the entry of a judgment by default as prayed for in the pleadings may be requested, shall satisfy the mailing requirements of this section and any notice requirement of the Rules of Court. Any judgment by default entered after July 1, 1989, upon posted service in which proceedings a copy of the pleadings was mailed as provided for in this section prior to July 1, 1989, is validated.
 - c. The person executing such service shall note the manner and the date of such service on the original and the copy of the process so delivered or posted under this subdivision and shall effect the return of process as provided in §§ 8.01-294 and 8.01-325.

3. If service cannot be effected under subdivisions 1 and 2, then by order of publication in appropriate cases under the provisions of §§ 8.01-316 through 8.01-320.

4. The landlord or his duly authorized agent or representative may serve notices required by the rental agreement or by law upon the tenant or occupant under a rental agreement that is within the purview of Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1.

Code 1950, § 8-51; 1954, c. 333; 1977, c. 617; 1989, cc. 518, 524; 1990, cc. 729, 767; 1996, c. 538; 2005, c. 866; 2008, c. 489; 2024, c. 454.

Title 16.1 - Courts Not of Record

§ 16.1-77. Civil jurisdiction of general district courts; amending amount of claim

Except as provided in Article 5 (§ 16.1-122.1 et seq.), each general district court shall have, within the limits of the territory it serves, civil jurisdiction as follows:

(1) Exclusive original jurisdiction of (i) any claim to specific personal property or to any debt, fine or other money, or to damages for breach of contract or for injury done to property, real or personal, when the amount of such claim does not exceed \$4,500, exclusive of interest and any attorney fees, and concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed \$25,000, exclusive of interest and any attorney fees, and (ii) any action for injury to person, regardless of theory, and any action for wrongful death as provided for in Article 5 (§ 8.01-50 et seq.) of Chapter 3 of Title 8.01 when the amount of such claim does not exceed \$4,500, exclusive of interest and any attorney fees, and concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed \$50,000, exclusive of interest and any attorney fees. However, the jurisdictional limit shall not apply with respect to distress warrants under the provisions of § 8.01-130.4, cases involving liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving forfeiture of a bond pursuant to § 19.2-143. While a matter is pending in a general district court, upon motion of the plaintiff seeking to increase the amount of the claim, the court shall order transfer of the matter to the circuit court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. Except for good cause shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk of the court to which the case is transferred, and such clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare and present the order of transfer to the transferring court for entry, after which time the case shall be removed from the pending docket of the transferring court and the order of transfer placed among its records. The plaintiff shall provide a certified copy of the transfer order to the receiving court.

(2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed \$25,000 exclusive of interest and any attorney fees.

(3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01, and in Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, and the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or cross-claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person obligated on the lease or guarantee of such lease.

(4) Except where otherwise specifically provided, all jurisdiction, power and authority over any civil action or proceeding conferred upon any general district court judge or magistrate under or by virtue of any provisions of the Code.

(5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment, by **warrant in debt**, or by other uniform court form established by the Supreme Court of Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff.

(6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions.

(7) Jurisdiction to try and decide any cases pursuant to § 55.1-1819 of the Property Owners' Association Act (§ 55.1-1800 et seq.) or § 55.1-1959 of the Virginia Condominium Act (§ 55.1-1900 et seq.).

(8) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional limits of the general district court. Any party that disagrees with an order by a general district court granting an application to compel arbitration may appeal such decision to the circuit court pursuant to § 8.01-581.016.

For purposes of this section, the territory served by a county general district court expressly authorized by statute to be established in a city includes the general district court courtroom.

1956, c. 555; 1968, c. 5; 1973, c. 440; 1978, c. 40; 1981, c. 404; 1983, c. 616; 1987, cc. 87, 93; 1988, c. 799; 1990, cc. 217, 471; 1991, c. 135; 1992, cc. 111, 777; 1995, c. 799; 1997, c. 753; 1998, cc. 482, 495; 1999, cc. 945, 987; 2001, cc. 473, 477; 2002, cc. 200, 506, 645; 2004, cc. 344, 460; 2008, cc. 840, 843; 2009, c. 663; 2010, c. 181; 2011, cc. 14, 76, 372, 378, 702; 2016, c. 181; 2017, c. 657; 2019, cc. 240, 787; 2020, cc. 898, 899; 2021, Sp. Sess. I, cc. 199, 463.

[§ 16.1-83.1. Certification of expert witness opinion at time of service of process](#)

Every **warrant in debt**, counter claim, or third party claim in a medical malpractice action, at the time the plaintiff requests service of process upon a defendant, or requests a defendant to accept service of process, shall be deemed a certification that the plaintiff has obtained from an expert whom the plaintiff reasonably believes would qualify as an expert witness pursuant to subsection A of § 8.01-581.20 a written opinion signed by the expert witness that, based upon a reasonable understanding of the facts, the defendant for whom service of process has been requested deviated from the applicable standard of care and the deviation was a proximate cause of the injuries claimed. This certification is not necessary if the plaintiff, in good faith, alleges a medical malpractice action that asserts a theory of liability where expert testimony is unnecessary because the alleged act of negligence clearly lies within the range of the jury's common knowledge and experience.

The certifying expert shall not be required to be an expert witness expected to testify at trial nor shall any defendant be entitled to discover the identity or qualifications of the certifying expert or the nature of the certifying expert opinions. Should the certifying expert be identified as an expert expected to testify at trial, the opinions and bases therefor shall be discoverable pursuant to Rule 4:1 of the Rules of Supreme Court of Virginia with the exception of the expert's status as a certifying expert.

Upon written request of any defendant, the plaintiff shall, within 10 business days after receipt of such request, provide the defendant with a certification form which affirms that the plaintiff had obtained the necessary certifying expert opinion at the time service was requested or affirms that the plaintiff did not need to obtain a certifying expert opinion. The court, upon good cause shown, may conduct an in camera review of the certifying expert opinion obtained by the plaintiff as the court may deem appropriate. If the plaintiff did not obtain a necessary certifying expert opinion at the time the plaintiff requested service of process on a defendant, the court shall impose sanctions according to the provisions of § 8.01-271.1 and may dismiss the case with prejudice.

2005, cc. 649, 692; 2007, c. 489; 2013, cc. 65, 610.

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys

A. Any corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, the Fort Monroe Authority, and the Department of Military Affairs, when the amount claimed in any civil action pursuant to subdivision (1) or (3) of § 16.1-77 does not exceed the jurisdictional amounts authorized in such subsections, exclusive of interest, may prepare, execute, file, and have served on other parties in any proceeding in a general district court a **warrant in debt**, motion for judgment, warrant in detinue, distress warrant, summons for unlawful detainer, counterclaim, crossclaim, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, writ of fieri facias, interpleader and civil appeal notice without the intervention of an attorney. Such papers may be signed by a corporate officer, a manager of a limited liability company, a general partner of any form of partnership or a trustee of any business trust, or such corporate officer, with the approval of the board of directors, or manager, general partner or trustee may authorize

in writing an employee, a person licensed under the provisions of § 54.1-2106.1, or the property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement to sign such papers as the agent of the business entity. Only an agency employee designated in writing by the Adjutant General may sign such papers on behalf of the Department of Military Affairs. However, this section shall not apply to an action under subdivision (1) or (3) of § 16.1-77 which was assigned to a corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, or individual solely for the purpose of enforcing an obligation owed or right inuring to another.

B. Nothing in this section shall allow a nonlawyer to file a bill of particulars or grounds of defense or to argue motions, issue a subpoena, rule to show cause, or capias; file or interrogate at debtor interrogatories; or to file, issue or argue any other paper, pleading or proceeding not set forth in subsection A.

C. The provisions of § 8.01-271.1 shall apply to any pleading, motion or other paper filed or made pursuant to this section.

D. Parties not represented by counsel, and who have made an appearance in the case, shall promptly notify in writing the clerk of court wherein the litigation is pending, and any adverse party, of any change in the party's address necessary for accurate mailing or service of any pleadings or notices. In the absence of such notification, a mailing to or service upon a party at the most recent address contained in the court file of the case shall be deemed effective service or other notice.

1990, c. 645; 1992, c. 814; 1993, cc. 473, 478; 2003, cc. 665, 667; 2004, cc. 338, 365; 2005, c. 136; 2006, c. 374; 2017, c. 690; 2019, cc. 180, 477, 700; 2020, cc. 84, 194.

Title 55.1 - Property and Conveyances

[§ 55.1-1257. Who may recover rent or possession](#)

Notwithstanding any rule of court to the contrary, (i) any person licensed under the provisions of § 54.1-2106.1, (ii) any property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement, or (iii) any employee, who is authorized in writing by a corporate officer with the approval of the board of directors, or by a manager, a general partner, or a trustee, of a partnership, association, corporation, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership, business trust, or family trust to sign pleadings as the agent of the business entity may obtain a judgment (a) for possession in the general district court for the county or city in which the premises, or part thereof, is situated or (b) for rent or damages, including actual damages for breach of the rental agreement, or for final rent and damages under § 8.01-128, in any general district court where venue is proper under Chapter 5 (§ 8.01-257 et seq.) of Title 8.01, against any defendant if the person seeking such judgment had a contractual agreement with the landlord to manage the premises for which rent or possession is due and may prepare, execute, file, and have served on other parties in any general district court a **warrant in debt**, suggestion for

summons in garnishment, garnishment summons, order of possession, writ of eviction, or writ of fieri facias arising out of a landlord-tenant relationship. However, the activities of any such person in court shall be limited by the provisions of § 16.1-88.03. However, nothing shall be construed as preventing a nonlawyer from requesting relief from the court as provided by law or statute when such nonlawyer is before the court on one of the actions specified herein.

1983, c. 8, § 55-246.1; 1989, c. 612; 1998, c. 452; 2003, cc. 665, 667; 2004, cc. 338, 365; 2010, c. 550; 2013, c. 563; 2015, c. 190; 2018, c. 221; 2019, cc. 180, 477, 700, 712.

[§ 55.1-1417. Who may recover rent or possession](#)

Notwithstanding any rule of court to the contrary, (i) any person licensed under the provisions of § 54.1-2106.1, (ii) any property manager or the managing agent of a landlord as defined in § 55.1-1200 pursuant to the written property management agreement, or directors, or by a manager, a general partner, or a trustee, of a partnership, association, corporation, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership, business trust, or family trust to sign pleadings as the agent of the business entity, may obtain a judgment (a) for possession in the general district court for the county or city in which the premises, or part thereof, is situated or (b) for rent or damages, including actual damages for breach of the rental agreement, or for final rent and damages under § 8.01-128, in any general district court where venue is proper under Chapter 5 (§ 8.01-257 et seq.) of Title 8.01, against any defendant if the person seeking such judgment had a contractual agreement with the landlord to manage the premises for which rent or possession is due and may prepare, execute, file, and have served on other parties in any general district court a **warrant in debt**, suggestion for summons in garnishment, garnishment summons, order of possession, writ of eviction, or writ of fieri facias arising out of a landlord-tenant relationship. However, the activities of any such person in court shall be limited by the provisions of § 16.1-88.03. However, nothing shall be construed as preventing a nonlawyer from requesting relief from the court as provided by law or statute when such nonlawyer is before the court on one of the actions specified herein.

1983, c. 8, § 55-246.1; 1989, c. 612; 1998, c. 452; 2003, cc. 665, 667; 2004, cc. 338, 365; 2010, c. 550; 2013, c. 563; 2015, c. 190; 2018, c. 221; 2019, cc. 180, 477, 700, 712.

[§ 55.1-2824. Recovery of amount due in connection with division fence](#)

Any sum that may be due and payable by one adjoining landowner to another in pursuance of any of the provisions of §§ 55.1-2822 and 55.1-2823 may be recovered by action or **warrant in debt**, according to the jurisdictional amount.

Code 1950, § 8-890; 1977, c. 624, § 55-320; 2019, c. 712.

"warrant in distress"

Also: "distress action," "distress warrant," "distrain," "under distress or execution"

Found in Titles 8.01, 16.1, and 17.1.

Title 8.01 – Civil Remedies and Procedures

[§ 8.01-130.5. Procedure for trial on warrant in distress](#)

The distress warrant shall contain a return date and be tried in the same manner as an action on a warrant as prescribed in § 16.1-79, except that the case shall be returnable not more than 30 days from its date of issuance. The trial or hearing of the issues, except as otherwise provided, shall be the same, as near as may be, as in actions in personam.

1980, c. 555, § 55-230.1; 1993, c. 841; 2019, c. 712.

[§ 8.01-41. Wrongful distraint, attachment](#)

If property be distrained for any rent not due, or attached for any rent not accruing, or taken under any attachment sued out without good cause, the owner of such property may, in an action against the party suing out the warrant of distress or attachment, recover damages for the wrongful distraint, seizure, or sale.

Code 1950, § 8-651; 1977, c. 617.

[§ 8.01-130.4. When and by whom distress made](#)

A distress action for rent may be brought no later than five years from the time the rent becomes due, whether the lease is ended or not. The distress shall be made by a sheriff of the county or city where the premises yielding the rent, or some part thereof, is located or the goods liable to distress may be found, under warrant from a judge of, or a magistrate serving, the judicial district. Such warrant shall be founded upon a sworn petition of the person claiming the rent, or his agent, that (i) the petitioner believes the amount of money or other thing by which the rent is measured, to be specified in the petition in accordance with § 8.01-130.6, is justly due to the claimant for rent reserved upon contract from the person of whom it is claimed, (ii) the petitioner alleges one or more of the grounds mentioned in § 8.01-534 and sets forth in the petition specific facts in support of such allegation, and (iii) the rent claimed is for rent due within five years from the time that it becomes due. The petition shall also specify the amount of the rent claimed and request either levy or seizure of the affected property prior to trial. The plaintiff shall, at the time of suing out a distress, give bond in conformity with the provisions of § 8.01-537.1. The plaintiff praying for a distress warrant shall, at the time that he files his petition, pay the proper costs, fees, and taxes, and in the event of his failure to do so, the distress warrant shall not be issued.

A judge or magistrate shall make an ex parte review of the petition and may receive evidence only in the form of a sworn petition, which shall be filed in the office of the clerks of court. The warrant may be issued in accordance with the prayer of the petition by a judge or magistrate only

upon a determination that there appears from the petition that there is reasonable cause to believe that one of the grounds mentioned in § 8.01-534 exists, the allegations required to be in the petition are true, and bond that complies with § 8.01-537.1 has been posted.

Each copy of the distress warrant shall be issued and served on each defendant together with (a) a form for requesting a hearing of exemption from levy or seizure, as provided in § 8.01-546.1, and (b) a copy of the bond. The distress warrant may be issued or executed on any day, including a Saturday, Sunday, or other legal holiday. Service shall be made in accordance with the methods described in § 8.01-487.1. The provisions of § 8.01-546.2 shall govern claims for exemption.

The officer into whose hands the warrant is delivered shall levy or seize as directed in the warrant, except as may be provided by statute, the property found on the premises of the tenant as provided by § 8.01-130.6. The officer shall return the warrant of distress to the court to which the warrant of distress is returnable by the return date unless otherwise notified by the court to make return by an earlier date.

Code 1919, § 5522; Code 1950, § 55-230; 1962, c. 10; 1974, c. 458; 1976, c. 177; 1980, c. 555; 1986, c. 341; 1993, c. 841; 2008, cc. 551, 691; 2019, c. 712.

§ 8.01-130.7. Procedure when distress levied and tenant unable to give forthcoming bond; what defense may be made

A. On affidavit by a tenant, whose property has been levied on under a warrant of distress, that (i) he is unable to give the bond required in § 8.01-526 and (ii) he has a valid defense under subsection B, the officer levying the warrant shall permit the property to remain in the possession and at the risk of the tenant, and shall return the warrant forthwith, together with the affidavit, to the court to which such warrant is returnable. Thereupon the landlord, after 10 days' notice in writing to the tenant, may make a motion for a judgment for the amount of the rent and for a sale of the property levied on. The tenant may make such defense as he is authorized to make, including defenses permitted under subsection B to an action or motion on the bond when one is given. Upon making such defense, the officer shall permit the property to remain in the possession of and at the risk of the tenant. If the property is perishable, or expensive to keep, the court may order it to be sold, and on the final trial of the cause, the court shall dispose of the property, or proceeds of sale, according to the rights of the parties.

B. In an action or motion on a forthcoming bond, when it is taken under a distress warrant, the defendants may make defense on the ground that the distress was for rent not due in whole or in part or was otherwise illegal.

Code 1919, § 6519; Code 1950, § 8-453; Code 1950, § 55-232; 1970, c. 43; 1975, c. 235; 1977, c. 624; 1980, c. 555; 1986, c. 341; 2007, c. 869; 2019, c. 712.

§ 8.01-130.11. When officer may enter by force to levy distress or attachment

The officer having such distress warrant, or an attachment for rent, if there be need for it, may, in the daytime, break open and enter into any house or close in which there may be goods liable to the distress or attachment and may, either in the day or night, break open and enter any house or close wherein there may be any goods so liable that have been fraudulently or clandestinely

removed from the demised premises. He may also levy such distress warrant or attachment on property liable for the rent found in the personal possession of the party liable therefor.

Code 1919, § 5526; Code 1950, § 55-235; 2019, c. [712](#).

[§ 8.01-367. Indemnifying bond to officer](#)

A. If any officer levies or is required to levy a fieri facias, an attachment, or a warrant of distress on property, and the officer doubts whether such property is liable to such levy, he may give the plaintiff, his agent or attorney-at-law, notice that an indemnifying bond is required in the case; bond may thereupon be given by any person, with good security, payable to the officer in a penalty equal to the value of the property in the case of a fieri facias or a warrant of distress on property and equal to double the value of the property in case of an attachment, with condition to indemnify him against all damage which he may sustain in consequence of the seizure or sale of such property and to pay to any claimant of such property all damage which he may sustain in consequence of such seizure or sale, and also to warrant and defend to any purchaser of the property such estate or interest therein as is sold. If the officer has performed more than one levy for a single plaintiff, the officer may permit the plaintiff to give a single indemnifying bond for such levies, provided that any such bond shall be in a penalty amount not less than the aggregate sum of the penalty amounts of the bonds required had the levies been bonded individually.

Provided, however, that when the property claimed to be liable by virtue of the process aforesaid is in the possession of any of the parties against whom such process was issued but is claimed by any other person or is claimed to belong to any other person, the officer having such process in his hands to be executed shall proceed to execute the same notwithstanding such claim unless the claimant of the property or someone for him shall give a suspending bond as provided by [§ 8.01-370](#) and shall within 30 days after such bond is given proceed to have the title to the property settled in accordance with the provisions of this chapter. And in case such claimant or someone for him fails to give such suspending bond, or having given such bond fails to have such proceedings instituted to settle the title thereto, the claimant shall be barred from asserting such claim to the property and the officer shall proceed to execute the process, and the officer who executes such process shall not be liable to any such claimant for any damages resulting from the proper execution of such process as is required by this section. If an indemnifying bond is not given within a reasonable time after such notice, the officer may refuse to levy on such property, or may restore it to the person from whose possession it was taken. If such bond is given, the officer shall proceed to levy (i) if he has not already done so, or (ii) if necessary to restore a levy previously released.

B. The Commonwealth shall not be required to give an indemnifying bond under the provisions of this section.

Code 1950, § 8-229; 1968, c. 490; 1972, c. 327; 1977, c. 617; 2005, c. [690](#); 2012, c. [206](#).

[§ 8.01-365. How claim of third party tried](#)

When a writ of fieri facias issued from a circuit court, or a warrant of distress, is levied on property, or when a lien is acquired on money or other personal estate by virtue of [§ 8.01-501](#), and when some other person than the one against whom the process issued claims the property,

money, other personal estate, or some part or the proceeds thereof, then either (i) the claimant, if such suspending bond as is hereinafter mentioned has been given, (ii) the officer having such process, if no indemnifying bond has been given, or (iii) the party who had the process issued, may apply to try the claim, by motion to the adverse party, to the circuit court of the county or city wherein the property, money, or other personal estate is located.

Code 1950, § 8-227; 1962, c. 10; 1977, c. 617.

[§ 8.01-370. Claimant may give suspending bond; proceedings to have title settled; action on indemnifying or suspending bond](#)

The sale of any property levied on under a fieri facias or distress warrant shall be suspended at the instance of any claimant thereof who will deliver to the officer a suspending bond, with good security, in a penalty equal to double the value thereof, payable to such officer, with condition to pay to all persons who may be injured by suspending the sale thereof, until the claim thereto is adjudicated or otherwise adjusted, such damage as they may sustain by such suspension. If the property claimed to be liable by virtue of such process is in the possession of any of the parties against whom such process was issued, but is claimed by any other person, or is claimed to belong to any other person, the officer having such process in his hands to be executed shall, whether an indemnifying bond has been given or not, after notice to the claimant, or his agent, proceed to execute the same notwithstanding such claim, unless the claimant of such property or someone for him shall give the suspending bond aforesaid, and shall within thirty days after such bond is given proceed to have the title to such property settled in accordance with the provisions of this chapter. And in case such claimant or someone for him fails to give a suspending bond, or having given such bond fails to have such proceedings instituted to settle the title thereto, the claimant shall be barred from asserting such claim to the property and the sale of the property shall proceed. For the purpose of this section, a person making a claim of ownership of property on behalf of another shall be deemed to be the latter's agent, and the notice required by this section may be verbal or in writing. Upon any such indemnifying or suspending bond as is mentioned in this section or [§ 8.01-369](#) an action may be prosecuted in the name of the officer for the benefit of the claimant, creditor, purchaser, or other person injured, and such damages recovered in such action as a jury may assess. The action may be prosecuted and a writ of fieri facias had in the name of such officer when he is dead in like manner as if he were alive.

Code 1950, § 8-232; 1977, c. 617.

[§ 8.01-371. How forthcoming bond taken of claimant of property the sale whereof has been suspended](#)

The sheriff or other officer levying a writ of fieri facias or distress warrant on property, the sale of which is suspended under this chapter at the instance of a claimant thereof, may, if such claimant desires the property to remain in such possession as it was immediately before the levy, and if the case be one in which a bond for the forthcoming of the property is not prohibited from being taken from the debtor by [§ 8.01-531](#), take from the claimant a bond, with sufficient surety, in a penalty equal to double the value of the property, payable to the creditor, with such recital as is required in a forthcoming bond taken from the debtor, and with condition that the property

shall be forthcoming at such day and place of sale as may be thereafter lawfully appointed. Such property may then be permitted to remain, at the risk of such claimant, in such possession as it was immediately before the levy; and §§ 8.01-130.7, 8.01-527, 8.01-528, 8.01-530 and 8.01-531 shall apply to such forthcoming bond in like manner as to a forthcoming bond taken from the debtor.

Code 1950, § 8-233; 1977, c. 617.

§ 8.01-373. When property sells for more than claim, how surplus paid

When property, the sale of which is indemnified, sells for more than enough to satisfy the execution, attachment, or distress warrant under which it is taken, the surplus shall be paid by the officer into the court where the indemnifying bond is required to be returned, or as such court may direct. The court wherein the surplus is held may make such order for the disposition thereof, either temporarily until the question as to the title of the property sold is determined, or absolutely, as in respect to the rights of those interested may seem to it proper.

Code 1950, § 8-235; 1977, c. 617.

§ 8.01-492. Sale of property.

In any case of goods and chattels which an officer shall **distrain** or levy on, otherwise than under an attachment, or which he may be directed to sell by an order of a court, unless such order prescribe a different course, the officer shall fix upon a time and place for the sale thereof and post notice of the same at least ten days before the day of sale at some place near the residence of the owner if he reside in the county or city and at two or more public places in the officer's county or city. If the goods and chattels be expensive to keep or perishable, the court from whose clerk's office the writ of fieri facias or the distress warrant was issued under which the seizure is made, or if the distress warrant was issued by a clerk, the court of which he is a clerk, may order a sale of the property seized under fieri facias or distress warrant to be made upon such notice less than ten days as to such court may seem proper. At the time and place so appointed, such officer shall sell to the highest bidder, for cash, such goods and chattels, or so much thereof as may be necessary.

Code 1950, § 8-422.1; 1962, c. 10; 1977, c. 617.

§ 8.01-526. When forthcoming bond taken; property remains in debtor's possession

The sheriff or other officer levying a writ of fieri facias, or distress warrant, may take from the debtor a bond, with sufficient surety, payable to the creditor, reciting the service of such writ or warrant, and the amount due thereon, including the officer's fee for taking the bond, commissions, and other lawful charges, if any, with condition that the property shall be forthcoming at the day and place of sale; whereupon, such property may be permitted to remain in the possession and at the risk of the debtor.

Code 1950, § 8-450; 1977, c. 617.

§ 8.01-530. Remedy of creditor if bond quashed

If any forthcoming bond be at any time quashed, the obligee, besides his remedy against the officer, may have such execution on his judgment, or issue such distress warrant, as would have been lawful if such bond had not been taken.

Code 1950, § 8-454; 1977, c. 617.

Title 16.1 – Courts Not of Record

§ 16.1-119. Proceedings to try title to property levied on under distress or execution

When an execution on a judgment of a general district court, or a warrant of distress, is levied on property, or when a lien is acquired on money or other personal estate by virtue of § 8.01-501 and some person other than the party against whom the process issued claims such property, money or other personal estate, or some part thereof, either the claimant, the officer having such process, or the party who had the same issued may apply to the general district court of the county or city wherein the property, money or other personal estate may be to try the claim of the party so claiming the same or some part thereof, provided that the property, money or other personal estate does not exceed the maximum jurisdictional limit of the court as provided in § 16.1-77 (1).

1956, c. 555; 1978, c. 42; 1986, c. 27.

§ 16.1-120. Summons in such case

If the party making such application shall make and file an affidavit that to the best of his belief such property, money or other personal estate so claimed by such third party is not of greater value than the maximum jurisdictional limits of the court as provided by § 16.1-77 (1), the judge or clerk of the court shall issue a summons directed to the sheriff of his county or city, as the case may be, requiring him to summon both the creditor and the debtor to appear and show cause why such property, money or other personal estate, or any part thereof, should not be discharged from levy or lien of such execution or distress warrant. A copy of such summons shall be served upon the claimant of the property, money or other personal estate, unless the summons is sued out at his instance. The summons shall be made returnable not less than five days after date of its issuance, and if an earlier day shall have been fixed for the sale of the property, or for the return of any process subjecting such money or other personal estate to a final disposition, the judge shall make and endorse on the summons an order requiring the postponement of the sale, or the hearing to be had on such process, until after the return day of the summons.

1956, c. 555; 1978, c. 42; 1983, c. 616.

§ 16.1-121. Order after hearing

After hearing the parties or such of them as may attend after being summoned, and such witnesses as may be introduced by either party, the judge shall order the officer, or the possessor of any money or other personal estate, to deliver the same to the claimant, if he be of opinion that the same belongs to the claimant; but if he be of opinion that the property, money or other

personal estate, or any part thereof, belongs to the person against whom the execution or warrant of distress issued, he shall order the officer who levied on the same to sell the property so liable, to satisfy the execution or warrant of distress; or when there is money or other personal estate in the possession of a bailee or garnishee, he shall order the bailee or garnishee, as the case may be, to make delivery to the execution creditor of all such money or other personal estate so found to belong to the execution debtor, or so much thereof as may be necessary to satisfy the execution; and he may give such judgment respecting the property, the expense of keeping it, any injury done by it, and for the costs, as may be just and equitable among the parties.

1956, c. 555.

Title 17.1 – Courts of Record

[§ 17.1-272. Process and service fees generally](#)

A. The fee for process and service in the following instances shall be \$12:

1. Service on any person, firm or corporation, an order, notice, summons or any other civil process, except as herein otherwise provided, and for service on any person, firm, or corporation any process when the body is not taken and making a return thereof, except that no fee shall be charged for service pursuant to [§ 2.2-4022](#).
2. Summoning a witness or garnishee on an attachment.
3. Service on any person of an attachment or other process under which the body is taken and making a return thereon.
4. Service of any order of court not otherwise provided for, except that no fees shall be charged for protective orders issued pursuant to Chapter 11 ([§ 16.1-226](#) et seq.) of Title 16.1.
5. Making a return of a writ of fieri facias where no levy is made or forthcoming bond is taken.
6. Summoning a witness in any case in which custody or visitation of a minor child or children is at issue.

B. The fees for process and service in the following instances shall be \$25:

1. Service and publication of any notice of a publicly-advertised public sale.
2. Service of a writ of possession or writ of eviction, except that there shall be an additional fee of \$12 for each additional defendant.
3. Levying upon current money, bank notes, goods or chattels of a judgment debtor pursuant to [§ 8.01-478](#).
4. Service of a declaration in ejectment on any person, firm or corporation, except that there shall be an additional fee of \$12 for each additional defendant.
5. Levying distress warrant or an attachment.
6. Levying an execution.

C. The process and service fee for serving any papers returnable out of state shall be \$75, except no fees shall be charged for the service of papers in connection with the prosecution of any

misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protective order or a petition for a protective order. A victim of domestic violence, stalking, or sexual assault shall not bear the costs associated with the filing of criminal charges against the offender, and no victim shall bear the costs associated with the filing, issuance, registration, or service of a warrant, protective order, petition for a protective order, or witness subpoena, issued inside or outside the Commonwealth.

D. The fees set out in this section shall be allowable for services provided by such officers in the circuit and district courts.

Code 1950, §§ 14-104, 14-116, p. 25; 1964, c. 386, §§ 14.1-93, 14.1-105; 1971, Ex. Sess., c. 155; 1972, c. 719; 1975, c. 591; 1976, cc. 308, 310; 1981, c. 411; 1982, c. 674; 1983, c. 407; 1984, c. 317; 1992, c. 648; 1995, c. 51, § 14.1-95.1; 1998, c. 872; 2002, c. 508; 2004, cc. 198, 211, 588; 2011, cc. 445, 480; 2019, cc. 180, 700.

"writ of execution"

Found in Titles 8.01, 32.1, 50, and 55.1.

Title 8.01 - Civil Remedies and Procedure

§ 8.01-130.13. Return of execution; process of sale thereunder

The sheriff under **writ of execution** from the court after hearing and judgment for the landlord, except as otherwise provided by law, shall make return on his execution as may be placed in his hands for collection and file the same, within 90 days after the same may have come to his hands, with the clerk of the court in which the case was heard. Upon the return of such execution such clerk shall preserve such execution in his office as is now provided as to other executions. If such return shows that a levy has been made and that property levied on remains unsold, it shall be lawful for the clerk of the court in whose office such return is filed to issue a writ of venditioni exponas thereon just as if the return were upon writ of fieri facias.

Code 1919, § 5528; 1930, p. 456; Code 1950, § 55-237; 1962, c. 10; 1975, c. 235; 1980, c. 555; 2019, c. 712.

Title 32.1 - Health

§ 32.1-164.1:1. Validity of certain septic tank permits

A. Any septic tank permit issued shall be valid for a period of 18 months from the date of issuance unless there has been a substantial, intervening change in the soil or site conditions where the septic system is to be located. However, if a building permit has been obtained or building construction has commenced, the permit may be extended for an additional 18 months. Applicants shall be informed of the septic tank permit validity period and advised to apply only when ready to begin construction.

B. Further, whenever any onsite sewage system is failing, or an owner has elected to voluntarily upgrade an onsite sewage system pursuant to § 32.1-164.1:3, and it is on or serves real property consisting of not less than one nor more than four dwelling units and the Board's regulations impose (i) a requirement for treatment beyond the level of treatment provided by the existing onsite sewage system when operating properly or (ii) a new requirement for pressure dosing, the owner may request a waiver from such requirements. The Commissioner shall grant any request for such waiver, unless he finds that the system was installed illegally without a permit. Any such waivers shall be recorded in the land records of the clerk of the circuit court in the jurisdiction in which the property on which the relevant onsite sewage system is located. Except as provided in subsection C, waivers granted hereunder shall not be transferable and shall be null and void upon transfer or sale of the property on which the onsite sewage system is located. Additional treatment or pressure dosing requirements shall be imposed in such instances when the property is transferred or sold.

Any owner who (a) obtained a waiver to repair a failing onsite sewage system pursuant to this subsection on or between July 1, 2004, and December 6, 2011, (b) completed such repair, and (c) voluntarily upgrades the system may request, and shall receive, a voluntary upgrade waiver in accordance with this section and § 32.1-164.1:3. Any such waiver shall be recorded in the land records of the clerk of the circuit court in the jurisdiction where the onsite sewage system is located and shall supersede any prior waiver recorded pursuant to this section.

The owner of the relevant property shall disclose, in accordance with subsection D, that any operating permit for the onsite sewage system that has been granted a waiver authorized by this subsection shall be null and void at the time of transfer or sale of the property and that the Board's regulatory requirements for additional treatment or pressure dosing shall be required before an operating permit may be reinstated.

The provisions of this subsection shall apply only with respect to transfers by sale, exchange, installment land sales contract, or lease with option to buy residential real property consisting of not less than one nor more than four dwelling units, whether or not the transaction is with the assistance of a licensed real estate broker or salesperson.

C. The following are specifically allowed under the provisions of subsection B:

1. Transfers pursuant to court order including, but not limited to, transfers ordered by a court in administration of an estate, transfers pursuant to a writ of execution, transfers by foreclosure sale, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a decree for specific performance.
2. Transfers to a beneficiary of a deed of trust by a trustor or successor in interest who is in default, transfers by a trustee under a deed of trust pursuant to a foreclosure, or transfers by a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a foreclosure sale under a deed of trust or has acquired the real property by deed in lieu of foreclosure.
3. Transfers not for value by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.
4. Transfers between spouses resulting from a decree of divorce or a property settlement stipulation pursuant to the provisions of Title 20.
5. Transfers to or from any governmental entity or public or quasi-public housing authority or agency.
6. Transfers pursuant to real estate purchase contracts where the owner has obtained a permit to voluntarily upgrade an onsite sewage system pursuant to § 32.1-164.1:3.
7. Other transfers consistent with criteria established by the Board of Health and the Real Estate Board.

D. The owner of residential real property subject to subsection B shall deliver to the purchaser a written disclosure prior to the acceptance of a real estate purchase contract. The written disclosure statement shall be in a separate document, developed by the Real Estate Board on or before January 1, 2006. Prior to that time, it shall be the obligation of the owner of such residential real property to prepare the written disclosure statement and provide it to the purchaser as otherwise provided herein.

E. If the disclosure required by subsection B is delivered to the purchaser after the acceptance of the real estate purchase contract, the purchaser's sole remedy shall be to terminate the real estate purchase contract at or prior to the earliest of the following: (i) three days after delivery of the disclosure in person; (ii) five days after the postmark if the disclosure is deposited in the United States mail, postage prepaid, and properly addressed to the purchaser; (iii) settlement upon purchase of the property; (iv) occupancy of the property by the purchaser; (v) the execution by the purchaser of a written waiver of the purchaser's right of termination under this chapter contained in a writing separate from the real estate purchase contract; or (vi) the purchaser making written application to a lender for a mortgage loan where such application contains a disclosure that the right of termination shall end upon the application for the mortgage loan.

In order to terminate a real estate purchase contract when permitted by this subsection, the purchaser shall, within the time required by this chapter, give written notice to the owner either by hand delivery or by United States mail, postage prepaid, and properly addressed to the owner. If the purchaser terminates a real estate purchase contract in compliance with this chapter, the termination shall be without penalty to the purchaser, and any deposit shall be promptly returned to the purchaser. Any rights of the purchaser to terminate the contract provided by this chapter shall end if not exercised prior to the earlier of (i) the making of a written application to a lender for a mortgage loan where the application contains a disclosure that the right of termination shall end upon the application for the mortgage loan or (ii) settlement or occupancy by the purchaser, in the event of a sale, or occupancy, or in the event of a lease with option to purchase.

F. A real estate licensee representing an owner of residential real property as the listing broker shall have a duty to inform each such owner represented by that licensee of the owner's rights and obligations under subsection B. A real estate licensee representing a purchaser of residential real property or, if the purchaser is not represented by a licensee, the real estate licensee representing an owner of residential real estate and dealing with the purchaser shall have a duty to inform each such purchaser of the purchaser's rights and obligations under subsection B. Provided a real estate licensee performs those duties, the licensee shall have no further duties to the parties to a residential real estate transaction under this section, and shall not be liable to any party to a residential real estate transaction for a violation of subsection B or for any failure to disclose any information regarding any real property subject to subsection B.

G. For the purposes of this section:

"Acceptance" means the full execution of a real estate purchase contract by all parties.

"Real estate purchase contract" means a contract for the sale, exchange, or lease with option to buy of real estate subject to this section.

H. The Real Estate Board shall enforce subsections D, E, and F pursuant to the provisions of Chapter 21 of Title 54.1 (§ 54.1-2100 et seq.).

1984, c. 401; 1986, c. 331; 1994, c. 747; 2004, c. 916; 2005, c. 469; 2011, c. 394; 2015, c. 111.

Title 50 - Partnerships

[§ 50-73.97. Actions by and against partnership and partners](#)

A. A partnership may sue and be sued in the name of the partnership.

B. An action may be brought against the partnership and, except as provided in § 50-73.96, against any or all of the partners in the same action or in separate actions.

C. A judgment against a partnership is not by itself a judgment against a partner. A judgment against a partnership may not be satisfied from a partner's assets unless there is also a judgment against the partner.

D. A judgment creditor of a partner may not levy execution against the assets of the partner to satisfy a judgment based on a claim against the partnership unless:

1. The claim is for a debt, obligation or liability for which the partner is liable as provided in § 50-73.96 and either:

a. A judgment based on the same claim has been obtained against the partnership and a writ of execution on the judgment has been returned unsatisfied in whole or in part;

b. The partnership is a debtor in bankruptcy;

c. The partner has agreed that the creditor need not exhaust partnership assets; or

d. A court grants permission to the judgment creditor to levy execution against the assets of a partner based on a finding that partnership assets subject to execution are clearly insufficient to satisfy the judgment, that exhaustion of partnership assets is excessively burdensome, or that the grant of permission is an appropriate exercise of the court's equitable powers; or

2. Liability is imposed on the partner by law or contract independent of the existence of the partnership.

E. This section applies to any partnership liability or obligation resulting from a representation by a partner or purported partner under § 50-73.98.

1996, c. 292.

Title 55.1 - Property and Conveyances

§ 55.1-702. Exemptions

A. The following are specifically excluded from the provisions of this chapter:

1. Transfers pursuant to court order including transfers ordered by a court in administration of an estate, transfers pursuant to a writ of execution, transfers by foreclosure sale or by a deed in lieu of a foreclosure, transfers by a trustee in bankruptcy, transfers by eminent domain, and transfers resulting from a judgment for specific performance. Also, transfers by an assignment for the benefit of creditors pursuant to Chapter 18.1 (§ 8.01-525.1 et seq.) of Title 8.01 and transfers pursuant to escheats pursuant to Chapter 24 (§ 55.1-2400 et seq.).

2. Transfers to a beneficiary of a deed of trust pursuant to a foreclosure sale or by a deed in lieu of foreclosure, or transfers by a beneficiary under a deed of trust who has acquired the real property at a sale conducted pursuant to a foreclosure sale under a deed of trust or has acquired the real property by a deed in lieu of foreclosure.

3. Transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

4. Transfers from one or more co-owners solely to one or more other co-owners.
5. Transfers made solely to any combination of a spouse or one or more persons in the lineal line of consanguinity of one or more of the transferors.
6. Transfers between spouses resulting from a decree of divorce or a property settlement stipulation pursuant to the provisions of Title 20.
7. Transfers made by virtue of the record owner's failure to pay any federal, state, or local taxes.
8. Transfers to or from any governmental entity or public or quasi-public housing authority or agency.
9. Transfers involving the first sale of a dwelling, provided that this exemption shall not apply to the disclosures required by § 55.1-704.

B. Notwithstanding the provisions of subdivision A 9, the builder of a new dwelling shall disclose in writing to the purchaser all known material defects that would constitute a violation of any applicable building code. In addition, for property that is located wholly or partially in any locality comprising Planning District 15, the builder or owner, if the builder is not the owner of the property, shall disclose in writing whether the builder or owner has any knowledge of (i) whether mining operations have previously been conducted on the property or (ii) the presence of abandoned mines, shafts, or pits, if any. The disclosures required by this subsection shall be made by a builder or owner (a) when selling a completed dwelling, before ratification of the real estate purchase contract or (b) when selling a dwelling before or during its construction, after issuance of a certificate of occupancy. Such disclosure shall not abrogate any warranty or any other contractual obligations the builder or owner may have to the purchaser. The disclosure required by this subsection may be made on the disclosure form described in § 55.1-703. If no defects are known by the builder to exist, no written disclosure is required by this subsection.

1992, c. 717, § 55-518; 1993, c. 824; 1994, cc. 80, 242; 2005, c. 510; 2006, c. 706; 2007, c. 265; 2017, c. 386; 2019, c. 712.

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§ 8.01-277.1. Objections to personal jurisdiction or defective process; what constitutes waiver
§ 8.01-407.1. Identity of persons communicating anonymously over the Internet
§ 8.01-695. When argument held; when discovery permitted
§ 15.2-2140. Dispute between jurisdictions; appeals
§ 15.2-5367. Appeal
§ 17.1-609. Costs on certain motions and interlocutory orders
§ 19.2-291. Faulty counts; motion to strike; general verdict of guilty

detinue

§ 8.01-114. When property to be taken by officer; summary of evidence, affidavits and report to be filed
§ 8.01-120. No verdict as to some items; omission of price or value
§ 8.01-121. Final judgment
§ 8.01-582. Appointment of general receivers; their duties; audit of funds
§ 8.01-600. How money under control of court deposited; record kept; liability of clerk
§ 8.2-716. Buyer's right to specific performance or **detinue**
§ 8.2A-521. Lessee's right to specific performance or other similar rights
§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases
§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys
§ 59.1-115. Sheriff's sale of unbranded timber; recovery by owner; disposition of proceeds

execution creditor

§ 8.01-480. Prior security interest on property levied on
§ 8.01-486. Procedure when officer taking property under execution dies before sale
§ 8.01-506. Proceedings by interrogatories to ascertain estate of debtor; summons; proviso; objections by judgment debtor
§ 8.01-506.2. Proceedings in court of county or city where execution debtor resides
§ 16.1-121. Order after hearing
§ 17.1-275. Fees collected by clerks of circuit courts; generally
§ 34-2. Injunction restraining sale of exempted property or garnishment of wages

§ 43-29. Liens of landlords and farmers for advances to tenants and laborers

execution debtor

§ 8.01-480. Prior security interest on property levied on

§ 8.01-486. Procedure when officer taking property under execution dies before sale

§ 8.01-506. Proceedings by interrogatories to ascertain estate of debtor; summons; proviso; objections by judgment debtor

§ 8.01-506.2. Proceedings in court of county or city where **execution debtor** resides

§ 16.1-121. Order after hearing

ex parte

§ 2.2-312. Subpoenas

§ 2.2-4024.1. Disqualification

§ 2.2-4024.2. **Ex parte** communications

§ 6.2-930. Emergency sale of assets

§ 6.2-1011. Voting of bank shares held by trust institution as fiduciary; when disqualified

§ 6.2-1058. Substitution of trust subsidiary as fiduciary

§ 6.2-1059. Substitution of subsidiary bank as fiduciary

§ 6.2-1091. Voting of financial institution stock held by association as fiduciary; when association disqualified from voting

§ 8.01-114. When property to be taken by officer; summary of evidence, affidavits and report to be filed

§ 8.01-119. Hearing to review issuance of order or process under § 8.01-114 or to consider request for such order or process

§ 8.01-130.4. When and by whom distress made

§ 8.01-130.8. Review of decision to issue **ex parte** order or process; claim of exemption

§ 8.01-217. How name of person may be changed

§ 8.01-404. Contradiction by prior inconsistent writing (Subdivision (b)(i) of Supreme Court Rule 2:613 derived in part from this section and subdivision (b)(ii) of Supreme Court Rule 2:613 derived from this section)

§ 9.1-142. Powers of Department relating to private security services businesses

§ 9.1-150.3. Powers of Department of Criminal Justice Services relating to special conservators of the peace appointed pursuant to § 19.2-13

§ 9.1-185.3. Powers of Department of Criminal Justice Services relating to bail bondsmen

§ 9.1-186.3. Powers of Department relating to bail enforcement agents

§ 9.1-1104. Rights of accused person or his attorney to results of investigation or to investigation

fieri facias

§ 6.2-2304. Duty to deny access to safe deposit boxes under certain conditions

§ 8.01-130.13. Return of execution; process of sale thereunder

§ 8.01-201. Execution; real estate to be sold

§ 8.01-203. Goods and chattels liable before real estate

§ 8.01-365. How claim of third party tried

§ 8.01-367. Indemnifying bond to officer

§ 8.01-370. Claimant may give suspending bond; proceedings to have title settled; action on indemnifying or suspending bond

§ 8.01-371. How forthcoming bond taken of claimant of property the sale whereof has been suspended

§ 8.01-466. Clerk to issue **fieri facias** on judgment for money

§ 8.01-470. Writs on judgments for specific property

§ 8.01-472. Writs on judgments for personal property

§ 8.01-474. What writ of **fieri facias** to command

§ 8.01-478. On what property writ of **fieri facias** levied; when lien commences

§ 8.01-480. Prior security interest on property levied on

§ 8.01-483. Return of officer on **fieri facias**; statement filed therewith

§ 8.01-487.1. Officer to leave copy of writ where levy made

§ 8.01-488. When several writs of **fieri facias**, how satisfied

§ 8.01-492. Sale of property

§ 8.01-497. Suit by officer to recover estate on which **fieri facias** is lien

§ 8.01-499. Officer receiving money to make return thereof and pay net proceeds; commission, etc.

§ 8.01-501. Lien of **fieri facias** on estate of debtor not capable of being levied on

§ 8.01-504. Penalty for service of notice of lien when no judgment exists

§ 8.01-507. Conveyance or delivery of property disclosed by interrogatories

§ 8.01-510. Sale, collection and disposition of debtor's estate by officer

§ 8.01-511. Institution of garnishment proceedings

§ 8.01-512.3. Form of garnishment summons

§ 8.01-526. When forthcoming bond taken; property remains in debtor's possession

§ 16.1-69.40. Powers and duties of clerks; civil liability

§ 16.1-77.1. When general district court may give judgment on forthcoming bond

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys

§ 16.1-91.2. Judge to keep record of judgment on forthcoming bond; how to endorse execution

§ 16.1-103. Proceedings by interrogatories

§ 17.1-272. Process and service fees generally

§ 19.2-21. Same; procedure when accused appears

§ 19.2-352. Officers to pay fines to clerks; default; forfeiture, etc.

§ 19.2-353.1. **Fieri facias** and proceedings thereon

§ 29.1-733.14. Effect of possession of certificate of title; judicial process; levy; penalty

§ 38.2-3406. Accident and sickness benefits not subject to legal process

§ 38.2-3549. Benefits not subject to legal process

§ 43-19. Validity and priority of lien not affected by assignments

§ 43-29. Liens of landlords and farmers for advances to tenants and laborers

§ 43-34. Enforcement of liens acquired under §§ 43-31 through 43-33 and of liens of bailees

§ 43-41. Lien on offspring of stallion or jackass

§ 44-53. Collection of fines

§ 46.2-644. Levy of execution

§ 46.2-644.03. Enforcement of liens acquired under §§ 46.2-644.01 and 46.2-644.02

§ 46.2-703. Reciprocal agreement with other states; assessment and collection of fees on an apportionment or allocation basis; registration of vehicles and reporting of road tax; violations; vehicle seizures; penalties

§ 46.2-2011.19. Vehicle seizure; penalty

§ 46.2-2128. Vehicle seizure; penalty

§ 55.1-1257. Who may recover rent or possession

§ 55.1-1417. Who may recover rent or possession

§ 55.1-2811. Lien on animals

§ 58.1-1805. Memorandum of lien for collection of taxes; release of lien

§ 58.1-2021. Memorandum of lien for collection of taxes

§ 58.1-2284. Memorandum of lien for collection of taxes

§ 58.1-2299.13. Memorandum of lien for collection of taxes

garnishee

§ 8.01-511. Institution of garnishment proceedings
§ 8.01-511.1. **Garnishee** inability to determine whether it holds property of judgment debtor
§ 8.01-512.2. Fee for **garnishee**-employers
§ 8.01-512.3. Form of garnishment summons
§ 8.01-512.5. Hearing on claim of exemption from garnishment
§ 8.01-515. How **garnishee** examined; determining exemption from employee's withholding certificate; amount due pursuant to exemptions in § 34-29 (a)
§ 8.01-516.1. Garnishment dispositions
§ 8.01-518. When **garnishee** is personal representative of decedent
§ 8.01-519. Proceedings where **garnishee** fails to appear or answer, or to disclose his liability
§ 8.01-520. Payment, etc., by **garnishee** before return of summons
§ 8.01-521. Judgments as to costs
§ 16.1-121. Order after hearing
§ 17.1-272. Process and service fees generally
§ 34-32. Illegal to garnish such exempt wages out of Commonwealth, etc.

interrogatories

§ 4.1-410. Board proceedings and appellate review
§ 4.1-509. Board proceedings and appellate review
§ 8.01-188. Jury trial
§ 8.01-216.10. Civil investigative demands; issuance; sharing information
§ 8.01-216.12. Civil investigative demands; protected material or information
§ 8.01-216.15. Civil investigative demands; **interrogatories**
§ 8.01-216.17. Civil investigative demands; custodian of documents; answers
§ 8.01-216.18. Civil investigative demands; judicial proceedings for noncompliance
§ 8.01-267.6. Separate trials; special **interrogatories**
§ 8.01-327.1. Definition of "arrest under civil process."
§ 8.01-374.1. Consolidation or bifurcation of issues or claims in certain cases; appeal
§ 8.01-379.3. General verdict accompanied by answer to **interrogatories**
§ 8.01-506. Proceedings by **interrogatories** to ascertain estate of debtor; summons; proviso; objections by judgment debtor
§ 8.01-507. Conveyance or delivery of property disclosed by **interrogatories**
§ 8.01-507.1. **Interrogatories**, answers, etc., to be returned to court

§ 8.01-508. How debtor may be arrested and held to answer

§ 8.01-511. Institution of garnishment proceedings

§ 16.1-69.53. Definitions; construction of references to period of years

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys

§ 16.1-103. Proceedings by interrogatories

§ 16.1-116. Issuance of executions and abstracts and proceedings by interrogatories after papers returned to circuit court

§ 32.1-320. Duties of Attorney General; medical services providers audit and investigation unit

§ 36-96.10. Procedures for investigation

§ 38.2-1916.1. Investigation by Attorney General of suspected violations; investigative demand to witnesses; access to business records, etc.; penalties

§ 38.2-5007. Interrogatories and depositions

§ 40.1-6. Powers and duties of Commissioner

§ 40.1-10. Offenses in regard to examinations, inspections, etc.

§ 54.1-1120. Recovery from Fund generally

§ 54.1-1122. Consideration of applications for payment

§ 54.1-2114. Recovery from fund generally

§ 58.1-618. Assessment based on estimate

§ 59.1-9.10. Investigation by Attorney General of suspected violations; civil investigative demand to witnesses; access to business records, etc.

§ 65.2-703. Interrogatories and depositions

motion cravingoyer

This term does not appear in Virginia Code. It can be found in the rules of the Supreme Court of Virginia.

pro se

§ 2.2-3706.1. (Effective until July 1, 2026) Disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations

§ 2.2-3706.1. (Effective July 1, 2026) Disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations.

§ 8.01-271.1. Signing of pleadings, motions, and other papers; oral motions; sanctions

§ 8.01-319. Publication of interim notice

§ 8.01-690. Applicability provisions

§ 8.01-696. Summary judgment; **pro se** prisoner civil action
§ 16.1-81.1. Certain corporations; **pro se** representation
§ 16.1-122.4. Representation and removal; rights of parties
§ 16.1-274. Time for filing of reports; copies furnished to attorneys; amended reports; fees
§ 18.2-472.1. Providing false information or failing to provide registration information; penalty; prima facie evidence
§ 19.2-187.1. Procedures for notifying accused of certificate of analysis; waiver; continuances
§ 19.2-263.3. Juror information confidential
§ 19.2-327.11. Contents and form of the petition based on previously unknown or unavailable evidence of actual innocence
§ 20-99. How such suits instituted and conducted; costs
§ 20-99.1:1. How defendant may accept service; waive service
§ 32.1-127.1:03. Health records privacy

return date

§ 8.01-28. When judgment to be given in action upon contract or note unless defendant appears and denies claim under oath
§ 8.01-130.4. When and by whom distress made
§ 8.01-130.5. Procedure for trial on warrant in distress
§ 8.01-216.11. Civil investigative demands; contents and deadlines
§ 8.01-216.14. Civil investigative demands; documentary material
§ 8.01-216.18. Civil investigative demands; judicial proceedings for noncompliance
§ 8.01-413. Certain copies of health care provider's health records of patient admissible; right of patient, his attorney and authorized insurer to copies of such health records; subpoena; damages, costs and attorney fees
§ 8.01-512.3. Form of garnishment summons
§ 8.01-516.1. Garnishment dispositions
§ 8.01-517. Exemption of portion of wages; payment of excess into court
§ 8.01-576.5. Referral of disputes to dispute resolution proceedings
§ 15.2-968.1. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Use of violation monitoring systems to enforce traffic light signals and certain traffic control devices
§ 15.2-968.1. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Use of violation monitoring systems to enforce traffic light signals and certain traffic control devices.
§ 16.1-69.55. Retention of case records; limitations on enforcement of judgments; extensions
§ 16.1-122.3. Actions; how commenced; notice; continuances; pleadings

§ 16.1-345.4. Court review of mandatory outpatient treatment plan

§ 18.2-384. Proceeding against book alleged to be obscene

§ 19.2-76.2. Mailing of summons in certain cases

§ 19.2-76.3. Failure to appear on **return date** for summons issued under § 19.2-76.2

§ 20-65. Summons or warrant; investigation and hearing

§ 20-124.4. Mediation

§ 32.1-127.1:03. Health records privacy

§ 33.2-501. Designation of HOV lanes; use of such lanes; penalties

§ 34-17. When exemption may be set apart; garnished wages

§ 38.2-1916.1. Investigation by Attorney General of suspected violations; investigative demand to witnesses; access to business records, etc.; penalties

§ 46.2-104. Possession of registration cards; exhibiting registration card and licenses; failure to carry license or registration card

§ 46.2-844. Passing stopped school buses; prima facie evidence; penalty

§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones, school crossing zones, and high-risk intersection segments; civil penalty

§ 46.2-938. Issuance of warrant upon failure to comply with summons; penalties; suspension of licenses for failure to appear

§ 46.2-1219.2. Parking of vehicles in commuter parking lots owned by the Virginia Department of Transportation

§ 55.1-1250. Landlord's acceptance of rent with reservation; tenant's right of redemption

§ 55.1-2526. Holder relieved of liability for property paid or delivered to administrator; payment to owner by holder; proceedings against prior holder; notice to administrator and Attorney General; reimbursement of holder

§ 59.1-9.10. Investigation by Attorney General of suspected violations; civil investigative demand to witnesses; access to business records, etc.

§ 59.1-201. Civil investigative orders

rule to show cause

§ 8.01-274.1. Motion or petition for **rule to show cause** for violation of court order

§ 8.01-508. How debtor may be arrested and held to answer

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys

§ 16.1-260. Intake; petition; investigation

§ 54.1-3900. Practice of law; student internship program; definition

§ 56-71. Violations of provisions of chapter; penalty

§ 58.1-3146. Rule to show cause in such case; notice and hearing thereon

§ 58.1-3709. Business located in more than one jurisdiction

§ 63.2-332. Powers and duties of local directors

§ 64.2-2020. Annual reports by guardians

subpoena duces tecum

§ 2.2-312. Subpoenas

§ 2.2-521. Procedure for issuance of subpoena duces tecum

§ 2.2-1812. Admissibility of reproductions of checks in evidence; compliance with subpoena

§ 2.2-5517. Use of automatic license plate recognition systems by law-enforcement agencies

§ 8.01-2. General definitions for this title

§ 8.01-15.2. Servicemembers Civil Relief Act; default judgment; appointment of counsel

§ 8.01-223.2. Immunity of persons for statements made at public hearing or communicated to third party

§ 8.01-407.1. Identity of persons communicating anonymously over the Internet

§ 8.01-413. Certain copies of health care provider's health records of patient admissible; right of patient, his attorney and authorized insurer to copies of such health records; subpoena; damages, costs and attorney fees

§ 8.01-420.9. Subpoena duces tecum; financial records of nonparty

§ 8.01-506.1. Production of book accounts or other writing compelled

§ 9.1-142. Powers of Department relating to private security services businesses

§ 9.1-150.3. Powers of Department of Criminal Justice Services relating to special conservators of the peace appointed pursuant to § 19.2-13

§ 9.1-185.3. Powers of Department of Criminal Justice Services relating to bail bondsmen

§ 9.1-186.3. Powers of Department relating to bail enforcement agents

§ 15.2-1409. Investigations by governing bodies

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties

§ 16.1-89. Subpoena duces tecum; attorney-issued subpoena duces tecum

§ 16.1-131. Subpoenas duces tecum and recognizances of witnesses; applicable provisions

§ 18.2-152.17. Fraudulent procurement, sale, or receipt of telephone records

§ 19.2-10.4. Subpoena duces tecum; attorney-issued subpoena duces tecum

§ 19.2-10.1. (Effective until July 1, 2026) Subpoena duces tecum for obtaining records concerning banking and credit cards

§ 19.2-10.1. (Effective July 1, 2026) **Subpoena duces tecum** for obtaining records concerning banking and credit cards.

§ 19.2-187.2. Procedure for **subpoena duces tecum** of analysis evidence

§ 19.2-272. Definitions

§ 20-60.2. Admissibility and identification of support payment records

§ 32.1-127.1:03. Health records privacy

§ 32.1-267. Records of marriages; duties of officer issuing marriage license and person officiating at ceremony; blocking of social security number

§ 32.1-283.2. Local and regional child fatality review teams established; membership; authority; confidentiality; immunity

§ 32.1-283.3. Family violence fatality review teams established; model protocol and data management; membership; authority; confidentiality, etc

§ 32.1-283.4. Confidentiality of certain information and records collected and maintained by the Office of the Chief Medical Examiner

§ 32.1-283.6. Local and regional adult fatality review teams established; membership; authority; confidentiality; immunity

§ 32.1-283.7. Local and regional overdose fatality review teams established; membership; authority; confidentiality; immunity

§ 32.1-283.8. Maternal Mortality Review Team; duties; membership; confidentiality; penalties; report; etc.

§ 38.2-1916.1. Investigation by Attorney General of suspected violations; investigative demand to witnesses; access to business records, etc.; penalties

§ 53.1-17.3. Corrections Oversight Committee; membership; authority

§ 54.1-307. Subpoenas

§ 57-51. Nonresident registration

§ 58.1-109. Compliance with subpoena, etc., requiring production of confidential returns

§ 64.2-455. Wills to be recorded; recording copies; effect; transfer to The Library of Virginia tenant's assertion

§ 55.1-1244. **Tenant's assertion**; rent escrow

§ 55.1-1237. Notice to tenant in event of foreclosure

§ 55.1-1244. **Tenant's assertion**; rent escrow

§ 55.1-1246. Barring guest or invitee of a tenant

unlawful detainer

§ 8.01-28. When judgment to be given in action upon contract or note unless defendant appears and denies claim under oath

§ 8.01-126. Summons for **unlawful detainer** issued by magistrate or clerk or judge of a general district court

§ 8.01-128. Verdict and judgment; damages

§ 8.01-129. Appeal from judgment of general district court

§ 8.01-130. Judgment not to bar action of trespass, ejectment, or **unlawful detainer**

§ 8.01-130.01. **Unlawful detainer**; expungement

§ 8.01-156. Authority of sheriffs, etc., to store and sell personal property removed from premises; recovery of possession by owner; disposition or sale

§ 8.01-296. Manner of serving process upon natural persons

§ 8.01-375. Exclusion of witnesses in civil cases (Subsection (a) of Supreme Court Rule 2:615 derived in part from this section and subsection (b) of Supreme Court Rule 2:615 derived from this section)

§ 16.1-69.48:2. Fees for services of district court judges and clerks and magistrates in civil cases

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys

§ 16.1-107. Requirements for appeal

§ 44-209. Closure of United States government; civil relief for furloughed employees and contractors

§ 55.1-1200. Definitions

§ 55.1-1201. Applicability of chapter; local authority

§ 55.1-1204. Terms and conditions of rental agreement; payment of rent; copy of rental agreement for tenant

§ 55.1-1226. Security deposits

§ 55.1-1229. Access; consent; correction of nonemergency conditions; relocation of tenant; security systems

§ 55.1-1230. Access following entry of certain court orders

§ 55.1-1242. Rent escrow required for continuance of tenant's case

§ 55.1-1244. **Tenant's assertion**; rent escrow

§ 55.1-1245. (Effective the later of July 1, 2028, or 7 years after the COVID-19 pandemic state of emergency expires) Noncompliance with rental agreement; monetary penalty

§ 55.1-1250. Landlord's acceptance of rent with reservation; tenant's right of redemption

§ 55.1-1251. Remedy after termination

§ 55.1-1255. Authority of sheriffs to store and sell personal property removed from residential premises; recovery of possession by owner; disposition or sale

§ 55.1-1262. Eviction Diversion Pilot Program; process; court-ordered payment plan

§ 55.1-1303. Landlord's obligations

§ 55.1-1400. Applicability; right to terminate tenant

§ 55.1-1415. Failure to pay certain rents after five days' notice forfeits right of possession

§ 55.1-1416. Authority of sheriffs to store and sell personal property removed from nonresidential premises; recovery of possession by owner; disposition or sale

warrant in debt

§ 8.01-27.2. Civil recovery for giving bad check

§ 8.01-27.4. Civil recovery for professional services

§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general district court

§ 8.01-296. Manner of serving process upon natural persons

§ 16.1-77. Civil jurisdiction of general district courts; amending amount of claim

§ 16.1-83.1. Certification of expert witness opinion at time of service of process

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys

§ 55.1-1257. Who may recover rent or possession

§ 55.1-1417. Who may recover rent or possession

§ 55.1-2824. Recovery of amount due in connection with division fence

warrant in distress, distress action, distress warrant, distraint, under distress or execution

§ 8.01-130.5. Procedure for trial on **warrant in distress**

§ 8.01-41. Wrongful distraint, attachment

§ 8.01-130.4. When and by whom distress made

§ 8.01-130.7. Procedure when distress levied and tenant unable to give forthcoming bond; what defense may be made

§ 8.01-130.11. When officer may enter by force to levy distress or attachment

§ 8.01-367. Indemnifying bond to officer

§ 8.01-365. How claim of third party tried

§ 8.01-370. Claimant may give suspending bond; proceedings to have title settled; action on indemnifying or suspending bond

§ 8.01-371. How forthcoming bond taken of claimant of property the sale whereof has been suspended

§ 8.01-373. When property sells for more than claim, how surplus paid

§ 8.01-492. Sale of property.

§ 8.01-526. When forthcoming bond taken; property remains in debtor's possession

§ 8.01-530. Remedy of creditor if bond quashed

§ 16.1-119. Proceedings to try title to property levied on under distress or execution
§ 16.1-120. Summons in such case
§ 16.1-121. Order after hearing
§ 17.1-272. Process and service fees generally

writ of execution

§ 8.01-130.13. Return of execution; process of sale thereunder
§ 32.1-164.1:1. Validity of certain septic tank permits
§ 50-73.97. Actions by and against partnership and partners
§ 55.1-702. Exemptions

VIRGINIA CODE ANNOTATED

	2026 PRICES				2025 PRICES			
	STATE (6 Replacement Volumes)	PRIVATE	STATE (5 Replacement Volumes)	PRIVATE	STATE (4 Replacement Volumes)	PRIVATE	STATE (5 Replacement Volumes)	PRIVATE
SUPPLEMENT	\$255.50	\$330.50	\$281.00	\$366.00	\$294.00	\$391.50	\$267.75	\$348.50
INDEX	\$135.00	\$143.50	\$135.00	\$143.50	\$135.00	\$143.00	\$128.75	\$137.00
VOLUMES (EACH)	\$69.50	\$90.50	\$69.50	\$90.50	\$69.50	\$90.50	\$66.25	\$86.50
VOLUME 11	\$55.50	\$73.50	\$55.50	\$73.50	\$55.50	\$73.50	\$52.75	\$70.00
VOLUME 11 SUPP	\$18.50	\$18.50	\$18.50	\$18.50	\$18.50	\$18.50	\$17.75	\$17.75
ADVANCE CODE		\$110.50		\$110.50		\$110.50		\$105.25
SERVICE								
TOTAL	\$881.50	\$1219.50	\$837.50	\$1164.50	\$781.00	\$1099.00	\$776.25	\$1058.50

(STATE GOVERNMENT PRICING FOR PURCHASES OUTSIDE OF THE CODE COMMISSION PURCHASE)

The PPI has increased 11.3 % over the past year. The proposed price increase above reflects a 5% increase.

		VIRGINIA							
		2026 Replacement Volume Analysis							
Volume	Titles	Last replaced	BV pages	Current Supp pages	Supp to BV %	Estimated RV pages			
	Constitutions	2020	386	36	9%	413			
1	1, 2.2	2022	1192	334	28%	1,398	1398		
1A	3--3.2	2023	620	52	8%	659			
1B	4.1--6.2	2021	1000	206	21%	1,155			
2 Part I	§§ 8.01-1 to 8.01-327.2	2024	792	46	6%	827			
2 Part II	§§ 8.01-328 to End	2024	778	28	4%	799			
2A	8.1A--8.13	2015	1043	168	16%	1,169			
2B	9.1, 10.1	2023	776	94	12%	847			
3	11--13.1	2021	784	46	6%	819			
3A Part I	§§ 15.2-100 to 15.2-2160	2025	644	0	0%	644			
3A Part II	§§ 15.2-2200 to end	2025	940	0	0%	940			
3B	16.1, 17.1	2025	876	0	0%	876			2025 Replacements
4	18.2	2021	1410	310	22%	1,566	1566		3A Pt 1
4A	19.2	2022	954	222	23%	1,121			3A Pt 2
4B	20, 21	2025	836	0	0%	836			3B
5	22.1, 23.1	2025	1086	0	0%	1,086			4B
5A	24.2--28.2	2023	772	61	8%	818			5
5B	29.1--32.1	2018	939	502	53%	1,160	1160		
6	33.2--37.2	2024	1130	86	8%	1,195			
6A	38.2	2020	1360	192	14%	1,504			
6B	40.1--45.2	2021	778	92	12%	847			
7	46.2	2022	1228	242	20%	1,410			
7A	47.1--53.1	2020	818	192	23%	962			
7B	54.1	2023	980	326	33%	1,225			
8	55.1--57	2022	1382	296	21%	1,604			
8A	58.1	2022	1422	240	17%	1,602			
9 Part I	59.1	2024	730	60	8%	775			
9 Part II	60.2--62.1	2024	719	78	11%	778			
9A	63.2--64.2	2023	988	130	13%	1,086			
9B	65.2--67	2017	796	102	13%	873			
10	Tables	2015	693	130	19%	791			
11	Rules of Virginia Supreme Court	2025	1288	0	0%	1,288			
	Legal Ethics Opinions 1	2002	639	84	13%	702			
	Legal Ethics Opinions 2	2013	955	170	18%	1,083			
			31734	4525					



COMMONWEALTH of VIRGINIA

VIRGINIA CODE COMMISSION

Delegate Marcus B. Simon, Chair
Senator Russet W. Perry, Vice Chair

General Assembly Building
201 North Ninth Street
Richmond, Virginia 23219
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Report of the Virginia Code Commission The Revision of Title 30 of the Code of Virginia

**Richmond, Virginia
October 2025**

**To: The Honorable Glenn A. Youngkin, Governor of Virginia
and
The General Assembly of Virginia**

In accordance with its authority granted pursuant to § 30-152 of the Code of Virginia, the Virginia Code Commission (the Commission) undertook the revision of Title 30 (General Assembly) in August 2024. As the title has not been revised since the adoption of the Code of Virginia in 1950, the current revision presents an opportunity to (i) organize the laws in a more logical manner, (ii) remove obsolete and duplicative provisions, and (iii) improve the structure and clarity of statutes pertaining to the General Assembly and legislative branch of the Commonwealth.

The Commission initially reviewed the proposed structure, organization, and content of proposed Subtitle I at its first meeting in August 2024. Following this meeting, the Commission formed two work groups to carry on the oversight of the recodification. The first work group focused on the structure, organization, and content of proposed Subtitle II, relating to the legislative branch, and was composed of Delegate Marcus B. Simon, Senator Ryan T. McDougale, the Honorable Richard E. Gardiner, the Honorable Michael P. Mullin, and Christopher R. Nolen. The second work group focused on the structure, organization, and content of proposed Subtitle III, relating to legislative commissions, councils, committees, and other legislative entities, and was composed of Nicole S. Cheuk, the Honorable Charles S. Sharp, the Honorable Malfourd W. Trumbo, and Amigo R. Wade, Director of the Division of Legislative Services.

In addition, the Commission was assisted by the Office of the Auditor of Public Accounts, the Joint Legislative Audit and Review Commission, the Clerks of the House of Delegates and the Senate, and other legislative entities, all of whom the Commission would like to thank for their insights. The contributions of these entities were an invaluable resource to the Commission and its staff, and the Commission wishes to express its sincere gratitude for the significant time and effort they devoted to the revision of Title 30.

The Commission recommends that the General Assembly enact legislation during the 2026 Session to implement the revisions proposed in this report.

Respectfully submitted,

Delegate Marcus B. Simon, Chair
Senator Russet W. Perry, Vice-Chair
Senator Ryan T. McDougale
Delegate Katrina E. Callsen
Nicole S. Cheuk
The Honorable Richard E. Gardiner
The Honorable Michael P. Mullin
Christopher R. Nolen
Steven Popps
The Honorable Charles S. Sharp
The Honorable Malfourd W. Trumbo
Amigo R. Wade

EXECUTIVE SUMMARY

Introduction

Title 30 (General Assembly) contains provisions of the Code of Virginia that address the legislative branch of the Commonwealth, including the General Assembly and its members, officers, and entities; the legislative process and procedures; and legislative boards, commissions, councils, and other legislative entities.

Title 30 has not been revised since the adoption of the Code of Virginia in 1950, at which time the title consisted of 3 effective chapters, with several sections predating 1919. In the ensuing 65 Regular Sessions of the General Assembly, 66 chapters have been added and 24 have expired or been repealed, including two original chapters. The result is the existing title, which comprises 45 current chapters. In the intervening years, the original organizational scheme has been compromised by the insertion of new chapters within or at the end of the title and by the insertion of new sections within or at the end of existing chapters, often with cumbersome section numbers.

It has become appropriate to (i) organize the laws in a more logical manner, (ii) remove obsolete and duplicative provisions, and (iii) improve the structure and clarity of statutes pertaining to the General Assembly of the Commonwealth.

Organization of Proposed Title 30.1

Proposed Title 30.1 consists of 16 chapters that are drawn only from existing Title 30. These 16 chapters are divided into three proposed subtitles: Subtitle I (The General Assembly and Members Thereof), Subtitle II (The Legislative Branch of Government), and Subtitle III (Legislative Commissions, Councils, Committees and other Legislative Entities).

Subtitle I (The General Assembly and Members Thereof) contains proposed Chapters 1 and 2, which pertain to Members of the General Assembly and the General Assembly Conflict of Interests Act, respectively.

Proposed Chapter 1 (Members of the General Assembly) logically organizes provisions relating to the operation of the General Assembly and the role of individual members of the General Assembly. It contains provisions from existing Chapters 1 (General Assembly and Officers Thereof), 1.1 (General Assembly Salaries and Expenses), and 13.1 (Sexual Harassment Training Act).

Proposed Chapter 2 (General Assembly Conflict of Interests Act) contains existing Chapter 13 (General Assembly Conflicts of Interests Act) and is renamed to conform to language used in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).

Subtitle II (The Legislative Branch of Government) contains proposed Chapters 3 through 10, relating to the legislative process and fundamental legislative entities.

Proposed Chapter 3 (Officers of the General Assembly) contains several provisions found in existing Chapters 1 (General Assembly and Officers Thereof), 1.1 (General Assembly

Salaries and Expenses), 13.1 (Sexual Harassment Training Act), and 19 (Virginia Commission on Intergovernmental Cooperation).

Proposed Chapter 4 (Legislative Processes and Procedures) contains several miscellaneous provisions found in existing Chapter 1 (General Assembly and Officers Thereof), which are related to legislative processes and procedures, such as witnesses before the General Assembly or one of its bodies, bill and resolution prefiling, constitutional amendments, and required estimates and statements.

Proposed Chapter 5 (Auditor of Public Accounts) contains existing Chapter 14, pertaining to the duties and responsibilities of the Auditor of Public Accounts.

Proposed Chapter 6 (Division of Capitol Police) contains two existing sections located in existing Chapter 3.1 (Legislative Support Commission) related to the Division of Capitol Police.

Proposed Chapter 7 (Division of Legislative Automated Services) contains existing Chapter 3.2, pertaining to the duties and responsibilities of the Division of Legislative Automated Services, as well as certain provisions of existing Chapter 3.1 (Legislative Support Commission) relating to obligations for which the Division of Legislative Automated Services is responsible.

Proposed Chapter 8 (Division of Legislative Services and Associated Commissions) contains provisions relating to the Division of Legislative Services and its duties and responsibilities involving legislative drafting and the Code of Virginia, including provisions relating to several commissions that are staffed within the Division. It contains existing Chapters 2.2 (Division of Legislative Services), 15 (Virginia Code Commission), 8.1 (Joint Commission on Administrative Rules), and 29 (Commissioners for Promotion of Uniformity of Legislation).

Proposed Chapter 9 (Joint Legislative Audit and Review Commission) contains provisions relating to the Joint Legislative Audit and Review Commission and its duties and responsibilities, including provisions relating to the Joint Legislative Audit and Review Commission's oversight of several different subjects and entities. It contains existing Chapters 7 (Joint Legislative Audit and Review Commission), 8 (Legislative Program Review and Evaluation Act), 10 (Virginia Retirement System Oversight Act), and 51 (Commonwealth Savers Plan Oversight Act), as well as language pulled from the Budget Item 25 of the 2024-2026 budget related to the oversight of the Virginia Information Technologies Agency and certain economic development initiatives.

Proposed Chapter 10 (Reapportionment and Redistricting) contains provisions relating to the Joint Reapportionment Committee and the Virginia Redistricting Commission. It contains existing Chapters 39 (Joint Reapportionment Committee), and 62 (Virginia Redistricting Commission).

Subtitle III (Legislative Commissions, Councils, Committees and Other Legislative Entities) contains proposed Chapters 11 through 16, all of which pertain to various legislative entities established in the legislative branch of government, and the general provisions which apply to all such entities.

Proposed Chapter 11 (General Provisions) contains provisions that are currently located throughout existing Title 30 that are generally applicable to the organization and work of

legislative entities, including the composition and compensation of the membership of such entities and the reporting and funding requirements of such entities.

Proposed Chapter 12 (Standing Collegial Entities) contains the provisions of existing chapters of legislative entities with an executive director and independent staff and which have a long-term, permanent purpose. It contains existing Chapters 16 (Virginia Crime Commission), 36 (Chesapeake Bay Commission), 20 (Virginia Commission on Youth), 18 (Joint Commission on Health Care), 11 (Joint Commission on Technology and Science), 21 (Virginia Freedom of Information Advisory Council), 31 (Commission on Electric Utility Regulation), 38 (Virginia Housing Commission), 56 (Virginia Conflict of Interest and Ethics Advisory Council), 42.1 (Virginia-Israel Advisory Board), and 63 (Behavioral Health Commission).

Proposed Chapter 13 (Special Advisory Entities) contains the provisions of existing chapters of legislative entities that have the purpose of providing a forum for a particular community to advise the General Assembly on topics of interest. The membership of such bodies consists of both legislative members and nonlegislative members, usually with specific expertise or background relevant to the body. It contains existing Chapters 25 (Virginia Coal and Energy Commission), 24 (State Water Commission), 22 (Small Business Commission), 35 (Virginia Disability Commission), 41 (Manufacturing Development Commission), 65 (Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes), 64 (School Health Services Committee), 50.1 (Autism Advisory Council), and the 68 (Virginia Minority Business Commission).

Proposed Chapter 14 (Oversight Entities) contains the provisions of existing chapters of legislative entities that have the purpose of monitoring and reviewing the actions or responsibilities of another entity or agency of the Commonwealth. It contains existing Chapters 37 (Chesapeake Bay Restoration Fund Approval Committee), 33 (Commission on Unemployment Compensation), 42 (Public-Private Partnership Oversight Commission), 43 (Joint Commission on Transportation Accountability), 47 (MEI Project Approval Commission), 52 (Joint Subcommittee to Evaluate Tax Preferences), 53 (Health Insurance Reform Commission), and 57 (Intercollegiate Athletics Review Commission)

Proposed Chapter 15 (Commemorative, Educational, and Memorial Entities) contains the provisions of legislative entities whose purposes are to preserve the legacy of significant events and people. It contains existing Chapters 27 (Dr. Martin Luther King, Jr. Memorial Commission), 34.1 (Brown v. Board of Education Scholarship Program and Fund), 55 (Commission on Civic Education), and 66 (American Revolution 250 Commission).

Proposed Chapter 16 (Study Commissions) contains the provisions of legislative entities whose purposes are to study, review, evaluate, assess, or investigate a particular topic or issue in order to report and make recommendations to the General Assembly. It contains existing Chapters 61 (Commission on School Construction and Modernization), 67 (Virginia Commission to End Hunger), and 69 (Commission on Women's Health).

Statutory Provisions Proposed for Repeal

During the revision process, the Virginia Code Commission became aware of a number of existing sections and one existing chapter that are either unnecessary or obsolete and have been stricken in this report; these are recommended for repeal and thus not included in the

proposed title. Chapter drafting notes in the body of the report describe the reasons for the recommended repeal of the following sections and chapters:

- §§ 30-13, 30-14.1., 30-15, 30-15.2, 30-19.03:2, 30-28.17, 30-34.8, 30-34.9, 30-137, 30-58.4, 30-67, 30-71, and 30-150 (individual sections scattered throughout, usually sections that are obsolete).
- Chapter 10 (§§ 30-193, 30-194, and 30-195) of Title 30.
- Chapter 28 (§§ 30-193 through 30-195) of Title 30.
- Chapter 54 (§ 30-347) of Title 30.

Other Affected Titles

No sections are relocated from existing Title 30 of the Code of Virginia.

An outline of the organization of proposed Title 30.1 is included as Appendix A.

Technical Changes Made Throughout Title 30.1

Each section is followed by a drafting note describing any changes made in the section. If a section drafting note states "no change," the section contains no changes other than renumbering the section. If a drafting note states "technical changes," the section contains technical changes to the text ranging from the insertion of clarifying punctuation to a thorough modernization of archaic writing style. When a section contains structural or substantive changes, such as the deletion or addition of language, the drafting note describes the reason for the proposed change.

Many of the technical changes arise from the Code Commission's determination that terminology should be clear, consistent, and modern. The following list provides a representative sample of the most significant and most widely implemented technical changes made in the proposed title.

The following technical changes are made in order to maintain consistency with changes made in previous title revisions, to update antiquated language, to provide clarity, and to bring Title 30.1 into accordance with Title 1 rules of construction for the Code:

- § 1-218. Includes. "Includes" means includes, but not limited to.
- § 1-227. Number. A word used in the singular includes the plural, and a word used in the plural includes the singular.
- § 1-244. Short title citations. Short titles have been eliminated as unnecessary in light of the title-wide application of § 1-244, which states that the caption of a subtitle, chapter, or article operates as a short title citation.
- Purpose statements and legislative findings have been stricken in accordance with the Code Commission's policy that purpose statements and legislative findings do not have general and permanent application and thus are not to be included in the Code.
- Obsolete date references are removed.

The following changes are made to remove and update antiquated terminology or clarify terms with general application, in accordance with Code Commission policies:

- To the extent feasible, several subsections within sections and sets of clauses within paragraphs are labeled for the sake of clarity.
- To the extent feasible, "shall be" is stricken in favor of "is."
- To the extent feasible, phrases in the passive voice are changed to the active voice.
- When grammatically feasible, "will" or "must" is changed to "shall" or other appropriate term.
- When grammatically feasible, prohibitory language is recast in affirmative form.
- "Virginia" is replaced with "the Commonwealth."
- "This Commonwealth" is replaced with "the Commonwealth."
- To the extent feasible, unclear references to "herein," "therefor," "thereof," and "thereon" are replaced with more specific references.
- Definitions are moved to the beginning of the section, article, chapter, etc., to provide the reader better clarity and context.
- § 1-221. Locality. "Locality" means a county, city, or town as the context may require.
- "Shall have the authority to" and similar variants of this term are changed to "may."
- The term "chairman" is updated to "chair" to modernize language.

The following technical changes are made or not made, as the case may be, throughout proposed Title 30.1 and apply more specifically to the subject matter found in this title:

- Technical changes are made in proposed Chapter 2 (General Assembly Conflict of Interests Act) to standardize the definition of "legislators" throughout the chapter.
- Technical changes are made in proposed Chapter 4 (Legislative Process and Procedures) to standardize language of "bills and resolutions" by deleting references to "legislation."
- References to voting privileges of ex officio members of legislative entities are removed to reflect their voting privileges as defined in § 1-215.
- "Legislative entity" is defined in proposed § 30.1-109 for use throughout the title.
- Duplicative provisions throughout existing Title 30 that are generally applicable to the organization and work of various legislative entities, including the composition and compensation of the membership of such entities and the reporting and funding requirements of such entities, are relocated and consolidated into proposed Chapter 11 (General Provisions).

Substantive Changes Proposed in Title 30.1

When the Virginia Code Commission has approved a substantive change to a provision of existing law, it is noted in the drafting note for the affected section. These substantive changes include the following:

- In proposed § 30.1-200, a substantive change is made to broaden the meaning of "evidence" beyond paper documents.
- In proposed § 30.1-301, a substantive change is made to require only a "reasonable fee" be charged for certification of a copy of an act of assembly.
- In proposed § 30.1-401, a provision requiring the mailing of prefiled bills and resolutions to members and members-elect of the General Assembly is eliminated as obsolete.
- Substantive changes are made to § 30.1-403 to allow the Keeper of the Rolls to correct unmistakable errors in a bill and resolution, in addition to typographical errors. Two further changes are made, first to involve the Director of the Division of Legislative Services or his designee in the determination of whether any such correction alters the substantive legal meaning or effect of the bill or resolution, and second to require any corrections made to existing Code of Virginia language in any bill or resolution to be communicated to the Virginia Code Commission immediately following each regular session.
- In proposed sections § 30.1-415 and § 30.1-416, references to the "State Board of Elections" are changed to the "Department of Elections" to more accurately reflect the structure of the entity.
- A substantive change is made in proposed § 30.1-503 to require the Auditor of Public Accounts to audit annually the accounts pertaining to certain funds rather than biennially, to reflect accepted modern accounting practices.
- A substantive change is made in proposed § 30.1-504 to eliminate the Auditor of Public Account's required production of a paper copy of or computer file containing a searchable online database as obsolete. Instead, the Auditor must distribute the website address of the searchable online database to newspapers of general circulation.
- A substantive change is made to proposed § 30.1-507 to remove the power of the Governor to direct the Auditor of Public Accounts to audit the records of city and county officials and Commonwealth agencies handling state funds, as the Auditor takes direction from the Joint Legislative Audit and Review Commission.
- In proposed § 30.1-509, a substantive change is made to broaden the meaning of "papers" to "records" to include electronic documents.
- A substantive change is made to proposed § 30.1-600 to provide that the assignment of jurisdiction to any property by the Capitol Police is made in consultation with the Clerks of the House of Delegates and the Senate and the Chairs of the House Committee on Rules and Senate Committee on Rules, rather than the Legislative Support Commission.
- A substantive change is made to proposed § 30.1-701 to reassign the preparation of a report to the Division of Legislative Automated Systems as the more appropriate entity with access to the data required for such report.

- Upon recommendation of the Virginia Code Commission, a substantive change is made to proposed § 30.1-806 to add a designee for the Director of the Division of Legislative Services to membership of the Virginia Code Commission, and to ensure that members serving ex officio serve without voting privileges.
- In proposed § 30.1-813, a substantive change is made to require the Virginia Code Commission to review the Code of Virginia periodically rather than every four years.
- In proposed § 30.1-814, a substantive change is made to replace a provision requiring the Virginia Code Commission to recommend certain legislation to the General Assembly at least every four years with the requirement to "periodically" recommend such legislation
- A substantive change is made to proposed § 30.1-1004 due to the availability of United States Bureau of the Census data on the internet.
- In subdivision 2 of § 30.1-1426, a substantive change is made to require the six members of the Joint Subcommittee to Evaluate Tax Preferences who are members of the Senate to also be members of the Senate Committee on Finance and Appropriations to align with apparent legislative intent.
- A substantive change is made to proposed § 30.1-1318 to change a reference to "the president of the Virginia Manufacturers Association" as a member of the Manufacturing Development Commission to "a representative of the Virginia Manufacturers Association" for consistency with other legislative entities.
- A substantive change is made throughout Subtitle III of Title 30.1 to impose the generally applicable provisions of proposed Chapter 11, other than the annual reporting requirement and the sunset requirement, to those existing legislative entities that are silent on such provisions.
- Substantive changes are made to various sections throughout Title 30.1 to more accurately describe how the Division of Legislative Services operates in practice. Those sections are: §§ 30.1-801, 30.1-1303, 30.1-1308, 30.1-1311, 30.1-1315, 30.1-1320, 30.1-1325, 30.1-1330, 30.1-1335, 30.1-1403, 30.1-1407, 30.1-1412, 30.1-1417, 30.1-1428, 30.1-1435, 30.1-1503, 30.1-1510, 30.1-1517, 30.1-1522, 30.1-1603, 30.1-1608, and 30.1-1613.

PROPOSED ENACTMENT CLAUSES TO TITLE 30 RECODIFICATION BILL

2. That whenever any of the conditions, requirements, provisions, or contents of any section or chapter of Title 30, or any other title of the Code of Virginia as such title existed prior to October 1, 2026, are transferred in the same or modified form to a new section or chapter of Title 30.1 or any other title of the Code of Virginia and whenever any such former section or chapter is given a new number in Title 30.1 or any other title, all references to any such former section or chapter of Title 30, or any 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 regulations of any department or agency affected by the revision of Title 30 or such other titles of the Code of Virginia as are in effect on the effective date of this act shall continue in effect to the extent that they are not in conflict with this act and shall be deemed to be regulations adopted under this act.
4. That the provisions of § 30-152 of the Code of Virginia shall apply to the revision of proposed Title 30.1 of the Code of Virginia so as to give effect to other laws enacted by the 2026 Session of the General Assembly, notwithstanding the delay in the effective date of this act.
5. That the repeal of Title 30 (§§ 30-1 through 30-453), effective as of October 1, 2026, 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 30 (§§ 30-1 through 30-453) of the Code of Virginia, nor the enactment of Title 30.1 shall apply to offenses committed prior to October 1, 2026, and prosecution for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purposes of this enactment, an offense was committed prior to October 1, 2026, if any of the essential elements of the offense occurred prior thereto.
6. That if any clause, sentence, paragraph, subdivision, or section of Title 30.1 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, or section thereof directly involved in the controversy in which the judgment shall have been rendered, and to this end the provisions of Title 30.1 are declared severable.
7. That Title 30 (§§ 30-1 through 30-453) of the Code of Virginia is repealed.
8. That the provisions of this act shall not affect the existing terms of persons currently serving as members of any agency, board, authority, commission, or other entity and that appointees currently holding positions shall maintain their terms of appointment and continue to serve until such time as the existing terms might expire or become renewed. However, any new appointments made on or after October 1, 2026, shall be made in accordance with the provisions of this act.
9. That the provisions of this act shall become effective on October 1, 2026.

ORGANIZATION OUTLINE

Proposed Title 30.1.
General Assembly.

SUBTITLE I.

THE GENERAL ASSEMBLY AND MEMBERS THEREOF.

Chapter 1		Members of the General Assembly.
	Article 1	Privileges and Duties of members.
	Article 2	Salaries and Expenses of Members.
	Article 3	Legislator Compensation Commission.
Chapter 2		General Assembly Conflict of Interests Act.
	Article 1	General Provisions
	Article 2	Generally Prohibited and Unlawful Conduct.
	Article 3	Prohibited Conduct Relating to Contracts.
	Article 4	Prohibited Conduct Relating to Transactions.
	Article 5	Disclosure Statements Required to be Filed.
	Article 6	Penalties and Remedies.
	Article 7	Ethics Orientation Sessions

SUBTITLE II.

LEGISLATIVE BRANCH OF GOVERNMENT.

Chapter 3		Officers of the General Assembly.
	Article 1	Clerks of the House of Delegates and the Senate.
	Article 2	Officers and Employees of the Legislative Branch.
	Article 3	Virginia Commission on Intergovernmental Cooperation.
Chapter 4		Legislative Process and Procedures.
	Article 1	Procedures of the Legislative Session
	Article 2	Impact Statements and Other Legislative Requirements
Chapter 5		Auditor of Public Accounts
Chapter 6		Division of Capitol Police
Chapter 7		Division of Legislative Automated Systems
Chapter 8		Division of Legislative Services
	Article 1	Division of Legislative Services
	Article 2	Virginia Code Commission
	Article 3	Commissioners for Promotion of Uniformity of Legislation.
Chapter 9		Joint Legislative Audit and Review Commission

	Article 1	Joint Legislative Audit and Review Commission
	Article 2	Legislative Program and Review Evaluation Act.
	Article 3	Virginia Retirement System Oversight Act.
	Article 4	Commonwealth Savers Plan Oversight Act.
	Article 5	Oversight of the Virginia Information Technologies Agency
	Article 6	Oversight of Economic Development Initiatives.
Chapter 10		Reapportionment and Redistricting
	Article 1	Joint Reapportionment Committee
	Article 2	Virginia Redistricting Commission

SUBTITLE III.

LEGISLATIVE BOARDS, COMMISSIONS, COUNCILS, AND OTHER LEGISLATIVE ENTITIES.

Chapter 11		General Provisions
Chapter 12		Standing Collegial Entities
	Article 1	Virginia Crime Commission.
	Article 2	Chesapeake Bay Commission.
	Article 3	Virginia Commission on Youth.
	Article 4	Joint Commission on Healthcare.
	Article 5	Joint Commission on Technology and Science.
	Article 6	Virginia Freedom of Information Advisory Council
	Article 7	Commission on Electric Utility Regulation
	Article 8	Virginia Housing Commission
	Article 9	Virginia Conflict of Interest and Ethics Advisory Council
	Article 10	Virginia-Israel Advisory Board
	Article 11	Behavioral Health Commission
Chapter 13		Special Advisory Entities
	Article 1	Virginia Coal and Energy Commission
	Article 2	State Water Commission
	Article 3	Small Business Commission
	Article 4	Virginia Disability Commission
	Article 5	Manufacturing Development Commission
	Article 6	Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes
	Article 7	School Health Services Committee
	Article 8	Autism Advisory Council
	Article 9	Virginia Minority Business Commission
Chapter 14		Oversight Entities
	Article 1	Chesapeake Bay Restoration Fund Approval Committee
	Article 2	Commission on Unemployment Compensation
	Article 3	Public-Private Partnership Oversight Commission
	Article 4	Joint Commission on Transportation Accountability
	Article 5	MEI Project Approval Commission
	Article 6	Joint Subcommittee to Evaluate Tax Preferences
	Article 7	Health Insurance Reform Commission

	Article 8	Intercollegiate Athletics Review Commission
Chapter 15		Commemorative, Educational, and Memorial Entities
	Article 1	Dr. Martin Luther King, Jr. Memorial Commission
	Article 2	Brown v. Board of Education Scholarship Program and Fund
	Article 3	Commission on Civic Education
	Article 4	American Revolution 250 Commission
Chapter 16		Study Commissions
	Article 1	Commission on School Construction and Modernization
	Article 2	Virginia Commission to End Hunger
	Article 3	Commission on Women's Health

TITLE 30.1: GENERAL ASSEMBLYTITLE~~30~~ 30.1.

GENERAL ASSEMBLY.

Drafting note: Proposed Title 30.1, General Assembly, consists of 16 chapters that are divided into three proposed subtitles: Subtitle I (The General Assembly and Members Thereof), Subtitle II (The Legislative Branch of Government), and Subtitle III (Legislative Commissions, Councils, and Other Legislative Entities).

SUBTITLE I.THE GENERAL ASSEMBLY AND MEMBERS THEREOF.

Drafting note: Proposed Subtitle I, The General Assembly and Members Thereof, is created to logically organize provisions relating to the roles, duties, and privileges of members of the General Assembly. Subtitle I is divided into proposed Chapters 1 (Members of the General Assembly) and 2 (General Assembly Conflict of Interests Act).

CHAPTER 1.

MEMBERS OF THE GENERAL ASSEMBLY ~~AND OFFICERS THEREOF.~~

Drafting note: Proposed Chapter 1, Members of the General Assembly, is created to logically organize provisions in existing Chapters 1 (General Assembly and Officers Thereof), 1.1 (General Assembly Salaries and Expenses), and 13.1 (Sexual Harassment Training Act) relating to the roles, duties, and privileges of members of the General Assembly. The remaining sections of existing Chapters 1 and 1.1 are relocated to chapters relating to officers and employees of the General Assembly and individual legislative entities in Subtitle II (The Legislative Branch of Government), as appropriate. This proposed chapter consists of the following three articles: Article 1 (Privileges and Duties of Members), Article 2 (Salaries and Expenses of Members), and Article 3 (Legislator Compensation Commission).

Article 1.Privileges and Duties of Members.

Drafting note: Article 1, Privileges and Duties of Members, is logically organized by combining provisions in existing §§ 30-1 through 30-9 and 30-19.2 of existing Chapter 1 (General Assembly and Officers Thereof) and existing Chapter 13.1 (Sexual Harassment Training Act) relating to the roles, duties, and privileges of members of the General Assembly.

~~§ 30-1~~ 30.1-100. Time and place of meeting of General Assembly; special sessions.

A. The General Assembly shall meet in regular session on the second Wednesday in January of each year. It shall sit at the Capitol in the City of Richmond, but may adjourn to any other place.

The General Assembly may, by joint resolution, direct the holding of such session ~~or sessions~~ in the ~~Restored~~ restored Capitol at Williamsburg, Virginia, as ~~to it~~ may seem proper.

~~§ 30-2. Meeting at place appointed by Governor.~~

~~If~~ B. In the event the General Assembly cannot safely meet at the Capitol or at the place ~~prescribed by law, or~~ to which it has adjourned, because of a public enemy, ~~or any a~~ dangerous contagious disease, or ~~for~~ any other cause, ~~it~~ each house may meet at such other place as ~~the Governor shall appoint, of which he shall give notice by proclamation~~ each house so determines.

~~§ 30-3. How convened in extra-session.~~

~~Whenever two-thirds of the members of both houses of the General Assembly shall, after their adjournment sine die, desire to convene the same in conformity to the Constitution, they shall make application in writing to the Governor over their own signatures, and this shall be deemed by him a proper application. He~~

C. The Governor shall ~~thereupon~~ promptly convene ~~the General Assembly, a special session upon the application of two-thirds of the members elected to each house~~ at such time and place as ~~shall be~~ designated by the application; or, if the time and place ~~be are~~ not ~~so~~ designated, ~~then~~ at such convenient and reasonable time and place as ~~he shall appoint~~ the Governor appoints.

Drafting note: Three sections relating to the time and place of sessions of the General Assembly, including special sessions, are combined into one. Language is modernized and updated for clarity and consistency with Article IV, Section 6 and Article V, Section 5 of the Constitution of Virginia. Technical changes are made, including phrases proposed for deletion as unnecessary.

~~§ 30-6 30.1-101.~~ Privilege of members, ~~clerks and clerks' assistants, and Lieutenant Governor~~ from arrest; exception for criminal offenses.

During ~~the~~ any session of the General Assembly, and for five days before and after the session, members of the General Assembly, ~~the clerks thereof and the clerks' full-time assistants, and the sergeants-at-arms of the Senate and House~~ shall be privileged from being taken into custody or imprisoned ~~under any process except as provided in § 30-7; nor shall such persons for such periods of time~~ and shall not be ~~subject to process~~ compelled as a witness in any case, ~~civil or criminal.~~ ~~The provisions of this section shall be applicable to the Lieutenant Governor during his attendance at sessions of the General Assembly and while going to and from such sessions.~~

~~§ 30-7. Members, clerks, assistants, etc., subject to arrest for criminal offenses.~~

~~Any~~ However, any member of the General Assembly, ~~any clerk thereof or his assistants, the Lieutenant Governor or the sergeant-at-arms of the Senate or the House~~ who is alleged to have committed a criminal offense ~~as defined in § 18.2-8,~~ shall be subject at any time to be charged, arrested, prosecuted, and imprisoned for such offense.

Drafting note: Two sections relating to a member's privilege from arrest and an exception to such rule are combined into one. Provisions applicable to the Clerks of the General Assembly and their assistants, the Lieutenant Governor, and the sergeants-at-arms of the House of Delegates and the Senate are relocated to proposed § 30.1-306. Technical changes are made for clarity.

~~§ 30-9 30.1-102.~~ Privilege of members for words spoken or written.

No member or former member of the General Assembly shall be arrested or imprisoned for or on account of any words spoken or written or any proceedings had in either house; but nothing herein shall in any respect restrict the power which that each house of the General Assembly has over its respective members.

Drafting note: Technical changes are made, including phrases proposed for deletion as unnecessary.

~~§ 30-8 30.1-103. Member must obey writ~~ Writs of habeas corpus.

Any court ~~or judge~~ awarding a writ of habeas corpus, ~~directed to~~ in which a member of the General Assembly, is named shall have power to compel obedience to such writ.

Drafting note: Technical changes are made for clarity.

~~§ 30-4 30.1-104. Civil proceedings for or against members, clerks or clerks' assistants, or the Lieutenant Governor~~ during session.

~~Any A. During any session of the General Assembly, any civil action, suit or other civil proceeding, either in favor of or against~~ in which a member of the General Assembly, ~~or the clerks thereof, or the clerks' full time assistants, the sergeant at arms of the Senate or House, or the Lieutenant Governor,~~ is a party may be commenced, but shall not, ~~unless by their consent, be prosecuted to final judgment or decree during the session of the General Assembly~~ be tried without such member's consent.

~~In addition, B. During the period beginning 15 days prior to the commencement of any session and ending 15 days after the adjournment of such session, no such person member of the General Assembly shall be compelled in any civil proceeding action to appear or to answer or respond, in person or in writing file a responsive pleading, nor shall any such person be taken into custody or imprisoned during the session of the General Assembly, or during the fifteen days next before the beginning or after the ending of any session~~ held in contempt.

Drafting note: Provisions applicable to the Clerks of the General Assembly and their assistants, the Lieutenant Governor, and the sergeants-at-arms of the House of

Delegates and the Senate are relocated to proposed § 30.1-306. Technical changes are made, including the insertion of subsections.

~~§ 30-5~~ 30.1-105. Continuance or time for filing pleading, etc., where party or attorney is ~~connected with~~ member of the General Assembly ~~or Division of Legislative Services~~.

~~Any~~ A. During the period beginning 30 days prior to the commencement of any session and ending 30 days after the adjournment of such session, any party to an action or proceeding in any court of the Commonwealth, including ~~the Court of Appeals and the Supreme Court of Virginia,~~ any commission or other tribunal having judicial or quasi-judicial powers or jurisdiction, who is ~~an officer, employee or~~ a member or member-elect of the General Assembly ~~or employee of the Division of Legislative Services,~~ or who has, prior to or during the session of the General Assembly, employed or retained an attorney who is or becomes a member or member-elect of the General Assembly to represent him in such action or proceeding ~~an attorney who is or becomes an officer, employee or member or member-elect of the General Assembly or employee of the Division of Legislative Services,~~ shall be entitled to a continuance as a matter of right ~~(i) during the period beginning 30 days prior to the commencement of the session and ending 30 days after the adjournment thereof, and (ii) during a~~.

B. During the period beginning one day prior to the meeting date of any reconvened ~~or veto~~ session or of any legislative commission, council, committee ~~or~~ subcommittee created, or other entity established by the General Assembly at which such ~~officer, employee or~~ member or member-elect of the General Assembly is scheduled to attend and ending one day after the adjournment of such meeting; ~~however, no continuance need be granted under clause (ii) unless it shall have been requested, the court shall grant a continuance upon a motion of any such member or member-elect, provided that such motion is made in writing and filed with the court~~ at least three days prior to the ~~first day for which the continuance is sought and filed with the court~~ date of the scheduled proceeding. The requesting party, when practicable, shall strive to notify all other parties to the proceeding of such request.

C. Any pleading ~~or the performance of any act relating thereto~~ required to be filed ~~or performed~~ by any statute or rule during the period beginning 30 days prior to the commencement of ~~the~~ any session and ending 30 days after the adjournment of ~~the~~ such session shall be extended until not less than 30 days after any such session.

D. The failure of any court, commission, or other tribunal to ~~allow such continuance when requested so to do or the returning of such filing or act during the period hereinabove specified~~ comply with the provisions of this section shall constitute reversible error; provided that this section shall not prevent the granting of temporary injunctive relief, or the dissolution or extension of a temporary injunction, ~~but the right to such relief shall remain in the sound discretion of the court or other such tribunal.~~

Drafting note: Provisions applicable to officers and employees of the Clerks of the House of Delegates and the Senate and employees of the Division of Legislative Services are relocated to proposed §§ 30.1-306 and 30.1-803, respectively. Technical changes are made, including phrases proposed for deletion as unnecessary and the insertion of subsections.

~~§ 30-19.2~~ 30.1-106. Inspection of ~~certain~~ state facilities ~~by~~, or orientation sessions for members ~~and future members~~ of the forthcoming General Assembly.

~~(1) Inspections may be made of the grounds, buildings, and other physical facilities appurtenant to state agencies and state-supported institutions, at the times and by the persons hereinafter set forth.~~

~~(2)~~ A. The Governor may arrange for ~~such~~ an inspection of the grounds, buildings, or other physical facilities of state agencies and state-supported institutions in each year preceding the regular session of the General Assembly for the members of the forthcoming General Assembly. Such ~~inspection trips~~ inspections shall be provided at state expense for each member of the forthcoming General Assembly.

~~(3)~~ B. Transportation, meals, lodging, and other necessary accommodations for ~~the persons making the~~ an inspection ~~for which this section provides~~ pursuant to subsection A shall

be provided from funds appropriated to the General Assembly. Travel shall be arranged by motor bus or other convenient method of transportation from some central point ~~from which trips~~ to the several state agencies and state-supported institutions ~~shall be made for inspection~~. The Governor shall notify the ~~persons permitted to make such inspection~~ members of the forthcoming General Assembly of the place and time of origin from which such ~~trip~~ travel shall begin and when it is expected to end; and shall make ~~such arrangements as will be convenient to necessary accommodations for~~ the ~~persons~~ members desiring to make such ~~trip of~~ inspection.

(4) C. The ~~persons~~ members making ~~such trip~~ an inspection pursuant to subsection A shall be allowed their reasonable expenses in going to and from their homes to the point of origin of ~~the trips~~ travel. Compensation shall be paid as provided in §§ ~~30-19.12~~ 30.1-109 and ~~30-19.15~~ 30.1-110.

(5) D. Nothing ~~contained~~ in this section ~~is intended~~ shall be construed to restrict ~~in any way~~ the right of any member of the General Assembly to visit at his expense any state agency or state-supported institution at any time.

(6) ~~Orientation sessions on the organization, programs, operations, and procedures of the Executive Department of state government may be provided in lieu of inspections of state facilities.~~

E. The Governor may arrange for ~~such~~ orientation sessions on the organization, programs, operations, and procedures of the executive branch of state government in lieu of inspections of state facilities in each year preceding the regular session of the General Assembly for members ~~and members-elect~~ of the forthcoming General Assembly.

Drafting note: Technical changes are made for clarity and to modernize language.

§ ~~30-129.4~~ 30.1-107. Sexual harassment training required; ~~legislative branch~~ biennially.

A. As used in this ~~chapter~~ section, unless the context requires a different meaning:

"Legislative branch employee" means (i) a General Assembly member; (ii) a General Assembly member's legislative assistant or other legislative staff compensated in whole, or in

~~part, with state appropriations, working full-time for the member; and (iii) all other full-time employees of each legislative branch agency of the Commonwealth.~~

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

"Sexual harassment training course" means the sexual harassment training courses developed and provided by either the Clerk of the House of Delegates or the Clerk of the Senate pursuant to § 30.1-305.

~~B. 1. Every legislative branch employee~~ All members of the General Assembly shall complete a sexual harassment training course once every two calendar years ~~complete a sexual harassment training course provided by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate. The sexual harassment training course shall be (i) provided online; (ii) available 24 hours per day, seven days per week; and (iii) substantially similar to any sexual harassment training course offered through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management.~~

~~2. Legislative branch employees who are (i) members~~ Members ~~elect~~ elect to the House of Delegates ~~or legislative assistants or staff for such members or (ii) officers or employees of the Office of the Clerk of the House of Delegates~~ shall complete the sexual harassment training course provided by the Clerk of the House of Delegates. ~~Legislative branch employees who are (a) members~~ Members ~~elect~~ elect to the Senate ~~or legislative assistants or staff for such members or (b) officers or employees of the Office of the Clerk of the Senate~~ shall complete the sexual harassment training course provided by the Clerk of the Senate. ~~All other legislative branch employees shall complete the sexual harassment training course provided by either the Clerk of the House of Delegates or the Clerk of the Senate. The content of the sexual harassment training course provided by the Clerk of the House of Delegates and the Clerk of the Senate shall be substantially similar.~~

213 C. 1. ~~The Clerk of the House of Delegates and the Clerk of the Senate shall maintain~~
214 ~~records for members elected to the House of Delegates and the Senate, respectively, completing~~
215 ~~the sexual harassment training course. Each record at a minimum shall include the name of the~~
216 ~~General Assembly member completing the training, the date on which the training was~~
217 ~~successfully completed, and the name of the training course. The Clerk of the House of~~
218 ~~Delegates and the Clerk of the Senate shall keep such records for at least five years for public~~
219 ~~inspection.~~

220 2. ~~By no later than July 1, 2019, the Clerk of the House of Delegates and the Clerk of~~
221 ~~the Senate shall ensure that the sexual harassment training course is developed and provided in~~
222 ~~a manner such that a person successfully completing the training course will have a means to~~
223 ~~print a certificate of course completion that includes the person's name, the name of the state~~
224 ~~agency employing the person, the date on which the training was successfully completed, the~~
225 ~~name of the training course, and a unique serial number or other unique identifying information~~
226 ~~for each certificate.~~

227 § 30-129.5. ~~Sexual harassment training for new employees and new General Assembly~~
228 ~~members.~~

229 A (i) ~~legislative branch employee commencing or recommencing employment or (ii)~~
230 ~~new member of the General Assembly elected after January 1, 2019, All members and~~
231 ~~members-elect shall complete the sexual harassment training required under this chapter course~~
232 ~~within 90 days of commencing or recommencing employment or such their election to either~~
233 ~~house of the General Assembly, unless the person previously completed except that no member~~
234 ~~or member-elect shall be required to complete such training course more than once in the~~
235 ~~calendar year in which the person commenced or recommenced employment as a legislative~~
236 ~~branch employee or was elected to the General Assembly a 12-month period. Thereafter, the~~
237 ~~legislative branch employee or new A member or member-elect who is elected to either house~~
238 ~~of the General Assembly shall complete having successfully completed the sexual harassment~~

239 training [course in the immediately preceding 12 months shall complete such course again within](#)
240 [one calendar year of their election and thereafter](#) once every two calendar years.

241 **Drafting note: This section combines provisions of existing §§ 30-129.4 and 30-**
242 **129.5 relating to sexual harassment training for members and members-elect of the**
243 **General Assembly. The remaining section of existing Chapter 13.1, § 30-129.6, is relocated**
244 **to proposed subsection D of § 30.1-307. Provisions applicable to officers and employees of**
245 **the Clerks of the House of Delegates and the Senate and officers and employees of the**
246 **legislative branch are relocated to proposed §§ 30.1-305 and 30.1-307, respectively.**
247 **Technical changes are made for clarity and to modernize language.**

248 ~~§ 30-18. Repealed.~~

249 **Drafting note: Repealed by Acts 1972, c. 582.**

250 ~~§§ 30-19.01, 30-19.02. Repealed.~~

251 **Drafting note: Repealed by Acts 1984, c. 202.**

252 ~~§§ 30-19.03:1, 30-19.03:1.1. Repealed.~~

253 **Drafting note: Repealed by Acts 2010, c. 410, cl. 2.**

254 ~~§ 30-19.04. Repealed.~~

255 **Drafting note: Repealed by Acts 2003, c. 1032, cl. 2, effective January 1, 2003.**

256 ~~§ 30-19.05. Repealed.~~

257 **Drafting note: Repealed by Acts 2003, cc. 757 and 758, cl. 2, effective July 1, 2004.**

258 ~~§ 30-19.1. Repealed.~~

259 **Drafting note: Repealed by Acts 2010, c. 410, cl. 2.**

260 ~~§ 30-19.1:2. Repealed.~~

261 **Drafting note: Repealed by Acts 2003, c. 1032, cl. 2, effective January 1, 2003.**

262 ~~§ 30-19.1:3. Repealed.~~

263 **Drafting note: Repealed by Acts 2010, c. 410, cl. 2.**

264 ~~§ 30-19.1:5. Repealed.~~

265 **Drafting note: Repealed by Acts 2000, cc. 825 and 833.**

266 ~~§ 30-19.1:6. Repealed.~~

267 **Drafting note: Repealed by Acts 2010, c. 410, cl. 2.**

268 ~~§ 30-19.1:8. Repealed.~~

269 **Drafting note: Repealed by Acts 1999, c. 572.**

270 ~~§ 30-19.1:10. Repealed.~~

271 **Drafting note: Repealed by Acts 2005, cc. 860, 889, cl. 2.**

272 ~~§ 30-19.6. Repealed.~~

273 **Drafting note: Repealed by Acts 1986, c. 156.**

274 ~~§ 30-19.7. Repealed.~~

275 **Drafting note: Repealed by Acts 1990, c. 485.**

276 ~~CHAPTER 1.1.~~

277 ~~GENERAL ASSEMBLY SALARIES AND EXPENSES.~~

278 ~~Article 1~~ 2.

279 Salaries and Expenses ~~Generally~~ of Members.

280 **Drafting note: Certain provisions in existing Chapter 1.1 relating to General**
281 **Assembly salaries and expenses are retained as proposed Article 2.**

282 ~~§ 30-19.11~~ 30.1-108. Salaries and expenses of ~~Speaker of House of Delegates and~~
283 members of the General Assembly.

284 ~~The Speaker of the House of Delegates and all other members~~ A. Each member of the
285 General Assembly shall ~~each~~ receive an annual salary as ~~shall be~~ set forth in the general
286 appropriation act. Such salaries shall be payable not more often than biweekly.

287 ~~§ 30-19.13. Additional provisions for expenses of members and presiding officers of~~
288 ~~General Assembly.~~

289 ~~Each~~ B. During any regular or special session of the General Assembly or extension of
290 such session, each member of the General Assembly shall, ~~during any regular session of the~~
291 ~~General Assembly or extension thereof, or during any special session of the General Assembly,~~
292 receive for each day as allowances for expenses such sum as ~~shall be~~ set forth in the general

appropriation act and mileage allowance at the rate provided in § 2.2-2823 or actual expenses for all official travel. Such mileage or travel reimbursement shall be allowed ~~only~~ for only one round trip each week between the City of Richmond and such ~~person's~~ member's home.

~~§ 30-19.14. Office expenses; taxes and withholding.~~

~~A.-C.~~ Each member of the General Assembly shall receive as an allowance for office expenses and supplies such ~~sums~~ sum as ~~shall be~~ set forth in the general appropriation act.

~~B.-~~ Notwithstanding any other provision of law, all such payments to members of the General Assembly ~~made in accordance with subsection A~~ shall be subject to such taxes and tax withholding as applicable to other nonvouchered allowances, except for any member of the General Assembly who has established an individual "accountable plan" as defined in § 1.62-2(c)(2) of the Internal Revenue Code ~~Tax Regulations~~.

Drafting note: This section combines existing §§ 30-19.11, 30-19.13, and 30-19.14, all of which relate to the salaries and expenses of members of the General Assembly. Technical changes are made for clarity.

~~§ 30-19.12~~ 30.1-109. Compensation of members ~~of the General Assembly and for~~ certain ~~commissions engaged in~~ legislative services.

A. ~~Subject to the provisions of subsections~~ For purposes of this section:

"Active session" means (i) any day during any regular session of the General Assembly or the first extension of such session, (ii) any day that a roll call vote is taken in the member's house during any second or subsequent extension of a regular session that is not a pro forma session, or (iii) any day that a roll call vote is taken in the member's house during any special session of the General Assembly that is not a pro forma session.

"Capitol Square" means the grounds and all buildings in the City of Richmond bounded by Bank, Governor, Broad, and Ninth Streets.

"Legislative entity" means any board, commission, council, advisory body, committee, subcommittee created by the General Assembly within the legislative branch.

"Pro forma session" means a session that is announced as a pro forma session by the presiding officer and in which no business is scheduled to be conducted.

B. ~~Except as provided in subsections C through G hereof F~~, members of all legislative ~~committees, legislative commissions, and councils~~ entities established by the General Assembly and all committees and subcommittees of any ~~of the foregoing~~ legislative entity shall receive compensation ~~at such rate~~ as provided for in § 2.2-2813. Any other member of the General Assembly whose attendance, ~~in the opinion of the chairman of such a group~~, is required by the chair of such legislative entity at a sitting of such ~~group shall~~ entity is also ~~be~~ entitled to compensation at the same rate.

~~B. A C. No~~ legislative member ~~shall is not be~~ entitled to compensation pursuant to this section for (i) any services performed on any day that the member's house is in active session. ~~For purposes of this subsection, "active session" means (i) any day during any regular session of the General Assembly or the first extension thereof, (ii) any day that a roll call vote is taken in the member's house during any second or subsequent extension of a regular session that is not a pro forma session, or (iii) any day that a roll call vote is taken in the member's house during any special session of the General Assembly that is not a pro forma session.~~

~~C. A legislative member shall not be entitled to compensation pursuant to this section for or (ii)~~ legislative services performed on Capitol Square on any day that the member's house has a pro forma session.

D. Full-time employees of the Commonwealth or of any of its political subdivisions ~~shall are~~ not ~~be~~ entitled to compensation pursuant to this section.

E. No person shall receive ~~pursuant to this section~~ a total of more than one day's compensation pursuant to this section for services performed on any one day. Whenever a member attends two or more meetings for which compensation is authorized ~~herein~~ in a single day, such one day's compensation shall be prorated from among the activities served.

F. Compensation of members of the General Assembly provided for in this section shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate as appropriate and such funds ~~therefor~~ transferred from the appropriate activity.

~~G. For purposes of this section, "Capitol Square" means the grounds and all buildings in the City of Richmond bounded by Bank, Governor, Broad and Ninth Streets. "Pro forma session" means a session that is announced as a pro forma session by the presiding officer and in which no business is scheduled to be conducted.~~

Drafting note: The definition of "legislative entity" is added for clarity. Technical changes are made for clarity and to modernize language.

~~§ 30-19.15 30.1-110. Mileage of members of the General Assembly, legislative committees, etc~~ Travel reimbursement for members on official business of the Commonwealth.

A. The members, officers, and employees of the General Assembly ~~and officers and employees of each house thereof~~, and members of legislative committees ~~which~~ that may sit during any recess of the General Assembly, who are traveling on official business of the Commonwealth, shall be entitled to receive for their mileage such reimbursement as prescribed in § 2.2-2823 for every mile of actual travel.

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

B. For the purpose of this ~~chapter and article~~, Chapter 1 (§ 2.2-100 et seq.) of Title 2.2, and §§ 2.2-2813 and 2.2-2814 ~~of Title 2.2~~ only, the distance of the City of Richmond from any place in any ~~county or city~~ locality 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~~ the number of miles as such place may be farther from or nearer to the City of Richmond than such courthouse may be.

Drafting note: Existing §§ 30-19.15 and 30-19.18 are combined in this proposed section because they address related topics. Technical changes are made for clarity.

~~§§ 30-19.16, 30-19.17. Repealed.~~

Drafting note: Repealed by Acts 1999, c. 930.

§~~30-19.4~~ 30.1-111. Secretaries and administrative assistants for ~~officers and~~ members of General Assembly; ~~staff personnel for standing committees~~.

The General Assembly shall provide for the employment of secretaries and administrative assistants for the Speaker of the House of Delegates, the President pro tempore of the Senate, the Majority and Minority Floor Leaders of the House of Delegates and Senate and members of the General Assembly to aid in the performance of duties incidental to the legislative process. Allowances for such secretaries and assistants shall be provided as set forth in the general ~~appropriations~~ appropriation act. Such allowances shall not be utilized for political purposes and shall be further conditioned upon such limitations and restrictions as ~~shall~~ be set forth in the general ~~appropriations~~ appropriation act. The session day per diem for each administrative assistant shall equal the amount authorized for members of the General Assembly as set forth in the general ~~appropriations~~ appropriation act.

~~The General Assembly shall provide for the employment of such clerks, counsel and other staff personnel for each of the standing committees as are approved by the Rules Committee of the appropriate house.~~

No member of the immediate family of a member of the General Assembly shall be eligible to receive any sum authorized under the provisions of this section. For the purpose of this section, the spouse, parent, child, ~~brother~~ or ~~sister~~ sibling of the member shall be considered a member of the immediate family.

Drafting note: The language related to staff personnel for standing committees is incorporated into proposed § 30.1-300. Technical changes are made.

Article ~~2~~ 3.

Legislator Compensation Commission.

Drafting note: Provisions of existing Article 2, related to the establishment of the Legislator Compensation Commission, are retained as proposed Article 3.

§~~30-19.21~~ 30.1-112. Legislator Compensation Commission; purpose; ~~establishment;~~ membership; staffing.

~~A.~~ The Legislator Compensation Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission ~~shall convene every four years for the purpose of reviewing~~ is to review the salaries, expense allowances, retirement benefits, and other emoluments received by members of the General Assembly and ~~making~~ make recommendations for any adjustments to such salaries or allowance amounts.

Drafting note: Existing § 30-19.21 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Legislator Compensation Commission's purpose. Technical changes are made.

§ 30.1-113. Membership; terms.

~~B.~~ A. The Commission shall ~~consist~~ have a total membership of nine members ~~who~~ Members shall be appointed as follows:

1. Two former members of the ~~Senate of Virginia~~ House of Delegates, with equal representation given to each of the political parties having the highest and next highest number of members in the ~~Senate~~ House of Delegates, to be appointed by the Joint Rules Committee;

2. Two former members of the ~~House of Delegates~~ Senate, with equal representation given to each of the political parties having the highest and next highest number of members in the ~~House of Delegates~~ Senate, to be appointed by the Joint Rules Committee; and

3. Five nonlegislative citizen members, of whom one shall be appointed by the Governor, one shall be appointed by the Speaker of the House of Delegates, one shall be appointed by the House Minority Leader, one shall be appointed by the Senate Majority Leader, and one shall be appointed by the Senate Minority Leader.

~~C.~~ B. Appointments of Commission members shall be made no later than July 1 of the year in which a gubernatorial election is scheduled. Members shall serve until the submission of the report required pursuant to subsection B of § 30-19.22 30.1-116 and may be reappointed to any subsequent convening of the Commission. Vacancies shall be filled in the same manner as the original appointments.

Drafting note: Existing § 30-19.21 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Legislator Compensation Commission's membership and terms. Technical changes are made for clarity and consistency, including the designation of subdivisions.

§ 30.1-114. Compensation; expenses.

Commission members shall serve without compensation but shall be reimbursed as provided in §§ 2.2-2813 and 2.2-2825 for reasonable and necessary expenses that are incurred in the performance of their duties pursuant to this article.

Drafting note: Existing § 30-19.21 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section is relocated from existing subsection D and establishes compensation and expenses for members of the Legislator Compensation Commission. Technical changes are made.

§ 30.1-115. Chair and vice-chair; quorum; meetings.

The Commission shall elect a ~~chairman~~ chair and ~~vice-chairman~~ vice-chair from among its membership. A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the ~~chairman~~ chair or whenever the majority of the members so request.

~~D. Commission members shall serve without compensation but shall be reimbursed as provided in §§ 2.2-2813 and 2.2-2825 for reasonable and necessary expenses that are incurred in the performance of their duties pursuant to this article.~~

~~E. Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall provide legal, research, and policy analysis to the Commission. The staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall~~

~~provide technical assistance to the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: Existing § 30-19.21 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Legislator Compensation Commission's quorum and meetings. Existing subsections D and E are relocated to proposed §§ 30.1-114 and 30.1-117, respectively. Technical changes are made.

~~§ 30-19.22~~ 30.1-116. Powers and duties; ~~report~~ of the Commission.

A. The Commission shall convene every four years in the year in which a gubernatorial election is scheduled ~~for to accomplish~~ the purpose of ~~reviewing the salaries, expense allowances, retirement benefits, and other emoluments received by members of the General Assembly. In conducting its review, the Commission shall (i) review~~ this article. The Commission shall have the following powers and duties:

1. Review the current salaries, expense allowances, retirement benefits, and any other emoluments for members of the General Assembly; ~~(ii) examine~~

2. Examine the Commonwealth's history of legislative compensation; ~~(iii) gather~~

3. Gather information regarding the compensation, expenses, and benefits for legislative service in other states; ~~(iv) assess~~

4. Assess various state methodologies for determining reasonable legislative compensation, including tying salaries to certain indexes or economic indicators; and ~~(v) seek~~

5. Seek assistance and input of legislators and other citizens by conducting surveys or holding public hearings as may be appropriate.

B. The Commission shall determine whether any adjustments to the salaries, expense allowances, retirement benefits, or other emoluments are indicated and shall submit its findings and recommendations in a report to the Governor and the General Assembly on or before October 1 of the year following a gubernatorial election.

C. Any adjustments made to the salaries, expense allowances, or other emoluments or benefits that are recommended by the Commission and included in a budget bill that is subsequently adopted by the General Assembly shall not be effective until January 1 of the year immediately following the general election for all members of the General Assembly.

Drafting note: Technical changes are made for clarity and consistency.

[§ 30.1-117. Staffing; cooperation and assistance.](#)

[The Office of the Clerk of the House of Delegates and the Office of the Clerk of the Senate shall jointly provide administrative staff support to the Commission. The staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall provide additional assistance. All agencies of the Commonwealth shall provide assistance to the Commission upon request.](#)

Drafting note: Existing § 30-19.21 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. Existing subsection E is relocated to this proposed section and establishes the Legislator Compensation Commission's staffing and cooperation and assistance. Technical changes are made.

~~CHAPTER 2.~~

~~LOBBYING.~~

~~§§ 30-20 through 30-28.~~

Drafting note: Repealed by Acts 1964, c. 511.

~~CHAPTER 2.1.~~

~~LOBBYING.~~

~~§§ 30-28.01 through 30-28.9:1.~~

Drafting note: Repealed by Acts 1994, c. 857, effective April 20, 1994, and c. 937.

~~CHAPTER 3.~~

~~VIRGINIA ADVISORY LEGISLATIVE COUNCIL.~~

~~§§ 30-29 through 30-34.~~

Drafting note: Repealed by Acts 1980, c. 237.

~~CHAPTER 4.~~

~~COMMITTEE TO INVESTIGATE RACIAL ACTIVITIES.~~

~~§§ 30-35 through 30-41.~~

Drafting note: Repealed by Acts 1958, c. 373.

~~CHAPTER 5.~~

~~COMMITTEE ON OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE.~~

~~§§ 30-42 through 30-51.~~

Drafting note: Repealed by Acts 1973, c. 267.

~~CHAPTER 6.~~

~~VIRGINIA GENERAL ACCOUNTING OFFICE.~~

~~§§ 30-52 through 30-55.~~

Drafting note: Repealed by Acts 1973, c. 452.

~~CHAPTER 13~~ 2.

GENERAL ASSEMBLY ~~CONFLICTS~~ CONFLICT OF INTERESTS ACT.

Drafting note: Existing Chapter 13 (General Assembly Conflicts of Interests Act) is retained as proposed Chapter 2, General Assembly Conflict of Interests Act. The chapter is renamed to conform to language used in the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). The articles in existing Chapter 13 are retained in proposed Chapter 2 with existing Article 5 divided into proposed Articles 6 and 7 as follows: Article 1 (General Provisions), Article 2 (Generally Prohibited and Unlawful Conduct), Article 3 (Prohibited Conduct Relating to Contracts), Article 4 (Prohibited Conduct Relating to Transactions), Article 5 (Disclosure Statements Required to Be Filed), Article 6 (Penalties and Remedies), and Article 7 (Ethics Orientation Sessions).

Article 1.

General Provisions.

Drafting note: Existing Article 1, relating to general provisions, is retained as proposed Article 1.

~~§ 30-100~~ 30.1-200. ~~Declaration of legislative policy~~ Policy; application; construction.

The General Assembly, recognizing that our system of representative government is dependent in part upon (i) citizen legislative members representing fully the public in the legislative process and (ii) its citizens maintaining the highest trust in their public officers, finds and declares that the citizens are entitled to be assured that the judgment of the members of the General Assembly will ~~not be compromised or affected by inappropriate conflicts~~ be guided by a law that defines and prohibits inappropriate conflicts and requires disclosure of economic interests.

The provisions of this chapter do not preclude prosecution for any violation of any criminal law of the Commonwealth, including Articles 2 (~~Bribery and Related Offenses~~, § 18.2-438 et seq.) and 3 (~~Bribery of Public Servants and Party Officials~~, § 18.2-446 et seq.) of Chapter 10 of Title 18.2, and do not constitute a defense to any prosecution for such a violation.

This chapter shall apply to the members of the General Assembly.

This chapter shall be liberally construed to accomplish its purpose.

Drafting note: Language is updated for clarity and consistency with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Technical changes are made.

~~§ 30-101~~ 30.1-201. Definitions.

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

"Advisory agency" means any board, commission, committee, or post ~~which~~ that does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust, ~~or~~ foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for election to the General Assembly in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. ~~The~~ A candidate shall become subject to the provisions of this ~~section~~ chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections shall notify each such candidate of the provisions of this chapter.

"Contract" means any agreement to which a governmental agency is a party, ~~or~~ any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, ~~or~~ some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the legislator's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § ~~30-355~~ 30.1-1254.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment ~~Advisors~~ Advisers Act of 1940, 15 U.S.C. § 80b-1 et seq., or the federal Investment Company Act of 1940, 15 U.S.C. § 80a-1 et seq.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. ~~It~~ "Gift" includes services as well as gifts of transportation, lodgings, and meals, whether provided in-kind, by purchase of a ticket, by payment in advance, or by reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other

583 financial aid awarded by a public or private school, institution of higher education, or other
584 educational program pursuant to such school, institution, or program's financial aid standards
585 and procedures applicable to the general public; (iv) a campaign contribution properly received
586 and reported pursuant to ~~Chapter 9.3~~ [the Campaign Finance Disclosure Act of 2006](#) (§ 24.2-
587 945 et seq.) ~~of Title 24.2~~; (v) any gift related to the private profession or occupation or volunteer
588 service of a legislator or of a member of his immediate family; (vi) food or beverages consumed
589 while attending an event at which the ~~filer~~ [legislator](#) is performing official duties related to his
590 public service; (vii) food and beverages received at or registration or attendance fees waived
591 for any event at which the ~~filer~~ [legislator](#) is a featured speaker, presenter, or lecturer; (viii)
592 unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento,
593 or similar item that is given in recognition of public, civic, charitable, or professional service;
594 (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure
595 Act [of 2006](#) (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the
596 United States, any of its territories, or any state or any political subdivision of such state; (xii)
597 travel provided to facilitate attendance by a legislator at a regular or special session of the
598 General Assembly, a meeting of a legislative committee or commission, or a national
599 conference where attendance is approved by the House Committee on Rules or its ~~Chairman~~
600 [Chair](#) or the Senate Committee on Rules or its ~~Chairman~~ [Chair](#); (xiii) travel related to an official
601 meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its
602 political subdivisions, or any board, commission, authority, or other entity, or any charitable
603 organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with
604 such entity, to which such person has been appointed or elected or is a member by virtue of his
605 office or employment; (xiv) gifts with a value of less than \$20; (xv) attendance at a reception
606 or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently
607 consumed by a person while standing or walking are offered; or (xvi) gifts from relatives or
608 personal friends. For the purpose of this definition, "relative" means the donee's spouse, child,
609 ~~uncle, aunt, niece, nephew~~ [parent's sibling](#), [sibling's child](#), or first cousin; a person to whom the

donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister sibling, ~~step-parent~~ stepparent, step-grandparent, step-grandchild, ~~step-brother,~~ or ~~step-sister~~ stepsibling; or the donee's ~~brother's or sister's~~ sibling's spouse or the donee's ~~son-in-law or daughter-in-law~~ child-in-law. For the purpose of this definition, "personal friend" does not include any person that the ~~filer~~ legislator knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (b) a lobbyist's principal as defined in § 2.2-419.

"Governmental agency" means each component part of the legislative, executive, or judicial ~~branches~~ branch of state and local government, including each office, department, authority, post, commission, committee, and ~~each~~ institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the legislator and who is a dependent of the legislator.

"Legislator" means a member of the General Assembly.

"Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his immediate family. ~~Such A~~ A "personal interest ~~shall exist~~" exists by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, ~~or~~ salary, other compensation, fringe benefits, or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business;

or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest that a legislator has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of a legislator in any matter considered by the General Assembly. ~~Such~~ A "personal interest in a transaction" exists when a legislator or a member of his immediate family has a personal interest in property or a business, or represents or provides services to any individual or business, and such property, business, or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. A "personal interest in a transaction" exists only if the legislator or member of his immediate family or an individual or business represented or served by the legislator is affected in a way that is substantially different from the general public or from persons comprising a profession, occupation, trade, business, or other comparable and generally recognizable class or group of which he or the individual or business he represents or serves is a member.

"Transaction" means any matter considered by the General Assembly, whether in a committee, subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which official action is taken or contemplated.

Drafting note: Technical changes are made.

Article 2.

Generally Prohibited and Unlawful Conduct.

Drafting note: Existing Article 2, relating to prohibited and unlawful conduct by legislators, is retained as proposed Article 2.

§ ~~30-102~~ 30.1-202. Application.

662 This article applies to generally prohibited conduct ~~which shall be~~ that is unlawful and
663 to legislators.

664 **Drafting note: Language is updated for clarity and consistency with the State and**
665 **Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Technical changes are**
666 **made.**

667 § ~~30-103~~ 30.1-203. Prohibited conduct.

668 No legislator shall:

669 1. Solicit or accept money or other thing of value for services performed within the
670 scope of his official duties, except the compensation, expenses, or other remuneration paid to
671 him by the General Assembly. This prohibition shall not apply to the acceptance of special
672 benefits ~~which~~ that may be authorized by law;

673 2. Offer or accept any money or other thing of value for or in consideration of obtaining
674 employment, appointment, or promotion of any person with any governmental or advisory
675 agency;

676 3. Offer or accept any money or other thing of value for or in consideration of the use
677 of his public position to obtain a contract for any person or business with any governmental or
678 advisory agency;

679 4. Use for his own economic benefit or that of another party confidential information
680 ~~which~~ that he has acquired by reason of his public position and ~~which~~ that is not available to
681 the public;

682 5. Accept any money, loan, gift, favor, service, or business or professional opportunity
683 that reasonably tends to influence him in the performance of his official duties. This ~~subdivision~~
684 prohibition shall not apply to any political contribution actually used for political campaign or
685 constituent service purposes and reported as required by ~~Chapter 9.3~~ the Campaign Finance
686 Disclosure Act of 2006 (§ 24.2-945 et seq.) ~~of Title 24.2~~;

6. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being afforded him to influence him in the performance of his official duties;

7. During the ~~one year~~ one-year period after the termination of his service as a legislator, represent a client or act in a representative capacity on behalf of any person or group, for compensation, on any matter before the General Assembly or any agency of the legislative branch of government. ~~The prohibitions of this subdivision~~ This prohibition shall apply only to persons engaged in activities that would require registration as a lobbyist under § 2.2-422. Any person subject to the provisions of this subdivision may apply to the Council, as provided in § ~~30-356~~ 30.1-1256, or the Attorney General, as provided in § ~~30-122~~ 30.1-227, for an advisory opinion as to the application of ~~the restriction imposed by this subdivision~~ this prohibition on any post-public employment position or opportunity;

8. Accept any honoraria for any appearance, speech, or article in which the legislator provides expertise or opinions related to the performance of his official duties. The term "honoraria" ~~shall~~ does not include any payment for or reimbursement to such ~~person~~ legislator for his actual travel, lodging, or subsistence expenses incurred in connection with such appearance, speech, or article or, in the alternative, a payment of money or anything of value not in excess of the per diem deduction allowable under § 162 of the Internal Revenue Code, as amended ~~from time to time~~;

9. Accept appointment to serve on a body or board of any corporation, company, or other legal entity, that is vested with the management of the corporation, company, or legal entity, and on which two other ~~members of the General Assembly~~ legislators already serve, ~~which that~~ which is operated for profit and regulated by the State Corporation Commission as (i) a financial institution, (ii) a mortgage lender or broker, (iii) any business under ~~Chapter 5~~ the Securities Act (§ 13.1-501 et seq.) ~~of Title 13.1~~, (iv) any business under Title 38.2, or (v) any business under Title 56;

10. Accept a gift from a person who has interests that may be substantially affected by the performance of the legislator's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the legislator's impartiality in the matter affecting the donor. Violations of this subdivision shall not be subject to criminal law penalties; or

11. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain. Violations of this subdivision shall not be subject to criminal law penalties.

Drafting note: Language is updated for modern usage, clarity, and conformity, and a reference to "members of the General Assembly" is changed to "legislators" as such term is defined in proposed § 30.1-201. Technical changes are made.

~~§ 30-103.1~~ 30.1-204. Certain gifts prohibited.

A. For purposes of this section:

"Foreign country of concern" means the same as that term is defined in § 2.2-3103.1.

"Widely attended event" means an event ~~at which~~ that at least 25 persons have been invited to attend or for which there is a reasonable expectation that at least 25 persons will attend ~~the event~~ and ~~the event~~ that is open to individuals (i) who are members of a public, civic, charitable, or professional organization; (ii) who are from a particular industry or profession; or (iii) who represent persons interested in a particular issue.

B. No legislator or candidate for the General Assembly required to file the disclosure form prescribed in ~~§ 30-111~~ 30.1-214 or a member of his immediate family shall solicit, accept, or receive any single gift for himself or a member of his immediate family with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for himself or a member of his immediate family from any person that he or a member of his immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (ii) a lobbyist's principal as

defined in § 2.2-419. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

C. Notwithstanding the provisions of subsection B, a legislator or candidate [for the General Assembly](#) or a member of his immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess ~~in~~ [of](#) \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the disclosure form prescribed in § ~~30-111~~ [30.1-214](#).

D. Notwithstanding the provisions of subsection B, a legislator or a member of his immediate family may accept or receive a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged so long as such foreign dignitary is not a representative of a foreign country of concern, ~~as defined in § 2.2-3103.1~~. Such gift shall be accepted on behalf of the Commonwealth and archived in accordance with guidelines established by ~~the~~ [The](#) Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth, but the value of such gift shall not be required to be disclosed.

E. Notwithstanding the provisions of subsection B, a legislator or candidate [for the General Assembly](#) or a member of his immediate family may accept or receive certain gifts with a value in excess of \$100 from a person listed in subsection B if such gift was provided to the legislator or candidate or a member of his immediate family on the basis of a personal friendship. Notwithstanding any other provision of law, a person listed in subsection B may be a personal friend of the legislator or candidate or his immediate family [member](#) for purposes of this subsection. In determining whether a person listed in subsection B is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction

or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in § 2.2-3117 or ~~30-111~~ [30.1-214](#).

F. Notwithstanding the provisions of subsection B, a legislator or candidate [for the General Assembly](#) or a member of his immediate family may accept or receive gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a person listed in subsection B when the legislator or candidate has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to § ~~30-356.1~~ [30.1-1257](#). Such gifts shall be reported on the disclosure form prescribed in § ~~30-111~~ [30.1-214](#).

G. The \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

Drafting note: The definition of "foreign country of concern" and the corresponding cross-reference to § 2.2-3103.1 are relocated from subsection D to subsection A to conform to current Code conventions. Language is updated for modern usage and clarity. Technical changes are made, including the correction of an apparent error in subsection C.

§ ~~30-103.2~~ [30.1-205](#). Return of gifts.

No person shall be in violation of any provision of this chapter prohibiting the acceptance of a gift if [\(i\)](#) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or [\(ii\)](#) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value

of the gift, provided that such consideration reduces the value of the gift to an amount not in excess of \$100 as provided in subsection B of § ~~30-103.1~~ 30.1-204.

Drafting note: Technical changes are made, including the addition of a clause designation to correct an apparent error.

Article 3.

Prohibited Conduct ~~Regarding~~ Relating to Contracts.

Drafting note: Existing Article 3, relating to prohibited conduct by legislators having a personal interest in a contract, is retained as proposed Article 3. A technical change is made to the article name.

§ ~~30-104~~ 30.1-206. Application.

This article proscribes certain conduct by legislators relating to contracts.

Drafting note: Language is updated for clarity and consistency.

§ ~~30-105~~ 30.1-207. Prohibited contracts by legislators.

A. No legislator shall have a personal interest in a contract with the legislative branch of state government.

B. No legislator shall have a personal interest in a contract with any governmental agency of the executive or judicial branches of state government, other than in a contract of regular employment, unless such contract is awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or is exempted from competitive sealed bidding or competitive negotiation pursuant to § 2.2-4344.

C. No legislator shall have a personal interest in a contract with any governmental agency of local government, other than in a contract of regular employment, unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or is awarded as a result of a procedure embodying competitive principles as authorized by subdivision A 10 or ~~A~~ 11 of § 2.2-4343; (ii) exempted from competitive sealed bidding, competitive negotiation, or a procedure embodying competitive principles pursuant to § 2.2-4344; or (iii) awarded after a finding, in writing, by the

administrative head of the local governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

D. The provisions of this section shall not apply to contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public.

E. The provisions of this section shall not apply to a legislator's personal interest in a contract between a public institution of higher education in the Commonwealth and a publisher or wholesaler of textbooks or other educational materials for students, ~~which~~ that accrues to him solely because he has authored or otherwise created such textbooks or materials.

Drafting note: Technical changes are made.

§ ~~30-106~~ 30.1-208. Further exceptions.

A. The provisions of § ~~30-105~~ 30.1-207 shall not apply to:

1. The sale, lease, or exchange of real property between a legislator and a governmental agency, provided that the legislator does not participate in any way as a legislator in such sale, lease, or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head ~~thereof~~ of such agency. The legislator shall disclose any lease with a state governmental agency in his statement of economic interests as provided in § ~~30-111~~ 30.1-214;

2. The publication of official notices;

3. A legislator whose sole personal interest in a contract with ~~an~~ a governmental agency of the legislative branch is by reason of income from the contracting firm or General Assembly in excess of \$5,000 per year, provided that the legislator or member of his immediate family does not participate and has no authority to participate in the procurement or letting of ~~the~~ such contract on behalf of the contracting firm and the legislator either does not have authority to participate in the procurement or letting of ~~the~~ such contract on behalf of ~~the~~ such governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of ~~the~~ such governmental agency in negotiating ~~the contract~~ or ~~in~~ approving ~~the~~ such contract;

4. Contracts between a legislator's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the legislator has a personal interest, provided that he disqualifies himself as a matter of public record and does not participate on behalf of ~~the~~ his governmental agency in negotiating the contract or in approving the contract;

5. Contracts for the purchase of goods or services when the contract does not exceed \$500; or

6. Grants or other payments under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency.

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments ~~thereto~~ to it shall apply to those employment contracts or renewals ~~thereof~~ or to any other contracts entered into prior to August 1, 1987, ~~which~~ that were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) of Title 2.1, or the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1, at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f)(4) of former § 2.1-348 of Chapter 22 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of a legislator and ~~spouse or any other relative residing in the same household~~ a member of his immediate family shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such ~~spouse or other relative residing in his household~~ member of his immediate family, and the annual salary of such subordinate is \$15,000 or more.

Drafting note: Language is updated for modern usage, and references to "agency" are changed to "governmental agency" for consistency. Technical changes are made.

Article 4.

873 Prohibited Conduct ~~Regarding~~ Relating to Transactions.

874 **Drafting note: Existing Article 4, relating to prohibited conduct by legislators**
875 **having a personal interest in a transaction, is retained as proposed Article 4. A technical**
876 **change is made to the article name.**

877 § ~~30-107~~ 30.1-209. Application.

878 This article ~~relates to~~ proscribes certain conduct by legislators having a personal interest
879 in a transaction.

880 **Drafting note: Technical changes are made.**

881 § ~~30-108~~ 30.1-210. Prohibited conduct concerning personal interest in a transaction.

882 A legislator who has a personal interest in a transaction shall disqualify himself from
883 participating in the transaction.

884 Unless otherwise prohibited by the rules of his house, the disqualification requirement
885 of this section shall not prevent any legislator from participating in discussions and debates,
886 provided that (i) he verbally discloses the fact of his personal interest in the transaction at the
887 outset of the discussion or debate or as soon as practicable thereafter and (ii) he does not vote
888 on the transaction in which he has a personal interest.

889 **Drafting note: Technical change.**

890 Article 5.

891 Disclosure Statements Required to Be Filed.

892 **Drafting note: Existing §§ 30-109 through 30-111.1 of existing Article 5, relating to**
893 **required disclosures and filings, are retained in that order as proposed Article 5.**

894 § ~~30-109~~ 30.1-211. Application.

895 This article requires disclosure of certain personal and financial interests by legislators
896 and legislators-elect.

897 **Drafting note: Technical changes are made.**

898 § ~~30-110~~ 30.1-212. Disclosure.

A. In accordance with the requirements set forth in § ~~30-111.1~~ 30.1-215, every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is required on the form prescribed by the Council pursuant to § ~~30-111~~ 30.1-214 and thereafter shall file such a statement annually on or before February 1. Disclosure forms shall be made available by the ~~Virginia Conflict of Interest and Ethics Advisory~~ Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the ~~Virginia Conflict of Interest and Ethics Advisory~~ Council in accordance with the standards approved by it pursuant to § ~~30-356~~ 30.1-1256. ~~The All~~ disclosure forms ~~of the members of the General Assembly~~ shall be maintained as public records for five years in the office of the ~~Virginia Conflict of Interest and Ethics Advisory~~ Council. Such forms shall be made public no later than six weeks after the filing deadline.

B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as required by §§ 24.2-500 through 24.2-503.

C. Any legislator who has a personal interest in any transaction pending before the General Assembly and who is disqualified from participating in that transaction pursuant to § ~~30-108~~ 30.1-210 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

Drafting note: References to the Virginia Conflict of Interest and Ethics Advisory Council are changed to "Council" to reflect that the term is defined ~~for proposed Chapter 2~~ in proposed § 30.1-201. Language is updated for clarity and consistency with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).

§ ~~30-110.1~~ 30.1-213. Report of gifts.

Every legislator shall file, on or before May 1, a report of gifts accepted or received by him or a member of his immediate family during the period beginning on January 1 complete through adjournment sine die of the regular session of the General Assembly. The gift report shall be on a form prescribed by the Council and shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § ~~30-356~~ 30.1-1256. For purposes

of this section, "adjournment sine die" means adjournment on the last legislative day of the regular session and does not include the ensuing reconvened session. Any gifts reported pursuant to this section shall not be listed on the annual disclosure form prescribed by the Council pursuant to § ~~30-111~~ 30.1-214.

Drafting note: Technical changes are made.

§ ~~30-111~~ 30.1-214. Disclosure form; penalty.

A. The disclosure form to be used for filings required by subsections A and B of § ~~30-110~~ 30.1-212 shall be prescribed by the Council. All completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § ~~30-356~~ 30.1-1256.

B. Any legislator who knowingly and intentionally makes a false statement of a material fact on the General Assembly Statement of Economic Interests (Statement) is guilty of a Class 5 felony and shall be subject to disciplinary action for such violations by the house in which the legislator sits.

C. The ~~Statement of Economic Interests of Council shall review~~ all ~~members of each house shall be reviewed~~ Statements filed by the Council legislators pursuant to subsection A.

If a legislator's Statement is found by the Council to be inadequate as filed, the legislator shall be notified in writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall be set within which such amendment shall be filed. If the ~~Statement of Economic Interests~~, in either its original or amended form, is found to be adequate as filed, the legislator's filing shall be deemed in full compliance with this section as to the information disclosed thereon.

D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing request the house in which those members sit, in accordance with the rules of that house, to review the ~~Statement of Economic Interests~~ of another member of that house in order to determine the adequacy of his filing. In accordance with the rules of each house, each ~~Statement of Economic Interests~~ shall be promptly reviewed, the adequacy of the filing

determined, and notice given in writing to the legislator whose Statement is in issue. Should it be determined that the Statement requires correction, augmentation, or revision, the legislator involved shall be directed to make the changes required within such time as shall be set under the rules of each house.

If a legislator, after having been notified in writing in accordance with the rules of the house in which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into compliance within the time limit set, he shall be subject to disciplinary action by the house in which he sits. No legislator shall vote on any question relating to his own Statement.

Drafting note: A reference to "members of each house" is updated to "legislators" as such term is defined in proposed § 30.1-201, and language is updated for clarity and consistency.

~~§ 30-111.1~~ 30.1-215. Disclosure form; filing requirements.

A. A legislator or legislator-elect required to file an annual disclosure on or before February 1 pursuant to this article shall disclose his personal interests and other information as required on the form prescribed by the Council for the preceding calendar year complete through December 31. A legislator or legislator-elect required to file a disclosure as a condition to assuming office shall file such disclosure on or before the day such office is assumed and disclose his personal interests and other information as required on the form prescribed by the Council for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office is assumed; however, any legislator or legislator-elect who assumes office in January shall be required to only file an annual disclosure on or before February 1 for the preceding calendar year complete through December 31.

B. When the deadline for filing any disclosure pursuant to this article falls on a Saturday, Sunday, or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday, or legal holiday.

Drafting note: No change.

Article 6.

Penalties and Remedies.

Drafting note: Existing §§ 30-112 through 30-129 of existing Article 5, relating to penalties and remedies, are retained in that order and relocated as proposed Article 6.

§~~30-112~~ 30.1-216. Senate and House Ethics Advisory Panels; membership; terms; quorum; compensation and expenses.

A. The Senate Ethics Advisory Panel and the House Ethics Advisory Panel are established in the legislative branch of state government. The provisions of §§~~30-112~~ 30.1-216 through~~30-119~~ 30.1-224 shall be applicable to each panel.

B. The Senate Ethics Advisory Panel shall be composed of five ~~nonlegislative citizen~~ members as follows: three ~~of whom shall be~~ former members of the Senate; and two ~~of whom shall be citizens of the Commonwealth at large~~ nonlegislative citizen members who have not previously held such office. All members of the Senate Ethics Advisory Panel shall be citizens of the Commonwealth. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the Senate Ethics Advisory Panel.

The members shall be nominated by the Senate Committee on Rules ~~of the Senate~~ and confirmed by the Senate by a majority vote of (i) the members present of the majority party and (ii) the members present of the minority party. After initial appointments, all appointments shall be for terms of four years each except for unexpired terms. Nominations shall be made so as to assure bipartisan representation on the Senate Ethics Advisory Panel.

C. The House Ethics Advisory Panel shall be composed of five ~~nonlegislative citizen~~ members as follows: one ~~of whom shall be a~~ retired justice or judge of a court of record; two ~~of whom shall be~~ former members of the House of Delegates; and two ~~of whom shall be citizens of the Commonwealth at large~~ nonlegislative citizen members, at least one of whom shall not have previously held such office. All members of the House Ethics Advisory Panel shall be citizens of the Commonwealth. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 during his tenure on the House Ethics Advisory Panel.

1007 The members shall be nominated by the Speaker of the House of Delegates and
1008 confirmed by the House of Delegates by a majority vote of (i) the members present of the
1009 majority party and (ii) the members present of the minority party. After initial appointments,
1010 all appointments shall be for terms of four years each except for unexpired terms. Nominations
1011 shall be made so as to assure bipartisan representation on the [House Ethics Advisory](#) Panel.

1012 D. Each panel shall elect its own ~~chairman~~ [chair](#) and ~~vice-chairman~~ [vice-chair](#) from
1013 among its membership.

1014 E. No member shall serve more than three successive four-year terms. Vacancies shall
1015 be filled only for the unexpired term. Vacancies shall be filled in the same manner as the original
1016 appointments. The remainder of any term to which a member is appointed to fill a vacancy shall
1017 not constitute a term in determining the member's eligibility for reappointment.

1018 F. Three members shall constitute a quorum on each panel. A vacancy shall not impair
1019 the right of the remaining members to exercise all powers of ~~the Panel~~ [each panel](#). Meetings of
1020 each panel shall be held at the call of the ~~chairman~~ [chair](#) or whenever the majority of the
1021 members so request.

1022 G. The members of each panel, while ~~serving on~~ [conducting](#) the business of ~~the Panel~~
1023 [each panel](#), are performing legislative duties and shall be entitled to the compensation and
1024 reimbursement of expenses to which ~~members of the General Assembly~~ [legislators](#) are entitled
1025 when performing legislative duties pursuant to §§ 2.2-2813, 2.2-2825, and ~~30-19.12~~ [30.1-109](#).
1026 ~~Funding~~ [The funding](#) for the cost of compensation and expenses of the members of the Senate
1027 Ethics Advisory Panel shall be provided by the Office of the Clerk of the Senate, and the
1028 funding for the cost of compensation and expenses of the House Ethics Advisory Panel shall be
1029 provided by the Office of the Clerk of the House of Delegates.

1030 **Drafting note: A reference to "members of the General Assembly" is updated to**
1031 **"legislators" as such term is defined in proposed § 30.1-201. Technical changes are made**
1032 **for clarity and consistency.**

§~~30-113~~ 30.1-217. Powers and duties of ~~Panel~~ Senate and House Ethics Advisory Panels.

The powers and duties of the Senate Ethics Advisory Panel and the House Ethics Advisory Panel shall be applied and used only in relation to members of the respective house of the General Assembly for which ~~it~~ each panel is created. ~~The Panel~~ Each panel shall establish its rules of procedure, including rules for the conduct of open meetings and hearings.

Drafting note: Technical changes are made for clarity.

§~~30-113.1~~ 30.1-218. Records of Senate and House Ethics Advisory Panels.

If a complaint is dismissed during the preliminary investigation, such records shall remain confidential and be retained for a period of five years and then destroyed. Records related to a complaint that has proceeded to an inquiry beyond a preliminary investigation shall be made available to the public and retained in a manner prescribed by the Virginia Public Records Act (§ 42.1-76 et seq.).

Drafting note: No change.

§~~30-114~~ 30.1-219. Filing of complaints; procedures; disposition by Senate and House Ethics Advisory Panels.

A. In response to the signed and sworn complaint of any citizen of the Commonwealth, which is subscribed by the maker as true under penalty of perjury, submitted to the Senate Ethics Advisory Panel or the House Ethics Advisory Panel, the ~~Panel~~ respective panel shall inquire into any alleged violation of Articles 2-~~(§ 30-102 et seq.)~~ through 5 (~~§ 30-109~~ 30.1-202 et seq.) by any ~~member~~ legislator of the respective house of the General Assembly in his current term or his immediate prior term. Complaints shall be filed with the ~~Virginia Conflict of Interest and Ethics Advisory~~ Council, which shall promptly (i) submit the complaint to the ~~chairman~~ chair of the appropriate ~~Panel~~ panel and (ii) forward a copy of the complaint to the legislator named in the complaint. The ~~chairman~~ chair shall promptly notify the ~~Panel~~ appropriate panel of the complaint. No complaint shall be filed with ~~the Panel~~ either panel 60 or fewer days before a primary election or other nominating event or before a general election in which the cited

legislator is running for office, and ~~the Panel~~ neither panel shall ~~not~~ accept ~~or~~ nor act on any complaint received during this period.

B. ~~The Panel~~ Each panel shall determine, during its preliminary investigation, whether the facts stated in the complaint taken as true are sufficient to show a violation of Articles 2-~~(§ 30-102 et seq.)~~ through 5 (~~§ 30-109~~ 30.1-202 et seq.). If the facts, as stated in the complaint, fail to give rise to such a violation, then the ~~Panel~~ panel shall dismiss the complaint. If the facts, as stated in the complaint, give rise to such a violation, then the ~~Panel~~ panel shall request that the complainant appear and testify under oath as to the complaint and the allegations therein. After hearing the testimony and reviewing any other evidence provided by the complainant, the ~~Panel~~ panel shall dismiss the complaint if ~~the Panel~~ it fails to find by a preponderance of the evidence that such violation has occurred. If the ~~Panel~~ panel finds otherwise, it shall proceed with the inquiry.

C. If, after such preliminary investigation, the ~~Panel~~ panel determines to proceed with an inquiry into the conduct of any legislator, the ~~Panel~~ panel (i) shall immediately notify in writing the individual who filed the complaint and the cited legislator as to the fact of the inquiry and the charges against the legislator and (ii) shall schedule one or more hearings on the matter. The legislator shall have the right to present evidence, cross-examine witnesses, face and examine the accuser, and be represented by counsel at any hearings. In its discretion, the ~~Panel~~ panel may grant the legislator any other rights or privileges not specifically enumerated in this subsection. Once the ~~Panel~~ panel has determined to proceed with an inquiry, its meetings and hearings shall be open to the public.

D. Once the ~~Panel~~ panel determines to proceed with an inquiry into the conduct of any legislator, the ~~Panel~~ panel shall complete its investigations and dispose of the matter as provided in ~~§ 30-116~~ 30.1-221 notwithstanding the resignation of the legislator during the course of the ~~Panel's~~ panel's proceedings.

Drafting note: A reference to the Virginia Conflict of Interest and Ethics Advisory Council is changed to "Council" and a reference to "member of the respective house of

the General Assembly" is changed to "legislator" as such terms are defined in proposed § 30.1-201. Technical changes are made for clarity and consistency.

~~§ 30-115~~ 30.1-220. Subpoenas of Senate and House Ethics Advisory Panels.

~~The Panel~~ Each panel may issue subpoenas to compel the attendance of witnesses or the production of documents, books, or other records. ~~The Panel~~ Each panel may apply to the Circuit Court of the City of Richmond to compel obedience to the subpoenas of the ~~Panel~~ panel. Notwithstanding any other provisions of law, every state and local governmental agency, and units and subdivisions ~~thereof~~ of each such agency shall make available to the ~~Panel~~ panel any documents, records, data, statements, or other information, except tax returns or information relating ~~thereto to tax returns~~, ~~which that~~ the ~~Panel~~ panel designates as being necessary for the exercise of its powers and duties.

Drafting note: Technical changes are made for clarity and consistency.

~~§ 30-116~~ 30.1-221. Disposition of cases before Senate and House Ethics Advisory Panels.

A. Within 120 days of the ~~chairman's~~ chair's forwarding the signed and sworn complaint to ~~the Panel~~ it, the ~~Panel~~ panel or a majority of its members acting in its name, shall dispose of the matter in one of the following ways:

1. a. If the ~~Panel~~ panel determines in its preliminary investigation that the complaint is without merit, the ~~Panel~~ panel shall dismiss the complaint, ~~so advise~~ notify the complainant and legislator, and take no further action. In such case, the ~~Panel~~ panel shall retain its records and findings in confidence unless the legislator under inquiry requests in writing that the records and findings be made public.

b. If the ~~Panel~~ panel determines in the course of its proceedings that the facts and evidence show that the complaint is without merit, the ~~Panel~~ panel shall dismiss the complaint, so advise the complainant and legislator, and report its action to the Clerk of the appropriate house, for the information of the House of Delegates or Senate.

2. If the ~~Panel~~ panel determines that there is a reasonable basis to conclude that the legislator has violated the provisions of this chapter but that the violation was not made knowingly, the ~~Panel~~ panel shall refer the matter by a written report setting forth its findings and the reasons therefor to the appropriate house of the General Assembly for appropriate action. All ~~Panel~~ panel reports, ~~which~~ are advisory only, and shall be delivered to the Clerk of the appropriate house, who shall refer the report to the appropriate Committee on Privileges and Elections in accordance with the rules of the appropriate house. ~~Said~~ The appropriate Committee on Privileges and Elections shall in all cases report, after due hearings and consideration, its determination of the matter and its recommendations and reasons for its resolves to the appropriate house. If the appropriate Committee on Privileges and Elections deems that disciplinary action is warranted, it shall report a resolution to express such action. The appropriate house as a whole shall then consider the resolution, and if it finds the legislator in violation of any provision of this chapter, it may by recorded vote take such disciplinary action as it deems warranted.

3. If the ~~Panel~~ panel determines that there is a reasonable basis to conclude that the legislator knowingly violated any provision of ~~Article~~ Articles 2 (~~§ 30-102 et seq.~~), 3 (~~§ 30-104 et seq.~~), 4 (~~§ 30-107 et seq.~~) or through 5 (~~§ 30-109~~ 30.1-202 et seq.) ~~of this chapter~~, except § ~~30-108~~ 30.1-210 or subsection C of § ~~30-110~~ 30.1-212, it shall refer the matter by a written report setting forth its findings and the reasons therefor to the Attorney General for such action as he deems appropriate. The ~~Panel~~ panel shall also file its report with the Clerk of the appropriate house, who shall refer the report in accordance with the rules of his house. In the event the Attorney General determines not to prosecute the alleged violation, he shall notify the Clerk of the appropriate house of his determination, and the Clerk shall send the report to the appropriate Committee on Privileges and Elections. The matter shall thereafter be handled in accordance with the provisions of subdivision 2.

4. If the ~~Panel~~ panel determines that there is a reasonable basis to conclude that the legislator has violated § ~~30-108~~ 30.1-210 or subsection C of § ~~30-110~~ 30.1-212, it shall refer

the matter by a written report to the appropriate house pursuant to subdivision 2. As its first order of business other than organizational matters and committee work, the house in which the ~~member~~ [legislator](#) sits shall immediately upon the convening of the next regular or special session take up and dispose of the matter by taking one or more of the following actions: (i) dismiss the complaint; (ii) sustain the complaint and reprimand the ~~member~~ [legislator](#); (iii) sustain the complaint, censure the ~~member~~ [legislator](#), and strip the ~~member~~ [legislator](#) of his seniority; (iv) sustain the complaint and expel the ~~member~~ [legislator](#) by a two-thirds vote of the elected ~~members~~ [legislators of the respective house](#); or (v) in the event the house finds a knowing violation, ~~it shall~~ refer the matter to the Attorney General pursuant to subdivision 3.

~~5.-B.~~ The ~~Panel~~ [panel](#) shall make public any report that it makes pursuant to the provisions of subdivision [A](#) 1 b, [A](#) 2, [A](#) 3, or [A](#) 4 on the date it refers its report.

Drafting note: References to "members" of the General Assembly are changed to "legislators" as such term is defined in proposed § 30.1-201. Technical changes are made for clarity and consistency.

~~§-30-117~~ [30.1-222](#). Confidentiality of proceedings [before Senate and House Ethics Advisory Panels](#).

All proceedings [conducted](#) during the investigation of any complaint by ~~the Panel~~ [each panel](#) shall be confidential. This rule of confidentiality shall apply to ~~Panel~~ [panel](#) members and their staff, the [appropriate](#) Committee on Privileges and Elections and its staff, and the ~~Virginia Conflict of Interest and Ethics Advisory~~ Council.

Drafting note: A reference to the Virginia Conflict of Interest and Ethics Advisory Council is changed to "Council" to reflect that the term is defined in proposed § 30.1-201. Technical changes are made for clarity and consistency.

~~§-30-118~~ [30.1-223](#). Staff for ~~Panel~~ [Senate and House Ethics Advisory Panels](#).

~~The Panel~~ [Each panel](#) may hire staff and outside counsel to assist the ~~Panel~~ [panel](#) and to conduct examinations of witnesses, subject to the approval of the President ~~Pro Tempore~~ [pro](#)

[tempore](#) of the Senate for the Senate Ethics Advisory Panel and subject to the approval of the Speaker of the House of Delegates for the House Ethics Advisory Panel.

Drafting note: Technical changes are made.

~~§ 30-119~~ [30.1-224](#). Jurisdiction of ~~Panel~~ [Senate and House Ethics Advisory Panels](#).

~~The Senate and House Ethics Advisory Panels~~ [Each panel](#) shall have jurisdiction over any complaint alleging a violation of Articles 2 (~~§ 30-102 et seq.~~) through 5 (~~§ 30-109~~ [30.1-202 et seq.](#)) ~~of this chapter~~ that occurs on or after August 1, 1987, and over any complaint alleging a violation of the [former](#) Comprehensive Conflict of Interests Act, [Chapter 40 \(§ 2.1-599 et seq.\) of Title 2.1](#), occurring after July 1, 1984, and prior to August 1, 1987.

Drafting note: Technical changes are made, including correcting the cross-reference to a former named act.

~~§ 30-120~~ [30.1-225](#). Senate and House Committees on Standards of Conduct.

Either house of the General Assembly may establish, in its rules, a Committee on Standards of Conduct to be appointed as provided in its rules and consisting of three [legislative](#) members, one of whom shall be a member of the minority party. The Committee [on Standards of Conduct](#) shall consider any request by a ~~member~~ [legislator](#) of its house for an advisory opinion as to whether the facts in a particular case would constitute a violation of the provisions of this chapter and may consider other matters assigned to it pursuant to the rules of its house.

Drafting note: A reference to "members" of the General Assembly is changed to "legislator" as such term is defined in proposed § 30.1-201. Technical changes are made for clarity and consistency.

~~§ 30-121~~ [30.1-226](#). Adoption of rules governing procedures and disciplinary sanctions.

Each house of the General Assembly shall adopt rules governing procedures and disciplinary sanctions for ~~members~~ [legislators](#) who have committed alleged violations of this chapter.

Drafting note: A reference to "members" of the General Assembly is changed to "legislators" as such term is defined in proposed § 30.1-201.

1193 §~~30-122~~ [30.1-227](#). Enforcement.

1194 The provisions of this chapter shall be enforced by the Attorney General. In addition to
1195 any other powers and duties prescribed by law, the Attorney General shall have the following
1196 powers and duties:

1197 1. If he determines that any legislator has knowingly violated any provision of this
1198 chapter, he shall designate an attorney for the Commonwealth who shall have complete and
1199 independent discretion in the prosecution of the legislator; and

1200 2. He shall render advisory opinions to any legislator who seeks advice as to whether
1201 the facts in a particular case would constitute a violation of the provisions of this chapter. He
1202 shall determine which of his opinions or portions thereof are of general interest to the public
1203 and ~~which~~ may, from time to time, be published.

1204 Irrespective of whether an opinion of the Attorney General has been requested and
1205 rendered, any legislator has the right to seek a declaratory judgment or other judicial relief as
1206 provided by law.

1207 **Drafting note: Technical change.**

1208 §~~30-123~~ [30.1-228](#). Knowing violation of chapter a misdemeanor.

1209 Any legislator who knowingly violates any of the provisions of Articles 2 through 5 (§~~§~~
1210 ~~30-102 through 30-111~~ [§ 30.1-202 et seq.](#)) ~~of this chapter shall be~~ is guilty of a Class 1
1211 misdemeanor. A knowing violation under this section is one in which the ~~person~~ [legislator](#)
1212 engages in conduct, performs an act, or refuses to perform an act when he knows that the
1213 conduct is prohibited or required by this chapter. There shall be no prosecution for a violation
1214 of §~~30-108~~ [30.1-210](#) or subsection C of §~~30-110~~ [30.1-212](#) unless the house in which the
1215 ~~member~~ [legislator](#) sits has referred the matter to the Attorney General as provided in subdivision
1216 [A](#) 4 of §~~30-116~~ [30.1-221](#).

1217 **Drafting note: A reference to a "member" of the General Assembly is changed to**
1218 **"legislator" as such term is defined in proposed § 30.1-201. Technical changes are made**
1219 **for clarity and consistency.**

1220 §~~30-124~~ 30.1-229. Advisory opinions.

1221 A legislator shall not be prosecuted or disciplined for a violation of this chapter if ~~his~~
1222 the alleged violation resulted from his good faith reliance on a written opinion of ~~a committee~~
1223 the applicable Committee on ~~standards~~ Standards of ~~conduct~~ Conduct established pursuant to §
1224 ~~30-120~~ 30.1-225, an opinion of the Attorney General as provided in § ~~30-122~~ 30.1-227, or a
1225 formal opinion or written informal advice of the Council established pursuant to § ~~30-355~~ 30.1-
1226 1254, and ~~the~~ such opinion or advice was made after ~~his~~ a full disclosure of the facts regardless
1227 of whether such opinion or advice is later withdrawn and provided that the alleged violation
1228 occurred prior to the withdrawal of ~~the~~ such opinion or advice.

1229 **Drafting note: Technical changes are made for clarity and consistency.**

1230 §~~30-125~~ 30.1-230. Invalidation of contract; rescision of sales.

1231 A. Any contract made in violation of § ~~30-103~~ 30.1-203 or ~~§ 30-105~~ 30.1-207 may be
1232 declared void and may be rescinded by the contracting or selling governmental ~~authority~~ agency
1233 within five years of the date of ~~the~~ such contract. In cases in which the contract is invalidated,
1234 the contractor shall retain or receive only the reasonable value, with no increment for profit or
1235 commission, of the property or services furnished prior to the date of receiving notice that the
1236 contract has been voided. In cases of rescision of a contract of sale, any refund or restitution
1237 shall be made to the contracting or selling governmental agency.

1238 B. Any purchase by a legislator made in violation of § ~~30-103~~ 30.1-203 or ~~§ 30-105~~
1239 30.1-207 may be rescinded by the contracting or selling governmental agency within five years
1240 of the date of ~~the~~ such purchase.

1241 **Drafting note: Technical changes are made for clarity and consistency.**

1242 §~~30-126~~ 30.1-231. Civil penalty from violation of this chapter.

1243 A. In addition to any other fine or penalty provided by law, any money or other thing of
1244 value derived by a legislator from a violation of §§ ~~30-103~~ 30.1-203 through ~~30-108~~ 30.1-210
1245 shall be forfeited, and, ~~in the event of a knowing violation, there may also be imposed a~~
1246 legislator who knowingly violates such a provision may be subject to a civil penalty in an

amount equal to the amount of money or thing of value forfeited to the Commonwealth. If the thing of value received by the legislator in violation of this chapter ~~should enhance~~ increases in value between the time of the violation and the time of discovery of the violation, the greater value shall determine the amount of the civil penalty.

B. A legislator ~~who fails~~ required to file the disclosure form ~~required~~ prescribed by § ~~30-111~~ 30.1-214 who fails to file such form within the time period prescribed shall be assessed a civil penalty in an amount equal to \$250. The Council shall notify the Attorney General of any legislator's failure to file the required form within 30 days of the deadline for filing, and the Attorney General shall assess and collect the civil penalty. All civil penalties collected pursuant to this subsection shall be deposited into the general fund and used exclusively to fund the Council.

Drafting note: Language is updated for consistency with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and other technical changes are made.

§ ~~30-127~~ 30.1-232. Criminal prosecutions.

A. Violations of this chapter may be prosecuted notwithstanding the jurisdiction of, or any pending proceeding before, the ~~House~~ Senate Ethics Advisory Panel or ~~Senate~~ House Ethics Advisory Panel.

B. Nothing in this chapter shall limit or affect the application of other criminal statutes and penalties as provided in the Code of Virginia, including ~~but not limited to~~ bribery, embezzlement, perjury, conspiracy, fraud, and violations of the Campaign Finance Disclosure Act ~~Chapter 9.3 of 2006~~ (§ 24.2-945 et seq.) ~~of Title 24.2~~.

Drafting note: Technical changes are made for clarity and consistency.

§ ~~30-128~~ 30.1-233. Limitation of actions.

The statute of limitations for the criminal prosecution of a legislator for violation of any provision of this chapter shall be one year from the time the Attorney General has actual

knowledge of the violation or five years from the date of the violation, whichever event ~~first~~ occurs first.

Drafting note: Technical change.

~~§ 30-129~~ 30.1-234. Venue.

Any prosecution for a violation of this chapter shall be brought in the circuit court of the jurisdiction in which the legislator resides, or the jurisdiction in which he resided at the time of the alleged violation if he is no longer a resident of the Commonwealth.

Drafting note: Technical change.

Article ~~6~~ 7.

Ethics Orientation Sessions.

Drafting note: Existing Article 6, relating to ethics orientation sessions, is retained as proposed Article 7.

~~§ 30-129.1~~ 30.1-235. Orientation sessions on ethics and conflicts of interests.

The Council shall conduct an orientation session on ethics and conflicts of interests (i) for new and returning ~~General Assembly members~~ legislators preceding each even-numbered year regular session and (ii) for any new ~~General Assembly member~~ legislator who is elected in a special election and whose term commences after the date of the orientation session provided for in clause (i) and at least six months before the date of the next such orientation session within three months of his election. Attendance at the full orientation session shall be mandatory for newly elected ~~members~~ legislators. Attendance at a refresher session shall be mandatory for returning ~~members~~ legislators and may be accomplished by online participation. There shall be no penalty for the failure of a ~~member~~ legislator to attend the full or refresher orientation session, but ~~the member~~ each legislator must disclose his attendance pursuant to § ~~30-111~~ 30.1-214.

Drafting note: References to "General Assembly members" are changed to "legislators" as such term is defined in proposed § 30.1-201. Technical changes are made for clarity and consistency.

1300 § ~~30-129.2~~ 30.1-236. Content of orientation sessions.

1301 The orientation session shall provide information and training for ~~the members~~
1302 legislators on ethics and conflicts of interests, ~~on the provisions of the General Assembly~~
1303 ~~Conflicts of Interests Act (§ 30-100 et seq.)~~ this chapter, ~~on the provisions of~~ relevant federal
1304 law ~~provisions~~, and ~~on~~ related issues involving lobbying. Refresher orientation sessions may be
1305 offered online.

1306 **Drafting note: A reference to "members" of the General Assembly is changed to**
1307 **"legislators" as such term is defined in proposed § 30.1-201. Technical changes are made**
1308 **for clarity and consistency.**

1309 § ~~30-129.3~~ 30.1-237. Orientation session preparations.

1310 Those conducting the orientation sessions may call on other governmental agencies in
1311 the legislative or executive branches for assistance, may invite experts to assist in the orientation
1312 sessions, and shall, upon request of a ~~member~~ legislator who holds a professional license or
1313 certification, apply for continuing education credits with the appropriate licensing or certifying
1314 entity for the orientation sessions.

1315 **Drafting note: A reference to a "member" of the General Assembly" is changed to**
1316 **"legislator" as such term is defined in proposed § 30.1-201. Technical changes are made**
1317 **for clarity and consistency.**

1318 #

SUBTITLE II.

THE LEGISLATIVE BRANCH OF GOVERNMENT.

Drafting note: Proposed Subtitle II is created to logically organize provisions relating to the legislative process and legislative agencies headed by a director who is subject to confirmation by the General Assembly. Proposed Subtitle II is divided into proposed Chapters 3 (Officers of the General Assembly), 4 (Legislative Process and Procedures), 5 (Auditor of Public Accounts), 6 (Division of Capitol Police), 7 (Division of Legislative Automated Systems), 8 (Division of Legislative Services), 9 (Joint Legislative Audit and Review Commission, and 10 (Reapportionment and Redistricting).

CHAPTER 3.

OFFICERS OF THE GENERAL ASSEMBLY.

Drafting note: Proposed Chapter 3, Officers of the General Assembly, is created to logically organize provisions in existing Chapters 1 (General Assembly and Officers Thereof), 1.1 (General Assembly Salaries and Expenses), 13.1 (Sexual Harassment Training Act), and 19 (Virginia Commission on Intergovernmental Cooperation) relating to the roles, duties, and privileges of officers of the General Assembly. Proposed Chapter 3 contains the following three articles: Article 1 (The Clerks of the General Assembly), Article 2 (Officers and Employees of the General Assembly), and Article 3 (Virginia Commission on Intergovernmental Cooperation).

Article 1.

The Clerks of the General Assembly.

Drafting note: Existing provisions relating to the Clerks of the General Assembly and the roles, duties, and privileges of their staff are logically organized and consolidated in proposed Article 1.

§ ~~30-12~~ 30.1-300. Duties of ~~officers~~ the Clerks of each house; operation of the General Assembly.

27 A. The ~~several officers~~ Clerks of each house of the General Assembly shall perform
28 such duties as shall be required of them by their respective houses and shall each receive such
29 salaries as shall be fixed from time to time by the general appropriation act.

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

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

33 ~~§ 30-19.20. Employment and compensation of personnel.~~

34 ~~The House of Delegates and the Senate and the clerks thereof are~~

35 B. The Clerks of each house are authorized to employ such personnel as may be deemed
36 necessary for the efficient operation of the General Assembly, including each of its standing
37 committees approved by the Committee on Rules of the appropriate house, as prescribed by the
38 rules or resolutions of the respective houses. The compensation of such personnel shall be set
39 by resolution and such personnel shall be paid from the contingent fund of each house.

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

43 C. The maintenance, operation, upkeep, upgrades, and construction of the General
44 Assembly Building and other legislative spaces shall be overseen and directed by the Clerks of
45 each house acting jointly, except that each Clerk shall be responsible for their respective spaces
46 in the General Assembly Building or any other legislative space.

47 D. The Clerks of each house shall jointly administer the Capitol Guides program.

48 E. Executive orders or other directives issued by the Governor or other executive branch
49 agency that relate to purchasing, finance, or information technology are not applicable to the
50 legislature, as a separate and distinct branch of government, except in the event that the Clerks
51 of the House of Delegates and the Senate jointly determine, subject to the agreement of the
52 Speaker of the House and the chair of the Senate Committee on Rules, that compliance with
53 such order or directive is in the best interest of the legislature.

F. The Clerks of each house are authorized to agree to or enter into any Memorandum of Understanding or other agreement with any executive branch agency or private vendor for any and all services.

Drafting note: Existing §§ 30-12, 30-19.19, and 30-19.20 are combined in this proposed section because they address related topics. Technical changes are made for clarity and consistency. Technical changes are made for clarity and consistency.

A provision of existing § 30-34.2 relating to the maintenance and operation of the General Assembly Building is relocated to this proposed section and revised to more accurately describe the scope of the Clerks' authority over the General Assembly Building and other legislative spaces. A provision of existing § 30-34.2 relating to the Capitol Tour Guides is relocated to this proposed section and revised to reflect the operational name of the Tour Guides program.

Proposed subsections E and F restate the principle of separation of powers as it relates to executive orders and directives and the applicability of such to the legislature and codify the general authority of the Clerks of each house to make decisions related to the operation of the legislature.

~~§ 30-13. Other duties of Clerk of House of Delegates; publication of proposed amendments to Constitution.~~

~~In addition to such duties as may be prescribed by the rules of the House of Delegates, the Clerk of the House of Delegates shall at the end of the session of the General Assembly prepare a well-arranged index to the journal of the House and the documents printed during the session by order of the House. He shall have published, with the acts and joint resolutions proposing amendments to the Constitution; joint resolutions providing for studies for legislation of each session of the General Assembly; the unadjusted United States decennial census counts for the Commonwealth's counties, cities, and towns; and a carefully prepared and well-arranged index of the acts and joint resolutions.~~

~~The Clerk of the House of Delegates shall have published all proposed amendments to the Constitution for distribution from his office and to the clerk of the circuit court of each county and city two copies of the proposed amendments, one of which shall be posted at the front door of the courthouse and the other shall be made available for public inspection. Every clerk of the circuit court shall complete the posting required not later than three months prior to the next ensuing general election of members of the House of Delegates and shall certify such posting to the Clerk of the House of Delegates. The Clerk of the House of Delegates shall report to the General Assembly at its next regular session the action taken by him under this section, including the costs incurred in the printing and distribution of the amendments. The report shall be published in the Journal of the House of Delegates.~~

Drafting note: This section is proposed for repeal. Provisions in the first paragraph and Article IV, Sections 7 and 10 of the Constitution of Virginia are redundant. Provisions in the second paragraph predate the Code of 1919 and are not reflective of the modern constitutional amendment process.

~~§ 30-14~~ 30.1-301. Clerk of the House of Delegates to be Keeper of the Rolls; ~~other duties~~ certification of acts and other records.

A. The Clerk of the House of Delegates shall be the Keeper of Rolls of the Commonwealth. He shall, by such permanent and substantial method as he may deem proper, enroll all of the acts of the General Assembly and joint resolutions proposing amendments to the Constitution and shall reenroll all bills that have been amended in accordance with the recommendation of the Governor ~~by such other permanent and substantial method or methods as he may deem proper; and~~. He shall have the enrolled acts bound for publication after they have been signed by the Speaker of the House of Delegates and the President of the Senate.

B. The Clerk of the House of Delegates shall have the custody of the acts and joint resolutions of the General Assembly; and the records of the House of Delegates; ~~and, when required, shall furnish a copy of any or any part of any of them, or of any section or sections of the Code in the form published pursuant to § 30-148; which copy, being certified by him shall~~

~~be evidence for any purpose for which the original would be received, and with as much effect.~~
He shall, upon request, provide a copy of an act of assembly or a record made in the
performance of his official duties, and such copy shall be as admissible into evidence as the
original, provided that such copy is certified by him as a true copy of such act or record. The
Clerk shall charge a reasonable fee for certifying a copy of an act of assembly. If an act or part
of an act of the General Assembly has been codified and assigned a section number ~~as a part of~~
within the Code of Virginia, by the Virginia Code Commission pursuant to § ~~30-148~~ 30.1-812,
~~he~~ the Clerk may also certify that fact.

~~He~~ C. The Clerk of the House of Delegates shall, as soon as practicable after every act
is ~~passed~~ enacted, prepare the acts for publication with a notation of the day upon which every
act was approved by the Governor or became law without his approval. He shall furnish to the
Director of the Division of Legislative Automated Systems ~~the manuscript~~ an electronic copy
of all acts of the General Assembly and joint resolutions proposing amendments to the
Constitution and joint resolutions providing for studies for legislation, ~~or a copy thereof,~~
properly arranged for publication. As soon as practicable after the adjournment of the General
Assembly, he shall furnish the index and the tables required by law and the date of adjournment
of the session, and shall ~~superintend~~ oversee the publication of such acts, joint resolutions,
resolutions, date of adjournment, tables, and index, in connection with the Director of the
Division of Legislative Automated Systems.

~~§ 30-14.4. Deputy clerks of the House of Delegates; certification of acts and resolutions
of the General Assembly and other records.~~

D. The Clerk of the House of Delegates, as Keeper of the Rolls of the Commonwealth,
may, ~~during the term of his office,~~ appoint deputy clerks, ~~with the approval of the Speaker of~~
~~the House of Delegates, for furnishing copies of acts and resolutions of the General Assembly~~
~~and records and papers of the House of Delegates~~ who shall, during the absence of ~~the said~~ such
Clerk or after his death, resignation, or retirement, furnish copies of acts and resolutions of the
General Assembly and records and papers of the House of Delegates, which ~~copies, being~~

~~certified by such deputy clerks,~~ when certified by any such deputy clerk shall be evidence for any purpose for which the original would be received, and with as much effect. The Clerk ~~of the House of Delegates making such appointments~~ shall certify ~~the same~~ the appointment of any such deputy clerk to the Secretary of the Commonwealth. Any ~~such deputies~~ deputy clerk so appointed shall, before entering upon the duties of such office, ~~shall~~ take and subscribe the oath of office and file the same with the Secretary of the Commonwealth. Any ~~such deputies~~ deputy clerk may be removed from office by the Clerk ~~of the House of Delegates by~~ who shall provide written notice of such removal to the Secretary of the Commonwealth.

Drafting note: Existing §§ 30-14, 30-14.2, 30-14.4, and 30-14.01 are combined in this proposed section because they address related topics. A substantive change is made from existing § 30-14.01 to require only that a "reasonable fee" be charged for certification of a copy. An unnecessary restatement of a constitutional requirement in existing § 30-14.2 is proposed for deletion. Technical changes are made for clarity and consistency.

~~§ 30-14.01. Certifying copy of act; fee.~~

~~The Clerk of the House of Delegates shall charge for certifying a copy of an Act of Assembly the sum of five dollars.~~

Drafting note: This section is proposed for deletion and relocation to proposed subsection B of § 30.1-301.

~~§ 30-14.2. Reenrollment of bills amended in accordance with recommendations of Governor.~~

~~The Clerk of the House of Delegates in his capacity as Keeper of the Rolls of the Commonwealth shall reenroll all bills which have been amended in accordance with the recommendation of the Governor, and such reenrolled bills shall be treated in the same manner as provided in Article IV, Section 11 of the Constitution of Virginia for every bill that has passed both houses, before being presented to the Governor for his final action.~~

Drafting note: This section is proposed for deletion and relocation to proposed subsection A of § 30.1-301.

~~§ 30-14.1. Enrollment of act to codify the laws; printing and distribution.~~

~~The provisions of § 30-14, concerning the manner and method of enrollment of the acts of the General Assembly shall not apply to an act to codify the laws of the Commonwealth. In the case of such legislation the bill itself or a copy thereof, with all amendments to such bill, if any there be, incorporated therein, or with such amendments or copies thereof attached to or accompanying such bill or copy of such bill, shall be taken and preserved as the enrolled bill. If any such amendments are actually incorporated in the bill, or copy of the bill, they may be so incorporated in such manner and by such method as the Clerk of the House of Delegates deems most practicable, except that the Clerk shall not, in order to accomplish such incorporation, require the entire bill to be reprinted, or require any portion of the bill to be reprinted which is not affected by any amendment. Such bill or copy, with the amendments or copies of the amendments as a part of the bill or copy thereof, as made up by the Clerk in accordance with this section, shall be signed by the presiding officers of the Senate and House of Delegates and sent in such form to the Governor for his approval.~~

~~The Clerk of the House of Delegates, as Keeper of the Rolls of the Commonwealth, shall not be required to furnish to anyone a copy of an act to codify the laws of the Commonwealth, nor to prepare such an act for publication, nor to furnish to the Comptroller the manuscript of such an act, or any copy thereof. Nor shall the Clerk of the House of Delegates or the Comptroller be required to print, publish or distribute an act to codify the laws of the Commonwealth, as other acts and the joint resolutions of the General Assembly are printed, published or distributed; unless it should be provided in the act to codify the laws, as adopted, that some titles, chapters, articles or sections thereof shall take effect in advance of the remainder of the act, in which event such titles, chapters, articles, and sections of the act, with all amendments which affect them actually incorporated therein, shall be printed and distributed as are other acts of Assembly, but may be separately printed and bound. The Comptroller shall,~~

~~however, cause to be done any printing that the Clerk of the House of Delegates requires to be done as a part of the process of incorporation of amendments to any bill to codify the laws of the Commonwealth.~~

Drafting note: This section is proposed for repeal as obsolete. Existing § 30-14.1 was added to the Code of Virginia in 1948 after the codification of an Act of Assembly that carved out an exemption to the usual rules regarding enrollment of acts of the General Assembly for "an act to codify the laws of the Commonwealth." Such act refers to the codification of the Acts of Assembly of 1948 and other statutes enacted prior to 1948 in order to create the 1950 Code of Virginia.

~~§ 30-15. Index to Senate journal.~~

~~The Clerk of the Senate shall, at the end of each session, prepare an index to the journal of the Senate and the documents printed by its order and deliver the same to the Comptroller.~~

Drafting note: This section is proposed for repeal as unnecessary. Such provisions and Article IV, Sections 7 and 10 of the Constitution of Virginia are redundant.

~~§ 30-15.1~~ 30.1-302. ~~Deputy clerks~~ Clerk of the Senate of Virginia; certification of records.

The Clerk of the Senate may appoint deputy clerks, ~~for performing~~ who shall, during the absence of such Clerk or after his death, resignation, or retirement, perform the duties of such Clerk ~~and for, including~~ signing originals, ~~or furnishing copies,~~ of records and papers of the Senate, ~~during the absence of such Clerk or after his death, resignation or retirement or furnishing copies of such records and papers,~~ which ~~copies, being when~~ certified by any such deputy clerk, shall be evidence for any purpose for which the original would be received, and with as much effect. The Clerk of the Senate ~~making such appointments,~~ shall certify the ~~same~~ appointment of any such deputy clerk to the Secretary of the Commonwealth. Any such deputy so appointed, before entering upon the duties of such office, shall take and subscribe the oath of office and file the same with the Secretary of the Commonwealth. Any such deputy may be

213 removed from office by the Clerk of the Senate ~~by, who shall provide~~ written notice of such
214 removal to the Secretary of the Commonwealth.

215 **Drafting note: Technical changes are made for clarity.**

216 § ~~30-16~~ 30.1-303. ~~Books and maps of committees; original bills~~ Clerks as custodians of
217 original bills and committee reference materials.

218 It shall be the duty of the ~~Clerk of the Senate and of the Clerk of the House of Delegates,~~
219 ~~respectively,~~ Clerks of each house to take charge of and keep, during the recess of the General
220 Assembly, all the books and maps belonging to the several standing committees of their
221 respective houses, and to deliver the same at the commencement of each session to the clerks
222 or ~~chairmen~~ chairs of such committees, who shall return them to the ~~Clerks of the two houses~~
223 respective Clerk at the end of the session. ~~They shall keep all~~ All original bills and resolutions
224 that are offered in ~~their respective houses~~ either house shall be maintained by the respective
225 Clerk until the close of the session of the General Assembly next succeeding the session at
226 which they were offered, at which time they shall be transferred to The Library of Virginia for
227 archival deposit.

228 **Drafting note: Technical changes are made for clarity.**

229 § ~~30-15.1:1~~ 30.1-304. Use of Senate armorial bearings; penalty.

230 ~~The armorial bearings adopted by the Senate of Virginia as their official armorial~~
231 ~~bearings shall carry the following protections on their use:~~

232 ~~1.~~ A. Only current and former members of the Senate of Virginia and the Clerk of the
233 Senate shall have the authority to utilize ~~such~~ the official armorial bearings adopted by the
234 Senate of Virginia or any facsimile or representations of the armorial bearings. Use by any other
235 persons is punishable as a Class 3 misdemeanor.

236 ~~2.~~ B. Representations of such armorial bearings used by former members of the Senate
237 shall be colored blue. A violation of this subsection is punishable as a Class 4 misdemeanor.

~~3. Such use shall not be~~ C. No person shall use the Senate armorial bearings, or any facsimile or representation of such, for any commercial purpose. A violation of this subsection is punishable as a Class 4 misdemeanor.

~~4. Any person violating the provisions of subdivision 1 shall be guilty of a Class 3 misdemeanor. Any person violating the provisions of subdivisions 2 and 3 shall be guilty of a Class 4 misdemeanor.~~

Drafting note: Technical changes are made for clarity and consistency.

~~§ 30-15.2. Distribution of Code, supplements and replacement volumes to members of Senate.~~

~~The Virginia Code Commission shall, with moneys from the contingent fund of the Senate, acquire and distribute to each member of the Senate, to become his own property, a set of the Code of Virginia, and distribute the supplements and replacement volumes thereto for the period such member serves in the Senate. The Code, supplements and replacement volumes shall be distributed only to those members who request the same. The Code shall not be distributed to members of the Senate who previously have been furnished a set of the Code by the Commonwealth; however, such members shall, upon request, receive from the Virginia Code Commission supplements and replacement volumes to the Code for the period such members serve in the Senate.~~

Drafting note: This section is proposed for repeal as obsolete.

§ 30.1-305. Sexual harassment training course; recordkeeping.

A. As used in this section, unless the context requires a different meaning, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

B. The Clerk of the House of Delegates and the Clerk of the Senate shall develop and provide a sexual harassment training course for members of their respective body and other

employees of the legislative branch. The sexual harassment training course shall be (i) provided online; (ii) available 24 hours per day, seven days per week; and (iii) substantially similar to any sexual harassment training course offered through the Commonwealth of Virginia Learning Center administered by the Department of Human Resource Management.

The content of the sexual harassment training course provided by the Clerks of each house shall be substantially similar.

C. The Clerks of each house shall each ensure that the sexual harassment training course developed and provided by their office has the means by which a person successfully completing the training course may print a certificate of course completion that includes the person's name, the name of the state agency employing the person, the date on which the training was successfully completed, the name of the training course, and a unique serial number or other unique identifying information for each certificate.

D. The Clerks of each house shall maintain records of course completion for the members and members-elect elected to their respective body. Each record at a minimum shall include the name of the General Assembly member or member-elect completing the training, the date on which the training was successfully completed, and the name of the training course. Such records shall be maintained by the Clerks for at least five years for public inspection.

Drafting note: Provisions of existing § 30-129.4 are retained and relocated. Provisions of existing § 30-129.4 applicable to members and members-elect of the General Assembly are retained in Chapter 1, Article 1. Technical changes are made for clarity.

Article 2.

Officers and Employees of the Legislative Branch.

Drafting note: Existing provisions relating to officers and employees of the legislative branch are reorganized and consolidated in proposed Article 2.

§ 30.1-306. Privileges of officers and employees of the General Assembly.

The officers and employees of the General Assembly, including the Clerks of each house and their deputy clerks and full-time assistant clerks, the sergeant-at-arms of each house,

[and the Lieutenant Governor, shall be entitled to those rights and privileges granted to members and members-elect of the General Assembly pursuant to §§ 30.1-101, 30.1-104, and 30.1-105.](#)

Drafting note: Portions of existing §§ 30-4, 30-5, 30-6, and 30-7 set out certain privileges enjoyed by members of the General Assembly that relate to criminal and civil court proceedings and extend such privileges to other officers and employees of the legislative branch. This proposed section consolidates the provisions from the existing sections extending such privileges to other officers and employees of the General Assembly and is revised to be an affirmative statement of law.

[§ 30.1-307. Sexual harassment training required biennially.](#)

[A. As used in this section, unless the context requires a different meaning:](#)

["Legislative branch employee" means any full-time employee of the General Assembly or other legislative branch agency of the Commonwealth and includes persons working full-time for a member of the General Assembly who are compensated in whole or in part with state appropriations.](#)

["Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.](#)

["Sexual harassment training course" means the sexual harassment training courses developed and provided by either the Clerk of the House of Delegates or the Clerk of the Senate pursuant to § 30.1-305.](#)

[B. All legislative branch employees shall complete a sexual harassment training course once every two calendar years. Legislative branch employees who are officers or employees of the Office of the Clerk of the House of Delegates or who work for a member of the House of Delegates shall complete the sexual harassment training course provided by the Clerk of the House of Delegates. Legislative branch employees who are officers or employees of the Office of the Clerk of the Senate or who work for a member of the Senate shall complete the sexual](#)

harassment training course provided by the Clerk of the Senate. All other legislative branch employees shall complete the sexual harassment training course provided by either the Clerk of the House of Delegates or the Clerk of the Senate.

C. A legislative branch employee shall complete the sexual harassment training course within 90 days of commencing employment, except that no employee shall be required to complete such training course more than once in 12-month period. A legislative branch employee who commences employment having successfully completed the sexual harassment training course in the immediately preceding twelve months shall complete such training course within one calendar year and thereafter once every two calendar years.

~~§ 30-129.6. Responsibility of agency heads for sexual harassment training.~~

D. The director or head of each agency in the legislative branch shall be responsible for ensuring that ~~the agency's legislative branch employees~~ each employee of such agency ~~comply~~ complies with the ~~training~~ requirements ~~established under this chapter~~ of this section.

Drafting note: Existing § 30-129.6 and provisions in existing § 30-129.5 are combined in this proposed section because they address related topics. Provisions of existing § 30-129.5 applicable to members and members-elect of the General Assembly are retained in Chapter 1, Article 1. Technical changes are made for clarity.

~~CHAPTER 19.~~

~~VIRGINIA COMMISSION ON INTERGOVERNMENTAL COOPERATION.~~

Article 3.

Virginia Commission on Intergovernmental Cooperation.

Drafting note: Existing Chapter 19, relating to the Virginia Commission on Intergovernmental Cooperation, is retained as proposed Article 3.

~~§ 30-171~~ 30.1-308. Virginia Commission on Intergovernmental Cooperation; membership; staff; compensation and expenses; quorum.

A. The Virginia Commission on Intergovernmental Cooperation (the Commission) is established in the legislative branch of state government. The Commission shall ~~consist~~ have a

total membership of ~~the following~~ 14 members that shall include 12 legislative members and
two ex officio members. Members shall be appointed as follows: ~~(i) the six members of the~~
~~Commission on Interstate Cooperation of the Senate, (ii) the six~~

1. Six members of the Commission on Interstate Cooperation of the House of Delegates,
to be appointed by the Speaker of the House of Delegates in accordance with the principles of
proportional representation contained in the Rules of the House of Delegates; and ~~(iii) the~~

2. Six members of the Commission on Interstate Cooperation of the Senate to be
appointed by the Senate Committee on Rules.

The Clerk of the ~~Senate and the Clerk of the~~ House of Delegates ~~who~~ and the Clerk of
the Senate shall serve ~~as~~ ex officio; with nonvoting ~~members of the Commission~~ privileges.

B. The ~~chairman~~ chair and ~~vice-chairman~~ vice-chair of the Commission shall serve for
a period of two years, and the ~~chairmanship~~ roles of chair and ~~vice-chairmanship~~ vice-chair
shall alternate between the ~~chairman~~ chair of the ~~Senate Commission on Interstate Cooperation~~
~~and the chairman of the~~ House Commission on Interstate Cooperation and the chair of the
Senate Commission on Interstate Cooperation.

C. The Commission ~~on Intergovernmental Cooperation~~ shall select such officials of
state government as it deems proper to serve ~~as~~ ex officio; with nonvoting ~~members of the~~
~~Commission~~ privileges for terms of four years each.

D. The Division of Legislative Services shall furnish upon request such staff assistance
and services to the Commission and its committees as may be required ~~to carry forth the charge~~
~~of~~ by the Commission.

E. Members of the Commission shall receive such compensation as provided in § ~~30-~~
~~19.12~~ 30.1-109 and shall be reimbursed for all reasonable and necessary expenses incurred in
the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs
of compensation and expenses of the members shall be provided from existing appropriations
to the Commission.

F. A majority of the members of the Commission shall constitute a quorum. ~~The Commission shall elect a chairman and vice-chairman from among its membership.~~ Meetings of the Commission shall be held at the call of the ~~chairman~~ chair or whenever the majority of the members so request.

Drafting note: Technical changes are made.

§ ~~30-172~~ 30.1-309. Powers and duties of Commission.

The Commission shall have the ~~power~~ following powers and ~~duty to~~ duties:

1. Encourage and arrange conferences with officials of other states and other units of government;
2. Carry forward the participation of ~~Virginia~~ the Commonwealth as a member of the Council of State Governments, both regionally and nationally;
3. Formulate proposals for cooperation between ~~Virginia~~ the Commonwealth and other states;
4. Establish such committees as it deems advisable to conduct conferences and formulate proposals concerning subjects of interstate cooperation;
5. Monitor and evaluate the Commonwealth's participation in interstate compacts;
6. Review, evaluate, and recommend suggested uniform state legislation;
7. Require, at its discretion, from any appointee representing ~~Virginia~~ the Commonwealth on any interstate compact, commission, committee, or board, a report on that organization's work and accomplishments;
8. Review, evaluate, and make recommendations concerning federal policies that are of concern to the Commonwealth;
9. Establish such committees as deemed advisable and designate the members of every such committee. State officials who are not members of the Commission may be appointed as members of any such committee, but at least one member of the Commission shall be a member of every such committee; and

10. Appoint persons drawn from the membership of the Senate, the membership of the House of Delegates, and officials of state and local government to serve on those intergovernmental boards, committees, and commissions~~as~~ to which the Commonwealth is entitled to such appointment, or is invited to make such appointment, provided that members of the General Assembly shall be appointed as follows:

a. If an appointment be made from the membership of the Senate, such an appointment shall be made by the Commission on Interstate Cooperation of the Senate and shall be approved by the Chair of the Committee on Rules; and

b. If an appointment be made from the membership of the House of Delegates, such appointment shall be made by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates.

The Commission may provide such rules as it considers appropriate concerning the membership and the functioning of any committee established.

Drafting note: Technical changes are made for clarity and consistency..

§~~30-173~~ 30.1-310.~~Commission of~~ Senate and~~Commission of~~ House~~of Delegates~~ Commissions on Interstate Cooperation; membership; compensation and expenses; quorum.

A. There is established a Commission on Interstate Cooperation of the Senate (the Senate Commission) in the legislative branch of state government, to consist of six senators as follows: the Chair of the Committee on Rules of the Senate, who shall serve as~~Chairman~~ chair of the Senate Commission, and five members appointed by the Senate Committee on Rules.

B. There is established a Commission on Interstate Cooperation of the House of Delegates (the House Commission) in the legislative branch of state government,~~also~~ to consist of six members;~~and the~~. The members shall be appointed and the~~chairman~~ chair of the House Commission shall be designated from among the membership of the House Commission by the Speaker of the House of Delegates in accordance with the principles of proportional representation as contained in the Rules of the House of Delegates.

C. ~~Such bodies of the~~ The Senate and ~~of the~~ House ~~of Delegates~~ Commissions shall function during the regular sessions of the General Assembly and also during the interim periods between such sessions. Members appointed and designated shall serve terms coincident with their terms of office.

D. Members of the ~~commissions~~ Senate and House Commissions shall receive such compensation as provided in § ~~30-19.12~~ 30.1-109 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties pursuant to § ~~30-171~~ 30.1-308 and this section as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Virginia Commission on Intergovernmental Cooperation.

E. A majority of the members shall constitute a quorum on each commission. Meetings of each commission shall be held at the call of the ~~chairman~~ chair or whenever a majority of the members so request.

Drafting note: Technical changes are made.

~~CHAPTER 4.~~

~~COMMITTEE TO INVESTIGATE RACIAL ACTIVITIES.~~

~~§§ 30-35 through 30-41. Repealed.~~

Drafting note: Repealed by Acts 1958, c. 373.

CHAPTER 4.

LEGISLATIVE PROCESS AND PROCEDURES.

Drafting note: Proposed Chapter 4 consolidates §§ 30-10, 30-11, 30-14.3, 30-16.1, 30-17, 30-19, 30-19.03, 30-19.03:1.2, 30-19.03:1.3, 30-19.1:4, 30-19.1:7, 30-19.1:11, 30-19.3, 30-19.9, and 30-19.10 of existing Chapter 1. These sections are related to the legislative process and procedures and required estimates and statements. The two proposed articles in this chapter are as follows: Article 1 (Procedures of the Legislative Session) and Article 2 (Impact Statements and Other Legislative Requirements).

Article 1.

Procedures of the Legislative Session.

Drafting note: Sections 30-10, 30-11, 30-19.3, 30-14.3, 30-16.1, 30-17, and 30-19 of existing Chapter 1 are retained as proposed Article 1.

§ 30.1-400. Deadline for requesting bills and resolutions.

A. The deadline for submitting drafting requests to the Division of Legislative Services for a bill or resolution to be prefiled and the deadline for prefilng a bill or resolution with the appropriate Clerk shall be established by the procedural resolution adopted by the General Assembly, or in default thereof, adopted by the Joint Rules Committee.

B. All drafting requests from the Governor, a Governor's Secretary, the Lieutenant Governor, the Attorney General, or the head of any judicial, legislative, or independent agency shall be submitted to the Division of Legislative Services on or before the same deadline for submitting drafting requests applicable to members of the General Assembly established pursuant to this section. Requests from the Governor may also be submitted in accordance with the procedures established by the Joint Rules Committees for the conduct of business during a legislative session.

Drafting note: Existing subdivision A 3 of § 30-19.3 and existing subsection C of § 30-28.18 are relocated to this proposed section because they address related topics. Technical changes are made for clarity.

~~§ 30-19.3~~ § 30.1-401. Prefiling of bills and resolutions.

A. 1. Any member or member-elect of the next regular session of the General Assembly may prefile bills and resolutions for even-numbered-year regular sessions beginning the third Monday in November of the preceding year with the Clerk of the House of Delegates or the Clerk of the Senate as appropriate.

2. Any member or member-elect of the General Assembly may prefile bills and resolutions for odd-numbered-year regular sessions beginning the third Monday in July of the preceding year with the Clerk of the House of Delegates or the Clerk of the Senate as appropriate.

~~3. Any bill or resolution prefiled shall be endorsed by the handwritten signature of at least one member or member-elect as a patron. An electronic signature may be substituted for a handwritten signature on prefiled legislation as may be approved by each house in accordance with its rules and procedures. In no event shall a bill or resolution be prefiled by a member of the General Assembly who was not re-elected to the next regular session of the General Assembly. The deadline for submitting drafting requests for legislation to be prefiled to the Division of Legislative Services and the deadline for prefiling legislation with the appropriate Clerk shall be established by the procedural resolution adopted by the General Assembly, or in default thereof, adopted by the Joint Rules Committee.~~

B. In the event of the convening of a special session of the General Assembly, only bills relating to the stated purpose of such special session and resolutions affecting the rules of procedure or schedule of business of the General Assembly may be prefiled as provided in subsection A ~~of this section beginning~~. Such prefiling may begin on the day on which either (i) the Governor announces the date on which such special session is to convene, or (ii) two-thirds of the members elected to each house of the General Assembly make application to the Governor for the convening of such special session.

C. The ~~Clerks~~ Clerk of the House of Delegates and the Clerk of the Senate shall assign numbers to prefiled bills and resolutions in the order of their receipt, refer them to the appropriate committee with the advice of the Speaker of the House of Delegates, in the case of House bills, and ~~in the case of Senate bills,~~ in accordance with the Rules of the Senate, in the case of Senate bills, and have a sufficient number of ~~them~~ such bills and resolutions printed for circulation as provided in this section.

~~D. Printed prefiled bills and resolutions shall be periodically mailed to each member and member-elect of the General Assembly and shall be made available to the press and public in the same manner as bills and resolutions introduced after the General Assembly convenes.~~

Drafting note: Existing subsection D is proposed for repeal as obsolete. Technical changes are made for clarity and consistency and to modernize language.

§ 30.1-402. Electronic filing of floor substitute bills, conference committee reports, and substitute bills accompanying such reports; access.

Copies of all floor substitute bills, conference committee reports, and substitute bills accompanying a conference committee report shall be placed in a secure electronic file immediately following the final drafting of such bills and reports. The Clerk of the House of Delegates or the Clerk of the Senate or their employee designees may access such files after such bills or reports are offered for introduction in either house.

Drafting note: Existing subdivision A 3 of § 30-28.18 is proposed for relocation to this section. Technical changes are made for clarity.

~~§ 30-14.3~~ 30.1-403. Keeper of the Rolls ~~authorized to~~ may correct typographical errors, misspellings, and other unmistakable errors ~~etc., in legislation~~ bills and resolutions; notice to Virginia Code Commission.

A. The Keeper of the Rolls of the Commonwealth is authorized to correct typographical errors, misspellings, and other unmistakable errors contained in ~~legislation~~ bills and resolutions in the form that they are offered, printed, engrossed, enrolled, or printed after passage; ~~and for the sake of uniformity to change from upper to lower case or vice versa, take out or put in hyphens, change from one word form to two word form or vice versa, to the end that it will not be necessary to encumber the journal with amendments for such purposes.~~

~~§ 30-16.1. Correction of misspellings in bills and resolutions already introduced.~~

~~The Clerk of the Senate and the Clerk of the House of Delegates are hereby empowered to correct misspellings contained in bills and resolutions introduced in their respective houses; provided that the corrections do not in any way alter the bill's or resolution's substantive legal meaning or effect~~ of the bill or resolution. Such determination shall be made in consultation with the Director of the Division of Legislative Services or his designee, who shall also be an experienced lawyer and member of the bar of the Commonwealth.

B. Any correction made in a bill or resolution to language not being amended or added to the Code of Virginia shall be communicated to the Virginia Code Commission immediately

following each regular session of the General Assembly to ensure such corrections are incorporated into the Code of Virginia as part of the Code Commission's duty to codify session laws pursuant to § 30.1-812.

Drafting note: Existing §§ 30-14.3 and 30-16.1 are consolidated into proposed § 30-403 and revised. The authority of the Clerks of the House of Delegates and the Senate to correct misspellings in bills and resolutions is vested in the Keeper of the Rolls of the Commonwealth, in addition to the Keeper's authority to correct typographical errors. A substantive change is made to allow the Keeper of the Rolls to also correct unmistakable errors. The existing requirement that any corrections of misspellings do not alter the meaning or effect of the bill or resolution is retained and applied to corrections of typographical and other unmistakable errors. A substantive change is made to involve the Director of the Division of Legislative Services or his designee in the determination of whether any such correction alters the substantive legal meaning or effect of the bill or resolution. A substantive change is made to require corrections that are made to existing Code of Virginia language in any bill or resolution be communicated to the Virginia Code Commission immediately following each regular session; such notice is necessary to ensure such corrections are incorporated into the Code of Virginia when the Code Commission carries out its statutory duty to codify the session laws. Technical changes are made for clarity and consistency and to modernize language.

~~§ 30-17~~ 30.1-404. Alteration, secretion, or destruction of ~~pending~~ bills or resolutions; penalty.

~~If any~~ Any person ~~shall who~~ fraudulently ~~erase erases, alter alters, secrete secretes, or destroy destroys~~ any bill, resolution, or amendment ~~to any bill pending before the General Assembly, or either branch thereof, or before any committee of either or of both branches, or any enrolled bill of the General Assembly, or either branch thereof,~~ after its introduction or ~~shall fraudulently, or with improper intent, endeavor~~ endeavors to influence any officer or employee of the General Assembly, ~~or of either branch thereof, to erase, alter, secrete or destroy~~

559 ~~any such bill, amendment or enrolled bill, he~~ to do the same shall be ~~confined in the penitentiary~~
560 punished by a term of imprisonment of not less than one year nor more than five years.

561 **Drafting note: Technical changes are made for clarity.**

562 ~~§ 30-19~~ 30.1-405. ~~How~~ Amendments to the Constitution ~~amended~~.

563 Any amendment ~~or amendments~~ to the Constitution may be proposed in the ~~Senate or~~
564 House of Delegates or the Senate by resolution, which shall contain such proposed amendment
565 ~~or amendments~~ prepared in ~~such~~ the form ~~as is in accordance with that~~ prescribed by the rules
566 of the House of Delegates and the Senate for deletions and additions of language and be ~~spread~~
567 ~~at length on~~ presented in full in the journal of the house in which it is offered, ~~and if~~. If it is
568 agreed to by a majority of the members elected ~~thereto~~ to such house with ayes and noes taken
569 ~~thereon~~, it shall be communicated to the other house where it shall be dealt with in like manner;
570 ~~and when~~. When so agreed to by both houses, it shall be enrolled as provided by law and signed
571 by the ~~President of the Senate and~~ Speaker of the House of Delegates and the President of the
572 Senate. Such amendment ~~or amendments~~ shall ~~thereupon~~ then stand referred to the General
573 Assembly at its first regular session held after the next general election of members of the House
574 of Delegates. If at such regular session the proposed amendment ~~or amendments shall be~~ is
575 agreed to by a majority vote of all the members elected to each house, the same shall be
576 submitted to ~~the people~~ voters, not sooner than ~~ninety~~ 90 days after final passage, by a bill or
577 resolution introduced for such purpose, ~~and if the people shall approve and ratify such~~
578 ~~amendment or amendments by the majority of the electors qualified to vote for the members of~~
579 ~~the General Assembly voting thereon, such~~. Such amendment ~~or amendments~~ shall become a
580 part of the Constitution if approved and ratified by a majority of qualified voters.

581 **Drafting note: Technical changes are made for clarity and consistency and to**
582 **modernize language.**

583 ~~§ 30-19~~ 30.1-406. Attendance of witnesses; production of evidence; administration of
584 oaths to witnesses.

A. When the ~~Senate or~~ House of Delegates, the Senate, or a joint committee or commission thereof, or any committee of either house authorized to send for ~~persons~~ witnesses and ~~papers~~ evidence, ~~shall order~~ orders the attendance of ~~any a~~ witness, or the production of ~~any paper as~~ evidence, a summons shall be issued accordingly by the ~~clerk~~ Clerk of ~~such the~~ appropriate house, ~~directed~~ to the sheriff or other officer of any county or city, or the chief officer of the ~~Virginia~~ Division of Capitol Police, or his designee, ~~and, when served, obedience thereto.~~ Such summons may be enforced by attachment, fine, and imprisonment in jail, at the discretion of the house ~~which,~~ or the committee ~~of which,~~ that caused the summons to issue, or in the case of a joint committee or commission, at the discretion of such joint committee or commission or as the two houses may determine by joint resolution.

~~§ 30-11. Who to administer oaths to witnesses.~~

B. The oaths to be taken by any witness examined ~~before such house or committee pursuant to this section~~ may be administered by the ~~speaker~~ clerk or presiding officer of the appropriate house, ~~chairman of the committee, or the clerk of the house or of the committee.~~

Drafting note: Existing §§ 30-10 and 30-11 are combined in this proposed section because they address related topics. A substantive change is made in proposed subsection A to broaden the meaning of "evidence" beyond paper documents. Technical changes are made for clarity and consistency and to modernize language.

Article 2.

Impact Statements and Other Legislative Requirements.

Drafting note: Sections 30-19.03, 30-19.03:1.2, 30-19.03:1.3, 30-19.1:4, 30-19.1:7, 30-19.1:11, 30-19.1:13, 30-19.9, and 30-19.10 of existing Chapter 1 are retained as proposed Article 2.

~~§ 30-19.1:9 30.1-407. Duration of state boards and commissions~~ Expiration provisions for bills creating collegial bodies.

~~After January 1, 2003, all~~ All bills creating an advisory board, council, commission, or other collegial body in the legislative or executive branch of state government shall contain a provision requiring the expiration of such body three years after its creation.

Drafting note: A provision requiring bills that create a legislative collegial body to contain an expiration provision is proposed for codification. This provision is based on a suggestion made in the "Legislative Guidelines Applicable to Studies, Legislative Commissions, Nonlegislative Collegial Bodies, and Resolutions" published by the Joint Rules Committee in 2004. Technical changes are made.

~~§ 30-19.1:11 30.1-408. Legislation~~ Expiration date for bills that ~~creates~~ add or ~~renews~~ renew a state tax ~~credits~~ credit.

~~No~~ Any bill proposing to add a new state tax credit or renew an existing state tax credit shall ~~be reported from any committee of the General Assembly unless such bill contains~~ contain an expiration date of not longer than five years from the effective date of the new or renewed state tax credit.

Drafting note: Technical changes are made.

~~§ 30-19.03:1.2 30.1-409. Unemployment compensation bills~~ Impact statements for bills related to unemployment compensation and affecting net revenues of the Commonwealth.

A. For purposes of this section, a bill that "enhances the benefits payable to an individual" includes any bill that would facilitate the receipt of, or increase the amount of, unemployment compensation benefits that an otherwise qualified claimant is eligible to receive on an annual basis.

B. The Virginia Employment Commission, in consultation with the Department of Planning and Budget, shall prepare a statement reflecting the projected impact on the solvency level of the unemployment trust fund and the average increase in state unemployment tax liability of employers on a per-employee basis over the ensuing eight years that would result from the enactment of any bill that enhances the benefits payable to an individual pursuant to Title 60.2.

637 ~~B. No~~ Any bill enhancing the benefits payable to an individual pursuant to Title 60.2
638 shall ~~be considered by the General Assembly at a regular session unless the bill contains~~ contain
639 a statement prepared in accordance with subsection ~~A B~~ as a second or final an enactment clause
640 in the bill.

641 ~~C. For the purposes of this section, legislation that "enhances the benefits payable to an~~
642 ~~individual" includes any legislation that would facilitate the receipt, or increase the amount, of~~
643 ~~unemployment compensation benefits that an otherwise qualified claimant is eligible to receive~~
644 ~~on an annual basis.~~

645 **Drafting note: Technical changes are made for clarity and consistency.**

646 § ~~30-19.03:1.3~~ 30.1-410. Evaluations ~~to be prepared~~ for ~~legislation~~ bills increasing or
647 beginning regulation of an occupation.

648 A. For ~~the~~ purposes of this section, "regulation" means any statement of general
649 application, ~~having~~ that has the force of law ~~and affecting~~ affects the rights or conduct of any
650 person, and is adopted by an agency in accordance with the authority conferred on it by the
651 Constitution and applicable statutes of the Commonwealth.

652 B. When any ~~legislative~~ bill requiring the Department of Professional and Occupational
653 Regulation to increase or begin regulation of an occupation is filed during any session of the
654 General Assembly, the ~~chairman~~ chair of the committee having jurisdiction over the ~~proposal~~
655 proposed bill shall request that the Board for Professional and Occupational Regulation ~~(the~~
656 ~~Board)~~ prepare an evaluation of the ~~legislation~~ bill using the criteria outlined in § 54.1-311.

657 C. Upon receipt of such a request, the Board for Professional and Occupational
658 Regulation shall prepare the evaluation and ~~shall~~ forward copies of such evaluation to the Clerk
659 of the House of Delegates for House bills and to the Clerk of the Senate for Senate bills no later
660 than November 1 of the same year for requests received during a regular session of the General
661 Assembly or as soon as practicable for requests received during a special session of the General
662 Assembly for transmittal to each patron of the ~~legislation~~ bill and to the ~~chairman~~ chair of each
663 committee of the General Assembly ~~to~~ that will consider ~~the same~~ the bill.

D. All departments, all agencies of government, and the Division of Legislative Services ~~are directed to~~ shall make available such information and assistance as the Board for Professional and Occupational Regulation may request in preparing the evaluations required by this section.

Drafting note: Technical changes are made for clarity and consistency.

§ ~~30-19.1:7~~ 30.1-411. ~~Bills~~ Impact statements for bills related to the Virginia Retirement System; ~~impact statements~~.

In accordance with a joint resolution that establishes a schedule for the conduct of business coming before a regular session of the General Assembly, for any proposed bill related to the Virginia Retirement System the Board of Trustees of the Virginia Retirement System shall investigate, prepare, and submit to the Clerk of the House of Delegates, the Clerk of the Senate, the Commission on Local Government, the House Committee on Appropriations, and the Senate Committee on Finance and Appropriations, a statement of (i) the financial impact of ~~the~~ such proposed bill upon the general fund and the various local governments that have elected to become part of the Virginia Retirement System pursuant to § 51.1-800 and (ii) the policy implications that such proposed bill will have on the various systems administered by the Board of Trustees of the Virginia Retirement System. ~~Such~~ The Board of Trustees of the Virginia Retirement System shall note in such statement ~~shall also note~~ the potential impact any introduced bill will have on local government independent retirement systems.

Drafting note: Technical changes are made.

§ ~~30-19.03~~ 30.1-412. Estimates ~~to be prepared~~ for ~~legislation~~ bills affecting local government expenditures and revenues.

A. For purposes of this section:

"Net additional expenditure" means the cost anticipated to be incurred annually, less any revenues receivable on account of the program or service from fees charged to recipients of the program or service, state or federal aid paid specifically and categorically in connection with the program or service, new or increased local sources of revenue authorized and

designated specifically to offset the cost of the program or service, and any offsetting savings resulting from the reduction or elimination of any program or service directly attributable to the performance of the required program or service.

"Net reduction of revenues" means the reduction anticipated in local revenues, including general levies, special levies, revenues received pursuant to §§ 58.1-605 and 58.1-606, and administrative and user fees, to be incurred annually, less any new local revenues receivable and any offsetting savings resulting from the reduction of local revenues, caused by the classification or exclusion being proposed.

B. Whenever any ~~legislative~~ bill requiring a net additional expenditure by any county, city, or town, or whenever any ~~legislative~~ bill requiring a net reduction of revenues by any county, city, or town, is filed during any session of the General Assembly, the Commission on Local Government shall investigate and prepare an estimate setting forth, to the extent practicable, the additional expenditures or reduction of revenues, if any, to be required of the affected localities in event of enactment of such ~~legislation~~ bill.

1. A bill shall be deemed to require an expenditure if it has the effect of requiring any county, city, or town to (i) perform or administer a new or expanded program or service, (ii) maintain an existing program or service at a specified level of spending or delivery, (iii) assume or incur administrative costs in support of a state or state-related program, or (iv) furnish capital facilities for state or state-related activities.

~~For purposes of this section, "net additional expenditure" means the cost anticipated to be incurred annually, less any revenues receivable on account of the program or service from fees charged recipients of the program or service, state or federal aid paid specifically and categorically in connection with the program or service, new or increased local sources of revenue authorized and designated specifically to offset the cost of the program or service, and any offsetting savings resulting from the reduction or elimination of any program or service directly attributable to the performance of the required program or service.~~

717 2. A bill shall be deemed to require a net reduction of revenues if it has the effect of
718 requiring any county, city, or town to (i) relinquish an existing or potential source of local
719 revenue by classification or exclusion or (ii) diminish an existing or potential source of revenue
720 by classification or exclusion.

721 ~~For the purposes of this section, "net reduction of revenues" means the reduction~~
722 ~~anticipated in local revenues, including, but not limited to, general levies, special levies,~~
723 ~~revenues received pursuant to §§ 58.1-605 and 58.1-606 and administrative and user fees, to be~~
724 ~~incurred annually, less any new local revenues receivable and any offsetting savings resulting~~
725 ~~from the reduction of local revenues, caused by the classification or exclusion being proposed.~~

726 ~~The provisions of this~~ C. This section shall not apply to a reduction in local revenues
727 that is required by or arises from a court order or judgment, nor to a revenue reduction that is
728 adopted at the option of any county, city, or town under a law that is permissive rather than
729 mandatory, nor to a revenue reduction that is the result of a measure providing tax relief on a
730 statewide basis.

731 D. The Division of Legislative Services shall examine all bills and joint resolutions filed
732 during any legislative session for the purpose of identifying and forwarding to the Commission
733 on Local Government those bills requiring the preparation of fiscal estimates pursuant to this
734 section and those joint resolutions calling for a study of local government revenues or
735 expenditures.

736 The Department of Planning and Budget and the Department of Taxation are authorized
737 to submit ~~legislative~~ bills to the Commission on Local Government to prepare local fiscal
738 estimates.

739 As soon ~~thereafter~~ as ~~may be~~ practicable, the Commission on Local Government shall
740 forward copies of such estimates to the Clerk of the House of Delegates for House bills and the
741 Clerk of the Senate for Senate bills for transmittal to each patron of the ~~legislation~~ bill and to
742 the ~~chairman~~ chair of each committee of the General Assembly ~~to that will~~ consider ~~the same~~
743 the bill.

E. All departments, all agencies of government, the Division of Legislative Services, and all local governmental units of the Commonwealth ~~are directed to~~ shall make available such information and assistance as the Commission on Local Government may request in preparing the estimates required by this section.

Drafting note: Technical changes are made for clarity, including the designation of subsections and subdivisions.

~~§ 30-19.1:4 30.1-413. Increase in terms of~~ Fiscal impact statements for bills increasing imprisonment or commitment; ~~fiscal impact statements~~; appropriations for operating costs.

A. For purposes of this section, "operating costs" means all costs other than capital outlay costs.

B. The Virginia Criminal Sentencing Commission shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill ~~which that~~ would result in a net increase in periods of imprisonment in state adult correctional facilities. The Department of Planning and Budget shall annually provide the Virginia Criminal Sentencing Commission with the operating cost per inmate.

~~B.~~ C. The Department of Planning and Budget, in conjunction with the Department of Juvenile Justice, shall prepare a fiscal impact statement reflecting the operating costs attributable to and necessary appropriations for any bill that would result in a net increase in periods of commitment to the custody of the Department of Juvenile Justice.

~~C.~~ D. The requirement for a fiscal impact statement includes, ~~but is not limited to,~~ those bills ~~which that~~ add new crimes for which imprisonment or commitment is authorized, increase the periods of imprisonment or commitment authorized for existing crimes, impose minimum or mandatory minimum terms of imprisonment or commitment, or modify the law governing release of prisoners or juveniles in such a way that the time served in prison, or the time committed to the custody of the Department of Juvenile Justice, will increase.

~~D.~~ E. The fiscal impact statement of any bill ~~introduced on or after July 1, 2002,~~ that would result in a net increase in periods of imprisonment in state correctional facilities or

periods of commitment to the custody of the Department of Juvenile Justice, shall include an analysis of the fiscal impact on local and regional jails, state and local pretrial and community-based probation services agencies, and juvenile detention facilities.

~~E.~~ F. The amount of the estimated appropriation reflected in the fiscal impact statement shall be printed on the face of each such bill, but shall not be codified. If the agency responsible for preparing the fiscal impact statement does not have sufficient information to project the impact, the fiscal impact statement shall state this, and the words "~~Cannot~~ cannot be determined" shall be printed on the face of each such bill.

~~F.~~ G. The fiscal impact statement shall include, ~~but not be limited to,~~ details as to any increase or decrease in the offender population. Statements prepared by the Virginia Criminal Sentencing Commission shall detail any necessary adjustments in guideline midpoints for the crime ~~or crimes~~ affected by the bill as well as adjustments in guideline midpoints for other crimes affected by the implementation of the bill that, in the opinion of the Commission, are necessary and appropriate.

~~G.~~ H. The agency preparing the fiscal impact statement shall forward copies of such impact statements to the Clerk of the House of Delegates for House bills and the Clerk of the Senate for Senate bills for transmittal to each patron of the ~~legislation bill~~ and to the ~~chairman~~ chair of each committee of the General Assembly ~~to that will~~ consider the ~~legislation bill~~.

~~H.~~ I. For each law enacted ~~which that~~ results in a net increase in periods of imprisonment in state correctional facilities or a net increase in periods of commitment or the time committed to the custody of the Department of Juvenile Justice, a one-year appropriation shall be made from the general fund equal to the estimated increase in operating costs of such law, in current dollars, of the highest of the next six fiscal years following the effective date of the law.

~~"Operating costs" means all costs other than capital outlay costs.~~

~~I.~~ J. The Corrections Special Reserve Fund (the Fund) is hereby established as a nonreverting special fund on the books of the Comptroller. The Fund shall consist of all moneys appropriated by the General Assembly under the provisions of this section and all interest

thereon. Any moneys deposited in the Fund shall remain in the Fund at the end of the biennium. Moneys in the Fund shall be expended solely for capital expenses, including the cost of planning or preplanning studies that may be required to initiate capital outlay projects.

Drafting note: Technical changes are made for clarity and consistency.

§ ~~30-19.1-13~~ 30.1-414. Racial and ethnic impact statements for criminal justice legislation bills.

A. As used in this section:

"Disparities" means the difference in criminal justice outcomes for a racial or ethnic subgroup compared to their share of the state population.

"Racial and ethnic impact statement" means a statement created using available data to outline the potential impact of a criminal justice bill on racial and ethnic disparities within the Commonwealth.

B. At the request of the Chair of the House Committee for Courts of Justice or the Chair of the Senate Committee for Courts of Justice, the Joint Legislative Audit and Review Commission shall review and prepare a racial and ethnic impact statement for a proposed criminal justice bill.

C. The Joint Legislative Audit and Review Commission shall forward copies of the racial and ethnic impact statement prepared pursuant to ~~subsection B~~ this section to the patron of the bill and the Chair of the House Committee for Courts of Justice or the Chair of the Senate Committee for Courts of Justice, as appropriate.

D. ~~No more than three racial and ethnic impact statements may be requested by the~~ The Chair of the House Committee for Courts of Justice ~~and no more than three racial and ethnic impact statements may be requested by~~ the Chair of the Senate Committee for Courts of Justice may each request up to three racial and ethnic impact statements for completion during a single regular session of the General Assembly.

E. Upon the request of the Joint Legislative Audit and Review Commission, the Office of the Executive Secretary of the Supreme Court, Virginia State Police, Virginia Criminal

Sentencing Commission, Department of Corrections, and all other state agencies shall ~~expeditiously~~ provide necessary data and assistance for the preparation of racial and ethnic impact statements.

Drafting note: Technical changes are made.

§~~30-19.9~~ 30.1-415. Distribution of information on proposed constitutional amendments to be submitted to voters.

A. For purposes of this section, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning is primarily limited to a particular field or profession.

B. When a proposed amendment is to be submitted to voters qualified to vote in elections by the people for their approval and ratification pursuant to Article XII, Section 1 of the Constitution of Virginia and §~~30-19~~ 30.1-405, the~~State Board~~ Department of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than~~ninety~~ 90 days prior to the election, copies of an explanation of such amendment to be placed at each registration site in sufficient number to provide a copy to any interested person, and to be provided to election officials to be posted at the polling places on the day of the election. The~~State Board~~ Department of Elections shall post the explanation on its~~site on the Internet. It also~~ website and shall cause such explanation to be published by paid advertisement in each daily newspaper published in the Commonwealth or in a contiguous state or district with an average daily circulation of more than 50,000 in~~Virginia~~ the Commonwealth,~~and published in Virginia or in a contiguous state or district,~~ once during the week preceding the final day for registration and once during the week preceding the election at which the proposed amendment is to be presented to~~the people~~ voters.

C. The explanation required by subsection B shall contain the ballot question, the full text of the proposed constitutional amendment, and a statement of not more than 500 words on ~~the proposed~~ such amendment.~~The~~ Such explanation shall be presented in plain English, shall

be limited to a neutral explanation, which may include a brief statement on the effect of a "yes" and "no" vote on the question but shall not include arguments submitted by either proponents or opponents of the ~~proposal~~ proposed constitutional amendment.

D. The Division of Legislative Services, in consultation with such agencies of state government as may be appropriate, including the Office of the Attorney General, shall prepare an explanation for any such ~~proposal which~~ proposed constitutional amendment that is approved by the General Assembly on ~~first~~ second reference ~~and referred to the next regular session of the General Assembly following the general election of members of the House of Delegates~~. The explanation shall be approved for distribution as to form and content by the Committee on Privileges and Elections of the first house of introduction of the resolution proposing the amendment as soon as practicable after enactment of the ballot question.

E. Any failure to comply with the provisions of this section shall not affect the validity of the constitutional amendment.

Drafting note: Substantive changes are made in proposed subsection B to more accurately reflect the structure of the Department of Elections as it has been operating in practice. Technical changes are made for clarity and consistency, including the designation of subsections.

~~§ 30-19.10~~ 30.1-416. Distribution of information on proposed questions to be submitted to voters.

A. For purposes of this section, "plain English" means the same as that term is defined in § 30.1-415.

B. Whenever a statewide referendum on a matter other than a constitutional amendment is submitted to ~~the~~ qualified voters by the General Assembly, the ~~State Board~~ Department of Elections shall cause to be printed and distributed to the general registrar of each county and city, not less than ~~ninety~~ 90 days prior to the election, copies of information about the referendum to be placed at each registration site in sufficient number to provide a copy to any interested person; and to be provided to election officials to be posted at the polling places on

the day of the election. The ~~State Board~~ Department of Elections also shall cause the information to be published by paid advertisement in each daily newspaper published in the Commonwealth or in a contiguous state or district with an average daily circulation of more than 50,000 in ~~Virginia the Commonwealth, and published in Virginia or in a contiguous state or district,~~ once during the week preceding the final day for registration and once during the week preceding the referendum.

C. The information required pursuant to subsection B shall contain the proposed ballot question and either (i) a neutral explanation of not more than 500 words on ~~the proposed~~ such question, or (ii) for any bond referendum, a fiscal impact statement. The neutral explanation or the fiscal impact statement shall be presented in plain English, ~~shall be limited to a neutral explanation,~~ and shall not present arguments by either proponents or opponents of the proposal. The fiscal impact statement shall include descriptions of the need for and anticipated uses of the bond proceeds.

D. The Division of Legislative Services, in consultation with such agencies of state government as may be appropriate, including the Office of the Attorney General, shall prepare the neutral explanation pursuant to clause (i) of subsection C as part of the ~~legislation~~ bill or resolution authorizing the referendum. The staff of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall each prepare a fiscal impact statement pursuant to clause (ii) of subsection C for any bond referendum and assist the Division of Legislative Services in preparing the neutral explanation as part of the ~~legislation~~ bill or resolution authorizing the referendum.

~~For purposes of this section and § 30-19.9, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.~~

E. Any failure to comply with the provisions of this section shall not affect the validity of the statewide referendum.

Drafting note: Technical changes are made for clarity and consistency, including the designation of subsections.

CHAPTER ~~14~~ 5.

AUDITOR OF PUBLIC ACCOUNTS.

Drafting note: Existing Chapter 14, relating to the Auditor of Public Accounts, is retained as proposed Chapter 5.

§ ~~30-130~~ 30.1-500. Election, term, and compensation; vacancy.

The ~~Auditor of Public Accounts shall be elected by the joint vote of the~~ two houses of the General Assembly shall, by joint vote, elect the Auditor of Public Accounts for the term of four years, as provided in Article IV, Section 18 of the Constitution of Virginia, and he shall ~~receive such compensation as may be appropriated by law for the purpose~~ be compensated as provided in the general appropriation act. In the event that the ~~office position~~ of Auditor of Public Accounts becomes vacant while the General Assembly is not in session, the Joint Legislative Audit and Review Commission shall appoint a successor to serve until ~~thirty~~ 30 days after the commencement of the next regular session of the General Assembly.

Drafting note: Technical changes are made to modernize language.

§ ~~30-131~~ 30.1-501. Official bonds.

The Auditor of Public Accounts and ~~the~~ his employees ~~in the office of the Auditor of Public Accounts~~ shall be bonded in accordance with § 2.2-1840, conditioned upon the faithful discharge of their duties.

Drafting note: Technical changes are made.

§ ~~30-132~~ 30.1-502. Employment of ~~assistants~~ staff; location of offices.

A. The Auditor of Public Accounts may employ, with the approval of the Joint Legislative Audit and Review Commission, the necessary ~~assistants~~ staff to enable him to carry out the provisions of this chapter.

B. The ~~office~~ Office of the Auditor of Public Accounts shall be located in the City of Richmond, and ~~he~~ shall be provided with suitable offices ~~for the conduct of the business of his department~~ as are necessary to carry out the provisions of this chapter.

Drafting note: Technical changes are made for clarity and consistency.

~~§ 30-133~~ 30.1-503. Duties and powers generally.

A. The Auditor of Public Accounts shall audit all the accounts of every state department, officer, board, commission, institution, or other agency handling any state funds as determined necessary by the Auditor of Public Accounts. In the performance of such duties and the exercise of such powers, he may employ the services of certified public accountants, provided the cost ~~thereof~~ of such employment shall not exceed such sums as may be available ~~out of~~ from the general appropriation ~~provided by law~~ act for the conduct of his office.

B. If, at any time, the Auditor of Public Accounts discovers any unauthorized, illegal, irregular, or unsafe handling or expenditure of state funds, or if it comes to his attention that any such handling or expenditure of state funds is contemplated but not consummated, he shall promptly report such finding to the Governor, the Joint Legislative Audit and Review Commission, and the Comptroller. In the event that there is any irregularity in the accounts of the Comptroller, the Auditor shall report such finding to the Governor and the General Assembly.

~~B. C.~~ The Auditor of Public Accounts shall review (i) the information required in § 2.2-1501 to determine that state agencies are providing and reporting appropriate information on program and financial ~~and~~ performance measures, and ~~the Auditor shall review~~ (ii) the accuracy of the management systems used to accumulate and report the results. The Auditor shall report to the General Assembly the results of such audits and make recommendations, if indicated, for new or revised accountability or performance measures to be implemented for the agencies audited.

~~C. D.~~ The Auditor of Public Accounts shall prepare, by November 1, a summary of the results of all of the audits and other oversight responsibilities performed for the most recently

ended fiscal year. The Auditor of Public Accounts shall present this summary to the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, and the House Committee on Finance on the day the Governor presents to the General Assembly the Executive Budget in accordance with §§ 2.2-1508 and 2.2-1509 or at the direction of the respective ~~Chairman~~ Chair of the Senate Committee on Finance and Appropriations, the House Committee on Appropriations, or the House Committee on Finance at one of their committee meetings prior to the meeting above.

~~D.~~ E. As part of his normal oversight responsibilities, the Auditor of Public Accounts shall incorporate into his audit procedures and processes a review process to ensure that the Commonwealth's payments to counties, cities, and towns under Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1 are consistent with the provisions of § 58.1-3524. The Auditor of Public Accounts shall report to the Governor and the ~~Chairman~~ Chairs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations annually any material failure by a locality or the Commonwealth to comply with the provisions of Chapter 35.1 of Title 58.1.

~~E.~~ F. The Auditor of Public Accounts when called upon by the Governor shall examine the accounts of any institution maintained in whole or in part by the Commonwealth and, upon the direction of the Comptroller, shall examine the accounts of any officer required to settle his accounts with him; and upon the direction of any other state officer at the seat of government he shall examine the accounts of any person required to settle his accounts with such officer.

~~F.~~ G. Upon the written request of any member of the General Assembly, the Auditor of Public Accounts shall furnish the requested information and provide technical assistance upon any matter requested by such member.

~~G.~~ H. In compliance with the provisions of the federal Single Audit Act Amendments of 1996, ~~Public Law~~ P.L. 104-156, the Joint Legislative Audit and Review Commission may authorize the Auditor of Public Accounts to audit ~~biennially~~ annually the accounts pertaining

to federal funds received by state departments, officers, boards, commissions, institutions, or other agencies.

I. As part of the audits conducted pursuant to this section, the Auditor of Public Accounts shall review compliance with requirements established pursuant to the provisions of § 2.2-519 and the requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).

Drafting note: Existing § 30-133 is divided into two proposed sections. This proposed section establishes the general duties and powers of the Auditor of Public Accounts. Proposed subsection B is relocated from existing § 30-139 as the topics are related. A reporting requirement in proposed subsection E is extended to include not only the Chair of the Senate Committee on Finance and Appropriations but also the Chair of the House Committee on Appropriations. In proposed subsection H, a substantive change is made to change a biennial audit to an annual audit to reflect accepted modern accounting practices. Technical changes are made for clarity and consistency.

§ 30.1-504. Searchable online database required.

~~H. 1.-A.~~ The Office of the Auditor of Public Accounts shall compile and maintain on its ~~Internet~~ website a ~~searchable~~ database providing certain state expenditure, revenue, and demographic information as described in this ~~subsection~~ section. In maintaining the database, the Auditor of Public Accounts shall work with and coordinate his efforts with the Joint Legislative Audit and Review Commission in obtaining, summarizing, and compiling the information to avoid duplication of efforts. ~~The database shall be updated each year by~~ By October 15 of each year, the Auditor of Public Accounts shall (i) update the database to provide the information required in this ~~subsection~~ section for the 10 most recently ended fiscal years of the Commonwealth and (ii) distribute the website address of the database to newspapers of general circulation in the Commonwealth.

B. The ~~online~~ database shall be made available to citizens of the Commonwealth to allow public access to historical revenue collections and appropriations with related demographic information, to the extent that the information is available and provided to the

1011 Auditor of Public Accounts. All state departments, courts officers, boards, commissions,
1012 institutions, or other agencies of the Commonwealth shall furnish all information requested by
1013 the Auditor of Public Accounts and shall cooperate with him to the fullest extent.

1014 C. For purposes of reporting information and implementing the database pursuant to
1015 this ~~subsection~~ section, the Auditor of Public Accounts shall include all appropriated funds and
1016 other sources under the control of public institutions of higher education, except for the activity
1017 of private gifts, including endowment funds and unrestricted gifts referenced in § 23.1-101. The
1018 exclusion of this activity does not affect the public access to these records unless otherwise
1019 specifically exempted by law.

1020 ~~2.~~ D. The database shall contain the following for each of the 10 most recently ended
1021 fiscal years of the Commonwealth:

1022 ~~a.~~ 1. Major categories of spending by each secretariat and each agency and institution,
1023 including each independent agency, and including within each major category a register of all
1024 funds expended, showing vendor name, date of payment, amount, and a description of the type
1025 of expense, including credit card purchases with the same information to the extent that the
1026 information exists. The database shall include the name, phone number, and email address for
1027 a contact at the agency or institution who may be contacted for additional information;

1028 ~~b.~~ 2. The number of full-time state employees for whom the annual rate of pay is more
1029 than \$10,000, an identifier associated with each such employee, and the actual salary, bonuses,
1030 and total compensation paid during the fiscal year to the employee associated with each
1031 identifier, organized by agency;

1032 ~~c.~~ 3. Total fiscal year revenues from all sources broken down by funding source and
1033 computed on a per capita basis and as a percentage of personal income in the Commonwealth;

1034 ~~d.~~ 4. Total fiscal year spending from federal sources broken down by major category;

1035 ~~e.~~ 5. Population estimates for the Commonwealth by locality;

1036 ~~f.~~ 6. Student enrollment in grades K through 12 by locality;

- 1037 ~~g.~~ 7. Enrollment in public institutions of higher education of the Commonwealth by
1038 institution;
- 1039 ~~h.~~ 8. Enrollment in private institutions of higher education in the Commonwealth by
1040 institution;
- 1041 ~~i.~~ 9. The annual prison population;
- 1042 ~~j.~~ 10. Virginia adjusted gross income and Virginia taxable income by locality;
- 1043 ~~k.~~ 11. The number of citizens in the Commonwealth receiving benefits from the
1044 Supplemental Nutrition Assistance Program;
- 1045 ~~l.~~ 12. The number of driver's licenses issued;
- 1046 ~~m.~~ 13. The number of registered motor vehicles;
- 1047 ~~n.~~ 14. The number of full-time private sector employees;
- 1048 ~~o.~~ 15. The number of prepaid tuition contracts outstanding pursuant to Chapter 7 (§
1049 23.1-700 et seq.) of Title 23.1 and the estimated total liability under such contracts;
- 1050 ~~p.~~ 16. Any state audit or report relating to the programs or activities of an agency;
- 1051 ~~q.~~ 17. Information on capital outlay payments, including project title, funding date,
1052 completion date, appropriations, year-to-date expenditures, and unexpended appropriations;
- 1053 ~~r.~~ 18. Annual bonded indebtedness that shall include the amount of the total original
1054 obligation stated in terms of principal and interest, the term of the obligation, the amounts of
1055 principal and interest previously paid to reduce the obligation, the balance remaining of the
1056 obligation, and any refinancing of the obligation; and
- 1057 ~~s.~~ 19. Other data as the Auditor of Public Accounts deems appropriate relating to the
1058 Commonwealth ~~of Virginia~~.
- 1059 ~~3.~~ E. The Auditor of Public Accounts shall incorporate into the database the following
1060 additional elements as they become available through improved enterprise applications or other
1061 systems:
- 1062 ~~a.~~ 1. Commodities, including line item expenditures;
- 1063 ~~b.~~ Virginia Performs data as it directly relates to funding actions or expenditures;

1064 ~~c. Descriptive~~ 2. The descriptive purpose for a funding action or expenditure;

1065 ~~d. Statute~~ 3. The statute or act of the General Assembly authorizing the issuance of

1066 bonds; and

1067 ~~e. 4.~~ Copies of actual grants and contracts.

1068 4. F. The Auditor of Public Accounts shall incorporate ~~in~~ into the database the following

1069 enhancements:

1070 ~~a. 1.~~ Graphs, charts, or other visual displays of aggregated data showing (i) current state

1071 spending by expense category, (ii) year-to-year state spending, and (iii) other data deemed

1072 appropriate by the Auditor of Public Accounts, including the display of available line item

1073 expenditures; and

1074 ~~b. 2.~~ Frequently asked questions and their responses.

1075 ~~5. By October 15 of each year, the Auditor shall also produce a paper copy or a computer~~

1076 ~~file containing the information described in this subsection and shall distribute the copy or file~~

1077 ~~to newspapers of general circulation in the Commonwealth. The distribution shall include the~~

1078 ~~address of the Internet website for the searchable database.~~

1079 ~~I. As a part of audits conducted pursuant to subsection A, the Auditor of Public Accounts~~

1080 ~~shall review compliance with requirements established pursuant to the provisions of § 2.2-519~~

1081 ~~and the requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).~~

1082 **Drafting note: Existing § 30-133 is divided into two proposed sections. This**

1083 **proposed section requires the Auditor of Public Accounts to maintain a searchable online**

1084 **database. A substantive change is made to eliminate the requirement of a paper copy or**

1085 **computer file as obsolete. Instead, the Auditor must distribute the website address of the**

1086 **searchable online database to newspapers of general circulation. Existing subsection I is**

1087 **relocated to proposed 30.1-503. Technical changes are made.**

1088 § ~~30-133.1~~ 30.1-505. Additional certifications for public institutions of higher

1089 education.

A. For purposes of this section, "public institution of higher education" means the same as that term is defined in § 23.1-100.

B. In addition to all other responsibilities and duties required under law, the Auditor of Public Accounts shall, promptly upon completion of the annual audit for each public institution of higher education, certify in writing to the ~~Chairman~~ rector or chair of the ~~Board~~ board of ~~Visitors~~ visitors or other governing body of the institution, the Secretaries of Administration, Education, and Finance, ~~and Administration~~, and the ~~Chairmen~~ Chairs of the House Committee on Appropriations, the House Committee on Finance, and the Senate Committee on Finance and Appropriations whether or not the institution meets all of the financial and administrative management standards currently in effect for public institutions of higher education pursuant to § 23.1-1001 and as may be included in the general appropriation act currently in effect. In addition, for any public institution of higher education required to develop and implement a plan of corrective action under § 23.1-1001, the Auditor of Public Accounts shall at the time of making the certification provide a written evaluation of the institution's progress in implementation of the plan and in meeting all of the financial and administrative management standards currently in effect.

~~For purposes of this section "public institution of higher education" means the same as that term is defined in § 23.1-100.~~

Drafting note: Technical changes are made.

~~§ 30-133.2~~ 30.1-506. Annual review of the collection and distribution of retail sales and use taxes.

As part of the annual audit of the Department of Taxation, the Auditor of Public Accounts shall perform a review of the collection and distribution of the Retail Sales and Use Tax (§ 58.1-600 et seq.), with an important focus being the collection and distribution of local retail sales and use taxes. In addition to all other responsibilities and duties required under law, the Auditor of Public Accounts shall, promptly upon completion of the annual review, issue a report to the ~~Chairmen~~ Chairs of the House Committee on Appropriations, the House

1117 Committee on Finance, the Senate Committee on Finance and Appropriations, and the [Tax](#)
1118 Commissioner of the Department of Taxation. All actions or requests for tax information by the
1119 ~~office~~ [Office](#) of the Auditor of Public Accounts for the purpose of conducting the review shall
1120 be deemed to be performed in the line of duty for purposes of § 58.1-3.

1121 **Drafting note: Technical changes are made.**

1122 § ~~30-134~~ [30.1-507](#). Audit of accounts of city and county officers handling state funds;
1123 audit report; reimbursement of expenses.

1124 A. At least once ~~in~~ every two years, ~~and at other times as the Governor directs,~~ the
1125 Auditor of Public Accounts, either in person or through his ~~assistants~~ [staff](#), shall audit all
1126 accounts and records of every city and county official and agency in the Commonwealth
1127 handling state funds, making a detailed written report ~~thereof~~ [of any such audit](#) to the Governor,
1128 the Joint Legislative Audit and Review Commission, and appropriate local officials within
1129 ~~thirty~~ [30](#) days after each audit. ~~Reports so made~~ [Such reports](#) shall be public records.

1130 B. Every city and county, the accounts and records of whose officials or agencies are
1131 audited in accordance with subsection A, shall reimburse the Commonwealth to the extent of
1132 one-half of the expense connected with the audit, to be paid into the state treasury by the Auditor
1133 of Public Accounts. All such sums ~~so repaid~~ shall be placed by the Comptroller to the credit of
1134 the current appropriation made to the Auditor of Public Accounts and may be used by him for
1135 the purpose of carrying out the provisions of subsection A.

1136 **Drafting note: A substantive change is made to remove the phrase "and at other**
1137 **times as the Governor directs," as the Auditor of Public Accounts takes direction from**
1138 **the Joint Legislative Audit and Review Commission and the General Assembly. Technical**
1139 **changes are made to modernize language.**

1140 § ~~30-135~~ [30.1-508](#). Inspection of accounts and vouchers; [penalty](#).

1141 A. The Auditor of Public Accounts or his deputy shall, from time to time, inspect and
1142 scrutinize the accounts and vouchers of all state officers referred to in § 2.2-803.

B. The Auditor of Public Accounts shall have access to records of all state institutions, departments, and agencies and they shall furnish all information requested by the Auditor and shall cooperate with him to the fullest extent.

C. Every inspection authorized by this section may be made without notice to the official whose accounts are to be inspected, ~~and it.~~ It shall be the duty of the official whose books and accounts and vouchers are being inspected to produce such ~~books, vouchers and accounts~~ records and give the Auditor of Public Accounts or his deputy all necessary ~~help and~~ aid in making the inspection. If any official fails to comply with the requirements of this subsection, he ~~shall be~~ is guilty of a Class 1 misdemeanor.

Drafting note: Technical changes are made to modernize language.

~~§ 30-136~~ 30.1-509. Power as to witnesses; perjury.

The Auditor of Public Accounts, or his deputy, while conducting any examination authorized by this chapter, shall have power to (i) administer an oath to any person whose testimony may be required in any such examination, ~~and~~ (ii) compel the appearance and attendance of such person for the purpose of any such examination and investigation, and (iii) call for any books and ~~papers~~ records necessary ~~to~~ for such examination. If any person willfully swears falsely in such examination, he ~~shall be~~ is guilty of perjury.

Drafting note: A substantive change is made to broaden "papers" to "records" to encompass records beyond paper documents. Technical changes are made to modernize language.

~~§ 30-137. Devising system of bookkeeping and accounting for local offices; costs.~~

~~A. The Auditor of Public Accounts, under the direction of the Joint Legislative Audit and Review Commission shall devise a modern, effective and uniform system of bookkeeping and accounting for the use of all county, city and town officials and agencies handling the revenues of the Commonwealth or of any political subdivision thereof. The Auditor of Public Accounts may approve any existing system.~~

~~B. The Auditor of Public Accounts, when requested by the governing body of any unit of local government, may make and establish a system of bookkeeping and accounting for such unit which shall conform to generally accepted accounting principles. He shall make and establish a uniform system of fiscal reporting for the treasurers or other chief financial officers, clerks of the courts and school divisions of all counties and cities, and all towns having a population of 3,500 or more and all towns constituting a separate school division regardless of population.~~

~~C. The cost of such service shall be borne by the county or city receiving the service of the Auditor of Public Accounts and shall not exceed an amount sufficient to reimburse the Commonwealth for the actual cost to the Commonwealth of the service. The fees so charged, upon an account rendered by the Auditor of Public Accounts, shall be remitted by the treasurer of the county or city out of any funds within his control, within thirty days to the State Treasurer, together with the account rendered by the Auditor of Public Accounts. The Auditor of Public Accounts shall pay into the state treasury the amount so received to the credit of the funds of the Auditor of Public Accounts so that it may be available for carrying out the provisions of subsection B.~~

Drafting note: Existing § 30-137 is proposed for repeal as obsolete. This section predates modern accounting systems and the Governmental Accounting Standards Board, which currently sets accounting and financial reporting standards for state and local governments in the United States, otherwise known as Generally Accepted Accounting Principles. A requirement for the Auditor of Public Accounts to create a separate system of bookkeeping is redundant and not enforced in practice.

~~§ 30-138~~ [30.1-510](#). State agencies, courts, and local constitutional officers to report certain fraudulent transactions; penalty.

A. [For purposes of this section, "state government entity" means any state department, court, officer, board, commission, institution, or other agency of the Commonwealth, including](#)

1195 local constitutional officers and appointed officials exercising the powers of elected
1196 constitutional officers.

1197 B. Upon the discovery of circumstances suggesting a reasonable possibility that a
1198 fraudulent transaction has occurred involving funds or property under the control of any state
1199 ~~department, court, officer, board, commission, institution or other agency of the~~
1200 ~~Commonwealth, including local constitutional officers and appointed officials exercising the~~
1201 ~~powers of elected constitutional officers~~ government entity, as to which one or more officers or
1202 employees of state or local government may be a party ~~thereto~~, the state agency head, court
1203 clerk, or local official in charge of such entity shall promptly report such information to the
1204 Auditor of Public Accounts (the Auditor), the State Inspector General, and the Superintendent
1205 of State Police (the Superintendent).

1206 ~~B.~~ C. The Auditor, the State Inspector General, or the Superintendent shall review the
1207 information reported pursuant to subsection ~~A~~ B and individually determine the most
1208 appropriate method to investigate the information. In the event that the Auditor, the State
1209 Inspector General, or the Superintendent determines to conduct an investigation, he shall notify
1210 the others of the commencement of the investigation as soon as practicable, unless the
1211 information involves the Auditor, the State Inspector General, or the Superintendent.

1212 ~~C.~~ D. No state ~~department, court, officer, board, commission, institution or other agency~~
1213 ~~of the Commonwealth, including local constitutional officers and appointed officials exercising~~
1214 ~~the powers of elected constitutional officers,~~ government entity shall employ or contract with
1215 any person, firm, corporation, or other legal entity to conduct an investigation or audit of
1216 information reported pursuant to subsection ~~A~~ B without obtaining ~~the~~ prior written approval
1217 from the Auditor and the Superintendent. Pending acknowledgement of the report and receipt
1218 of ~~the~~ such written approval ~~from the Auditor and the Superintendent~~, the state ~~department,~~
1219 ~~court, officer, board, commission, institution, or other agency of the Commonwealth, including~~
1220 ~~local constitutional officers and appointed officials exercising the powers of elected~~

~~constitutional officers,~~ government entity may use ~~their~~ its employees to audit the circumstances reported in subsection ~~A~~ B to prevent the loss of assets.

~~D. E. All state departments, courts, officers, boards, commissions, institutions or other agencies of the Commonwealth, including local constitutional officers and appointed officials exercising the powers of elected constitutional officers and their employees,~~ government entities shall cooperate to the fullest extent in any investigation or audit ~~which~~ that may occur at the direction of the Auditor or the Superintendent or both as a result of information reported pursuant to subsection ~~A~~ B.

~~E. The willful failure~~ F. If any person willfully fails to make ~~the~~ a report as required by this section ~~shall constitute, he is guilty of~~ a Class 3 misdemeanor.

~~F. G.~~ Nothing herein shall affect the requirements of § 52-8.2.

Drafting note: A definition for "state government entity" is added for clarity and technical changes are made.

~~§ 30-139. To whom Auditor to report defaults or irregularities.~~

~~If, at any time, the Auditor of Public Accounts discovers any unauthorized, illegal, irregular, or unsafe handling or expenditure of state funds, or if comes to his attention that any unauthorized, illegal, or unsafe handling or expenditure of state funds is contemplated but not consummated, he shall promptly report the facts to the Governor, the Joint Legislative Audit and Review Commission and the Comptroller.~~

~~In case there is any irregularity in the accounts of the Comptroller, the Auditor shall report it to the Governor and the General Assembly.~~

Drafting note: This section is proposed for deletion as its provisions are relocated to proposed subsection B of § 30.1-503.

~~§ 30-140~~ 30.1-511. Certain political subdivisions to file report of audit; ~~period in which report kept as public record; when audit not required; sworn statement of exempted entities; publication of summary of financial condition; repeal of conflicting provisions.~~

A. For purposes of this section, "financial transactions" does not include financial transactions involving notes, bonds, or other evidences of indebtedness of an entity, the proceeds of which are held or advanced by a corporate trustee or other financial institution and not received or disbursed directly by such entity.

B. Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote shall annually, within five months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection ~~B~~ D.

C. Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote and ~~which~~ that is reported in the Commonwealth's ~~Comprehensive Annual~~ Annual Comprehensive Financial Report as determined by the ~~State~~ Comptroller and the Auditor of Public Accounts shall annually, within three months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection ~~B~~ D.

The Auditor of Public Accounts shall ~~receive such reports required by this subsection~~ and keep ~~the same~~ such records as public ~~records~~ for a period of 10 years from their receipt.

~~B, D~~. No audit, ~~however~~, shall be required for an entity as described in subsections B and C during any fiscal year during which such entity's financial transactions did not exceed the sum of \$25,000.

~~As used in this section, "financial transactions" shall not include financial transactions involving notes, bonds, or other evidences of indebtedness of such entity the proceeds of which are held or advanced by a corporate trustee or other financial institution and not received or disbursed directly by such entity.~~

1274 In the event that an audit is not required, the entity shall file a statement under oath
1275 certifying that the transactions did not exceed such sum and, as to all transactions involving
1276 notes, bonds, or other evidences of indebtedness that are exempted, the statement shall be
1277 accompanied by an affidavit from the trustee or financial institution certifying that it has
1278 performed the duties required under the agreement governing such transactions.
1279 ~~Notwithstanding the foregoing, the~~ The Auditor of Public Accounts may require an audit if he
1280 deems it to be necessary to determine the propriety of the entity's financial transactions.

1281 E. In the case of a water and sewer authority required by a governing body to have an
1282 audit conducted as specified in § 15.2-5145, the authority shall file the certified audit with the
1283 Auditor of Public Accounts.

1284 F. At the time the report required by this section is filed with the Auditor of Public
1285 Accounts, every such authority, commission, district, or other political subdivision, except
1286 those exempted from the audit report requirement, shall publish, in a newspaper of general
1287 circulation in the county, city, or town ~~wherein the authority, commission, district, or other~~
1288 ~~political subdivision~~ where such entity is located, a reference to where a detailed statement
1289 reflecting the financial condition of ~~the authority, commission, district, or other political~~
1290 ~~subdivision~~ such entity may be found.

1291 G. Any provision of law, general or special, ~~which~~ that by its terms requires an audit
1292 that is not required by this section shall be repealed to the extent of any conflict.

1293 **Drafting note: Technical changes are made for clarity and consistency, including**
1294 **the designation of subsections.**

1295 § ~~30-141~~ 30.1-512. Annual report required.

1296 The Auditor of Public Accounts shall make an annual report of the activities of his ~~office~~
1297 Office to the Governor and the General Assembly.

1298 **Drafting note: Technical change.**

1299 § ~~30-142~~ 30.1-513. ~~Assumption~~ Performance of duties by Joint Legislative Audit and
1300 Review Commission upon failure of Auditor to perform duties; procedure.

1301 A. Whenever the General Assembly is not in session, the Joint Legislative Audit and
1302 Review Commission may perform any of the duties of the Auditor of Public Accounts upon its
1303 determination that the Auditor is unable or unwilling to perform any of his duties by reason of
1304 incapacity, malfeasance in office, neglect of duty, conflict of interest, or criminal activity
1305 relating to the performance of his duties. Such action shall, after notice to the Auditor of Public
1306 Accounts and an opportunity to be heard, require a three-fifths vote of all ~~Commission~~ members
1307 ~~and shall~~ of the Joint Legislative Audit and Review Commission.

1308 B. The Joint Legislative Audit and Review Commission's performance of such duties
1309 shall be effective until the House of Delegates, acting at the next regular or special session of
1310 the General Assembly, determines whether to institute impeachment proceedings against the
1311 Auditor, as provided in Article IV, Section 17 of the Constitution of Virginia, or until the Joint
1312 Legislative Audit and Review Commission, by a majority vote of its membership, determines
1313 that the Auditor of Public Accounts can resume the performance of his duties. Upon institution
1314 of impeachment proceedings by the House of Delegates, the Joint Legislative Audit and Review
1315 Commission may continue to perform such duties until the conclusion of impeachment
1316 proceedings.

1317 **Drafting note: Technical changes are made.**

1318 CHAPTER 6.

1319 DIVISION OF CAPITOL POLICE.

1320 **Drafting note: Existing §§ 30-34.2:1 and 30-34.2:2, relating to the Division of**
1321 **Capitol Police, are retained as proposed Chapter 6 (Division of Capitol Police). The**
1322 **sections are relocated from existing Chapter 3.1 (Legislative Support Commission). The**
1323 **relocation into a new chapter reflects the significance of the Division of Capitol Police as**
1324 **an agency in the legislative branch.**

1325 § ~~30-34.2:1~~ 30.1-600. Powers, duties, and functions of the Division of Capitol Police.

1326 A. The Division of Capitol Police (the Division) may exercise within the limits of ~~the~~
1327 Capitol Square, when assigned to any other property owned, leased, or controlled by the

Commonwealth or any agency, department, institution, or commission thereof; and on property pursuant to the provisions of §§ 15.2-1724, 15.2-1726, and 15.2-1728 all the powers, duties, and functions that are exercised by the ~~police of the city or the police or sheriff~~ law-enforcement officers of the ~~county within~~ locality in which such property is located.

B. The jurisdiction of the ~~Capitol Police~~ Division shall further extend 300 feet beyond the boundary of any property ~~they~~ its officers are required to protect, ~~such jurisdiction to~~ and shall be concurrent with that of ~~other~~ the law-enforcement officers of the locality in which such property is located.

C. The ~~Capitol Police~~ Division shall also have concurrent jurisdiction with the law-enforcement officers of the City of Richmond. In addition, a Capitol Police officer who is a detector canine handler shall have concurrent jurisdiction with the law-enforcement officers of any ~~city or county~~ locality that has requested the assistance of the ~~Capitol Police~~ Division in the detection of firearms, ammunition, explosives, propellants, or incendiaries.

D. In any case involving the theft or misappropriation of ~~the~~ personal property of any member or employee of the General Assembly, the ~~Capitol Police~~ Division shall have concurrent jurisdiction with the law-enforcement officers of any county contiguous to the City of Richmond. ~~Members of the Capitol Police when~~ When assigned to accompany the Governor or Governor-elect, members of the Governor's family, the Lieutenant Governor or Lieutenant Governor-elect, the Attorney General or Attorney General-elect, members of the General Assembly, or members of the Supreme Court or Court of Appeals of Virginia, or when directed to serve a summons issued by the Clerk of the Senate or the Clerk of the House of Delegates, a joint committee or commission ~~thereof~~ of the Senate and the House of Delegates, or any committee of either house, a Capitol Police officer shall be vested with all the powers and authority of a law-enforcement officer of any ~~city or county~~ locality in which ~~they are~~ the Capitol Police officer is required to be. All members of the ~~Capitol Police~~ Division shall be subject to the provisions of § 2.2-1202.1 and Chapter 5 (§ 9.1-500 et seq.) of Title 9.1.

E. The assignment of jurisdiction to any property pursuant to this section shall be ~~approved by the Legislative Support Commission~~ made in consultation with the Clerks of the House of Delegates and the Senate and the Chairs of the House Committee on Rules and Senate Committee on Rules.

F. The Division ~~of Capitol Police~~ shall have the authority to enter into contracts or agreements necessary or incidental to the performance of its duties.

Drafting note: A substantive change is made in subsection E to provide that the assignment of jurisdiction to any property by the Capitol Police is made in consultation with the Clerks of the House of Delegates and the Senate and the Chairs of the House Committee on Rules and Senate Committee on Rules, rather than the Legislative Support Commission. Technical changes are made for clarity and consistency and to modernize language.

~~§ 30-34.2:2~~ 30.1-601. Disposal of unclaimed firearms, other weapons, ~~or other~~ and unclaimed personal property in possession of the Division ~~of Capitol Police~~.

~~Subject to the provisions of § 19.2-386.29, the~~ A. As used in this section:

"Unclaimed firearms and other weapons" means any firearm or other weapon belonging to another that has been acquired by a law-enforcement officer pursuant to his duties and that (i) is not needed in any criminal prosecution; (ii) has not been claimed by its rightful owner; and (iii) will be declined, as indicated by the State Treasurer, if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).

"Unclaimed personal property" means any personal property belonging to another that has been acquired by a law-enforcement officer pursuant to his duties and that (i) is not needed in any criminal prosecution; (ii) has not been claimed by its rightful owner; and (iii) will be declined, as indicated by the State Treasurer, if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).

B. The Division ~~of Capitol Police~~ may destroy, subject to the provisions of § 19.2-386.29, unclaimed firearms and other weapons; and may lawfully dispose of ~~other~~ unclaimed

personal property, ~~that have~~ when any such item has been in the possession of the Division for a period of more than 120 days.

~~For the purposes of this section, "unclaimed firearms and other weapons" means any firearm or other weapon belonging to another that has been acquired by a law enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner, and that the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.), and "unclaimed personal property" means any personal property belonging to another that has been acquired by a law enforcement officer pursuant to his duties, that is not needed in any criminal prosecution, that has not been claimed by its rightful owner, and that the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).~~

~~At~~ C. Destruction or disposal of items pursuant to subsection B shall be at the discretion of the chief of police or his designee, ~~the~~ The Division ~~of Capitol Police~~ may destroy unclaimed firearms ~~or~~ and other weapons by any means that renders ~~the~~ such firearms or ~~other~~ weapons permanently inoperable ~~and may lawfully dispose of other unclaimed personal property~~. Prior to the destruction of ~~such~~ unclaimed firearms ~~or~~ and other weapons or disposal of ~~such other~~ unclaimed personal property, the chief of police or his designee shall (i) make reasonable attempts to notify by mail the rightful owner of ~~the property~~ any such item pursuant to subsection B and (ii) obtain a written statement from the attorney for the Commonwealth of the jurisdiction from which the unclaimed item came into the possession of the Division ~~of Capitol Police in writing a statement~~ advising that the item is not needed in any criminal prosecution.

D. The Division may dispose of an unclaimed bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped in accordance with the provisions of § 15.2-1720.

E. In lieu of destroying ~~any such~~ an unclaimed firearm and upon agreement of the Department of Forensic Science, the chief of police or his designee may donate the unclaimed firearm to the Department of Forensic Science, ~~upon agreement of the Department.~~

Drafting note: Technical changes are made for clarity and consistency, including the designation of subsections.

~~CHAPTER 3.1.~~

~~LEGISLATIVE SUPPORT COMMISSION.~~

Drafting note: Existing Chapter 3.1, relating to the Legislative Support Commission (the Commission), is proposed for deletion because the Commission no longer meets and thus its operations are obsolete. Operational responsibilities related to the oversight and maintenance of the General Assembly Building that currently fall to the Clerk of the House of Delegates and the Clerk of the Senate are incorporated into proposed Chapter 3 (Officers of the General Assembly), while sections regarding the Division of Capitol Police are incorporated into proposed Chapter 6 (Division of Capitol Police) and sections regarding responsibilities that currently fall to the Division of Legislative Automated Systems are incorporated into proposed Chapter 7 (Division of Legislative Automated Systems). Remaining sections relating to the organization and membership of the Commission are proposed for deletion.

~~§ 30-34.1. Legislative Support Commission; membership; officers; compensation and expenses.~~

~~There is hereby created the Legislative Support Commission in the legislative branch of state government, hereafter referred to as "Commission." The Commission shall consist of seven members: two members of the Committee on Rules of the House of Delegates who shall be appointed by and serve at the pleasure of the chairman of such Committee; one member of the Committee on Rules of the Senate who shall be appointed by and serve at the pleasure of the chairman of such Committee; the Clerk of the House of Delegates; the Clerk of the Senate; the Director of the Division of Legislative Services; and the Director of the Division of~~

~~Legislative Automated Systems. The Commission shall name from its members a chairman and such other officers as are deemed necessary.~~

~~Legislative members shall receive such compensation for the performance of their duties as provided in § 30-19.12 and all members shall be reimbursed for all reasonable and necessary expenses as provided in §§ 2.2-2813 and 2.2-2825. The Office of the Clerk of the House of Delegates and the Office of the Clerk of the Senate shall provide funding for the costs of compensation and expenses of their respective members.~~

Drafting note: This section is proposed for deletion due to obsolescence because the Legislative Support Commission is inactive and has transferred its responsibilities to other more appropriate legislative branch entities.

~~§ 30-34.2. Powers and duties generally.~~

~~The Commission shall have the following powers and duties:~~

~~1. To supervise the printing and distribution of bills, resolutions, joint resolutions, House documents, Senate documents or other matters directed to be printed for use of the Senate or the House of Delegates and intended for temporary use, as well as the printing and distribution of House Journals, Senate Journals and the Acts of Assembly;~~

~~2. To supervise the maintenance and operation of the General Assembly Building;~~

~~3. To supervise and assist the Capitol Tour Guides;~~

~~4. To employ such personnel as may be necessary to carry out the purposes of this chapter;~~

~~4a. To supervise the Capitol Police Force;~~

~~5. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter;~~

~~6. To do all acts necessary or convenient to carry out the purposes of this chapter; and~~

~~7. To perform other duties as directed by the Committees on Rules of the House of Delegates and the Senate of Virginia.~~

Drafting note: This section is proposed for deletion due to obsolescence because the Legislative Support Commission is inactive and its responsibilities currently are carried out by other more appropriate legislative branch entities. The printing and distribution of bills, etc., is supervised by the Division of Legislative Automated Systems, the maintenance and operation of the General Assembly Building is jointly overseen by the Clerk of the House of Delegates and the Clerk of the Senate, the Capitol Guides program is jointly administered by the Clerk of the House of Delegates and the Clerk of the Senate, and the Division of Capitol Police is supervised by the Joint Rules Committee.

~~§ 30-34.5. Printing and distribution of Acts of Assembly.~~

~~A. The Commission shall, within 45 days following the adjournment of the General Assembly sine die, send to each requesting member of the General Assembly a copy of each Act of Assembly signed by the Governor or if otherwise enacted into law, in the form in which it is signed by the Governor or otherwise enacted into law. Each act so sent shall be clearly denominated with the House of Delegates or the Senate bill number assigned to it by the respective houses of the General Assembly.~~

~~B. The Commission shall also requisition, through the Division of Legislative Automated Systems, as soon as approved by the Governor, not in excess of 5,000 copies of the acts and joint resolutions of the General Assembly. These it shall have bound in ordinary half binding, with the index and tables required by law to be printed with the acts and joint resolutions of the General Assembly, and as soon as practicable after the close of each session of the General Assembly, shall deliver by mail, express or otherwise, if requested pursuant to § 30-34.4:1:~~

~~1. One copy to the Governor; and such additional copies as may be requested for use in the Governor's office;~~

~~2. One copy to each of the Governor's secretaries;~~

~~3. One copy to each head of department; each division of the Governor's office, the Commissioner of the Virginia Workers' Compensation Commission, the Employment~~

~~Commission and the Department of Motor Vehicles, the Director of the Department of Wildlife Resources and the Executive Secretary of the Compensation Board and the Director of the Virginia Retirement System;~~

~~4. As many copies to the Division of Legislative Services as may be required by the Division for its use or for exchange with other states;~~

~~5. One copy to each member of the General Assembly; however, up to four additional copies may be obtained upon application to the Division of Legislative Automated Systems;~~

~~6. One copy to the Lieutenant Governor;~~

~~7. One copy to each judge;~~

~~8. Five copies to the State Corporation Commission;~~

~~9. Twenty-five copies to the Attorney General;~~

~~10. One copy to the reporter of the Supreme Court, the Executive Secretary of the Supreme Court, and each clerk of any court, attorney for the Commonwealth, Commissioner of the Revenue, Treasurer, public library, school board, judge and clerk of any court held in this Commonwealth under the laws of the United States and each attorney and marshal in this Commonwealth holding office under the United States;~~

~~11. One copy to the city manager of a city, the mayor of a town and the county administrator, manager or executive depending on the county's form of government; however, an additional copy for use within the city, town or county may be obtained upon application to the Division of Legislative Automated Systems;~~

~~12. Five copies to The Library of Virginia;~~

~~13. Five copies to the State Law Library;~~

~~14. One copy to the head of each institution of higher education in the Commonwealth;~~

~~15. One copy to the library of each institution of higher education in the Commonwealth;~~

~~16. One copy to the Virginia School for the Deaf and the Blind;~~

~~17. Five copies to the Clerk of the Senate for the use of the Senate;~~

- ~~18. Ten copies to the Clerk of the House of Delegates for the use of the House;~~
- ~~19. Three copies to the Auditor of Public Accounts;~~
- ~~20. Three additional copies to the Comptroller;~~
- ~~21. One copy to the county attorney in those counties which have created the office of the county attorney;~~
- ~~22. One copy to the Joint Legislative Audit and Review Commission;~~
- ~~23. One copy to the Committee on Appropriations of the House of Delegates;~~
- ~~24. One copy to the Senate Committee on Finance and Appropriations; and~~
- ~~25. One copy to the Division of Legislative Automated Systems.~~

Drafting note: The provisions of existing subsection A are relocated as proposed subsection B of § 30.1-703, and the provisions of existing subsection B are proposed for deletion as obsolete due to the advent of the internet and the availability of numerous legislative resources through the electronic Legislative Information System and the Division of Legislative Services' website.

- ~~§ 30-34.6. Printing and distribution of Journals of Senate and House.~~
- ~~A. The Commission, through the Division of Legislative Automated Systems, shall order all printing done by direction of the Senate or the House of Delegates, or their respective clerks. Within a reasonable time after the close of each session of the General Assembly the Commission shall cause to be printed and bound the Journals of the Senate and the House of Delegates, with an index thereto, in sufficient quantity to make the following distribution, if requested pursuant to § 30-34.4:1:~~
- ~~1. One copy to the Governor;~~
- ~~2. Fifteen copies each to the Clerk of the Senate and the Clerk of the House;~~
- ~~3. A sufficient number of copies to The Library of Virginia to meet collection requirements pursuant to § 2.2-609;~~
- ~~4. One copy to the library of each educational institution in this Commonwealth;~~

~~5. One copy to each public library which makes written application therefor to the Commission;~~

~~6. One copy to the President of the Senate and one copy to the Speaker of the House;~~

~~7. One copy to the Division of Legislative Services;~~

~~8. One copy to each requesting member of the Senate and the House of Delegates;~~

~~9. One copy to the Joint Legislative Audit and Review Commission;~~

~~10. One copy to the Committee on Appropriations of the House of Delegates; and~~

~~11. One copy to the Senate Committee on Finance and Appropriations.~~

~~B. The number of copies to be printed and the quality of binding shall be designated by the Commission.~~

Drafting note: The introductory portion of existing subsection A is relocated as proposed subsection C of § 30.1-703, and the remaining portion of existing subsection A and existing subsection B are proposed for deletion as obsolete due to the advent of the internet and the availability of numerous legislative resources through the electronic Legislative Information System and the Division of Legislative Services' website.

~~§ 30-34.7. Repealed.~~

Drafting note: Repealed by Acts 2003, c. 264.

CHAPTER ~~3.2~~ 7.

DIVISION OF LEGISLATIVE AUTOMATED SYSTEMS.

Drafting note: Existing Chapter 3.2, relating to the Division of Legislative Automated Systems, is logically reorganized and retained as proposed Chapter 7. Provisions of existing Chapter 3.1 (Legislative Support Commission) are incorporated into this proposed chapter as applicable due to the obsolescence of the Legislative Support Commission.

~~§ 30-34.11~~ 30.1-700. Division ~~created~~ of Legislative Automated Systems; supervisory control of Division; appointment ~~and tenure~~ of Director.

A. There shall be a legislative agency known and designated as the Division of Legislative Automated Systems (the Division). Supervisory control of the Division shall be vested in the Joint Rules Committee. The ~~Division shall be in the charge of~~ Joint Rules Committee shall appoint a Director, ~~who shall be appointed by,~~ subject to confirmation by the General Assembly, ~~and~~ who shall serve at the pleasure of the ~~Committees on Rules of the House of Delegates and the Senate acting jointly~~ Joint Rules Committee.

~~§ 30-34.12. Powers and duties of Director.~~

~~The Director of the Division of Legislative Automated Systems shall, under the direction and control of the Committees on Rules of the House of Delegates and the Senate acting jointly, exercise such powers and perform such duties as are conferred or imposed by law upon him; and~~ In addition to those duties required of him by law, he shall perform such other duties as may be required of him by the ~~Committees on Rules of the House of Delegates and the Senate acting jointly~~ Joint Rules Committee.

B. The Director of the Division shall employ such personnel as may be required to carry out the purposes of this chapter.

Drafting note: This section combines existing §§ 30-34.11 and 30-34.12 to consolidate provisions relating to the establishment of the Division of Legislative Automated Systems (the Division) and provisions for its Director and employees. Changes are also made to reflect the Division's current placement under the supervisory control of the Joint Rules Committee. Technical changes are made to modernize language and to logically organize related provisions.

~~§ 30-34.13. General powers of Division.~~

~~The Division shall have the following general powers:~~

- ~~1. To employ such personnel as may be required to carry out the purposes of this chapter.~~
- ~~2. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including, but not~~

~~limited to, contracts with the United States, other states, and agencies and governmental subdivisions of Virginia.~~

~~3. To do all acts necessary or convenient to carry out the purposes of this chapter.~~

Drafting note: This section is proposed for deletion as its provisions are incorporated into two other proposed sections. Existing subdivision 1 is relocated to proposed § 30.1-700, relating to the establishment and operation of the Division of Legislative Automated Systems (the Division), and existing subdivision 2 is relocated to proposed § 30.1-701, relating to the powers and duties of the Division. Existing subdivision 3 is proposed for deletion as an unnecessary catch-all provision that is sufficiently addressed by the authority of the Joint Rules Committee to direct the duties of the Division and Director of the Division.

~~§ 30-34.14~~ 30.1-701. Duties Powers and duties of the Division.

A. The Division shall have the following powers and duties:

1. Operate an automated data processing center and perform computing and programming services for the House of Delegates, the Senate of Virginia, and the Division of Legislative Services.

~~§ 30-34.10:1. Establishment and maintenance of electronic information system.~~

~~The Commission, through the Division of Legislative Automated Systems, shall establish~~ 2. Establish and maintain ~~a legislative~~ an electronic legislative information system that includes the status of bills and resolutions active within the legislative process and related information. Electronic access to this information shall be made available to all agencies of the Commonwealth and its political subdivisions, and conditionally available to the public as resources permit.

~~2. To provide~~ 3. Supervise the printing and distribution of bills, resolutions, joint resolutions, House documents, Senate documents, and other matters directed to be printed for use of the House of Delegates or the Senate of Virginia and intended for temporary use, as well as the printing and distribution of House Journals, Senate Journals, and the Acts of Assembly.

4. Provide technical assistance to the General Assembly of Virginia, and to the agencies ~~which~~ that directly serve the General Assembly of Virginia.

~~3. To represent the interests of the General Assembly in activities involving, obtaining and maintaining data processing services, electronic components, and other related items.~~

~~4.~~ 5. Prepare and publish annually, as soon as practicable after January 1, a listing of designated spokespersons or information officers for each department, agency, board, or commission of state government, as shall be designated by the head ~~thereof~~ of each such entity.

Such spokespersons or information officers ~~or designated alternates~~ shall (i) serve as a legislative liaison between any such department, agency, board, or commission and the General Assembly; (ii) act as the official spokesperson representing such department, agency, board, or commission; and (iii) be at all times available to assist members of the General Assembly in seeking solutions to problems of citizens of the Commonwealth.

~~5. To perform~~ 6. Prepare and publish annually, as soon as practicable after January 1, a report, indexed according to standing committee jurisdiction, on the status of all reports, actions, or data collection that is required by legislation enacted by the General Assembly or otherwise requested by the General Assembly of agencies and collegial bodies of state government. The report for the most recently completed calendar year shall be submitted to the General Assembly and the Governor and made available on the electronic legislative information system.

7. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including contracts with the United States, any other state or territory, or any agency or governmental subdivision of the Commonwealth. The Division shall represent the interests of the General Assembly in activities involving obtaining and maintaining data processing services, electronic components, and other related items.

8. Perform other duties as directed by the ~~Committees on Rules of the House of Delegates and the Senate of Virginia acting jointly~~ Joint Rules Committee.

B. Every document or file maintained or stored on equipment of the Division shall be considered the property of the person for whom the document or file is maintained or stored. Neither the Director of the Division nor any employee of the Division shall reveal any of this property to any person outside of the Division, except with the consent of the owner of the property.

Drafting note: This proposed section logically reorganizes provisions from existing §§ 30-28.16, 30-34.2, 30-34.10:1, 30-34.13, and 30-34.14 relating to the general duties and responsibilities of the Division of Legislative Automated Systems (the Division). Proposed subdivision A 2 consolidates and relocates provisions from existing § 30-34.10:1, which directs the obsolete Legislative Support Commission to, through the Division, establish and maintain the legislative electronic information system, renamed as the electronic legislative information system. Proposed subdivision A 3 is relocated from existing § 30-34.2, which directs the obsolete Legislative Support Commission to supervise the printing and distribution of bills and other legislative materials, to reflect the current duties of the Division. Proposed subdivision A 6 is relocated from existing § 30-28.16, which directs the Division of Legislative Services to prepare and publish an annual report regarding actions of standing committees during the most recent General Assembly session, thus reassigning this duty to the Division. This is a substantive change that reassigns publication of this annual report to a more appropriate agency. Proposed subdivision A 7 consolidates and relocates existing subdivision 2 of § 30-34.13 and existing subdivision 3 of § 30-34.14 relating to the Division's authority and duty regarding contracting for services on behalf of the General Assembly. Technical changes are made to modernize language and to logically organize related provisions.

~~§ 30-34.10:2 30.1-702. Access to Code of Virginia, Virginia Administrative Code, and Virginia Register of Regulations~~ Electronic legislative information system; access and fees.

A. The Division shall maintain on the electronic legislative information system 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~~ 30.1-810. 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.

~~§ 30-34.10:3. Fees.~~

B. For the services rendered in providing access to the electronic legislative ~~electronic~~ information system, the ~~Commission~~ Division may charge and collect a fee for each inquiry as determined by the Director of the Division ~~of Legislative Automated Systems~~ to be a reasonable and sufficient proportion of the costs for maintaining the system and furnishing access. No fee, however, shall be charged to any agency of the legislative branch of the Commonwealth, including individual legislators using the information exclusively for legislative purposes.

Users located outside the geographical limits of the Commonwealth shall be charged an access fee double that referred to in the preceding paragraph.

C. No person, ~~firm, corporation or other entity~~ shall receive access from the electronic legislative ~~electronic~~ information system for resale without first applying to the Director of the Division ~~of Legislative Automated Systems~~. Such application shall be approved only on the condition that a fee equal to ~~twenty-five~~ 25 percent of the resale charge is paid, which shall be in addition to the other fees provided for in this section.

Drafting note: This section consolidates the provisions of §§ 30-34.10:2 and 30-34.10:3 relating to the information to be maintained on the electronic legislative information system and the system's ongoing operation by the Division of Legislative Automated Systems. Technical changes are made to modernize language and to logically organize related provisions.

§ ~~30-34.3~~ 30.1-703. Printing and distribution of bills and resolutions, ~~joint resolutions~~, ~~etc~~ legislative documents, and other state publications; fees.

1699 ~~To satisfy the requirements of this chapter, there shall be requisitioned by the~~
1700 ~~Commission through the Division of Legislative Automated Systems~~ A. The Division shall be
1701 responsible for printing sufficient copies of every bill, resolution, House document, Senate
1702 document, calendar of each house, or other matter directed to be printed for use of ~~the Senate~~
1703 ~~or~~ the House of Delegates.

1704 ~~§ 30-34.4. Copies of bills, calendars, etc., to be furnished on application.~~

1705 ~~The Commission shall furnish to such persons, firms, or corporations~~ or the Senate of
1706 Virginia and may furnish copies of such to any person, firm, or corporation as may apply
1707 therefor, ~~copies of each bill, resolution and document printed for the House of Delegates and~~
1708 ~~the Senate, as well as the calendar of each house.~~ The ~~Commission may limit the~~ number of
1709 such copies furnished to any person, firm, or corporation may be limited by the Division.

1710 B. Within 45 days following the adjournment sine die of any session of the General
1711 Assembly, the Division shall distribute to each member of the General Assembly who so
1712 requests a copy of each Act of Assembly in the form in which it was signed by the Governor or
1713 otherwise enacted into law. Each act so sent shall be clearly denominated with the House of
1714 Delegates or Senate bill number assigned to it by the respective house of the General Assembly.

1715 C. Within a reasonable time after the close of each session of the General Assembly, the
1716 Division shall cause to be printed and bound the Journals of the House of Delegates and the
1717 Senate, with an index for each such journal.

1718 ~~§ 30-34.4:1. Request and distribution of state publications.~~

1719 ~~A. D.~~ A. D. The ~~Commission, through the~~ Division of Legislative Automated Systems, shall
1720 distribute annually to each member of the General Assembly a request form containing a
1721 checklist for selection of the Acts of Assembly, the Journals of the House of Delegates and the
1722 Senate ~~and House of Delegates~~, and reports submitted to the General Assembly or any
1723 committee, subcommittee, commission, agency, or other body within the legislative branch. ~~All~~
1724 ~~requested materials shall be delivered electronically as read-only and text-searchable Portable~~
1725 ~~Document Format (.pdf) files or as another widely used and accessible read-only and text-~~

~~searchable electronic document format unless expressly requested otherwise. B. The~~ It is the
~~responsibility of the~~ Division ~~of Legislative Automated Systems shall to~~ notify each ~~individual~~
~~entitled to receive state publications listed in subsection A~~ member of the General Assembly of
the availability of the publications and that each will be forwarded to them by the appropriate
entity upon written request. The Division shall forward requested reports of legislative entities
and shall notify each agency, institution, collegial body, or other governmental entity outside
of the legislative branch of the names of the members of the General Assembly requesting such
entity's report.

~~§ 30-34.10. Fees and mailing costs.~~

~~For the services rendered under §§ 30-34.3 through 30-34.6, the Commission~~ E. The
Division may charge and collect in advance a fee ~~as~~ determined by the Director of the Division
~~of Legislative Automated Systems~~ to be reasonable and sufficient to cover the cost of printing,
binding, and handling; in addition to each such fee, it shall also charge and collect an amount
necessary to cover the cost of mailing, if such ~~bills, calendars and resolutions are~~ bill, resolution,
House document, Senate document, calendar of each house, or other matter directed to be
printed is to be sent by mail. ~~All fees collected pursuant to this section and § 30-34.10:3 shall~~
~~be deposited into a special fund to be known as the "Legislative Automated Service Fund"~~
~~which is hereby created. This fund shall be administered by the Division of Legislative~~
~~Automated Systems and disbursements made therefrom for services related to §§ 30-34.3~~
~~through 30-34.6 and 30-34.10:1.~~

Drafting note: This section relocates from existing Chapter 3.1. (Legislative
Support Commission) and consolidates the provisions of existing §§ 30-34.3, 30-34.4, 30-
34.4:1, 30-34.5, 30-34.6, and 30-34.10 relating to the printing and distribution of bills and
resolutions, legislative documents, and other publications by the obsolete Legislative
Support Commission through the Division of Legislative Automated Systems (the
Division). Currently, the printing and distribution of such materials is overseen by the
Division. Proposed subsection A combines existing §§ 30-34.3 and 30-34.4. Proposed

subsection B is derived from existing subsection A of § 30-34.5. Proposed subsection C is derived from existing subsection A of § 30-34.6. Proposed subsection D is derived from existing § 30-34.4:1. The description of the required document format for the delivery of requested materials from existing subsection A of § 30-34.4:1 is proposed for deletion in order to provide the Division the authority to use whatever format is determined appropriate by the Division under the authority of the Joint Rules Committee. Proposed subsection E is derived from existing § 30-34.10. The reference to the Legislative Automated Service Fund established in existing § 30-34.10 for fees collected for printing, binding, handling, and mailing legislative materials is proposed for deletion because such fund has not been operational since at least 2008. The collection of such fees currently is accounted for by the Division's staff without the use of such fund. Technical changes are made to modernize language and to logically organize related provisions.

§ ~~30-34.15~~ 30.1-704. Submission of reports and executive summaries to the legislative branch.

A. Any report required or requested by law or resolution to be submitted to the General Assembly or to any committee, subcommittee, agency, or other body within the legislative branch, or the chair or agency head of such entity, shall be submitted to the Division ~~of Legislative Automated Systems~~ in a written or electronic format as provided in the procedures for the processing of legislative documents and reports. Such submission shall satisfy the requirement for communication to the General Assembly.

~~B. Any report required or requested by law or resolution to be submitted to any committee, subcommittee, commission, agency, or other body within the legislative branch or to the chairman or agency head of such entity shall also be submitted to the Division of Legislative Automated Systems in a written or electronic format as provided in the procedures for the processing of legislative documents and reports.~~

~~C.~~ The reports submitted to the Division ~~of Legislative Automated Systems~~ shall include an executive summary. The Division shall post the executive summary and the report on the

1780 ~~website of the General Assembly~~ electronic legislative information system and develop a
1781 notification process to inform interested persons of such postings. Any requirement for a
1782 separate executive summary may be satisfied by the submission of a report in a written or
1783 electronic format with an executive summary.

1784 ~~D.C.~~ The Director of the Division ~~of Legislative Automated Systems~~ and the publishing
1785 authority may enter into agreements to provide equivalent access to the report or the information
1786 contained in the report, and such access shall satisfy the submission requirement of this section.

1787 ~~E.D.~~ Nothing in this section shall be construed to require the release of information
1788 otherwise held confidential by law.

1789 **Drafting note: Existing § 30-34.15 is retained, and technical changes are made to**
1790 **logically organize related provisions.**

1791 ~~§ 30-34.8. Donation of surplus copies to law schools of institutions of higher education.~~
1792 ~~The Commission shall furnish institutions of higher education in the Commonwealth in~~
1793 ~~which a law school is established, and which has not previously been furnished, out of any~~
1794 ~~surplus copies on hand, with one copy of the Journal of the Senate, the Journal of the House of~~
1795 ~~Delegates, the Journal of the Constitutional Conventions, the Acts of Assembly, and the Codes.~~

1796 **Drafting note: This section relating to the accessibility of books and documents is**
1797 **proposed for repeal as obsolete due to the advent of the internet and the availability of**
1798 **numerous legislative resources through the electronic Legislative Information System and**
1799 **the Division of Legislative Services' website.**

1800 ~~§ 30-34.9. Furnishing certain law school libraries publications for exchange.~~

1801 ~~The Commission is authorized and directed to furnish to the Law Library of the~~
1802 ~~University of Virginia, the Law Library of the George Mason University School of Law, and~~
1803 ~~the Law Library of the Marshall-Wythe School of Law of the College of William and Mary in~~
1804 ~~Virginia 50 copies each of such publications printed under its authority as may be designated~~
1805 ~~in writing by the Law Librarian of the University of Virginia, the Law Librarian of the George~~
1806 ~~Mason University School of Law, and the Law Librarian of the Marshall-Wythe School of Law~~

~~of the College of William and Mary in Virginia prior to the time that any such publication so designated goes to press, to be used for exchanges for like publications with law libraries and institutions of other states, the national government, and other governments, societies, and others as they may see fit.~~

Drafting note: This section relating to the accessibility of books and documents is proposed for repeal as obsolete due to the advent of the internet and the availability of numerous legislative resources through the electronic Legislative Information System and the Division of Legislative Services' website.

CHAPTER ~~2.2~~ 8.

DIVISION OF LEGISLATIVE SERVICES AND ASSOCIATED COMMISSIONS.

Drafting note: Proposed Chapter 8 includes those provisions relating to the Division of Legislative Services and its duties and responsibilities involving legislative drafting and the Code of Virginia, including provisions relating to several commissions that are staffed within the Division. Existing Chapters 2.2 (Division of Legislative Services), 15 (Virginia Code Commission), 8.1 (Joint Commission on Administrative Rules), and 29 (Commissioners for Promotion of Uniformity of Legislation) are retained as proposed Articles 1 through 4, respectively.

Article 1.

Division of Legislative Services.

Drafting note: Existing Chapter 2.2, relating to the Division of Legislative Services, is retained as proposed Article 1.

§ ~~30-28.12~~ 30.1-800. ~~Creation of Division~~ Division of Legislative Services; supervisory control of Division; appointment, term, and qualifications of Director.

A. There shall be a legislative agency known and designated as the Division of Legislative Services, ~~hereinafter in this chapter sometimes called the Division~~ (the Division). ~~The Division shall be in the charge of~~ Supervisory control of the Division shall be vested in the Joint Rules Committee.

B. The Joint Rules Committee shall appoint a Director, ~~who shall be appointed by,~~
subject to confirmation of the General Assembly, ~~and~~ who shall serve at the pleasure of the
~~Committees on Rules of the House of Delegates and the Senate~~ Joint Rules Committee. In
addition to those duties required of him by law, he shall perform such other duties as may be
required of him by the Joint Rules Committee.

The Director shall be an experienced lawyer and a ~~graduate of the school of law of an~~
~~approved institution of higher education~~ member of the bar of the Commonwealth.

~~§ 30-19.5. Supervisory control of Division of Legislative Services.~~

~~Supervisory control of the Division of Legislative Services shall be vested jointly in the~~
~~Committees on Rules of the House of Delegates and the Senate, meeting jointly.~~

~~§ 30-28.13. Assistants, draftsmen and clerks.~~

~~The Director may~~ He shall employ and fix the duties and compensation of ~~necessary~~
~~assistants, draftsmen and clerks, who~~ legislative counsel and such other persons as he deems
necessary to carry out the duties and responsibilities required by this chapter. All such persons
shall be selected solely on the grounds of fitness for the performance of the duties assigned to
them. Such compensation shall be paid out of appropriations made for the purpose.

Drafting note: Existing §§ 30-19.5, 30-28.12, and 30-28.13 are combined in this
proposed section because they address related topics. Technical changes are made for
clarity and consistency and to modernize language.

~~§ 30-28.14. Repealed.~~

Drafting note: Repealed by Acts 1978, c. 128.

~~§ 30-28.16~~ 30.1-801. Duties of Division ~~and of Director.~~

~~A.~~ The Division shall have the following powers and duties:

1. ~~Establish~~ Maintain a reference library ~~which develops and maintains~~ with a ~~library~~
collection to support the work of the Division and the General Assembly and ~~which provides~~
to provide general and specific reference services to members of the General Assembly;

2. ~~Keep on file~~ Maintain physical or electronic copies of all bills, resolutions, amendments ~~thereto~~, reports of committees, and other documents printed by order of either house of the General Assembly for any years preceding the publication of such documents on the legislative electronic information system;

3. ~~Accumulate data and statistics regarding the practical operation and effect of statutes of this and other states;~~

4. ~~Carry out such research projects as shall be assigned to it by the Committees on Rules of the House of Delegates and the Senate;~~

5. ~~Furnish upon written request of any person a copy of any charter of a city or town of the Commonwealth at the charge prevailing from time to time for reproducing same;~~

6. Carry out legal and legislative research and ~~obtain and analyze information analysis~~ for members of the General Assembly and its committees; ~~and~~

7. ~~Provide an annual report to the General Assembly, indexed according to standing committee jurisdiction, on the status of all reports, actions, or data collection that is required by legislation enacted by the General Assembly or otherwise requested by the General Assembly of agencies and collegial bodies of state government. The report for the most recently completed calendar year shall be submitted to the General Assembly and the Governor as soon as practicable after the first day of the next regular session and may be provided through the legislative electronic information system.~~

~~B. Upon~~ 4. Draft bills and resolutions for introduction by a member of the General Assembly, and prepare amendments to such bills and resolutions, upon the request of any member of the General Assembly, the Governor, ~~any member of the General Assembly~~, any Governor's Secretary, or the head of any legislative, judicial, or independent agency, ~~the Division shall;~~ and

1. ~~Draft or aid in drafting legislative bills or resolutions and amendments thereto;~~

~~2.~~ 5. Advise as to the constitutionality or probable legal effect of proposed legislation;

1886 ~~3. Prepare~~ prepare summaries of existing laws affected by proposed legislation,
1887 compilations of laws in other states ~~or countries~~ relating to the subject matter of such legislation,
1888 and statements of the operation and effect of such laws; ~~or~~

1889 ~~4. Make researches and examinations~~ and conduct research as to any subject of proposed
1890 legislation.

1891 ~~C. The Director shall perform such other duties as may be required of him by the~~
1892 ~~Committees on Rules of the House of Delegates and the Senate.~~

1893 **Drafting note: Provisions of this section are revised and reorganized to better**
1894 **reflect the current duties of the Division of Legislative Services (the Division). A provision**
1895 **requiring the Division to keep on file certain legislative documents is amended to reflect**
1896 **the ability to electronically maintain such documents. Substantive changes are made in**
1897 **existing subdivisions A 3 and 4 to more accurately reflect the requirements of the Division**
1898 **as the Division has been operating in practice. A provision in existing subdivision A 5**
1899 **requiring the Division to furnish copies of charters upon request is proposed for deletion**
1900 **as obsolete because city and town charters are publicly accessible online. The reporting**
1901 **requirement in existing subdivision A 7 is relocated to proposed § 30.1-701 to reflect the**
1902 **current duties of the Division of Legislative Automated Systems. The provisions of existing**
1903 **subsection B are reorganized to reflect that certain listed duties are performed by the**
1904 **Division whether or not they are requested. Technical changes are made for consistency**
1905 **and to modernize language.**

1906 ~~§ 30-28.17. Books and documents to be accessible to officers and general public.~~

1907 ~~All the books, documents and other materials, and the guides to materials shall be at all~~
1908 ~~times accessible to the Governor and members of the General Assembly, state and municipal~~
1909 ~~officers, boards and commissions, and the general public, for reference purposes.~~

1910 **Drafting note: This section relating to the accessibility of books and documents is**
1911 **proposed for repeal as obsolete due to the advent of the internet and the availability of**

numerous legislative resources through the electronic Legislative Information System and the Division of Legislative Services' website.

§ ~~30-28.18~~ 30.1-802. Requests for drafting bills or resolutions; bills to conform to request; ~~public access~~ confidentiality.

A. All requests for the drafting of bills or resolutions by the Division shall be submitted to the Division in person, ~~in writing, or~~ by voice transmission, or by electronic means. Each request shall contain ~~a general statement~~ sufficient information respecting the policies and purposes that the requester desires incorporated in into and accomplished by the bill. ~~All written requests shall be signed by the person submitting them~~ Bills drafted by the Division shall conform to such request or any supplementary instructions submitted by the requester.

~~Neither the Director nor any employee of the Division shall reveal to any person outside of the Division, except to the Division of Legislative Automated Systems in fulfilling its duties as provided in § 30-34.14, the~~ B. The contents or nature of any request or ~~statements except with the consent of the person signing such request~~ related supplementary instructions shall not be revealed to any person outside of the Division without the consent of the requester, except such requests or supplementary instructions may be revealed to the Division of Legislative Automated Systems in fulfilling its duties as provided in § 30.1-701 [§ 30-34.14]. ~~Exceptions to this general rule are as follows:~~

1. When ~~However, and unless specifically directed otherwise, the Director or a Division employee may reveal the nature of a request when seeking information from any person to assist in drafting the bill, and whenever~~ the Director or ~~an~~ a Division employee receives a request that is substantially the same as one previously received, he may, ~~unless specifically directed not to do so by the person first submitting such request,~~ so inform the person submitting the similar request;

~~2. Unless specifically directed otherwise, the Director or employee may reveal the nature of a request when seeking information from anyone to assist in drafting the bill; and~~

~~3. Copies of all floor substitute bills, conference committee reports, and substitute bills accompanying a conference committee report shall be placed in a secure electronic file immediately following the final drafting of the legislation and may be accessed by either the Clerk of the House of Delegates or the Clerk of the Senate or their employee designees after such legislation is offered for introduction in either house.~~

~~Bills drafted by the Division shall conform to the statements submitted with the request or any supplementary instructions submitted by the person who originally made the request.~~

~~B. C.~~ All legislative drafting requests and accompanying documents shall be maintained by the Division as permanent records. Each of these separate files shall be considered the property of the requester and no one other than ~~members~~ employees of the Division ~~staff~~ shall have access to any such file without the specific approval of the requester.

~~C. All legislative drafting requests from the Governor, a Governor's Secretary, the Lieutenant Governor, the Attorney General, or the head of any judicial, legislative, or independent agency shall be submitted to the Division on or before the same deadline applicable to members of the General Assembly for submitting legislative drafting requests for legislation to be prefiled to the Division, as established by the procedural resolution adopted by the General Assembly, or in default thereof, as adopted by the Joint Rules Committee. Requests from the Governor may also be submitted in accordance with the procedures established by the Rules Committees of the House of Delegates and the Senate for the conduct of business during a legislative session.~~

Drafting note: A provision in proposed subsection A relating to written requests for bill drafts is proposed for deletion as obsolete; such written requests are now submitted through electronic means. Existing subdivision A 3 and subsection C are relocated to proposed § 30.1-402 and § 30.1-400, respectively. Technical changes are made for clarity and consistency and to modernize language.

~~§ 30-28.19. Repealed.~~

Drafting note: Repealed by Acts 1983, c. 62.

1965 ~~§ 30-28.20. Repealed.~~

1966 **Drafting note: Repealed by Acts 1976, c. 746.**

1967 § 30.1-803. Privileges of employees of the Division.

1968 The employees of the Division shall be entitled to those rights and privileges granted to
1969 members and members-elect of the General Assembly pursuant to §§ 30.1-101, 30.1-104, and
1970 30.1-105.

1971 **Drafting note: Portions of existing §§ 30-4, 30-5, 30-6, and 30-7 set out certain**
1972 **privileges enjoyed by members of the General Assembly that relate to criminal and civil**
1973 **court proceedings and extend such privileges to employees of the legislative branch. This**
1974 **proposed section consolidates the provisions from the existing sections extending such**
1975 **privileges to employees of the General Assembly and is revised to be an affirmative**
1976 **statement of law.**

1977 ~~§ 30-28.15~~ 30.1-804. Use of state libraries; withdrawal of books; charges.

1978 A. The ~~Division, through its~~ Director and all employees, of the Division shall have
1979 access to the State Law Library and The Library of Virginia, with the right to withdraw, ~~in the~~
1980 ~~performance of their duties,~~ any books, pamphlets, or printed data from either library, to support
1981 the performance of their duties, subject to the rules of the libraries as to time.

1982 B. Upon the request of the Division, the library of any public institution of higher
1983 education in the Commonwealth shall furnish to the Division photocopies of materials on file
1984 without any charge except the actual cost of photocopying. Such libraries shall not charge the
1985 Division for any library exchange services.

1986 **Drafting note: Technical changes are made to modernize language.**

1987 ~~CHAPTER 15.~~

1988 ~~VIRGINIA CODE COMMISSION.~~

1989 Article 2.

1990 Virginia Code Commission.

Drafting note: Existing Chapter 15, relating to the Virginia Code Commission, is retained as proposed Article 2. Provisions of this proposed article are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for the body's purpose, membership, compensation, meetings, and staffing.

~~§ 30-145~~ 30.1-805. Virginia Code Commission; ~~membership, terms; compensation; staff; quorum~~ purpose.

~~A.~~ The Virginia Code Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to arrange for and oversee the publication of the Code of Virginia, the Virginia Administrative Code, and the Virginia Register of Regulations as provided for in § 2.2-4031.

Drafting note: Existing § 30-145 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Virginia Code Commission's purpose; the purpose statement is relocated from existing § 30-146. Technical changes are made.

§ 30.1-806. Membership; terms.

~~A.~~ The Commission shall ~~consist~~ have a total membership of ~~not less than 11 members nor more than~~ 13 members that shall include four legislative members, six nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows:

1. Two members of the ~~Senate appointed by the Senate Committee on Rules for terms coincident with their terms as members of the Senate, and two members of the~~ House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates for terms coincident with their terms as members of the House of Delegates;

2. Two members of the Senate to be appointed by the Senate Committee on Rules for terms coincident with their terms as members of the Senate;

2017 3. Two circuit court judges, both of whom may be retired or inactive, one to be appointed
2018 by the Speaker of the House of Delegates in accordance with the principles of proportional
2019 representation contained in the Rules of the House of Delegates and one to be appointed by the
2020 Senate Committee on Rules, for terms of four years each;

2021 ~~3-4.~~ One former member of the House of Delegates to be appointed by the Speaker of
2022 the House of Delegates in accordance with the principles of proportional representation
2023 contained in the Rules of the House of Delegates and one former member of the Senate to be
2024 appointed by the Senate Committee on Rules, ~~both for four-year terms~~ for terms of four years
2025 each, who shall be entitled to all the rights granted under ~~§ 30-5;~~

2026 ~~4. Three ex officio members with voting privileges as follows: (i) The Governor, or his~~
2027 ~~designee, (ii) the Attorney General, or an assistant Attorney General designated by the Attorney~~
2028 ~~General, and (iii) the Director of the Division of Legislative Services § 30.1-105;~~ and

2029 5. One ~~or two~~ nonlegislative citizen ~~members,~~ member to be appointed by the Speaker
2030 of the House of Delegates in accordance with the principles of proportional representation
2031 contained in the Rules of the House of Delegates and one nonlegislative citizen member to be
2032 appointed by the Senate Committee on Rules ~~as may be recommended by the Commission,~~ for
2033 a ~~four-year~~ term of four years each. ~~who has~~ Such appointees may be recommended by the
2034 Commission and shall have demonstrated legal knowledge and experience in the codification
2035 of session laws and recodification of statutes. ~~Upon recommendation of the Commission, the~~
2036 ~~Speaker of the House of Delegates shall make the first appointment to the Commission and the~~
2037 ~~Senate Committee on Rules the second.~~ Vacancies shall be filled in the same manner as the
2038 original appointments. Each member approved pursuant to this subdivision shall be entitled to
2039 all the rights granted under ~~§ 30-5~~ § 30.1-105.

2040 The Governor, the Attorney General, and the Director of the Division of Legislative
2041 Services or their designees shall serve ex officio with nonvoting privileges.

2042 B. All members of the Commission shall serve until the expiration of their terms or until
2043 their successors qualify. ~~Subsequent appointments shall be made for similar terms, and~~

2044 ~~vacancies~~ Vacancies shall be filled for the unexpired terms in the manner of the original
2045 appointments.

2046 **Drafting note: Existing § 30-145 is divided into five proposed sections to**
2047 **standardize the organization of articles establishing legislative entities. This proposed**
2048 **section establishes the Virginia Code Commission's membership and terms. Upon**
2049 **recommendation of the Code Commission, substantive changes are made to add a**
2050 **designee for the Director of the Division of Legislative Services and to ensure that**
2051 **members serving ex officio serve without voting privileges. Technical changes are made**
2052 **for clarity and consistency, including the designation of subdivisions.**

2053 § 30.1-807. Compensation; expenses.

2054 ~~E.~~ Current legislative members of the Commission shall receive compensation as
2055 provided in § ~~30-19.12~~ 30.1-109. Other members of the Commission shall receive
2056 compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for
2057 all reasonable and necessary expenses incurred in the performance of their duties as provided
2058 in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the
2059 members shall be provided from existing appropriations to the Commission.

2060 **Drafting note: Existing § 30-145 is divided into five proposed sections to**
2061 **standardize the organization of articles establishing legislative entities. This proposed**
2062 **section establishes compensation and expenses for members of the Virginia Code**
2063 **Commission. Technical changes are made.**

2064 § 30.1-808. Quorum; chair and vice-chair; meetings.

2065 ~~E.~~ A majority of the members of the Commission shall constitute a quorum. The
2066 Commission shall elect a ~~chairman~~ chair and ~~vice-chairman~~ vice-chair from among its
2067 membership who shall be members of the General Assembly. Meetings of the Commission
2068 shall be held at the call of the ~~chairman~~ chair or whenever the majority of the members so
2069 request.

Drafting note: Existing § 30-145 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Virginia Code Commission's quorum and meetings. Technical changes are made.

[§ 30.1-809. Staffing.](#)

~~D.~~ The Division of Legislative Services shall provide administrative staff support to the Commission. The Commission may also directly employ part-time or full-time personnel as ~~needs occur~~ necessary, including experts who have special knowledge of specific titles of the Code being revised.

Drafting note: Existing § 30-145 is divided into five proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Virginia Code Commission's staffing. Technical changes are made.

~~§ 30-146~~ 30.1-810. Publication of Code of Virginia, Virginia Administrative Code, and Virginia 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.

Drafting note: A provision relating to the Virginia Code Commission's purpose is relocated to proposed § 30.1-804. Technical changes are made.

§~~30-147~~ 30.1-811. Contracting with publishers; property rights regarding Code of Virginia and Virginia Administrative Code material.

A. The Commission may enter into contracts~~with any reputable person~~ for such editorial work, printing, indexing, annotating, and other work as may be necessary. All parts of any code published or authorized to be published by the Commission, including statute text, regulation text, catchlines, historical citations, numbers of sections, articles, chapters and titles, frontal analyses, and revisor's notes, shall become and remain the exclusive property of the Commonwealth to be used only as the Commission may direct. However, the Commission shall acknowledge a property right in and the right to copyright materials prepared and added to any code by the person preparing it. Such materials may include~~, inter alia,~~ case annotations, indices, various notes concerning sections, and reference tables.

B. Trade secrets or proprietary information submitted by any person contracting or proposing to contract with the Commission in connection with the publication of (i) the Code of Virginia, (ii) the Virginia Administrative Code, or (iii) any other materials published by the Commission shall not be subject to public disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, the person~~or firm~~ shall invoke the protections of this subsection prior to or upon submission of the data or other materials to be protected and state the reasons why protection is necessary. The Commission may, in closed session, discuss, consider, review, or deliberate upon proposals~~which~~ that contain trade secrets or proprietary information submitted by any person contracting or proposing to contract with the Commission in connection with the publication of the Code of Virginia or the Virginia Administrative Code.

Drafting note: Technical changes are made to modernize language.

§~~30-148~~ 30.1-812. Codification of session laws.

Immediately following each regular session of the General Assembly, the Commission shall arrange for the codification and incorporation into the Code of Virginia of all general and permanent statutes enacted at such regular ~~sessions~~ session and at all special sessions that have occurred between that regular session and the immediately preceding regular session. The statutes may be incorporated by supplements to each volume, replacement of any volume ~~or volumes~~, or a combination thereof.

Unless prevented by unusual circumstances, this work and the distribution of each supplement and replacement volume shall be completed prior to the date when the statutes contained in each such supplement and replacement volume become effective.

Drafting note: Technical changes are made.

§~~30-149~~ 30.1-813. Authority for minor changes to the Code of Virginia and Virginia Administrative Code.

A. The Commission may correct unmistakable printer's errors, misspellings, and other unmistakable errors in (i) the statutes as incorporated into the Code of Virginia, ~~or (ii) the regulations as incorporated into the Virginia Administrative Code~~ and may make consequential changes in the titles of officers and agencies, ~~and other purely consequential changes or when otherwise~~ made necessary by the use ~~in the statutes~~ of titles, terminology and references, or other language no longer appropriate.

B. The Commission may renumber, rename, and rearrange (i) any Code of Virginia titles, chapters, articles, and sections in the statutes adopted, and make corresponding changes in lists of chapter, article, and section headings, catchlines, and tables, and (ii) any Virginia Administrative Code titles, sections, or other divisions within the regulations that have been proposed or adopted or have become effective, and make corresponding changes in lists of subject and section headings, catchlines, and tables, when, in the judgment of the Commission, it is necessary because of any disturbance or interruption of orderly or consecutive arrangement.

2151 C. The Commission may correct unmistakable errors in cross-references to Code of
2152 Virginia or Virginia Administrative Code sections and may change cross-references to ~~Code of~~
2153 ~~Virginia~~ such sections ~~which that~~ have become outdated or incorrect due to subsequent
2154 amendment to, revision of, or repeal of the sections to which reference is made.

2155 D. The Commission may omit from the statutes incorporated into the Code of Virginia
2156 and from the regulations incorporated into the Virginia Administrative Code those provisions
2157 ~~which that~~, in the judgment of the Commission, are inappropriate in a code, ~~such as emergency~~
2158 including effective date clauses, clauses providing for specific nonrecurring appropriations, and
2159 general repealing clauses.

2160 **Drafting note: Provisions relating to the Virginia Code Commission's editorial**
2161 **powers for the Virginia Administrative Code as set out in existing § 30-150 are**
2162 **consolidated with the Commission's identical editorial powers for the Code of Virginia in**
2163 **this proposed section. Technical changes are made for clarity and consistency, including**
2164 **the designation of subsections.**

2165 ~~§ 30-150. Authority for minor changes to the Virginia Administrative Code.~~

2166 ~~The Commission may correct unmistakable printer's errors, misspellings and other~~
2167 ~~unmistakable errors in the regulations as incorporated into the Virginia Administrative Code,~~
2168 ~~and may make consequential changes in the titles of officers and agencies, and other purely~~
2169 ~~consequential changes made necessary by the use in the regulations of titles, terminology and~~
2170 ~~references, or other language no longer appropriate.~~

2171 ~~The Commission may renumber, rename and rearrange any Virginia Administrative~~
2172 ~~Code titles, sections or other divisions within the regulations which have been proposed,~~
2173 ~~adopted or have become effective and make corresponding changes in lists of subject and~~
2174 ~~section headings, catchlines and tables, when in the judgment of the Commission it is necessary~~
2175 ~~because of any disturbance or interruption of orderly or consecutive arrangement.~~

2176 ~~The Commission may correct unmistakable errors in the cross-references to Code of~~
2177 ~~Virginia or Virginia Administrative Code sections and may change cross-references to such~~

2178 ~~sections which have become outdated or incorrect due to subsequent amendment to, revision or~~
2179 ~~repeal of the sections to which reference is made.~~

2180 ~~The Commission may omit from the regulations incorporated into the Virginia~~
2181 ~~Administrative Code provisions which, in the judgment of the Commission, are inappropriate~~
2182 ~~in a code, including, but not limited to, (i) effective date clauses and (ii) severability clauses,~~
2183 ~~which are provided for under § 2.2-4004.~~

2184 **Drafting note: This section is proposed for deletion and relocation to proposed §**
2185 **30.1-813.**

2186 ~~§ 30-151~~ [30.1-814](#). Ongoing responsibility for repeal of obsolete statutes and Acts of
2187 Assembly.

2188 The Commission shall [periodically](#) review the Code of Virginia and uncodified
2189 provisions in the ~~Virginia~~ Acts of Assembly to identify obsolete chapters, articles, sections, or
2190 enactments. ~~The Commission shall from time to time, but not less than every four years, make~~
2191 ~~such recommendation~~ [and recommend](#) to the General Assembly ~~through~~ legislation amending
2192 or repealing such statutes or acts as the Commission deems appropriate.

2193 **Drafting note: A substantive change is made to replace a provision requiring the**
2194 **Virginia Code Commission to recommend certain legislation to the General Assembly at**
2195 **least every four years with the requirement to "periodically" recommend such legislation.**
2196 **Technical changes are made for clarity and consistency.**

2197 ~~§ 30-152~~ [30.1-815](#). Revision of the Code of Virginia; construction of statutes relating
2198 to titles amended.

2199 [A.](#) The Code of Virginia shall continue to be gradually revised by revising one title at a
2200 time. The Commission shall have the responsibility for drafting title revision and recodification
2201 bills for introduction into the General Assembly.

2202 [B.](#) During the recodification or title revision process, the Commission shall evaluate the
2203 need for and recommend the repeal of any section or provision relating to the revised title that
2204 has not been implemented during any of the previous five years because sufficient funds were

not appropriated by the General Assembly. The House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall assist the Commission in determining which sections and provisions of the Code of Virginia meet these conditions for repeal.

C. In the revision of each title, all other sections of the Code of Virginia relating to the same subject matter shall be revised to the extent necessary. Whenever in a title revision or recodification bill an existing section of a title of the Code of Virginia is repealed and replaced with a renumbered section and that section so repealed was effective with an uncodified enactment, the repeal of that section, alone, shall not affect the uncodified enactment. The title revision or recodification bill shall expressly repeal the uncodified enactment in order for the enactment to be repealed.

D. Whenever, during any session of the General Assembly, there shall have been enacted any statute purporting to revise, rearrange, amend, and recodify any title of the Code of Virginia, such statute shall be deemed to have been enacted prior to any other statute enacted at such session adding to, repealing, or amending and reenacting any portion of such title. Every such other statute shall be deemed to have so added to, repealed, or amended and reenacted, as the case may be, such title as so revised, rearranged, amended, and recodified. Effect shall be given to any such other, or subsequent, statute only to the extent of any apparent changes in the law as it existed prior to such session.

Drafting note: Technical changes are made for clarity, including the designation of subsections.

~~§ 30-153. Repealed.~~

Drafting note: Repealed by Acts 2012, cc. 688 and 708, cl. 2.

~~§ 30-154~~ 30.1-816. Publication of Virginia State Bar advisory opinions.

The Commission, in conjunction with the Virginia State Bar, shall arrange for the incorporation of all advisory opinions issued by the Virginia State Bar's Standing ~~Committees~~ Committee on Legal Ethics, ~~Lawyer Advertising and Solicitation, and Unauthorized Practice of Law~~ into the Code of Virginia. Such opinions, including appropriate indices, may be

incorporated into the Code of Virginia by the addition of a volume to the Code and kept current by means of pocket parts or supplements and by replacement volumes.

Drafting note: Technical changes are made to remove obsolete references to certain Virginia State Bar Standing Committees.

§ ~~30-154.1~~ 30.1-817. Publication of Virginia compacts.

The ~~Code~~ Commission shall annually arrange for the codification and incorporation into the Code of Virginia of all general, special, and limited compacts to which the Commonwealth is a party. Within the discretion of the Commission, such incorporation may be through insertion within the existing text and organization of the Code of Virginia or as a freestanding volume.

The Commission shall, on or before July 1 of each year, transmit to the Secretary of the Commonwealth a copy of each new, amended, or repealed compact as it was adopted by the Commonwealth in accordance with § 2.2-403.

Drafting note: Technical changes are made.

§ ~~30-155~~ 30.1-818. Responsibilities as to administrative law; appointment of Administrative Law Advisory Committee; staff.

A. In conjunction with the responsibility granted to the Commission for publishing and maintaining the Virginia Administrative Code ~~as set forth in~~ pursuant to § ~~30-146~~ 30.1-810, the Commission shall continually monitor the operation of the Administrative Process Act (§ 2.2-4000 et seq.) and the Virginia Register Act (§ 2.2-4100 et seq.) to ensure that those laws provide administrative agencies of the Commonwealth with the most practical means ~~to administrative agencies of the Commonwealth~~ for the promulgation, amendment, and repeal of administrative law within the powers granted to such agencies by the General Assembly, and to recommend ~~from time to time~~ periodically such changes as it deems appropriate.

B. The Commission may appoint an Administrative Law Advisory Committee (the Advisory Committee) to assist the Commission in fulfilling its responsibilities under subsection

2258 A. The chair of the Advisory Committee may be a member of and shall be appointed by the
2259 Commission.

2260 1. The Advisory Committee ~~shall be~~ is a legislative branch agency and may consist of
2261 representatives from state agencies, the Office of the Executive Secretary of the Supreme Court,
2262 the regulated communities, consumer and other public interest groups, local governments, the
2263 bar, and the academic community. The number of members shall be determined by the
2264 Commission but shall not exceed 12. Members shall serve two-year terms and shall be
2265 reimbursed for their expenses incurred in attending meetings and other functions of the
2266 Advisory Committee.

2267 2. The Advisory Committee shall submit an annual work plan and budget to the
2268 Commission for approval. Funds necessary to support any such budget approved by the
2269 Commission shall be paid from sums appropriated to the Commission. The Commission may
2270 authorize the Advisory Committee to undertake research projects, hire consultants, sponsor
2271 conferences, hold public hearings, conduct surveys, and engage in other efforts consistent with
2272 assisting the Commission in fulfilling its responsibilities under subsection A. The Advisory
2273 Committee shall report its findings and recommendations annually to the ~~Code~~ Commission,
2274 and that report shall be forwarded to the ~~Governor and the~~ General Assembly and the Governor.

2275 3. ~~Staff assistance shall be provided to the Advisory Committee by the~~ The Division of
2276 Legislative Services shall provide administrative staff support to the Advisory Committee.

2277 **Drafting note: Technical changes are made for clarity and consistency.**

2278 ~~CHAPTER 8.1.~~

2279 ~~JOINT COMMISSION ON ADMINISTRATIVE RULES.~~

2280 Article 3.

2281 Joint Commission on Administrative Rules.

2282 **Drafting note: Existing Chapter 8.1, relating to the Joint Commission on**
2283 **Administrative Rules, is retained as proposed Article 3. Provisions of this proposed article**

2284 are reorganized to standardize the organization of articles establishing legislative entities
2285 by setting out separate sections for the entity's membership and compensation.

2286 [§ 30.1-819. Definitions.](#)

2287 [As used in this article, unless the context requires a different meaning:](#)

2288 ["Agency" means any authority, commission, instrumentality, officer, board, or other](#)
2289 [unit of the state government empowered by the basic laws to make regulations or decide cases.](#)

2290 ["Joint Commission" means the Joint Commission on Administrative Rules.](#)

2291 ["Rule" or "regulation" means any statement of general application that has the force of](#)
2292 [law, affects the rights or conduct of any person, and is adopted by an agency in accordance with](#)
2293 [the authority conferred on it by applicable laws of the Commonwealth.](#)

2294 **Drafting note: The definitions for "agency" and "rule or regulation" are relocated**
2295 **from existing § 30-73.1 to conform to the standard convention of placing definitions at the**
2296 **beginning of an article. Technical changes are made, including establishing a separate**
2297 **term for "Joint Commission" for clarity and consistency.**

2298 ~~§ 30-73.1~~ [30.1-820](#). Joint Commission on Administrative Rules; purpose.

2299 The Joint Commission on Administrative Rules ~~(the "Commission")~~ is established in
2300 the legislative branch of state government. The purpose of the Commission is to [\(i\)](#) review ~~(i)~~
2301 existing agency rules, regulations, and practices ~~and~~; [\(ii\) review](#) agency rules or regulations
2302 during the promulgation or final adoption process; [and \(iii\)](#) make recommendations to the
2303 ~~Governor and~~ General Assembly [and the Governor](#).

2304 ~~As used in this chapter, unless the context requires a different meaning:~~

2305 ~~"Agency" means any authority, commission, instrumentality, officer, board or other unit~~
2306 ~~of the state government empowered by the basic laws to make regulations or decide cases.~~

2307 ~~"Rule" or "regulation" means any statement of general application, having the force of~~
2308 ~~law, affecting the rights or conduct of any person, adopted by an agency in accordance with the~~
2309 ~~authority conferred on it by applicable basic laws.~~

2310 **Drafting note: Technical changes are made.**

2311 § ~~30-73.2~~ 30.1-821. Membership; quorum; terms; ~~compensation~~.

2312 A. The Commission shall ~~be composed~~ have a total membership of 12 legislative
2313 members. Members shall be appointed as follows: ~~five members of the Senate to be appointed~~
2314 ~~by the Senate Committee on Rules, and seven~~

2315 1. Seven members of the House of Delegates to be appointed by the Speaker of the
2316 House; of Delegates in accordance with the principles of proportional representation contained
2317 in the Rules of the House of Delegates; and

2318 2. Five members of the Senate to be appointed by the Senate Committee on Rules.

2319 ~~Six members shall constitute a quorum.~~

2320 B. Members shall serve for terms coincident with their terms of office. Members may
2321 be reappointed. Vacancies occurring other than by expiration of a term shall be filled for the
2322 unexpired term. Vacancies shall be filled in the same manner as the original appointments.

2323 ~~C. The members of the Commission shall elect a chairman and vice chairman from~~
2324 ~~among its members.~~

2325 **Drafting note:** Existing § 30-73.2 is divided into three proposed sections to
2326 standardize the organization of articles establishing legislative entities. This proposed
2327 section establishes the Commission's membership and terms. Technical changes are
2328 made.

2329 § 30.1-822. Quorum; chair and vice-chair.

2330 Six members of the Commission shall constitute a quorum. The Commission shall elect
2331 a chair and vice-chair from among its members.

2332 **Drafting note:** Existing § 30-73.2 is divided into three proposed sections to
2333 standardize the organization of articles establishing legislative entities. This proposed
2334 section establishes the Commission's quorum and chair and vice-chair.

2335 § 30.1-823. Compensation; expenses.

2336 ~~D.~~ Members of the Commission shall receive compensation as provided in ~~§ 30-19.12~~
2337 § 30.1-109 and shall be reimbursed for all reasonable and necessary expenses incurred in the

performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such expense payments shall come from existing appropriations to the Commission.

Drafting note: Existing § 30-73.2 is divided into three proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes compensation and expenses for members of the Commission. Technical changes are made.

~~§ 30-73.3~~ 30.1-824. Powers and duties of the Commission.

A. The Commission shall have the following powers and duties ~~to~~:

1. Review proposed rules and regulations of any agency during the promulgation or final adoption process and determine whether or not the rule or regulation (i) is authorized by statute; (ii) complies with legislative intent; (iii) will cause a substantial reduction in private sector employment; and (iv) contains ~~no~~ any mandate that improperly burdens businesses or would impose a significant adverse economic impact on a locality, business, or entity particularly affected as defined in § 2.2-4007.04.

2. Review the effect of the rule or regulation on (i) the economy; (ii) the protection of the Commonwealth's natural resources pursuant to Article XI, Section 1 of the Constitution of Virginia; (iii) government operations of the Commonwealth and localities; and (iv) affected persons and businesses.

3. File with the Registrar of Regulations and the agency promulgating the regulation an objection to a proposed or final adopted regulation.

4. Suspend the effective date of any portion or all of a final regulation with the concurrence of the Governor as provided in subsection B of § 2.2-4014.

5. Make recommendations to the ~~Governor and~~ General Assembly and the Governor for action based on its review of any proposed rule or regulation.

6. Review any existing agency rule, regulation, or practice or the failure of an agency to adopt a rule and recommend to the ~~Governor and the~~ General Assembly and the Governor that a rule be modified, repealed, or adopted; and

2365 7. ~~Beginning November 1, 2017, the Joint Commission on Administrative Rules shall~~
2366 ~~conduct~~ Conduct an ongoing review of the exemptions authorized by the Administrative
2367 Process Act (§ 2.2-4000 et seq.) in accordance with subsections B and D of § 2.2-4005 on a
2368 schedule established by the Commission.

2369 B. If the Commission finds that a rule or regulation improperly burdens businesses or
2370 would impose a significant adverse economic impact on a locality, business, or entity
2371 particularly affected, it shall report quarterly to the ~~Governor and the~~ General Assembly and
2372 the Governor on any such regulation. The report shall contain a statement of any position taken
2373 by the Commission on any such regulation.

2374 C. If the Commission decides to seek suspension of a final rule or regulation, it shall
2375 deliver a statement to the Governor, signed by a majority of the members of the Commission,
2376 asking the Governor to concur in delaying the effective date of a portion or all of the final
2377 regulation until the end of the next regular legislative session as provided in §§ 2.2-4014 and
2378 2.2-4015.

2379 D. Based upon its review of (i) any final rule or regulation during the promulgation or
2380 final adoption process or (ii) any existing agency rule, regulation, or practice or failure of an
2381 agency to adopt a rule or regulation, the Commission may prepare and arrange for the
2382 introduction of a bill to clarify the intent of the General Assembly when ~~it~~ the General Assembly
2383 has enacted a law or to correct any misapplication of a law by an agency.

2384 **Drafting note: Technical changes are made for clarity and consistency.**

2385 § ~~30-73.4~~ 30.1-825. ~~Staff~~ Staffing; cooperation and assistance.

2386 ~~Staff assistance shall be provided to the Commission by the~~ The Division of Legislative
2387 Services shall provide administrative staff support to the Commission. All agencies, authorities,
2388 and institutions of the Commonwealth shall cooperate and provide such assistance to the
2389 Commission as the Commission may request.

2390 **Drafting note: Technical changes are made for consistency.**

2391 ~~CHAPTER 29.~~

~~COMMISSIONERS FOR PROMOTION OF UNIFORMITY OF LEGISLATION.~~

Article 4.

Commissioners for Promotion of Uniformity of Legislation.

Drafting note: Existing Chapter 29, relating to the Commissioners for Promotion of Uniformity of Legislation, is retained as proposed Article 4.

§~~30-196~~ 30.1-826. Appointment of Commissioners; terms; compensation.

A. There shall be appointed by the Governor three Commissioners, who with the Director of the Division of Legislative Services and any persons appointed as life members are hereby constituted a board of Commissioners by the name and style of Commissioners for the Promotion of Uniformity of Legislation in the United States. The three Commissioners appointed by the Governor shall serve for a term of four years, with each such term commencing on October 1. A Commissioner appointed by the Governor shall serve until his successor is appointed.

B. Each of the appointed Commissioners shall hold office at the pleasure of the Governor, and excepting life members and the Director of the Division of Legislative Services, shall serve for a term of four years. Vacancies shall be filled by the Governor for unexpired terms.

C. The Commissioners shall receive no compensation for their services, but their necessary travel and hotel expenses shall be reimbursed, subject to the approval of the Joint Rules Committee or to the joint approval of the Speaker of the House of Delegates and the ~~Chairman~~ Chair of the Senate Committee on Rules, and shall be paid out of any funds that may be appropriated for such purposes.

Drafting note: Technical changes are made.

§~~30-197~~ 30.1-827. Duties; staff.

A. It ~~shall be~~ is the duty of ~~such~~ the Commissioners to examine subjects on which uniformity is desirable, to ascertain the best means to effect uniformity in the laws of the states, and to represent the Commonwealth in conventions of like Commissioners appointed by other

states to consider and draft uniform laws to be submitted for adoption by the several states, and to devise and recommend such other course of action as shall best accomplish the purpose of this ~~chapter~~ [article](#).

B. The Commissioners shall, on or before ~~July 1 of each year~~ [the first day of each regular session of the General Assembly](#), make a detailed report to the General Assembly on their work and activities. ~~Staff support shall be provided by the~~ [The](#) Division of Legislative Services [shall provide administrative staff support](#).

Drafting note: Technical changes are made for clarity and consistency.

CHAPTER ~~7~~ [9](#).

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION.

Drafting note: Proposed Chapter 9, Joint Legislative Audit and Review Commission, is created to logically organize provisions related to the Joint Legislative Audit and Review Commission (JLARC) and certain Acts within existing Title 30 that are under JLARC oversight. Existing Chapters 7 (Joint Legislative Audit and Review Commission), 8 (Legislative Program Review and Evaluation Act), 10 (Virginia Retirement System Oversight Act), and 51 (Commonwealth Savers Plan Oversight Act) are retained as Articles 1, 2, 3, and 4, respectively. Budget language relating to JLARC oversight of the Virginia Information Technologies Agency and certain economic development incentives is proposed for codification as Articles 5 and 6, respectively.

[Article 1.](#)

[Joint Legislative Audit and Review Commission.](#)

Drafting note: Existing Chapter 7, relating to the Joint Legislative Audit and Review Commission, is retained as proposed Article 1 of Chapter 9. Provisions of this proposed article are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose, membership, powers and duties, staffing, and other provisions.

§~~30-56~~ 30.1-900. Joint Legislative Audit and Review Commission; ~~composition; terms; compensation and expenses; office space; quorum; voting on recommendations~~ purpose.

~~There is hereby created the~~ The Joint Legislative Audit and Review Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to (i) review the operations of state agencies and (ii) study and report on such topics as requested by the General Assembly.

Drafting note: Existing § 30-56 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes JLARC's purpose. Technical changes are made to modernize and standardize language.

§ 30.1-901. Membership; terms; voting on recommendations.

The Commission shall ~~consist~~ have a total membership of 15 members that shall include 14 legislative members and one ex officio member. Members shall be appointed as follows:

~~nine~~ 1. Nine members of the House of Delegates to be appointed by the Speaker ~~thereof~~ of the House of Delegates, of whom at least five shall be members of the House Committee on Appropriations; and

~~five~~ 2. Five members ~~from~~ of the Senate to be appointed by the Senate Committee on Rules ~~Committee of the Senate~~, of whom at least two shall be members of the Senate Committee on Finance and Appropriations, ~~and the~~.

The Auditor of Public Accounts, ~~who~~ shall serve ~~as a nonvoting~~ ex officio ~~member~~ with nonvoting privileges.

Members shall serve terms coincident with their terms of office. Members may be reappointed for successive terms.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

Drafting note: Existing § 30-56 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes JLARC's membership and terms and includes a voting equalization provision, which is relocated from the end of the existing section. Technical changes are made, including the insertion of subdivisions for clarity.

[§ 30.1-902. Compensation; expenses.](#)

Members of the Commission shall receive such compensation as provided in ~~§ 30-19.12~~ 30.1-109 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties on the Commission. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission. Adequate office space shall be provided by the Commonwealth.

Drafting note: Existing § 30-56 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes compensation and reimbursement for expenses for members of JLARC. A technical change is made.

[§ 30.1-903. Chair and vice-chair; quorum; meetings.](#)

The Commission shall elect a ~~chairman~~ chair and ~~vice-chairman~~ vice-chair from among its membership. A majority of the members shall constitute a quorum. Meetings of the Commission shall be held upon the call of the ~~chairman~~ chair or whenever the majority of the members so request.

~~No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: Existing § 30-56 is divided into four proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes JLARC's requirements for officers, quorums, and meetings. A

provision relating to voting recommendations is relocated from this proposed section to proposed § 30.1-901. Technical changes are made.

~~§ 30-57~~ 30.1-904. Director, executive staff, and personnel.

The Commission shall appoint, subject to confirmation by a majority of the members of the General Assembly, a Director and fix his duties and compensation. The Director may, with prior approval of the Commission, employ and fix the duties and compensation of an adequate executive staff as may be ~~requisite~~ required to ~~make~~ perform the studies ~~and~~, research, and budget analyses required by this ~~chapter~~ article. The Director and the executive staff shall be appointed for a term of six years and shall consist of professional persons having experience and training in ~~legislative budgetary procedures,~~ program and policy evaluation and management and cost analyses ~~and cost accounting~~. The Director and any executive staff member may be removed from office for cause by a majority vote of the Commission. Such other professional personnel, consultants, and ~~secretarial and clerical~~ administrative employees ~~may be engaged upon~~ may be hired or contracted by the Commission on such terms and conditions as set forth by the Commission.

Drafting note: Language relating to the required experience and training for the Director and executive staff is updated to better describe the necessary qualifications for appointment. This change is consistent with current needs and practice. Language is updated for modern usage and clarity, and technical changes are made.

~~§ 30-58. Repealed.~~

Drafting note: Repealed by Acts 1975, c. 324.

~~§ 30-58.1~~ 30.1-905. Powers and duties of the Commission.

A. For the purposes of this section, the term "state agency" means all executive, judicial, and legislative entities of the Commonwealth as well as all constitutionally or statutorily created state entities.

B. The Commission shall have the following powers and duties:

2525 1. Make performance reviews of operations of state agencies and programs to ascertain
2526 that sums appropriated have been, or are being expended for the purposes for which such
2527 appropriations were made and to evaluate the effectiveness of programs in accomplishing
2528 legislative intent;

2529 2. ~~Study on a continuing basis the operations, practices and duties of state agencies, as~~
2530 ~~they relate to efficiency in the utilization of space, personnel, equipment and facilities~~ Conduct
2531 reviews and analyses of public policy topics as requested by the General Assembly;

2532 3. Make such special studies and reports of the operations and functions of state agencies
2533 and programs as it deems appropriate and as may be requested by the General Assembly;

2534 4. Assess, analyze, and evaluate the social ~~and economic costs and benefits~~ impact,
2535 medical effectiveness, and relevant issues of any proposed mandated health insurance benefit
2536 or mandated provider that is not included in the essential health benefits required by federal law
2537 to be provided under a health care plan, ~~including the mandate's predicted effect on health care~~
2538 ~~coverage premiums and related costs, net costs or savings to the health care system, and other~~
2539 ~~relevant issues,~~ and report its findings with respect to the proposed mandate to the Health
2540 Insurance Reform Commission; ~~and~~

2541 5. Make such reports on its findings and recommendations at such time and in such
2542 manner as the Commission deems proper ~~submitting same~~ and submit such reports to the
2543 concerned state agencies ~~concerned, to the Governor and to~~ the General Assembly, and the
2544 Governor. Such reports ~~as are submitted~~ shall relate to the following matters:

2545 a. Ways in which ~~the state~~ agencies and programs may operate more economically and
2546 efficiently;

2547 b. Ways in which state agencies and programs can provide better services to the
2548 Commonwealth and to the people; and

2549 c. Areas in which the functions of state agencies and programs are duplicative,
2550 overlapping, or failing to accomplish legislative objectives or for any other reason should be
2551 redefined or redistributed; and

6. Review the fiscal impact statements associated with introduced bills after such statements are issued.

The work of the Commission's staff shall be directed by statute, joint resolution approved by the House of Delegates and the Senate, or resolution or other directive approved by the Commission.

Drafting note: A definition contained in existing § 30-59.1 is relocated to proposed subsection A with technical changes to conform to current Code conventions. Language is updated to reflect the current powers and duties of JLARC and clarify how its work is directed. Technical changes are made.

~~§ 30-58.2~~ 30.1-906. Supplementary ~~studies and~~ reports.

The Commission shall prepare supplementary ~~studies and~~ reports of the program reviews and evaluations called for in ~~§§ 30-58.1 and 30-67~~ § 30.1-902 in the following manner:

1. At least once in each biennium and at such other times as the Commission deems necessary, a report shall be made to the General Assembly ~~which~~ that includes: (i) annotations of reports previously issued; (ii) a summary of significant actions taken by executive agencies in response to reports and recommendations previously issued; and (iii) matters pertaining to the report topics that may require additional legislative attention and consideration.

2. From time to time, state agencies involved in matters ~~which~~ that have been studied under the provisions of ~~§ 30-58.1 or § 30-67~~ 30.1-902 may be required to communicate to the Commission at a hearing called for such purpose or in writing; the status of actions completed or being taken in response to reports and recommendations previously issued.

3. In the event a report of the Commission cites waste, extravagance, unauthorized activities, or other significant deficiencies ~~which~~ that result in the misuse of public funds, a supplementary report shall be made at such time as the Commission deems appropriate, ~~which~~ provides providing the General Assembly: with (i) a review of the problem; (ii) recommendations made by the Commission or other legislative committee to correct the

problem; (iii) actions taken or planned by the state agency to correct the problem; and (iv) such other matters as may require additional legislative attention to correct the problem.

Supplementary reports published by the Commission shall be issued to ~~the Governor,~~ the relevant state agencies ~~concerned, and~~ members of the General Assembly, and the Governor.

Drafting note: Technical changes are made for clarity and consistency.

~~§ 30-58.3~~ 30.1-907. Annual report on state spending.

A. No later than November 15 of each year, the Commission shall provide to ~~the Governor and~~ the General Assembly and the Governor an annual report on state spending to be published as a state document that shall include, ~~among other things,~~ (i) an identification and analysis of spending functions and programs that could be consolidated with other programs without diminishing the quality of the services provided to the citizens of the Commonwealth; (ii) an identification and analysis of those spending functions or programs ~~which~~ that no longer have a distinct and discernible mission or are not performing their missions efficiently; (iii) an identification and analysis of the state programs that have had the largest impact on the growth of state spending over the prior five biennia; in dollar terms; (iv) an identification and analysis of the state programs growing the fastest in percentage terms; (v) for the state programs identified as the largest or ~~fastest-growing~~ fastest growing, comparisons of the growth in spending on those programs to the rate of increase in inflation and the growth in populations served by those programs over a comparable time period; (vi) an analysis of the causes for the growth in spending on the largest and fastest-growing state programs and whether the growth in spending appears rationally related to the rates of increase in inflation, tax relief measures, mandated expenditures, populations served, or any other related matter; and (vii) such other related issues as it deems appropriate.

B. All agencies of the Commonwealth shall provide assistance to the Commission in the preparation of this report; upon request.

Drafting note: Technical changes are made for clarity and consistency.

~~§ 30-58.4. Pilot program for analysis of state agency budget submissions.~~

~~The Commission shall develop a pilot program to analyze and evaluate estimates submitted by state agencies and provided to the chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations pursuant to § 2.2-1504 to ascertain that sums requested are appropriated based on the missions, operations, practices, and duties of such agencies. Such pilot program shall include, but not be limited to, (i) an assessment of the procedures for executive budget submission oversight in other states, (ii) development of procedures that could be adopted in Virginia for state agency budget submission analysis, and (iii) preliminary analysis and evaluation of the budget submission of one state agency, to be selected jointly by the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations and the Joint Legislative Audit and Review Commission, in accordance with such procedures. Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Planning and Budget. All agencies of the Commonwealth shall provide assistance to the Commission in conducting the pilot program, upon request.~~

~~The Commission shall submit to the Division of Legislative Automated Systems an executive summary and report of its progress in meeting the directives of this statute no later than the first day of the 2009 Regular Session of the General Assembly. The executive summary and report shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: This section is proposed for deletion as obsolete.

~~§ 30-59~~ 30.1-908. State agencies to furnish information and assistance.

A. For the purposes of this section, the term "state agency" means all executive, judicial, and legislative entities of the Commonwealth as well as all constitutionally or statutorily created state entities.

B. All ~~agencies of the Commonwealth~~, state agencies and their staff and employees shall provide the Commission with the necessary information for the performance of its duties, and to afford the Commission's staff ample opportunity to observe state agency operations.

C. The clerk of each circuit court shall provide the Commission with all case data in an electronic format from such court's own case management system or the statewide Circuit Case Management System upon request of the Commission. If the statewide Circuit Case Management System is used by the clerk when requested by the Commission, the Executive Secretary of the Supreme Court shall provide for the transfer of such data to the Commission. The Commission may use such data for research, evaluation, or statistical purposes only and shall ensure the confidentiality and security of the data. The Commission shall only publish analyses based on such data as needed for its reports, fiscal impact reviews, or racial and ethnic impact statements as required by the General Assembly. The Commission shall not publish personal or case identifying information, including names, social security numbers, and dates of birth, that may be included in such data. Upon transfer to the Commission, such data shall not be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Except for the publishing of personal or case identifying information, including names, social security numbers, and dates of birth, the restrictions in this section shall not prohibit the Commission from sharing aggregate data in reports, fiscal impact reviews, or racial and ethnic impact statements.

Drafting note: Existing § 30-59 is combined with related provisions in subsection H of Budget Item 25 of Chapter 2 of the Acts of Assembly of 2024, Special Session I, which mandates the clerk of each circuit court provide JLARC with certain case data for research, evaluation, or statistical purposes and is proposed for codification. A definition contained in existing § 30-59.1 is relocated to proposed subsection A with technical changes to conform to current Code conventions. Other technical changes are made.

~~§ 30-59.1. State agency defined.~~

~~For the purposes of §§ 30-58.1 and 30-59, the terms "state agency," "state agencies," "agency," and "agencies" shall mean all executive, judicial, and legislative entities of the Commonwealth as well as all constitutionally or statutorily created state entities.~~

Drafting note: The definition contained in this section is relocated to §§ 30.1-902 and 30.1-905, and this section is proposed for deletion.

~~§ 30-60~~ 30.1-909. Auditor of Public Accounts to render assistance upon request; ~~his~~ relationship to Commission.

The Commission may request and receive the assistance of the staff of the Auditor of Public Accounts in making desired special studies and fiscal reviews within the manpower limitations of his office. The Commission may serve as an advisory and contact agency for the Auditor of Public Accounts to make such special reports as he may be required by law to submit to the General Assembly.

Drafting note: Technical change.

§ ~~30-61~~ 30.1-910. Advisory committees.

The Commission may associate with itself such advisory committees ~~of businessmen and others~~ as it ~~may deem~~ deems necessary to advise it with respect to what business practices can be adopted to achieve greater economies and more efficient service. The expenses of the members of such committees shall be paid from the funds of the Commission.

Drafting note: The phrase "of businessmen and others" is removed as unnecessary. A technical change is made.

§ ~~30-61.1~~ 30.1-911. Operational and programmatic efficiency and effectiveness reviews.

A. In addition to the review and evaluation of state entities pursuant to the Legislative Program Review and Evaluation Act (§ ~~30-65~~ 30.1-913 et seq.), the Commission may establish an operational and programmatic efficiency and effectiveness review and assessment of any state departments, agencies, and programs. The Commission may contract with a United States-based private management consulting firm to conduct the efficiency and effectiveness review

and assessment. Such contract shall be pursuant to a fixed price contract and shall not provide for any payment resulting from the implementation of any recommendations of the review.

B. The purpose of the review and assessment shall be to provide an objective and independent cost-savings assessment of the Commonwealth's organizational structure and its programs in order to provide information to ~~the Governor and~~ the General Assembly and the Governor to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. Any review and assessment conducted pursuant to this section shall take into consideration the results of any prior studies, audits, or reviews conducted by the Commission, the General Assembly, or the Auditor of Public Accounts, any Governor-appointed commission or like entity, or any other independent entity that addressed the structure and operation of state government and identified monetary savings or efficiencies leading to a reduction in costs or reduced duplication of effort.

C. The Commission shall submit a report to the General Assembly on the results of any review and assessment by December 1 of the year in which such review is conducted.

Drafting note: Technical changes.

~~§ 30-62. Repealed.~~

Drafting note: Repealed by Acts 1979, c. 731.

~~§ 30-63~~ 30.1-912. Payment of expenses of Commission.

The salaries, per diems, and other expenses necessary to the functions of the Commission shall be payable from funds appropriated to the Commission.

Drafting note: No change.

~~§ 30-19.1:12~~ 30.1-913. Executive orders; impact statements by the Joint Legislative Audit and Review Commission.

A. At the request of the ~~chairman~~ of any committee of the ~~Senate or House of Delegates~~ General Assembly, the ~~Joint Legislative Audit and Review~~ Commission shall review any executive order issued by the Governor and prepare a statement reflecting the potential fiscal impact of such executive order on the operations of state government.

B. The ~~Joint Legislative Audit and Review~~ Commission shall forward copies of the impact statement prepared pursuant to subsection A to the requesting ~~chairman~~ chair of the standing committee of both houses of the General Assembly to which matters relating to the content of the executive order are most properly referable.

Drafting note: Technical changes.

~~CHAPTER 8.~~

~~LEGISLATIVE PROGRAM REVIEW AND EVALUATION ACT.~~

Article 2.

Legislative Program Review and Evaluation Act.

Drafting note: Existing Chapter 8, relating to the Legislative Program Review and Evaluation Act, is retained as proposed Article 2 of Chapter 9.

~~§ 30-64. Reserved.~~

Drafting note: This section is removed because it is carried as reserved in the existing title.

~~§ 30-65~~ 30.1-914. Definitions.

As used in this ~~chapter, the terms below shall be interpreted as follows~~ article, unless the context requires a different meaning:

~~1. The term "agency" "Agency"~~ means any agency, authority, board, department, division, commission, institution, bureau, or like governmental entity of the Commonwealth and includes any entity, public or private, with which any of the foregoing has entered into a contractual relationship to accomplish an agency program.

~~2. The term "functional area" "Functional area"~~ means ~~that the~~ grouping of state governmental activities, programs, and agencies ~~which that~~ constitute a single budget function as identified and classified in the Virginia State Government Program Structure.

~~3. The term "discretionary selection" refers to the procedure set forth in § 30-67 whereby programs and agencies, contained wholly or in part within functional areas, are selected for legislative review and evaluation under the provisions of this chapter.~~

Drafting note: The definition for "discretionary selection" is removed as unnecessary because existing § 30-67, which is the only section containing the term, is proposed for deletion. Technical changes are made to conform to current Code conventions for sections that introduce definitions in an article.

~~§ 30-66~~ 30.1-915. Functional areas; scheduling of study areas.

A. The functional areas of state government shall be scheduled for legislative review and evaluation by the Joint Legislative Audit and Review Commission as specified in subsection B; on a ~~seven-year cycle~~ regular basis, ~~and beginning in the 1979-80 fiscal year~~.

B. From time to time as may be required, the ~~Senate and~~ House of Delegates and the Senate shall by joint resolution ~~establish a schedule for~~ direct the review of ~~the specified~~ functional areas of state government. In the absence of a resolution, the Joint Legislative Audit and Review Commission shall select a functional area for review on an annual basis.

Drafting note: Language is updated to reflect current practices relating to JLARC's scheduling of study areas. An obsolete starting date for such scheduling is proposed for deletion

~~§ 30-67. Discretionary selection procedure; coordination with standing committees; expenses.~~

~~A. Prior to the year in which a functional area of government is designated to be scheduled for review, the Joint Legislative Audit and Review Commission may provide for the introduction of a joint resolution which shall identify to the extent feasible the agencies, programs or activities selected for review and evaluation from the functional area.~~

~~B. To ensure coordination of the review and evaluation activity with appropriate committees, the resolution specified in subsection A may identify each House and Senate standing committee to be invited to participate with the Commission in designing such studies as will be carried out from the scheduled functional areas.~~

2763 ~~C. The compensation and expenses of the members of cooperating committees or~~
2764 ~~subcommittees necessary to accomplish the functions specified in subsection B shall be paid~~
2765 ~~from funds appropriated to the Commission.~~

2766 **Drafting note: This section is proposed for deletion as obsolete as JLARC's work**
2767 **is generally directed by the General Assembly, rather than JLARC itself.**

2768 ~~§ 30-68~~ [30.1-916](#). Evaluation criteria; ~~self-studies~~.

2769 ~~A.~~ Each study carried out pursuant to this ~~chapter~~ [article](#) shall consider, as required, ~~(i)~~
2770 that there is a valid public need for the program or agency; ~~(ii)~~ that legislative intent is being
2771 carried out; ~~(iii)~~ that program and agency performance has been in the public interest; ~~(iv)~~ that
2772 program objectives have been defined; ~~(v)~~ that intended program outcomes are measurable and
2773 have been accomplished; ~~(vi)~~ that program and agency operations are managed efficiently,
2774 economically, and effectively; or ~~(vii)~~ such other specific criteria as the Commission ~~or standing~~
2775 ~~committees deem~~ [deems](#) necessary and desirable.

2776 ~~B. Agency self studies may be required in such form and manner as may be directed~~
2777 ~~under the resolution provided for in § 30-67.~~

2778 **Drafting note: Language related to existing § 30-67 is proposed for deletion as**
2779 **unnecessary because that section is proposed for deletion. Technical changes are made for**
2780 **clarity.**

2781 ~~§ 30-69~~ [30.1-917](#). Access to information.

2782 For the purpose of carrying out its duties under this ~~chapter~~ [article](#) and notwithstanding
2783 any contrary provision of law, the Joint Legislative Audit and Review Commission shall have
2784 access to the records and facilities of every agency whose operations are financed in whole or
2785 in part by state funds to the extent that such records and facilities are related to the expenditure
2786 of such funds. All such agencies shall cooperate with the [Joint Legislative Audit and Review](#)
2787 Commission and, when requested, shall provide specific information in the form requested.

2788 **Drafting note: Technical changes.**

2789 ~~§ 30-70~~ [30.1-918](#). Reporting; ~~hearings~~.

2790 ~~A.~~ The Joint Legislative Audit and Review Commission shall publish and submit its
2791 reports with appropriate findings and recommendations to the ~~Governor and~~ members of the
2792 General Assembly, ~~and shall transmit them to the House and Senate standing committees~~
2793 ~~identified by resolution in § 30-67~~ and the Governor.

2794 ~~B.~~ The standing committees may hold a public hearing on reports prepared pursuant to
2795 this chapter at their earliest convenience after the date of transmittal. Hearings may be held
2796 jointly or singly by the committees.

2797 ~~C.~~ The standing committees shall hear testimony from the Commission, agency and
2798 program representatives, the public in general, and such others as may be deemed appropriate.

2799 **Drafting note: Language related to existing § 30-67 is proposed for deletion as**
2800 **unnecessary. Technical changes are made.**

2801 ~~§ 30-71. Hearing criteria.~~

2802 ~~At each hearing which may be held pursuant to § 30-70, the standing committee~~
2803 ~~conducting such hearing and the agencies testifying shall respond to, but not be limited to~~
2804 ~~consideration of, the following questions:~~

2805 ~~1. What are the problems, needs, or missions that the program is intended to address and~~
2806 ~~what has been accomplished?~~

2807 ~~2. What is the effect of the program on the economy including but not limited to:~~
2808 ~~competition, unemployment, economic stability, attraction of new business, productivity, and~~
2809 ~~price inflation to consumers?~~

2810 ~~3. Would the absence of any regulatory activity significantly harm or endanger the~~
2811 ~~public health, safety, or welfare?~~

2812 ~~4. Has the program or agency carried out its mission in an efficient, economic, and~~
2813 ~~effective manner?~~

2814 ~~5. What services could be provided and what level of performance could be achieved if~~
2815 ~~the program were funded at a level less than the existing level?~~

2816 ~~6. What other state programs have similar, duplicate, or conflicting objectives?~~

2817 ~~7. What federal activities have similar, duplicate, or conflicting objectives?~~

2818 ~~8. How does the agency ensure that it responds promptly and effectively to complaints~~
2819 ~~concerning persons affected by the agency?~~

2820 ~~9. To what extent have the agency's operations been impeded by existing statutes,~~
2821 ~~procedures, or practices of the Commonwealth of Virginia, or of other state agencies?~~

2822 ~~10. What action plans have been or are being proposed to improve agency operations~~
2823 ~~where the need for improvements has been identified in previous executive or legislative~~
2824 ~~oversight studies and reports?~~

2825 **Drafting note: This section is proposed for deletion as unnecessary because it refers**
2826 **to language in existing § 30-70 that is also proposed for deletion.**

2827 ~~§ 30-72~~ [30.1-919](#). Operation and construction of ~~chapter; subcommittees~~ [article](#).

2828 A. The operation of this ~~chapter~~ [article](#) shall not restrict the power of the General
2829 Assembly to study or act on any matter at any time.

2830 B. The operation of this ~~chapter~~ [article](#) shall not imply or require the termination of any
2831 state agency or program.

2832 C. Nothing in this ~~chapter~~ [article](#) shall be construed to restrict the Joint Legislative Audit
2833 and Review Commission ~~or the standing committees~~ from holding hearings on any subject as
2834 may be required nor shall operation of this ~~chapter~~ [article](#) limit the [Joint Legislative Audit and](#)
2835 [Review](#) Commission ~~or committees~~ from such other activities as may be authorized by law or
2836 custom.

2837 ~~D. The standing committees may carry out the functions assigned by this chapter~~
2838 ~~through subcommittees.~~

2839 **Drafting note: Language relating to JLARC's coordination with standing**
2840 **committees is proposed for deletion as unnecessary because § 30-67, which provides for**
2841 **such coordination, is also proposed for deletion. Technical changes are made.**

2842 ~~§ 30-73. Repealed.~~

2843 **Drafting note: Repealed by Acts 1986, c. 302.**

2844 ~~CHAPTER 9.~~

2845 ~~LEGISLATIVE HEARINGS ON REGULATORY ACTIVITY.~~

2846 ~~§§ 30-74 through 30-77. Repealed.~~

2847 **Drafting note: Repealed by Acts 1984, c. 5.**

2848 ~~CHAPTER 10.~~

2849 ~~VIRGINIA RETIREMENT SYSTEM OVERSIGHT ACT.~~

2850 Article 3.

2851 Virginia Retirement System Oversight Act.

2852 **Drafting note: Existing Chapter 10, relating to the Virginia Retirement System**
2853 **Oversight Act, is retained as proposed Article 3 of Chapter 9.**

2854 ~~§ 30-78. Title of chapter.~~

2855 ~~This chapter may be referred to as the "Virginia Retirement System Oversight Act."~~

2856 **Drafting note: This section is proposed for deletion as unnecessary pursuant to §**
2857 **1-244, which states that throughout the Code the caption of a subtitle, chapter, or article**
2858 **serves as a short title citation.**

2859 ~~§ 30-79~~ 30.1-20. Purpose Oversight of the Virginia Retirement System.

2860 ~~A. Section 11 of Article X of the Constitution of Virginia (1971) requires that the~~
2861 ~~General Assembly maintain a state employees retirement system to be administered in the best~~
2862 ~~interest of the beneficiaries thereof. In order to fulfill this duty, continuing legislative oversight~~
2863 ~~of the Virginia Retirement System ("Retirement System" or "System") is essential.~~

2864 ~~B.~~ The General Assembly ~~hereby~~ designates the Joint Legislative Audit and Review
2865 Commission (~~"the~~ Commission") to oversee and evaluate the Virginia Retirement System (the
2866 Retirement System or the System) on a continuing basis and to make such special studies and
2867 reports as may be requested by the General Assembly, the House Committee on Appropriations,
2868 or the Senate Committee on Finance and Appropriations.

2869 **Drafting note: Existing subsection A, containing a declaration of policy, is**
2870 **proposed for deletion in accordance with the Code Commission's policy that purpose**

2871 **statements do not have general and permanent application and thus are not to be included**
2872 **in the Code. Technical changes are made.**

2873 § ~~30-80~~ 30.1-921. ~~Duties~~ Powers and ~~powers~~ duties.

2874 A. The areas of review and evaluation to be conducted by the Commission shall include;
2875 ~~but are not limited to~~, the following: (i) structure and governance of the Retirement System; (ii)
2876 structure of the investment portfolio; (iii) investment practices, policies, and performance,
2877 including the effect of investment performance on employer contributions; (iv) actuarial policy
2878 and the actuarial soundness of the Retirement System's trust funds; and (v) administration and
2879 management of the Retirement System.

2880 B. For the purpose of carrying out its duties under this ~~chapter~~ article and
2881 notwithstanding any contrary provision of law, the Commission shall have the ~~following~~
2882 ~~powers, including but not limited~~ power to:

2883 1. Access ~~to~~ the information, records, and facilities of the Retirement System and any
2884 of its corporations or subsidiaries ~~thereof~~ or other entities owned, directly or indirectly, or
2885 otherwise created by or on behalf of the System.

2886 2. Access ~~to~~ the public and executive session meetings and records of the board of
2887 trustees of the System, as well as those of the System's investment advisory committee and real
2888 estate advisory committee. Access shall include the right to attend such meetings.

2889 3. Access ~~to~~ the System's employees, consultants, actuaries, investment managers,
2890 advisors, attorneys, accountants, or other contractors in the employ or hire of the ~~Virginia~~
2891 ~~Retirement~~ System. Such persons shall cooperate with the Commission and upon its request
2892 shall provide specific information or opinions in the form requested.

2893 ~~4. C.~~ The ~~chairman~~ chair of the Commission may appoint a permanent subcommittee to
2894 provide guidance and direction for oversight activities, subject to the full Commission's
2895 supervision and such guidelines as the Commission itself may provide.

2896 ~~C. D.~~ Confidential or proprietary records of the ~~Virginia~~ Retirement System or its
2897 subsidiary corporations provided to the Commission shall be ~~exempted~~ exempt from the
2898 Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

2899 **Drafting note: Technical changes are made.**

2900 § ~~30-81~~ 30.1-922. Required reports.

2901 A. The ~~Virginia~~ Retirement System shall submit to the General Assembly, through ~~its~~
2902 the Commission, ~~both semi-annual and annual~~ semiannual reports on the investment programs
2903 of the Retirement System. The ~~report~~ reports shall be presented in a format approved by the
2904 Commission and shall include information concerning (i) planned or actual material changes in
2905 asset allocation, (ii) investment performance of all asset classes and subclasses, and (iii)
2906 investment policies and programs.

2907 B. The System shall also submit a biennial report on the actuarial soundness of its trust
2908 funds, ~~which~~ that shall include (i) funding policy and objectives, (ii) current and projected
2909 funding levels, (iii) current and projected contribution rates, and (iv) actuarial assumptions.

2910 C. The System shall furnish such reports or information as may be requested by standing
2911 committees of the General Assembly having jurisdiction over the subject matter ~~which~~ that is
2912 the basis of such ~~committee's~~ committees' inquiry.

2913 D. The Commission shall publish the following reports concerning the Retirement
2914 System: (i) a biennial status report ~~which~~ that shall include, at a minimum and where
2915 appropriate, findings and recommendations and the status of actions, if any, taken in response
2916 to prior recommendations and (ii) with the assistance of an actuary, an actuarial report once
2917 every four years.

2918 E. The Commission's staff shall prepare and maintain an informational guide to the
2919 ~~Virginia~~ Retirement System for the members of the General Assembly.

2920 F. The Auditor of Public Accounts shall complete an annual financial audit of the
2921 ~~Virginia~~ Retirement System, the State Police Officers' Retirement System, and the Judicial
2922 Retirement System. The Auditor of Public Accounts shall report the findings of his audit to the

2923 ~~Governor~~, the General Assembly, the Governor, the ~~Joint Legislative Audit and Review~~
2924 Commission, and the ~~Board~~ board of ~~Trustees~~ trustees of the ~~Virginia~~ Retirement System. Such
2925 audit shall be submitted on or before the first day of the General Assembly session.

2926 **Drafting note: Technical changes are made.**

2927 § ~~30-82~~ 30.1-923. Use of consultants.

2928 The Commission may employ on a consulting basis such investment, actuarial, and
2929 other professional or technical experts as may be reasonably necessary for the Commission to
2930 fulfill its responsibilities under this ~~chapter~~ article. Such consultants shall provide, upon request,
2931 assistance to the House Committee on Appropriations and the Senate Committee on Finance
2932 and Appropriations on matters related to the Retirement System.

2933 **Drafting note: Technical change.**

2934 § ~~30-83~~ 30.1-924. Cooperation of other agencies.

2935 All agencies of the Commonwealth shall cooperate as requested by the Commission in
2936 the performance of its duties under this ~~chapter~~ article.

2937 **Drafting note: Technical change.**

2938 § ~~30-84~~ 30.1-925. Funding for Commission's oversight activities.

2939 The Commission's reasonable and necessary expenses related to its duties under this
2940 ~~chapter~~ article shall be paid by the Retirement System and shall be borne by each trust fund in
2941 the System in the same ratio as the assets of each trust fund, as of the preceding June 30, bear
2942 to the total trust funds of the System on that date. On or before September 30 of each year, the
2943 Commission shall submit to the ~~Board~~ board of ~~Trustees~~ trustees of the ~~Virginia~~ Retirement
2944 System an itemized estimate for the next fiscal year of the amounts necessary to pay the
2945 Commission's expenses related to its duties under this ~~chapter~~ article and shall include the
2946 estimate as part of ~~the agency's~~ its budget submission to the House Committee on
2947 Appropriations and the Senate Committee on Finance and Appropriations.

2948 **Drafting note: Technical changes.**

2949 ~~CHAPTER 12.~~

2950 ~~JOINT COMMISSION ON WORKFORCE DEVELOPMENT.~~

2951 ~~§§ 30-90 through 30-93. Repealed.~~

2952 **Drafting note: Repealed by Acts 2001, c. 577.**

2953 ~~CHAPTER 51.~~

2954 ~~COMMONWEALTH SAVERS PLAN OVERSIGHT ACT.~~

2955 Article 4.

2956 Commonwealth Savers Plan Oversight Act.

2957 **Drafting note: Existing Chapter 51, relating to the Commonwealth Savers Plan**
2958 **Oversight Act, is retained as proposed Article 4 of Chapter 9.**

2959 ~~§ 30-330~~ 30.1-926. Title of chapter and purpose Oversight of the Commonwealth Savers
2960 Plan.

2961 The General Assembly ~~hereby~~ designates the Joint Legislative Audit and Review
2962 Commission (the Commission) to oversee and evaluate the Commonwealth Savers Plan on a
2963 continuing basis and to make such special studies and reports as may be requested by the
2964 General Assembly, the House Committee on Appropriations, or the Senate Committee on
2965 Finance and Appropriations.

2966 **Drafting note: Technical changes.**

2967 ~~§ 30-331~~ 30.1-927. Duties Powers and powers duties.

2968 A. The areas of review and evaluation to be conducted by the Commission shall include;
2969 ~~but are not limited to~~, the following: (i) structure and governance of the Commonwealth Savers
2970 Plan; (ii) structure of the investment portfolio; (iii) investment practices, policies, and
2971 performance; (iv) actuarial policy; and (v) administration and management of the
2972 Commonwealth Savers Plan.

2973 B. For ~~purposes~~ the purpose of carrying out its duties under this ~~chapter~~ article, the
2974 Commission shall have the ~~following powers, including but not limited~~ power to:

2975 1. Access~~to~~ the information, records, and facilities of the Commonwealth Savers Plan
2976 and any of its corporations or subsidiaries~~thereof~~ or other entities owned, directly or indirectly,
2977 or otherwise created by or on behalf of the Commonwealth Savers Plan.

2978 2. Access~~to~~ the public and executive session meetings and records of the~~Board~~ board
2979 of the Commonwealth Savers Plan, as well as those of any advisory committees. Access shall
2980 include the right to attend such meetings.

2981 3. Access~~to~~ the Commonwealth Savers Plan's employees, consultants, actuaries,
2982 investment managers, advisors, attorneys, accountants, or other contractors in the employ or
2983 hire of the Commonwealth Savers Plan. Such persons shall cooperate with the Commission and
2984 upon its request shall provide specific information or opinions in the form requested.

2985 C. The~~chairman~~ chair of the Commission may appoint a permanent subcommittee to
2986 provide guidance and direction for oversight activities, subject to the full Commission's
2987 supervision and such guidelines as the Commission itself may provide.

2988 D. Confidential or proprietary records of the Commonwealth Savers Plan or its
2989 subsidiary corporations provided to the Commission shall be exempt from the Virginia Freedom
2990 of Information Act (§ 2.2-3700 et seq.).

2991 **Drafting note: Technical changes are made.**

2992 §~~30-332~~ 30.1-928. Required reports.

2993 A. The Commonwealth Savers Plan shall submit to the General Assembly, through the
2994 Commission, annual reports on the investment programs of the Commonwealth Savers Plan.
2995 The~~report~~ reports shall be presented in a format approved by the Commission and shall include
2996 information concerning (i) planned or actual material changes in asset allocation, (ii) investment
2997 performance of all asset classes and subclasses, and (iii) investment policies and programs.

2998 B. The Commonwealth Savers Plan shall submit an annual report on the actuarial
2999 soundness of the Commonwealth Savers Plan's prepaid programs, which shall include (i)
3000 contract pricing policies and objectives, (ii) current and projected assets and actuarially
3001 estimated value of tuition obligations, and (iii) actuarial assumptions.

3002 C. The Commonwealth Savers Plan shall furnish such reports or information as may be
3003 requested by the Commission or standing committees of the General Assembly having
3004 jurisdiction over the subject matter that is the basis of such committees' inquiry.

3005 D. The Commission shall publish the following reports concerning the Commonwealth
3006 Savers Plan: (i) a biennial status report that shall include, at a minimum and where appropriate,
3007 findings and recommendations and (ii) with the assistance of an actuary, a review of the
3008 Commonwealth Savers Plan's annual actuarial valuation reports once every four years.

3009 **Drafting note: Technical changes.**

3010 §~~30-333~~ [30.1-929](#). Use of consultants.

3011 The Commission may employ on a consulting basis such investment, actuarial, and
3012 other professional or technical experts as may be reasonably necessary for the Commission to
3013 fulfill its responsibilities under this ~~chapter~~ [article](#). Such consultants shall provide, upon request,
3014 assistance to the House Committee on Appropriations and Senate Committee on Finance and
3015 Appropriations on matters related to the Commonwealth Savers Plan.

3016 **Drafting note: Technical change.**

3017 §~~30-334~~ [30.1-930](#). Cooperation of other agencies.

3018 All agencies of the Commonwealth shall cooperate as requested by the Commission in
3019 the performance of its duties under this ~~chapter~~ [article](#).

3020 **Drafting note: Technical change.**

3021 §~~30-335~~ [30.1-931](#). Funding for the Commission's oversight activities.

3022 The Commission's reasonable and necessary expenses related to its duties under this
3023 ~~chapter~~ [article](#) shall be paid by the Commonwealth Savers Plan. On or before September 30 of
3024 each year, the Commission shall submit to the ~~Board~~ [board](#) of the Commonwealth Savers Plan
3025 an itemized estimate for the next fiscal year of the amounts necessary to pay the Commission's
3026 expenses related to its duties under this ~~chapter~~ [article](#) and shall include the estimate as part of
3027 the agency's budget submission to the House Committee on Appropriations and the Senate
3028 Committee on Finance and Appropriations.

3029 **Drafting note: Technical changes.**

3030 Article 5.

3031 Virginia Information Technologies Agency Oversight Act.

3032 **Drafting note: Proposed Article 5, relating to JLARC oversight of the Virginia**
3033 **Information Technologies Agency, codifies subsection D of Budget Item 25 of Chapter 2**
3034 **of the Acts of Assembly of 2024, Special Session I.**

3035 § 30.1-932. Oversight of the Virginia Information Technologies Agency.

3036 A. The General Assembly designates the Joint Legislative Audit and Review
3037 Commission (the Commission) to review and evaluate the Virginia Information Technologies
3038 Agency (VITA) on a continuing basis and to make such special studies and reports as may be
3039 requested by the General Assembly, the House Committee on Appropriations, or the Senate
3040 Committee on Finance and Appropriations.

3041 B. The chair of the Commission may appoint a permanent subcommittee to provide
3042 guidance and direction for the review and evaluation of VITA, subject to the Commission's
3043 supervision and such guidelines as the Commission may provide.

3044 § 30.1-933. Areas of review and evaluation.

3045 A. The areas of review and evaluation to be conducted by the Commission shall include
3046 the following: (i) VITA's infrastructure services, including its infrastructure outsourcing
3047 contracts and any amendments to such contracts; (ii) adequacy of VITA's planning and
3048 oversight responsibilities, including VITA's oversight of information technology projects and
3049 the security of governmental information and information technology systems; and (iii) cost-
3050 effectiveness and adequacy of VITA's procurement services and its oversight of the
3051 procurement activities of state agencies.

3052 B. All agencies of the Commonwealth shall cooperate as requested by the Commission
3053 in the performance of its duties under this article.

3054 § 30.1-934. Access to information.

For the purpose of carrying out its duties under this article and notwithstanding any contrary provision of law, the Commission shall have the legal authority to access the information, records, facilities, and employees of VITA.

§ 30.1-935. Confidentiality of private entity records; exceptions.

A. Records provided to VITA by a private entity pertaining to VITA's comprehensive infrastructure agreement or any successor contract, or any contractual amendments to such agreement or contract, for the operation of the Commonwealth's information technology infrastructure shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) to the extent that such records contain (i) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), of the private entity or (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise. In order for the records specified in clauses (i) and (ii) to be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), the private entity shall make a written request to VITA (a) invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (b) identifying with specificity the data or other materials for which protection is sought, and (c) stating the reasons why such protection is necessary.

B. VITA shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. VITA shall make a written determination of the nature and scope of the protection afforded under this section. Once a written determination is made by VITA, any protected records shall continue to be protected from disclosure when in the possession of VITA or the Commission.

C. Except as specifically provided, nothing in this section shall be construed to authorize the withholding of (i) procurement records as required by § 56-575.17; (ii) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by VITA and the private entity; (iii) information concerning the terms and conditions of any financing arrangement that

[involves the use of any public funds; or \(iv\) information concerning the performance of the private entity under the comprehensive infrastructure agreement or any successor contract, or any amendments to such agreement or contract, for the operation of the Commonwealth's information technology infrastructure.](#)

Drafting note: Proposed Article 5 codifies subsection D of Budget Item 25 of Chapter 2 of the Acts of Assembly of 2024, Special Session I. Technical changes are made to the language proposed for codification to conform to Code conventions and style.

[Article 6.](#)

[Economic Development Incentives Oversight Act.](#)

Drafting note: Proposed Article 6, relating to JLARC oversight of certain economic development incentives and policies, codifies subsection E of Budget Item 25 of Chapter 2 of the Acts of Assembly of 2024, Special Session I.

[§ 30.1-936. Oversight of economic development incentives and policies.](#)

[A. The General Assembly hereby designates the Joint Legislative Audit and Review Commission \(the Commission\) to conduct, on a continuing basis, a review and evaluation of economic development incentives and policies and to make such special studies and reports as may be requested by the General Assembly, the House Committee on Appropriations, or the Senate Committee on Finance and Appropriations.](#)

[B. The chair of the Commission may appoint a permanent subcommittee to provide guidance and direction for ongoing review and evaluation activities, subject to the Commission's supervision and such guidelines as the Commission may provide.](#)

[§ 30.1-937. Areas of review and evaluation.](#)

[The areas of review and evaluation to be conducted by the Commission shall include the following: \(i\) spending on and performance of individual economic development incentives, including grants, tax preferences, and other assistance; \(ii\) economic benefits to the Commonwealth of total spending on economic development incentives at least biennially; \(iii\) effectiveness, value to taxpayers, and economic benefits to the Commonwealth of individual](#)

economic development incentives on a cycle approved by the Commission; and (iv) design, oversight, and accountability of economic development entities, incentives, and policies as needed.

§ 30.1-938. Access to information.

A. For the purpose of carrying out its duties under this article and notwithstanding any contrary provision of law, the Commission shall have the legal authority to access the information, records, facilities, and employees, including confidential information, and the public and executive session meetings and records of the board of the Virginia Economic Development Partnership Authority (the Authority), that discuss economic development incentives and policies for the purpose of carrying out such duties in accordance with the established standards, processes, and practices exercised by the Commission. Such access shall include the right to attend such meetings for the purpose of carrying out such duties. Any nondisclosure agreement that the Authority enters into on or after July 1, 2016, for the provision of confidential and proprietary information to the Authority by a third party shall require that the Commission also be allowed access to such information for the purposes of carrying out its duties.

B. Notwithstanding the provisions of § 58.1-3 or any other provision of law, unless prohibited by federal law, an agreement with a federal entity, or a court decree, the Tax Commissioner is authorized to provide to the Commission such tax information as may be necessary to conduct oversight of economic development incentives and policies.

C. All agencies of the Commonwealth shall cooperate as requested by the Commission in the performance of its duties under this article.

§ 30.1-939. Confidentiality of records.

The following records shall be excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) and shall not be disclosed by the Commission:

1. Records provided by a public body, as defined in § 2.2-3701, to the Commission in connection with its oversight of economic development initiatives and policies, where the

[records would not be subject to disclosure by the public body providing the records. The public body providing the records to the Commission shall identify the specific portion of the records to be protected and the applicable provision of the Virginia Freedom of Information Act \(§ 2.2-3700 et seq.\) or other provision of law that excludes the record or portions thereof from mandatory disclosure.](#)

[2. Confidential proprietary records provided by private entities pursuant to a promise of confidentiality from the Commission that are used by the Commission in connection with its oversight of economic development incentives and policies where, if such records are made public, the financial interest of the private entity would be adversely affected.](#)

[§ 30.1-940. Use of consultants.](#)

[The Commission may employ on a consulting basis such professional or technical experts as may be reasonably necessary for the Commission to fulfill its responsibilities under this article.](#)

Drafting note: Proposed Article 6 codifies subsection E of Budget Item 25 of Chapter 2 of the Acts of Assembly of 2024, Special Session I. Technical changes are made to the language proposed for codification to conform to Code conventions and style.

[CHAPTER 10.](#)

[REAPPORTIONMENT AND REDISTRICTING.](#)

Drafting note: Proposed Chapter 10, Reapportionment and Redistricting, is created to logically organize provisions relating to legislative entities whose purposes are to implement the decennial reapportionment and redistricting provisions of Article II of the Constitution of Virginia. Existing Chapters 39 (Joint Reapportionment Committee) and 62 (Virginia Redistricting Commission) are retained in proposed Chapter 10 as Articles 1 and 2, respectively.

~~CHAPTER 39.~~

~~JOINT REAPPORTIONMENT COMMITTEE.~~

[Article 1.](#)

3163 [Joint Reapportionment Committee.](#)

3164 **Drafting note: Existing Chapter 39, relating to the Joint Reapportionment**
3165 **Committee, is retained as proposed Article 1.**

3166 § ~~30-263~~ [30.1-1000](#). Joint Reapportionment Committee; membership; terms; quorum;
3167 compensation and expenses.

3168 A. The Joint Reapportionment Committee (the Joint Committee) is established in the
3169 legislative branch of state government. The Joint Committee shall consist of five members of
3170 the [House](#) Committee on Privileges and Elections ~~of the House of Delegates~~ and three members
3171 of the [Senate](#) Committee on Privileges and Elections ~~of the Senate~~ [to be](#) appointed by the
3172 respective ~~chairmen~~ [chairs](#) of the two committees. Members shall serve terms coincident with
3173 their terms of office.

3174 B. The Joint Committee shall elect a ~~chairman~~ [chair](#) and ~~vice-chairman~~ [vice-chair](#) from
3175 among its membership. A majority of the members of the Joint Committee shall constitute a
3176 quorum. The meetings of the Joint Committee shall be held at the call of the ~~chairman~~ [chair](#) or
3177 whenever the majority of the members so request.

3178 C. The Joint Committee shall supervise activities required for the tabulation of
3179 population for the census and for the timely reception of precinct population data for
3180 reapportionment.

3181 D. Members shall receive such compensation as provided in § ~~30-19.12~~ [30.1-109](#) and
3182 shall be reimbursed for all reasonable and necessary expenses incurred in the performance of
3183 their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation
3184 and expenses of the members shall be provided by the Office of the Clerk of the House of
3185 Delegates and the Office of Clerk of the Senate for their respective members.

3186 **Drafting note: Technical changes are made.**

3187 § ~~30-264~~ [30.1-1001](#). ~~Staff to Joint Reapportionment Committee~~ [Staffing](#).

3188 The Division of Legislative Services shall ~~serve as~~ [provide](#) staff [support](#) to the Joint
3189 ~~Reapportionment~~ Committee.

3190 **Drafting note: Technical changes are made for consistency.**

3191 §~~30-265~~ [30.1-1002](#). Reapportionment of congressional and state legislative districts;
3192 United States Census population counts.

3193 For the purposes of redrawing the boundaries of the congressional, state Senate, and
3194 House of Delegates districts after the United States Census for the year 2020 and every 10 years
3195 thereafter, the Virginia Redistricting Commission established pursuant to ~~Chapter 62 of Title~~
3196 ~~30~~ [Article 2 \(§ 30.1-1003 et seq.\)](#) shall use the population data provided by the United States
3197 Bureau of the Census, as adjusted by the Division of Legislative Services pursuant to § 24.2-
3198 314. The census data used for this apportionment purpose shall not include any population
3199 figure ~~which~~ [that](#) is not allocated to specific census blocks within the Commonwealth, even
3200 though that population may have been included in the apportionment population figures of the
3201 Commonwealth for the purpose of allocating United States House of Representatives seats
3202 among the states.

3203 **Drafting note: Technical changes are made.**

3204 ~~CHAPTER 62.~~

3205 ~~VIRGINIA REDISTRICTING COMMISSION.~~

3206 [Article 2.](#)

3207 [Virginia Redistricting Commission.](#)

3208 **Drafting note: Existing Chapter 62, relating to the Virginia Redistricting**
3209 **Commission, is retained as proposed Article 2.**

3210 §~~30-391~~ [30.1-1003](#). Virginia Redistricting Commission.

3211 A. The Virginia Redistricting Commission is established in the legislative branch of
3212 state government. It shall be convened in the year 2020 and every 10 years thereafter for the
3213 purpose of establishing districts for the United States House of Representatives and for the
3214 Senate and the House of Delegates of the General Assembly.

3215 B. ~~As used in~~ [For purposes of](#) this ~~chapter~~ [article](#):

3216 "Census data" means the population data received from the United States Bureau of the
3217 Census pursuant to P.L. 94-171.

3218 "Commission" means the Virginia Redistricting Commission established pursuant to
3219 this ~~chapter~~ [article](#).

3220 "Committee" means the Redistricting Commission Selection Committee established
3221 pursuant to § ~~30-393~~ [30.1-1005](#).

3222 "Partisan public office" means (i) an elective or appointive office in the executive or
3223 legislative branch or in an independent establishment of the federal government; (ii) an elective
3224 office in the executive or legislative branch of the government of the Commonwealth, or an
3225 office that is filled by appointment and is exempt from the Virginia Personnel Act (§ 2.2-2900
3226 et seq.); or (iii) an office of a county, city, or other political subdivision of the Commonwealth
3227 that is filled by an election process involving nomination and election of candidates on a
3228 partisan basis.

3229 "Political party office" means an elective office in the national or state organization of
3230 a political party, as defined in § 24.2-101.

3231 **Drafting note: Technical changes are made.**

3232 § ~~30-392~~ [30.1-1004](#). Membership; terms; vacancies; ~~chairman~~ [chair](#); quorum;
3233 compensation and expenses.

3234 A. The Virginia Redistricting Commission shall ~~consist~~ [have a total membership](#) of 16
3235 commissioners that [shall](#) include eight legislative commissioners and eight citizen
3236 commissioners. [Commissioners shall be appointed](#) as follows: ~~two commissioners shall be~~

3237 [1. Two](#) members of the Senate of Virginia; representing the political party having the
3238 highest number of members in the Senate and appointed by the President pro tempore of the
3239 Senate; ~~two commissioners shall be~~

3240 [2. Two](#) members of the Senate [of Virginia](#); representing the political party having the
3241 next highest number of members in the Senate and appointed by the leader of that political
3242 party; ~~two commissioners shall be~~

3243 3. Two members of the House of Delegates, representing the political party having the
3244 highest number of members in the House of Delegates and appointed by the Speaker of the
3245 House of Delegates in accordance with the principles of proportional representation contained
3246 in the Rules of the House of Delegates; ~~two commissioners shall be~~

3247 4. Two members of the House of Delegates, representing the political party having the
3248 next highest number of members in the House of Delegates and appointed by the leader of that
3249 political party; and ~~eight~~

3250 5. Eight citizen commissioners ~~who shall be~~ selected by the Redistricting Commission
3251 Selection Committee pursuant to § ~~30-394~~ 30.1-1006. No appointing authority shall appoint
3252 himself to serve as a legislative commissioner or a citizen commissioner.

3253 B. Legislative commissioners selected to serve as commissioners of the Commission
3254 shall be appointed by the respective authorities no later than December 1 of the year ending in
3255 zero and shall continue to serve until their successors are appointed. In making ~~its~~ appointments
3256 to the Commission, the appointing authorities shall endeavor to have their appointees reflect
3257 the racial, ethnic, geographic, and gender diversity of the Commonwealth. Appointments to fill
3258 vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall
3259 be filled in the same manner as the original appointment, such that the proper partisan balance
3260 of the Commission is maintained.

3261 C. Citizen commissioners selected to serve as commissioners of the Virginia
3262 Redistricting Commission shall be selected by the Redistricting Commission Selection
3263 Committee as provided in § ~~30-394~~ 30.1-1006. In making its selections, the Committee shall
3264 ensure the citizen commissioners are, as a whole, representative of the racial, ethnic,
3265 geographic, and gender diversity of the Commonwealth. Citizen commissioners shall be
3266 appointed no later than January 15 of the year ending in one and shall continue to serve until
3267 their successors are appointed. Appointments to fill vacancies, other than by expiration of a
3268 term, shall be for the unexpired terms. Vacancies shall be filled by the Commission selecting a
3269 replacement from the list submitted pursuant to subsection E of § ~~30-394~~ 30.1-1006 from which

the commissioner being replaced was selected and shall require an affirmative vote of a majority of the commissioners, including at least one commissioner representing or affiliated with each political party.

D. Legislative commissioners shall receive such compensation as provided in § ~~30-19.12~~ 30.1-109, and citizen commissioners shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. All such compensation and expense payments shall come from existing appropriations to the Commission.

E. By February 1 of the year ending in one, the Commission shall hold a public meeting at which it shall select a ~~chairman~~ chair from its membership. The ~~chairman~~ chair shall be a citizen commissioner and shall be responsible for coordinating the work of the Commission. A majority of the commissioners appointed, which majority shall include a majority of the legislative commissioners and a majority of the citizen commissioners, shall constitute a quorum.

F. All meetings and records of the Commission shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § ~~30-394~~ 30.1-1006. All records and documents of the Commission, or any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, shall be considered public information.

G. Commissioners, staff of the Commission, and any other advisor or consultant to the Commission shall not communicate with any person outside the Commission about matters related to reapportionment or redistricting outside of a public meeting or hearing. Written public comments submitted to the Commission, staff of the Commission, or any other advisor or consultant to the Commission shall not be a violation of this subsection.

3296 H. In the event the Commission hires a lawyer or law firm, the Commission as an entity
3297 shall be considered the client of the lawyer or the law firm. No individual commissioner or
3298 group of commissioners shall be considered to be the client of the lawyer or the law firm.

3299 ~~I. Notwithstanding subsection G above or any other provision of law, the Chairs of the~~
3300 ~~Virginia Redistricting Commission shall keep the Senate President Pro Tempore, the Senate~~
3301 ~~Minority Leader, the Speaker of the House of Delegates, the House Minority Leader, and the~~
3302 ~~Governor informed about the timing of availability of United States Bureau of the Census data~~
3303 ~~as it relates to the tabulation of the population for reapportionment purposes pursuant to P.L.~~
3304 ~~94-171, and options for redistricting and its impact on elections for the House of Delegates.~~

3305 **Drafting note: Existing subsection I is proposed for deletion due to the availability**
3306 **of such information on the internet and is a substantive change. Technical changes are**
3307 **made for clarity, including the designation of subdivisions.**

3308 §~~30-393~~ [30.1-1005](#). Redistricting Commission Selection Committee; ~~chairman~~ [chair](#);
3309 quorum; compensation and expenses.

3310 A. There shall be a Redistricting Commission Selection Committee established for the
3311 purpose of selecting the citizen commissioners of the Virginia Redistricting Commission. This
3312 committee shall consist of five retired judges of the circuit courts of Virginia.

3313 B. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court
3314 of Virginia shall certify to the Speaker of the House of Delegates, the leader in the House of
3315 Delegates of the political party having the next highest number of members in the House of
3316 Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of
3317 Virginia of the political party having the next highest number of members in the Senate of
3318 Virginia a list of at least 10 retired judges of the circuit courts of Virginia who are willing to
3319 serve on the Committee, ~~and no~~ [No](#) retired judge who is a parent, spouse, child, sibling, parent-
3320 in-law, child-in-law, or sibling-in-law of, or a cohabitating member of a household with, a
3321 member of the Congress of the United States or of the General Assembly shall be included in
3322 such list. In compiling ~~this~~ [the](#) list, the Chief Justice shall give consideration to the racial, ethnic,

3323 geographic, and gender diversity of the Commonwealth. ~~These~~ The members shall each select
3324 a judge from the list and shall promptly, but not later than November 20, communicate their
3325 selection to the Chief Justice, who shall immediately notify the four judges selected. In making
3326 their selections, the members shall give consideration to the racial, ethnic, geographic, and
3327 gender diversity of the Commonwealth. Within three days of being notified of their selection,
3328 the four judges shall select, by a majority vote, a judge from the list prescribed herein to serve
3329 as the fifth member of the Committee, who shall serve as the ~~chairman~~ chair of the Committee.

3330 A majority of the Committee members, which majority shall include the ~~chairman~~ chair,
3331 shall constitute a quorum.

3332 The judges of the Committee shall serve until their successors are appointed. If a judge
3333 cannot, for any reason, complete his term, the remaining judges shall select a replacement from
3334 the list prescribed herein.

3335 C. Members of the Committee shall receive compensation for their services and shall
3336 be allowed all reasonable and necessary expenses incurred in the performance of their duties as
3337 provided in §§ 2.2-2813 and 2.2-2825. The compensation and expenses of members and all
3338 other necessary expenses of the Committee shall be provided from existing appropriations to
3339 the Commission.

3340 D. All meetings and records of the Committee shall be subject to the Virginia Freedom
3341 of Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § ~~30-394~~ 30.1-
3342 1006.

3343 E. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an
3344 act required by this section is to be performed on a Saturday, Sunday, or legal holiday, or any
3345 day or part of a day on which the government office where the act to be performed is closed,
3346 the act required shall be performed on the first business day immediately preceding the
3347 Saturday, Sunday, or legal holiday, or day on which the government office is closed.

3348 F. Notwithstanding subsection C, or any other provision of law, the daily compensation
3349 and reimbursement for reasonable and necessary expenses for legislative and ~~non-legislative~~

3350 [nonlegislative](#) members of the Virginia Redistricting Commission for attendance at an official
3351 meeting shall be set at the same amounts provided for legislative members in ~~paragraphs B.4.d.~~
3352 ~~and B.5. of Item 1 of Acts 2021, Sp. Sess. I, c. 552~~ [general appropriation act](#).

3353 **Drafting note: Technical changes are made.**

3354 §~~30-394~~ [30.1-1006](#). Citizen commissioners; application process; qualifications;
3355 selection.

3356 A. Within three days following the selection of the fifth member of the Committee, the
3357 Committee shall adopt an application and process by which residents of the Commonwealth
3358 may apply to serve on the Commission as citizen commissioners. The Division of Legislative
3359 Services shall assist the Committee in the development of the application and process.

3360 The application for service on the Commission shall require applicants to provide
3361 personal contact information and information regarding the applicant's race, ethnicity, gender,
3362 age, date of birth, education, and household income. The application shall require an applicant
3363 to disclose, for the period of three years immediately preceding the application period, the
3364 applicant's (i) voter registration status; (ii) preferred political party affiliation, if any, and any
3365 political party primary elections in which he has voted; (iii) history of any partisan public
3366 offices or political party offices held or sought; (iv) employment history, including any current
3367 or prior employment with the Congress of the United States or one of its members, the General
3368 Assembly or one of its members, any political party, or any campaign for a partisan public
3369 office, including a volunteer position; and (v) relevant leadership experience or involvements
3370 with professional, social, political, volunteer, and community organizations and causes.

3371 The application shall require an applicant to disclose information regarding the partisan
3372 activities and employment history of the applicant's parent, spouse, child, sibling, parent-in-
3373 law, child-in-law, or sibling-in-law, or any person with whom the applicant is a cohabitating
3374 member of a household, for the period of three years immediately preceding the application
3375 period.

3376 The Committee may require applicants to submit three letters of recommendation from
3377 individuals or organizations.

3378 The application process shall provide for both paper and electronic or online
3379 applications. The Committee shall cause to be advertised throughout the Commonwealth
3380 information about the Commission and how interested persons may apply.

3381 B. To be eligible for service on the Commission, a person shall have been a resident of
3382 the Commonwealth and a registered voter in the Commonwealth for three years immediately
3383 preceding the application period. He shall have voted in at least two of the previous three
3384 general elections. No person shall be eligible for service on the Commission who:

3385 1. Holds, has held, or has sought partisan public office or political party office;

3386 2. Is employed by or has been employed by a member of the Congress of the United
3387 States or of the General Assembly or is employed directly by or has been employed directly by
3388 the United States Congress or by the General Assembly;

3389 3. Is employed by or has been employed by any federal, state, or local campaign;

3390 4. Is employed by or has been employed by any political party or is a member of a
3391 political party central committee;

3392 5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title
3393 2.2 or a lobbyist's principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's
3394 principal in the previous five years; or

3395 6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a
3396 person described in subdivisions 1 through 5, or is a cohabitating member of a household with
3397 such a person.

3398 C. The application period shall begin no later than December 1 of the year ending in
3399 zero and shall end four weeks after the beginning date. During this period, interested persons
3400 shall submit a completed application and any required documentation to the Division of
3401 Legislative Services. All applications shall be reviewed by the Division of Legislative Services

3402 to ensure an applicant's eligibility for service pursuant to subsection B, and any applicant who
3403 is ineligible for service shall be removed from the applicant pool.

3404 The Division of Legislative Services shall make available the application for persons to
3405 use when submitting a paper application and shall provide electronic access for electronic
3406 submission of applications.

3407 D. Within two days of the close of the application period, the Division of Legislative
3408 Services shall provide to the Speaker of the House of Delegates, the leader in the House of
3409 Delegates of the political party having the next highest number of members in the House of
3410 Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of
3411 Virginia of the political party having the next highest number of members in the Senate of
3412 Virginia the applications and documentation submitted by those applicants who are eligible for
3413 service on the Commission pursuant to subsection B and submitted complete applications,
3414 including any required documentation.

3415 E. By January 1 of the year ending in one, those persons receiving the applications
3416 pursuant to subsection D shall each submit to the Committee a list of at least 16 citizen
3417 candidates for service on the Commission. In selecting citizen candidates, they shall give
3418 consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth.

3419 They shall notify the Division of Legislative Services of the citizen candidates submitted
3420 to the Committee for consideration, and the Division of Legislative Services shall promptly
3421 provide to the Committee the applications and documentation for each citizen candidate being
3422 considered. Only the applications and documentation for each citizen candidate shall be
3423 maintained as public records.

3424 F. Within two weeks of receipt of the lists of citizen candidates and related materials
3425 pursuant to subsection E, but no later than January 15, the Committee shall select, by a majority
3426 vote in a public meeting, two citizen members from each list submitted. In making its selections,
3427 the Committee shall ensure the citizen commissioners are, as a whole, representative of the
3428 racial, ethnic, geographic, and gender diversity of the Commonwealth. The Committee shall

3429 promptly notify those eight citizens of their selection to serve as a citizen commissioner of the
3430 Commission.

3431 No member of the Committee shall communicate with a member of the General
3432 Assembly or the United States Congress, or any person acting on behalf of a member of the
3433 General Assembly or the United States Congress, about any matter related to the selection of
3434 citizen commissioners after receipt of the lists submitted pursuant to subsection E.

3435 G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an
3436 act required by this section is to be performed on a Saturday, Sunday, or legal holiday, or any
3437 day or part of a day on which the government office where the act to be performed is closed,
3438 the act required shall be performed on the first business day immediately preceding the
3439 Saturday, Sunday, or legal holiday, or day on which the government office is closed.

3440 **Drafting note: No change.**

3441 § ~~30-395~~ [30.1-1007](#). Staff to Virginia Redistricting Commission; census liaison.

3442 A. The Division of Legislative Services shall provide staff support to the Commission.
3443 Staff shall perform those duties assigned to it by the Commission. The Director of the Division
3444 of Legislative Services, or his designated representative, shall serve as the state liaison with the
3445 United States Bureau of the Census on matters relating to the tabulation of the population for
3446 reapportionment purposes pursuant to P.L. 94-171. The governing bodies, electoral boards, and
3447 registrars of every county and municipality shall cooperate with the Division of Legislative
3448 Services in the exchange of all statistical and other information pertinent to preparation for the
3449 census.

3450 B. The Division of Legislative Services shall maintain the current election district and
3451 precinct boundaries of each county and city as a part of the Commission's computer-assisted
3452 mapping and redistricting system. Whenever a county or city governing body adopts an
3453 ordinance that changes an election district or precinct boundary, the local governing body shall
3454 provide a copy of its ordinance, along with Geographic Information System (GIS) maps and
3455 other evidence documenting the boundary, to the Division of Legislative Services.

3456 **Drafting note: No change.**

3457 §~~30-396~~ [30.1-1008](#). Public participation in redistricting process; publicly available
3458 data.

3459 A. All meetings and hearings held by the Commission shall be adequately advertised
3460 and planned to ensure the public is able to attend and participate fully. Meetings and hearings
3461 shall be advertised in multiple languages as practicable and appropriate.

3462 B. Prior to proposing any plan for districts for the United States House of
3463 Representatives, the Senate, or the House of Delegates and prior to voting to submit such plans
3464 to the General Assembly, the Commission shall hold at least three public hearings in order to
3465 receive and consider comments from the public. Public hearings may be held virtually and any
3466 public hearings that are held in person shall be conducted in different parts of the
3467 Commonwealth.

3468 C. The Commission shall establish and maintain a website or other equivalent electronic
3469 platform. The website shall be available to the general public and shall be used to disseminate
3470 information about the Commission's activities. The website shall be capable of receiving
3471 comments and proposals by citizens of the Commonwealth. Prior to voting on any proposed
3472 plan, the Commission shall publish the proposed plans on the website.

3473 D. All data used by the Commission in the drawing of districts shall be available to the
3474 public on its website. Such data, including census data, precinct maps, election results, and
3475 shapefiles, shall be posted within three days of receipt by the Commission.

3476 E. The block equivalency files and shapefiles for the congressional, ~~senate~~ [Senate](#), and
3477 House of Delegates districts established pursuant to this ~~chapter~~ [article](#) and Article II, ~~§~~ [Section](#)
3478 6-A of the Constitution of Virginia shall be maintained and available to the public on the
3479 Commission's website. Such block equivalency files and shapefiles shall be controlling in any
3480 legal determination of the boundary of a congressional, ~~senate~~ [Senate](#), or House of Delegates
3481 district.

3482 **Drafting note: Technical changes are made.**

3483 §~~30-397~~ [30.1-1009](#). Proposal and submission of plans for districts.

3484 A. The Commission shall submit to the General Assembly plans for districts for the
3485 Senate and the House of Delegates of the General Assembly no later than 45 days following
3486 the receipt of census data.

3487 To be submitted as a proposed plan for districts for members of the Senate, a plan shall
3488 receive affirmative votes of at least six of the eight legislative commissioners, including at least
3489 three of the four legislative commissioners who are members of the Senate, and at least six of
3490 the eight citizen commissioners.

3491 To be submitted as a proposed plan for districts for members of the House of Delegates,
3492 a plan shall receive affirmative votes of at least six of the eight legislative commissioners,
3493 including at least three of the four legislative commissioners who are members of the House of
3494 Delegates, and at least six of the eight citizen commissioners.

3495 B. The Commission shall submit to the General Assembly plans for districts for the
3496 United States House of Representatives no later than 60 days following the receipt of census
3497 data or by the first day of July of that year, whichever occurs first.

3498 To be submitted as a proposed plan for districts for members of the United States House
3499 of Representatives, a plan shall receive affirmative votes of at least six of the eight legislative
3500 commissioners and at least six of the eight citizen commissioners.

3501 C. If the Commission fails to submit a plan for districts by the deadline set forth in
3502 subsection A or B, the Commission shall have 14 days following its initial failure to submit a
3503 plan to the General Assembly. If the Commission fails to submit a plan for districts to the
3504 General Assembly by this date, the districts shall be established by the Supreme Court of
3505 Virginia pursuant to §~~30-399~~ [30.1-1011](#).

3506 D. All plans submitted pursuant to this section shall comply with the criteria and
3507 standards set forth in § 24.2-304.04.

3508 **Drafting note: Technical change.**

3509 §~~30-398~~ [30.1-1010](#). Consideration of plans by the General Assembly; timeline.

3510 A. All plans for districts for the Senate and the House of Delegates shall be embodied
3511 in and voted on as a single bill.

3512 B. All bills embodying plans for districts for the United States House of Representatives,
3513 the Senate, or the House of Delegates shall be voted on by the General Assembly in accordance
3514 with the provisions of Article IV, Section 11 of the Constitution of Virginia, except no
3515 amendments shall be permitted. All bills embodying a plan that are approved by both houses
3516 shall become law without the signature of the Governor and, pursuant to Article II, Section 6
3517 of the Constitution of Virginia, shall take effect immediately.

3518 C. Within 15 days of receipt of any plan for districts, the General Assembly shall take
3519 a vote on a bill embodying such plan. If the General Assembly fails to adopt the bill by this
3520 deadline, the Commission shall submit a new plan for districts within 14 days of the General
3521 Assembly's failure to adopt the bill. Within seven days of receipt of such plan, the General
3522 Assembly shall take a vote on the bill embodying the plan, and if the General Assembly fails
3523 to adopt the plan by this deadline, the districts shall be established by the Supreme Court of
3524 Virginia pursuant to § ~~30-399~~ [30.1-1011](#).

3525 D. If the Commission submits a plan for districts pursuant to subsection C of § ~~30-397~~
3526 [30.1-1009](#), the General Assembly shall take a vote on such plan within seven days of its receipt.
3527 If the General Assembly fails to adopt the plan by this deadline, the districts shall be established
3528 by the Supreme Court of Virginia pursuant to § ~~30-399~~ [30.1-1011](#).

3529 **Drafting note: Technical changes are made.**

3530 § ~~30-399~~ [30.1-1011](#). Establishment of districts by the Supreme Court of Virginia.

3531 A. In the event the Commission fails to submit a plan for districts by the deadline set
3532 forth in subsection A or B of § ~~30-397~~ [30.1-1009](#), or the General Assembly fails to adopt a plan
3533 for districts by the deadline set forth in subsection C or D of § ~~30-398~~ [30.1-1010](#), the Supreme
3534 Court of Virginia (the Court) shall be responsible for establishing the districts.

3535 B. The Court shall, not later than March 1 of a year ending in one, enact rules and
3536 procedures as may be necessary for implementing the requirements of Article II, Section 6-A

3537 of the Constitution of Virginia, empowering the Court to establish congressional or state
3538 legislative districts as provided for in that section. In enacting such rules and procedures, the
3539 Court shall follow the provisions of this section.

3540 C. Public participation in the Court's redistricting deliberations shall be permitted. Such
3541 public participation may be through briefings, written submissions, hearings in open court, or
3542 any other means as may be prescribed by the Court.

3543 D. The Division of Legislative Services shall make available staff support and technical
3544 assistance to the Court to perform those duties as may be requested or assigned to it by the
3545 Court.

3546 E. Any plan for congressional or state legislative districts established by the Court shall
3547 adhere to the standards and criteria for districts set forth in Article II, Section 6 of the
3548 Constitution of Virginia and § 24.2-304.04.

3549 F. The Court shall appoint two special masters to assist the Court in the establishment
3550 of districts. The two special masters shall work together to develop any plan to be submitted to
3551 the Court for its consideration.

3552 Within one week of the Commission's failure to submit plans or the General Assembly's
3553 failure to adopt plans, the leaders in the House of Delegates having the highest and next highest
3554 number of members in the House of Delegates and the leaders in the Senate of Virginia having
3555 the highest and next highest number of members in the Senate of Virginia shall each submit to
3556 the Court a list of three or more nominees, along with a brief biography and resume for each
3557 nominee, including the nominee's particular expertise or experience relevant to redistricting.
3558 The Court shall then select, by a majority vote, one special master from the lists submitted by
3559 the legislative leaders of the political party having the highest number of members in their
3560 respective chambers and one special master from the lists submitted by the legislative leaders
3561 of the political party having the next highest number of members in their respective chambers.
3562 The persons appointed to serve as special masters shall have the requisite qualifications and
3563 experience to serve as a special master and shall have no conflicts of interest. In making its

3564 appointments, the Court shall consider any relevant redistricting experience in the
3565 Commonwealth and any practical or academic experience in the field of redistricting. The Court
3566 shall be reimbursed by the Commonwealth for all costs, including fees and expenses, related to
3567 the appointment or work of the special master from funds appropriated for this purpose.

3568 G. Any justice who is a parent, spouse child, sibling, parent-in-law, child-in-law, or
3569 sibling-in-law of, or a cohabitating member of a household with, a member of the Congress of
3570 the United States or of the General Assembly shall recuse himself from any decision made
3571 pursuant to this section, and no senior justice designated pursuant to § 17.1-302 shall be
3572 assigned to the case or matter to serve in his place.

3573 **Drafting note: Technical changes are made.**

3574 § ~~30-400~~ [30.1-1012](#). Remedial redistricting plans.

3575 If any congressional or state legislative district established pursuant to this ~~chapter~~
3576 [article](#) or the provisions of Article II, Sections 6 and 6-A of the Constitution of Virginia is
3577 declared unlawful or unconstitutional, in whole or in part, by order of any state or federal court,
3578 the Commission shall be convened to determine and propose a redistricting plan to remedy the
3579 unlawful or unconstitutional district.

3580 **Drafting note: Technical change.**

3581 #

SUBTITLE III.

LEGISLATIVE COMMISSIONS, COUNCILS, COMMITTEES, AND OTHER

LEGISLATIVE ENTITIES.

Drafting note: Proposed Subtitle III is created to logically organize provisions relating to legislative entities and is divided into proposed Chapters 11 (General Provisions), 12 (Standing Collegial Entities), 13 (Special Advisory Entities), 14 (Oversight Entities), 15 (Commemorative, Educational, and Memorial Entities), and 16 (Study Commissions). The articles within each chapter are organized chronologically in order of establishment.

CHAPTER 11.

GENERAL PROVISIONS.

Drafting note: Duplicative provisions throughout existing Title 30 that are generally applicable to the organization and work of various legislative entities, including the composition and compensation of the membership of such entities and the reporting and funding requirements of such entities, are relocated and consolidated into proposed Chapter 11 (General Provisions).

§ 30.1-1100. Application of this chapter.

As used in this chapter, unless the context requires a different meaning, "legislative entity" means any board, commission, council, advisory body, committee, subcommittee, or other collegial entity created by the General Assembly. The provisions of this chapter shall apply to all legislative entities contained in this subtitle unless otherwise specified.

Drafting note: This proposed section establishes the applicability of proposed Chapter 11 to legislative entities contained in proposed Subtitle III.

§ 30.1-1101. Membership; chair and vice-chair; terms; vacancies.

A. For any legislative entity created on or after October 1, 2026, the number of legislative members shall exceed the number of nonlegislative citizen members and voting ex officio members combined. Nonlegislative citizen members of a legislative entity shall be citizens of the Commonwealth.

B. Each legislative entity shall annually elect a chair and vice-chair from among its membership, who shall be members of the General Assembly.

C. Legislative members and ex officio members of a legislative entity shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no Senate member shall serve more than two consecutive four-year terms, no House member shall serve more than four consecutive two-year terms, and no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

Drafting note: Duplicative provisions throughout existing Title 30 relating to the membership requirements for legislative entities, including a requirement that each such entity be composed of more legislative members than nonlegislative citizen members and voting ex officio members, are relocated and consolidated. A provision requiring the chair and vice-chair of any such legislative entity to be legislative members, which is a suggestion made in the "Legislative Guidelines Applicable to Studies, Legislative Commissions, Nonlegislative Collegial Bodies, and Resolutions" published by the Joint Rules Committee in 2004, is proposed for codification.

§ 30.1-1102. Quorum; meetings; voting on recommendations.

A. A majority of the members of a legislative entity shall constitute a quorum. The meetings of a legislative entity shall be held at the call of the chair or whenever the majority of the members so request.

B. No recommendation of a legislative entity shall be adopted if a majority of the House members or a majority of the Senate members appointed to the legislative entity (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the legislative entity.

Drafting note: Duplicative provisions throughout existing Title 30 relating to the quorum and voting requirements for legislative entities are relocated and consolidated.

§ 30.1-1103. Compensation; expenses.

A. Legislative members of a legislative entity shall receive such compensation for the performance of their duties as provided in § 30.1-109, and nonlegislative citizen members of a legislative entity shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members of a legislative entity shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of a legislative entity shall be paid by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the legislative entity whose meeting the member attended, or, if such legislative entity is unfunded, shall be approved by the Joint Rules Committee.

B. Unless otherwise approved in writing by the chair of the legislative entity and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Drafting note: Duplicative provisions throughout existing Title 30 relating to the compensation and reimbursement of members of legislative entities are relocated and consolidated.

§ 30.1-1104. Appointment and removal authority.

A. All appointments made to a legislative entity created on or after October 1, 2026, shall be made by either the Speaker of the House, Senate Committee on Rules, or Joint Rules Committee.

B. Any nonlegislative citizen member appointed to any legislative entity by either the Speaker of the House, Senate Committee on Rules, or Joint Rules Committee shall serve at the pleasure of such appointing authority. Any such nonlegislative citizen member may be relieved of his appointment at any time, with or without cause.

Drafting note: Language contained in Budget Item 1 M of Chapter 2 of the Acts of Assembly of 2024, Special Session I, which provides that the appointing authority of a nonlegislative citizen member of a legislative entity may also remove such member at any time, is proposed for codification. A provision allowing only the Speaker of the House, Senate Committee on Rules, or Joint Rules Committee to make appointments to such entities, which is a suggestion made in the "Legislative Guidelines Applicable to Studies, Legislative Commissions, Nonlegislative Collegial Bodies, and Resolutions" published by the Joint Rules Committee in 2004, is also proposed for codification.

~~§ 30-19.8:2 30.1-1105.~~ Absences on legislative commissions.

The absence of any appointed nonlegislative citizen member from three consecutive regular meetings of any ~~joint subcommittee, board, commission, authority, council, or other body that has been created or established in the legislative branch~~ legislative entity unless on account of sickness shall be sufficient cause for the original appointing authority to declare the position vacated and to fill such vacancy.

Drafting note: Technical change.

~~§ 30-19.8 30.1-1106. Collection of information by legislative study groups; policy Assistance provided by agencies of the Commonwealth.~~

A. Any legislative entity may request and shall receive from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is party, or from any political subdivision of the Commonwealth, cooperation and assistance in the performance of its duties.

~~It shall be the policy of the Commonwealth that each~~ B. Should a legislative study group, including the Virginia Advisory Legislative Council and its subcommittees, the Virginia Code Commission, special legislative study commissions, and standing committees of the House and Senate and their subcommittees, either through its members or staff, advise the agency head of the general nature of a study or investigation being conducted by such group whenever it determines entity determine at any point that information within ~~such a state~~ agency is applicable to such a study or, investigation, or evaluation being conducted by such entity or

standing committee, such entity or standing committee shall notify the head of such state agency. ~~Thereafter, such legislative study group~~ Following such notification, the agency head shall designate a point of contact for the entity or standing committee, who may then seek out all pertinent information within such agency from an individual designated by the agency head to provide pertinent information or from the most direct and primary source without further communication or contact with the agency head such point of contact. Each employee within such the state agency shall give his full cooperation to the ~~group and its staff~~ entity and its point of contact in collecting the information. No member or staff member of such ~~groups~~ entity shall be entitled to access ~~to~~ information, without permission of the agency head, for which disclosure is prohibited by ~~specific provisions of~~ law.

~~Insofar as possible, the~~ C. The legislative ~~study groups and their staffs~~ entities shall perform their collection duties, and utilize the services of personnel within the agencies in doing so, in such a manner as to minimize disruption of the normal operations of the agency.

~~Such freedom to access of all information within all state agencies is deemed absolutely necessary for the legislature to be able to efficiently evaluate laws and policies of the Commonwealth, how they are being administered, and the need for changes in such laws and policies, and also for the Virginia General Assembly to effectively fulfill its responsibility regarding legislative oversight.~~

Drafting note: Existing § 30-19.8 is consolidated with a duplicative provision found throughout existing Title 30 relating to the assistance provided by agencies of the Commonwealth to legislative entities. An existing provision of this section containing a declaration of policy has been removed in accordance with the Code Commission's policy that purpose statements do not have general and permanent application and thus are not to be included in the Code. Technical changes are made for clarity and consistency and to modernize language.

§ 30.1-1107. Chair's executive summary of activity and work of legislative entities.

The chair of a legislative entity shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of such legislative entity no later

than December 1. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 30-19.8:1. Due dates for legislative reports.

~~A. Legislative commissions, councils, and other legislative bodies required to report annually to the General Assembly and Governor shall submit their annual reports on or before June 30 of each year, unless otherwise specified. Annual reports submitted pursuant to this section shall cover the preceding legislative interim period and may include actions taken by the General Assembly during the regular session of the current calendar year.~~

~~B. Joint subcommittees, joint committees, and other legislative entities required or requested by law or resolution to conduct a study shall submit their reports no later than June 30 of the reporting year the first day of a regular session of the General Assembly, unless otherwise specified. The reports may include actions taken by the General Assembly during the regular session of the current calendar year.~~

Drafting note: Duplicative provisions throughout existing Title 30 relating to the reporting requirements of legislative entities are relocated and consolidated with existing 30-19.8:1, as they address related topics. A deadline for certain legislative entities to submit their reports is updated to reflect current practice. Language in existing subsection A of 30-19.8:1 describing the contents of the required annual report is relocated into the proposed first paragraph of this section, and revised to state that the report may include actions taken by the General Assembly during the regular session of the "previous" calendar year. A reference to the Virginia Advisory Legislative Council is removed, as that Council no longer exists in Code.

§ 30.1-1108. Funding requirements.

For its first year of existence, if a legislative entity is not funded by a separate appropriation in the general appropriation act, such legislative entity may be funded from the operating budgets of the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate upon the approval of the Joint Rules Committee. If such legislative entity is not

funded by a separate appropriation in the general appropriation act for any year thereafter, such legislative entity shall expire on July 1 of the fiscal year in which it fails to receive such funding.

Drafting note: A provision implementing a funding requirement for legislative entities that is currently included as a final enactment clause in legislation establishing such entities is proposed for codification.

CHAPTER 12.

STANDING LEGISLATIVE ENTITIES.

Drafting note: Proposed Chapter 12, Standing Legislative Entities, is created to logically organize legislative entities which have a long-term, permanent purpose and are consistently funded by the General Assembly to provide for independent staff and operation of such entities. Additionally, these entities are headed by an executive director appointed by the entity which they serve and subject to such entity's oversight. Existing Chapters 16 (Virginia Crime Commission), 36 (Chesapeake Bay Commission), 20 (Virginia Commission on Youth), 18 (Joint Commission on Health Care), 11 (Joint Commission on Technology and Science), 21 (Virginia Freedom of Information Advisory Council), 31 (Commission on Electric Utility Regulation), 38 (Virginia Housing Commission), 56 (Virginia Conflict of Interest and Ethics Advisory Council), 42.1 (Virginia-Israel Advisory Board), and 63 (Behavioral Health Commission) are retained in proposed Chapter 12 as proposed Articles 1 through 11, respectively. Provisions of these proposed articles are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose, membership, powers and duties, staffing, and sunset date, if applicable.

~~CHAPTER 16.~~

~~VIRGINIA CRIME COMMISSION.~~

Article 1.

Virginia State Crime Commission.

Drafting note: Existing Chapter 16, relating to the Virginia State Crime Commission, is retained as proposed Article 1.

§ ~~30-156~~ 30.1-1200. Virginia State Crime Commission; purpose; ~~membership; terms;~~
~~compensation and expenses; quorum; voting on recommendations.~~

~~A.~~ The Virginia State Crime Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission ~~shall be~~ is to study, report, and make recommendations on all areas of public safety and protection. In so doing ~~it,~~ the Commission shall endeavor to ascertain the causes of crime and recommend ways to reduce and prevent it, explore and recommend methods of rehabilitation of convicted criminals, study compensation of persons in law enforcement and related fields, and study other related matters, including the apprehension, trial, and punishment of criminal offenders. The Commission shall make such recommendations as it deems appropriate with respect to the foregoing matters, and shall coordinate the proposals and recommendations of all commissions and agencies ~~as to~~ regarding legislation affecting crimes, crime control, and criminal procedure. The Commission shall cooperate with the executive branch of state government, the Attorney General's office, and the judiciary, who are in turn encouraged to cooperate with the Commission. The Commission shall cooperate with governments and governmental agencies of other states and the United States.

Drafting note: Existing § 30-156 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's purpose. Technical changes are made.

§ 30.1-1201. Membership; terms.

~~B.~~ A. The Commission shall ~~consist~~ have a total membership of 13 members that shall include nine legislative members, three nonlegislative citizen members, and one ~~state official~~ ex officio member. Members shall be appointed as follows: ~~six~~

1. Six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; ~~three~~

2. Three members of the Senate to be appointed by the Senate Committee on Rules; ~~three and~~

225 3. Three nonlegislative citizen members to be appointed by the Governor; ~~and the~~
226 The Attorney General or his designee shall serve ex officio. ~~Nonlegislative citizen~~
227 ~~members shall be citizens of the Commonwealth of Virginia. Unless otherwise approved by the~~
228 ~~chairman of the Commission, nonlegislative citizen members shall only be reimbursed for~~
229 ~~travel originating and ending within the Commonwealth of Virginia for the purpose of attending~~
230 ~~meetings.~~

231 ~~C. The~~ B. Nonlegislative members shall be appointed for a term of each appointee shall
232 ~~be for~~ two years, except that the Attorney General, or his designee, and legislative members
233 shall serve terms coincident with their terms of office. All members may be reappointed.
234 ~~Appointments to fill vacancies, other than by expiration of a term, shall be made for the~~
235 ~~unexpired terms. Vacancies shall be filled in the same manner as the original appointments.~~

236 ~~D. The Commission shall elect a chairman and vice chairman annually, who shall be~~
237 ~~members of the General Assembly. A majority of the members of the Commission shall~~
238 ~~constitute a quorum. Meetings of the Commission shall be held at the call of the chairman or~~
239 ~~whenever the majority of the members so request.~~

240 ~~E. Legislative members of the Commission shall receive such compensation as provided~~
241 ~~in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided~~
242 ~~in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and~~
243 ~~necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and~~
244 ~~2.2-2825. All such compensation and expense payments, however, shall come from existing~~
245 ~~appropriations to the Commission.~~

246 ~~F. No recommendation of the Commission shall be adopted if a majority of the Senate~~
247 ~~members or a majority of the House members appointed to the Commission (i) vote against the~~
248 ~~recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote~~
249 ~~of the Commission.~~

250 **Drafting note:** Existing § 30-156 is divided into two proposed sections to
251 standardize the organization of articles establishing legislative entities. This proposed
252 section establishes the Commission's membership. Provisions relating to travel

reimbursement, terms, vacancies, officers, quorums, meetings, compensation, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

An existing provision relating to reimbursement for nonlegislative citizen members is revised and relocated to proposed subsection C to exempt the Virginia State Crime Commission from the provisions of proposed Chapter 11 (General Provisions). Technical changes are made, including the designation of subdivisions for clarity.

§ ~~30-158~~ 30.1-1202. Powers and duties of the Commission.

A. The Commission shall have the ~~power~~ following powers and ~~duty~~ duties to:

1. Maintain offices, and hold meetings ~~and or~~ functions at any place within the Commonwealth that it deems necessary;

2. Conduct private and public hearings, and designate a member of the Commission to preside over such hearings. Pursuant to a resolution adopted by a majority of the Commission, witnesses appearing before the Commission may be examined privately and the Commission shall not make public the particulars of such examination. The Commission shall not have the power to take testimony at private or public hearings unless at least three of its members are present at such hearings. Witnesses appearing before the Commission at its request shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the Commonwealth, if such witnesses request such fees and mileage;

3. Conduct studies and gather information and data in order to accomplish its purposes as set forth in § ~~30-156~~ 30.1-1200, and in connection with the faithful execution and effective enforcement of the laws of the Commonwealth ~~with particular reference but not limited to,~~ including organized crime and racketeering, and formulate its recommendations to ~~the Governor and the General Assembly;~~ and the Governor;

4. ~~Submit an annual report of its recommendations to the General Assembly and the Governor. The Commission shall make such further interim reports to the Governor and the General Assembly as it deems advisable or as required by the Governor or by concurrent resolution of the General Assembly. The chairman of the Commission shall submit to the~~

~~General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website~~ Examine matters relating to law-enforcement extending across the boundaries of the Commonwealth into other states, and consult and exchange information with officers and agencies of other states with respect to law-enforcement problems of mutual concern to the Commonwealth and other states; and

5. Submit reports pursuant to § 30.1-1107.

B. At the direction or request of the legislature by concurrent resolution or of the Governor, the Commission shall, or at the request of any department, board, bureau, commission, authority or other agency created by the Commonwealth, or to which the Commonwealth is a party, the Commission may study the operations, management, jurisdiction, powers and interrelationship of any such department, board, bureau, commission, authority or other agency that has any direct responsibility for enforcing the criminal laws of the Commonwealth.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Subsection B of existing § 30-159 is incorporated into this section as it imposes a duty on the Commission. Technical changes are made.

~~§ 30-157~~ 30.1-1203. Executive director, counsel and other personnel Staffing.

The Commission may appoint and employ and, at its pleasure, remove, an executive director, counsel, and such other persons as it deems necessary; and to to assist it in carrying out its duties as set forth in this article. The Commission may determine ~~their the~~ the duties of such staff and fix their salaries or compensation within the amounts appropriated ~~therefor in the~~ general appropriation act.

Drafting note: Language is updated for clarity and consistency with other legislative entities.

~~§ 30-159. Cooperation of state agencies; consultation with other states.~~

~~A. The Commission may request and shall receive from every department, division, board, bureau, commission, authority or other agency created by the Commonwealth, or to which the Commonwealth is a party or any political subdivision thereof, cooperation and assistance in the performance of its duties.~~

~~B. The Commission shall examine matters relating to law enforcement extending across the boundaries of the Commonwealth into other states; and may consult and exchange information with officers and agencies of other states with respect to law enforcement problems of mutual concern to this and other states.~~

Drafting note: Existing § 30-159 is proposed for repeal. Existing subsection A is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Existing subsection B is relocated to proposed § 30.1-1202.

~~§ -30-160~~ 30.1-1204. Commission to refer cases of crime or official misconduct to appropriate authorities.

Whenever it appears to the Commission that there is reasonable cause, for an official investigation or prosecution of a crime, or for the removal of a public officer for misconduct, the Commission shall refer the matter and such information as has come to its attention to (i) the officials ~~authorized and~~ having the duty and authority to conduct investigations ~~or to~~, prosecute criminal offenses, or ~~to~~ remove such public officer, or ~~to~~ (ii) the judge of an appropriate court of record with recommendation that a special grand jury be convened.

Drafting note: Technical changes are made.

~~§ -30-161~~ 30.1-1205. Publication of information.

By such means and to such extent as it deems appropriate, the Commission shall keep the public informed as to the operations of organized crime, problems of criminal law enforcement in the Commonwealth, and other activities of the Commission.

Drafting note: Technical change.

~~§ -30-162~~ 30.1-1206. Disclosure of certain information by employee ~~a misdemeanor~~; penalty.

Any employee of the Commission who, except as directed by the Governor, a court of record, or the Commission, discloses to any person other than the Commission or an officer having the power to appoint one or more of the ~~Commissioners~~ members of the Commission (i) the name of any witness appearing before the Commission in a private hearing or ~~discloses~~ (ii) any information obtained or given in a private hearing ~~except as directed by the Governor, a court of record or the Commission, shall be~~ is guilty of a Class 1 misdemeanor.

Drafting note: Technical changes are made for clarity.

§ ~~30-163~~ 30.1-1207. Impounding of certain documents.

Upon the application of the Commission or a duly authorized member of its staff, the judge of any court of record may impound any exhibit or document received or obtained in any public or private hearing held in connection with a hearing conducted by the Commission, and may order such exhibit to be retained by, or delivered to and placed in custody of, the Commission. The order may be rescinded by further order of the court made after five days' notice to the Commission or upon its application or with its consent, all in the discretion of the court.

Drafting note: Technical changes are made.

§ ~~30-164~~ 30.1-1208. Construction of ~~chapter article~~.

Nothing contained in this ~~chapter article~~ shall be construed to supersede, repeal, or limit any power, duty, or function of the Governor or any department or agency of the Commonwealth, or any political subdivision thereof, as prescribed or defined by law.

Drafting note: Technical changes are made.

~~CHAPTER 36.~~

~~CHESAPEAKE BAY COMMISSION.~~

Article 2.

Chesapeake Bay Commission.

Drafting note: Existing Chapter 36, establishing the Chesapeake Bay Commission as a tristate legislative commission, is retained as proposed Article 2. Pursuant to existing § 30-252, which provides that the agreement shall not be amended or modified except with

the concurrence of the legislatures of the Commonwealth of Virginia, the Commonwealth of Pennsylvania, and the state of Maryland, no changes are made.

~~§ 30-240~~ 30.1-1209. Chesapeake Bay Commission created.

The Chesapeake Bay Commission, hereinafter designated as "Commission," is hereby created as a tristate legislative commission.

~~§ 30-241~~ 30.1-1210. Members.

The Commission shall consist of 21 members, seven from Virginia, seven from Maryland and seven from Pennsylvania. In each state, five of the members shall be members of the General Assembly. In Virginia, two Senators appointed by the Senate Committee on Rules and three Delegates appointed by the Speaker of the House of Delegates shall serve as members. The Governor of Virginia or his designee shall serve as a member. In addition, the Senate Committee on Rules and the Speaker of the House of Delegates shall jointly appoint one Virginia member who is not a legislator or an employee of the executive branch. In Maryland, two senators designated by the President of the Senate and three delegates designated by the Speaker of the House of Delegates shall serve as members. The Governor of Maryland or his designee shall serve as a member. In addition, the President of the Senate and the Speaker of the House of Delegates shall jointly select one Maryland member who is not a legislator or an employee of the executive branch. In Pennsylvania, two senators designated by the President pro tempore of the Senate and three representatives designated by the Speaker of the House of Representatives shall serve as members. The Governor of Pennsylvania or his designee shall serve as a member. In addition, the President pro tempore of the Senate shall select one Pennsylvania member who is not a legislator or an employee of the executive branch.

~~§ 30-242~~ 30.1-1211. Terms.

Legislators serving as members of the Commission shall serve terms coterminous with their current terms of office. The nonlegislative members shall serve at the pleasure of their respective appointing authorities for a term of not more than four years. Nonlegislative members may be reappointed at the end of the four-year term.

~~§ 30-243~~ 30.1-1212. Compensation and expenses; generally.

The Commission members shall serve without compensation from the Commission but may be reimbursed by the Commission for necessary expenses incurred in and incident to the performance of their duties. In addition, Commission members from each state may receive from their respective states, any other compensation to which they may be entitled under the laws of the respective states.

~~§ 30-244~~ 30.1-1213. Compensation and expenses; Virginia delegation.

The legislative representatives of Virginia to the Commission shall receive such compensation as provided in ~~§ 30-19.12~~ 30.1-109 and the nonlegislative citizen representatives of Virginia shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be entitled to reimbursement for all reasonable and necessary expenses incurred in their performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Commission for such purpose.

~~§ 30-245~~ 30.1-1214. Meetings and voting.

Commission meetings shall be held at least once each quarter, and at such other times as the Commission may determine. In order to constitute a quorum for the transaction of any business, at least 11 Commission members, including at least three Commission members from each state, must be present. Approval of proposed action shall require the majority vote of the Commission members present.

~~§ 30-246~~ 30.1-1215. Organization, internal procedures and delegation of powers; officers and employees as state employees.

A. The Commission members shall serve as the governing body of the Commission, and, except as hereinafter provided, shall exercise and discharge all powers, functions and responsibilities assigned to the Commission. The Commission shall provide for the organization of internal procedures of the Commission and to this end shall adopt suitable bylaws. The Commission shall have a chairman and two vice-chairmen, chosen by the respective delegation, whose offices shall rotate annually among the signatory states and may at no time be held by members from the same signatory. The Commission may maintain one or

more offices for the transaction of its business. The Commission may, without regard to the civil service or the laws of any signatory relative to public officers and employees, create and abolish offices, employments and positions as it deems necessary for the purposes of the Commission, affix and provide for the duties, conditions of employment, qualifications, appointment, removal, term, compensation, and other rights and benefits of the Commission's officers and employees, and shall appoint the principal officers of the Commission and allocate among them administrative functions, powers, and duties. The Commission may delegate to the officers and employees of the Commission any powers, functions and responsibilities under this agreement as it deems suitable, except that it may not delegate its power to make recommendations to the respective legislatures, to issue reports or to adopt the annual expense budget.

B. Every full-time officer or employee of the Commission on a salary basis shall be eligible for pension and health and related insurance offered to employees of one of the member states, provided that such officer or employee so elects within 30 days of commencing employment; and provided that the Commission allocates funds in its budget for the employer share of these benefits.

~~§ 30-247~~ 30.1-1216. Purposes.

The purposes of the signatories in enacting this Agreement are to assist the legislatures of Virginia, Maryland, and Pennsylvania in evaluating and responding to problems of mutual concern relating to the Chesapeake Bay; to promote intergovernmental cooperation; to encourage cooperative coordinated resource planning and action by the signatories and their agencies; to provide, where appropriate, through recommendation to the respective legislature, uniformity of legislative application; to preserve and enhance the functions, powers and duties of existing offices and agencies of government; and to recommend improvements in the existing management system for the benefit of the present and future inhabitants of the Chesapeake Bay region.

~~§ 30-248~~ 30.1-1217. Powers.

In pursuit of the purposes and duties set forth in this article, the Commission may exercise the following powers:

1. Collect, compile, analyze, interpret, coordinate, tabulate, summarize, and distribute technical and other data relative to the Chesapeake Bay and its environs. It may conduct or contract for studies, except those for primary scientific research, and may prepare reports on existing or potential problems within the Bay region;

2. Prepare, publish and disseminate information in reports related to the resources of the region;

3. Serve as an advisory board to any requesting agency of the member states on matters of interstate concern;

4. Make application for grants, services or other aids as may be available from public or private sources to finance or assist in effectuating any purposes of this Agreement; and receive and accept the same on such terms and conditions as may be required by the law of the respective signatory states;

5. Purchase administrative supplies and lease sufficient office space if such space is not otherwise made available for its use; and

6. Exercise such other powers as are granted by this Agreement and take such actions as are necessary or appropriate for performing the duties set forth in this Agreement.

~~§ 30-249~~ 30.1-1218. Duties.

In carrying out the purposes set forth in this article, the Commission shall have the following duties:

1. Identify specific Bay management concerns requiring intergovernmental coordination and cooperation; and recommend to the federal, state and local governments that are involved in the Chesapeake Bay region legislative and administrative actions necessary to effectuate coordinated and cooperative management for the Bay;

2. Consider, in administering the provisions of this Agreement, the needs of the region for industrial and agricultural development and for gainful employment and maintenance of a high-quality environment;

3. Respect and support the primary role of the respective signatory states and their administrative agencies in managing the resources of the region;

4. Collect, analyze and disseminate information pertaining to the region and its resources for the respective legislative bodies. The Commission shall prepare an annual report indicating the status of environmental and economic Bay issues involving the Chesapeake Bay and the progress of coordinative efforts by the member states;

5. Represent common interests of the signatories as they are affected by the activities of the federal government and shall assist in the monitoring of those activities in the Chesapeake Bay region; and

6. Provide, as may be determined, a forum to serve as an advisory mediator for programmatic conflicts between or among the member states when such action is requested by the conflicting member states.

~~§ 30-250~~ 30.1-1219. Annual budget.

The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses for administration and operation. In establishing the annual current expense budget, the Commission shall balance total expenses against the Commission's estimate of revenues from all sources, either previously appropriated by a signatory state or receivable from any person or governmental agency by contract or grant with that person or governmental agency. The chairman of the Commission shall certify to the respective signatories, and submit to persons in other governmental agencies, statements of the amounts requested from them in accordance with existing cost-sharing established by this Agreement or by the parties. The chairman of the Commission shall transmit certified copies of such budgets to the principal budget officer of the respective signatory parties at such time and in such manner as may be required under their respective budgetary procedures.

~~§ 30-251~~ 30.1-1220. Apportionment of cost.

The amount required for the Commission's current expense budget shall be apportioned equally among the signatory parties unless a different apportionment is agreed to by unanimous vote of the Commission.

504 §~~30-252~~ 30.1-1221. Modification.

505 This Agreement shall not be amended or modified except with the concurrence of the
506 legislatures of the Commonwealth of Virginia, the state of Maryland, and the Commonwealth
507 of Pennsylvania. Amendments shall not become effective until adopted in the same manner as
508 the original Agreement.

509 §~~30-253~~ 30.1-1222. Term.

510 The duration of this Agreement among the Commonwealth of Virginia, the state of
511 Maryland, and the Commonwealth of Pennsylvania shall be for an initial period of 10 years
512 from its effective date, and it shall be continued for additional periods of 10 years unless one or
513 more of the signatory states, by authority of an act of its legislature, notifies the Commission of
514 intention to terminate the Agreement at the end of the current 10-year term. However, any
515 signatory, by act of its legislature, can withdraw from the Agreement at the end of any calendar
516 year or fiscal year.

517 §~~30-254~~ 30.1-1223. Dissolution.

518 In the event that this Agreement shall be terminated by operation of §~~30-253~~ 30.1-1222,
519 the Commission shall be dissolved, its assets and liabilities transferred, and its corporate affairs
520 wound up in accordance with the unanimous agreement of its signatories, or failing unanimous
521 agreement, in such manner that the assets and liabilities of the Commission shall be shared by
522 the respective states.

523 §~~30-255~~ 30.1-1224. Governor to execute agreement.

524 The Governor of the Commonwealth of Virginia is authorized and directed to: (i)
525 execute and deliver, on behalf of the Commonwealth, all agreements and modifications of
526 agreements that relate to the Chesapeake Bay Commission; and (ii) take those actions that may
527 be necessary to effectuate the Agreement.

528 **Drafting note: Existing Chapter 36, establishing the Chesapeake Bay Commission**
529 **as a tristate legislative commission, is retained as proposed Article 2. Pursuant to existing**
530 **§ 30-252, which provides that the agreement shall not be amended or modified except with**

the concurrence of the legislatures of Commonwealth of Virginia, the Commonwealth of Pennsylvania, and the state of Maryland, no changes are made.

CHAPTER 20.

VIRGINIA COMMISSION ON YOUTH

Article 3.

Virginia Commission on Youth.

Drafting note: Existing Chapter 20, relating to the Virginia Commission on Youth, is retained as proposed Article 3.

~~§ 30-174~~ 30.1-1225. Virginia Commission on Youth; purpose; ~~membership; terms; compensation and expenses; quorum; voting on recommendations.~~

~~A.~~ The Virginia Commission on Youth (the Commission) is established in the legislative branch of state government. The purpose of the Commission ~~shall be~~ is to study and provide recommendations addressing the needs of and services to the Commonwealth's youth and their families. ~~In so doing, it~~ The Commission shall encourage the development of uniform policies and services to youth across the Commonwealth and provide a forum for continuing review and study of such services. In addition to its own proposals, the Commission shall coordinate the proposals and recommendations of all commissions and agencies as to legislation affecting youth.

Drafting note: Existing § 30-174 is divided into two proposed sections to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose and membership. This proposed section establishes the Commission and states its purpose.

§ 30.1-1226. Membership.

~~B.~~ The Commission shall ~~consist~~ have a total membership of 12 members ~~to be appointed that shall include~~ nine legislative members and three nonlegislative citizen members. Members shall be appointed as follows: ~~six~~

557 1. Six members of the House of Delegates, to be appointed by the Speaker of the House
558 of Delegates in accordance with the principles of proportional representation contained in the
559 Rules of the House of Delegates; ~~three~~

560 2. Three members of the Senate, to be appointed by the Senate Committee on Rules;
561 and ~~three~~

562 3. Three nonlegislative citizen members, to be appointed by the Governor.
563 ~~Nonlegislative citizen members shall be citizens of the Commonwealth.~~

564 C. ~~Legislative members shall serve terms coincident with their terms of office.~~
565 Nonlegislative citizen members shall serve four-year terms. Members may be reappointed for
566 successive terms. ~~Vacancies shall be filled for the unexpired terms. Vacancies shall be filled in~~
567 ~~the same manner as the original appointments.~~

568 D. ~~The Commission shall elect its chairman and vice chairman annually. A majority of~~
569 ~~the members shall constitute a quorum. The meetings of the Commission shall be held at the~~
570 ~~call of the chairman or whenever the majority of the members so request.~~

571 E. ~~Members of the Commission shall receive compensation as provided in § 30-19.12~~
572 ~~and shall be reimbursed for all reasonable and necessary expenses incurred in the performance~~
573 ~~of their duties as provided in §§ 2-2-2813 and 2-2-2825. However, all such compensation and~~
574 ~~expense payments shall come from existing appropriations to the Commission.~~

575 F. ~~No recommendation of the Commission shall be adopted if a majority of the Senate~~
576 ~~members or a majority of the House members appointed to the Commission (i) vote against the~~
577 ~~recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote~~
578 ~~of the Commission.~~ Nonlegislative citizen members shall receive no compensation for the
579 performance of their duties.

580 **Drafting note: Existing § 30-174 is divided into two proposed sections to**
581 **standardize the organization of articles establishing legislative entities by setting out**
582 **separate sections for each entity's purpose and membership. This proposed section**
583 **establishes the Commission's membership. Provisions relating to nonlegislative citizen**
584 **members, terms, officers, meetings, quorums, compensation and expenses, and voting**

requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made.

~~§ 30-175 30.1-1227.~~ Powers and duties of the Commission.

The Commission shall have the ~~power and duty to~~ following powers and duties:

1. Undertake studies and ~~to~~ gather information and data in order to accomplish its purposes as set forth in ~~§ 30-174 30.1-1225~~, and to formulate and report its recommendations to the General Assembly and the Governor. ~~The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

2. At the direction or request of the legislature by concurrent resolution or of the Governor, or at the request of any department, board, bureau, commission, authority, or other agency created by the Commonwealth or to which the Commonwealth is a party, study the operations, management, jurisdiction, or powers of any such department, board, bureau, commission, authority, or other agency which has responsibility for services to youth.

3. Submit reports pursuant to § 30.1-1107.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the annual reporting requirement for all legislative entities. Technical changes are made.

~~§ 30-176 30.1-1228. Executive director; staff; compensation~~ Staffing.

The Commission may appoint and employ and, at its pleasure, remove an executive director and such other persons as it deems necessary to assist it in carrying out its duties as set forth in this ~~chapter~~ article. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated ~~therefor~~ to the Commission in the general appropriation act.

Drafting note: Technical changes are made.

~~§ 30-177. Cooperation of other state agencies.~~

~~The Commission may request and shall receive from every department, division, board, bureau, commission, authority or other agency created by the Commonwealth, or to which the Commonwealth is party, or from any political subdivision of the Commonwealth, cooperation and assistance in the performance of its duties.~~

Drafting note: This section related to agency assistance is proposed for deletion these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~CHAPTER 18.~~

~~JOINT COMMISSION ON HEALTH CARE.~~

Article 4.

Joint Commission on Health Care.

Drafting note: Existing Chapter 18, relating to the Joint Commission on Health Care, is retained as proposed Article 4.

~~§ 30-168~~ 30.1-1229. Joint Commission on Health Care; purpose.

The Joint Commission on Health Care (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to study, report, and make recommendations on all areas of health care provision, regulation, insurance, liability, licensing, and delivery of services. ~~In so doing, the~~ The Commission shall endeavor to ensure that the Commonwealth as provider, financier, and regulator adopts the most cost-effective and efficacious means of delivery of health care services so that the greatest number of ~~Virginians~~ residents of the Commonwealth receive quality health care. ~~Further, the~~ The Commission shall also encourage the development of uniform policies and services to ensure the availability of quality, affordable, and accessible health services and provide a forum for continuing the review and study of programs and services.

~~The Commission may make recommendations and coordinate the proposals and recommendations of all commissions and agencies as to legislation affecting the provision and delivery of health care.~~

~~For the purposes of this chapter, "health care" shall include behavioral health care.~~

Drafting note: A provision of this section is relocated to proposed subsection B of § 30.1-1231. A provision allowing the Commission to appoint a special task force on issues related to behavioral health care is proposed for deletion to reflect the creation of the Behavioral Health Commission pursuant to chapter 313 of the 2021 Acts of Assembly special session I. Technical changes are made.

~~§ ~~30-168.1~~ 30.1-1230. Membership; ~~terms; vacancies; chairman and vice chairman; quorum; meetings.~~~~

The Commission shall ~~consist~~ have a total membership of 18 legislative members. Members shall be appointed as follows: ~~eight~~

1. Ten members of the House of Delegates, of whom three shall be members of the House Committee on Health and Human Services, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and

2. Eight members of the Senate; ~~to be appointed by the Senate Committee on Rules; and 10 members of the House of Delegates, of whom three shall be members of the House Committee on Health and Human Services, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates.~~

~~Members of the Commission shall serve terms coincident with their terms of office. Members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.~~

~~The Commission shall elect a chairman and vice chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: This proposed section establishes the Commission's membership. Provisions relating to terms, vacancies, officers, quorums, meetings, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Language is updated for clarity and consistency and other technical changes are made.

~~§ 30-168.2. Compensation; expenses.~~

~~Members of the Commission shall receive such compensation as provided in § 30-19.12. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Joint Commission on Health Care.~~

Drafting note: This section relating to compensation and expenses and the source for funding is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-168.3 30.1-1231.~~ Powers and duties of the Commission.

A. The Commission shall have the following powers and duties:

1. ~~To study~~ Study and gather information and data to accomplish its purposes as set forth in ~~§ 30-168 30.1-1229~~;

2. ~~To study~~ Study the operations, management, jurisdiction, powers, and interrelationships of any department, board, bureau, commission, authority, or other agency

with any direct responsibility for the provision and delivery of health care in the Commonwealth;

3. ~~To assess~~ Assess, analyze, and evaluate the social and economic costs and benefits, and other relevant issues, of any proposed mandated health insurance benefit or mandated provider that is not included in the essential health benefits required by federal law to be provided under a health care plan and report its findings with respect to the proposed mandate to the Health Insurance Reform Commission established in Article 7 (§ 30.1-1429 et seq.) of Chapter 14;

4. ~~To examine~~ Examine matters relating to health care services in other states and to consult and exchange information with officers and agencies of other states with respect to health service problems of mutual concern;

5. ~~To maintain~~ Maintain offices and hold meetings and functions at any place within the Commonwealth that it deems necessary;

6. ~~To invite~~ Invite other interested parties to sit with the Commission and participate in its deliberations;

~~7. To appoint a special task force from among the members of the Commission to study and make recommendations on issues related to behavioral health care to the full Commission; and~~

8. ~~To report~~ Report its recommendations to the General Assembly and the Governor annually and to make such interim reports as it deems advisable or as may be required by the General Assembly and the Governor; and

8. Submit reports pursuant to § 30.1-1107.

B. The Commission may make recommendations and coordinate the proposals and recommendations of all commissions and agencies as to legislation affecting the provision and delivery of health care.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. A provision allowing the Commission to appoint a special task force on issues

related to behavioral health care is proposed for deletion as obsolete due to the creation of the Behavioral Health Commission pursuant to chapter 313 of the 2021 Acts of Assembly special session I. Language from existing § 30-168 is relocated as proposed subsection B. Language is updated for clarity and consistency and other technical changes are made.

~~§ 30-168.4 30.1-1232.~~ Staffing.

~~A.~~ The Commission may appoint, and employ, and, at its pleasure, remove an executive director and such other persons as it deems necessary, and determine their to assist it in carrying out its duties. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated ~~therefor~~ to the Commission in the general appropriation act. The Commission may also employ experts who have special knowledge of the issues before it. ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: Technical changes are made.

~~§ 30-168.5. Chairman's executive summary of activity and work of the Commission.~~

~~The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: This section relating to the Commission's reporting requirement is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-169. Repealed.~~

Drafting note: Repealed by Acts 2003, c. 633, cl. 2.

~~§ 30-169.1. Cooperation of other state agencies and political subdivisions.~~

~~The Commission may request and shall receive from every department, division, board, bureau, commission, authority or other agency created by the Commonwealth, or to which the Commonwealth is party, or from any political subdivision of the Commonwealth, cooperation and assistance in the performance of its duties.~~

Drafting note: This section relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-170. Repealed.~~

Drafting note: Repealed by Acts 2021, Sp. Sess. I, c. 315, cl. 1.

~~CHAPTER 11.~~

~~JOINT COMMISSION ON TECHNOLOGY AND SCIENCE.~~

Article 5.

Joint Commission on Technology and Science.

Drafting note: Existing Chapter 11, relating to the Joint Commission on Technology and Science, is retained as proposed Article 5.

~~§ 30-85, 30.1-1233. Joint Commission established on Technology and Science; powers and duties purpose.~~

The Joint Commission on Technology and Science (JCOTS) is ~~hereby~~ established ~~as a permanent in the~~ legislative ~~agency of the Commonwealth branch of state government.~~ The purpose of JCOTS ~~shall generally is to~~ study all aspects of technology and science and endeavor to stimulate, encourage, promote, and assist in the development of technology and science in the Commonwealth and sound public policies related thereto.

~~In addition, JCOTS shall:~~

~~1. Evaluate the impact of existing statutes and proposed legislation related to technology and science in the Commonwealth;~~

~~2. Advise the General Assembly, Governor, and agencies, authorities, and institutions of the Commonwealth upon matters related to technology and science;~~

~~3. Investigate, research, and consider such issues related to technology and science as may be requested by the General Assembly or determined by JCOTS;~~

~~4. Make recommendations to the General Assembly and the Governor;~~

~~5. Consult with appropriate entities, public or private, on matters related to technology and science under JCOTS' consideration;~~

~~6. Encourage research and development in technology and science;~~

~~7. Solicit input from appropriate entities, public or private, on issues related to technology and science;~~

~~8. Coordinate its efforts with and assist the efforts of other agencies, authorities, and institutions of the Commonwealth;~~

~~9. Accept private or public funds to carry out its purposes; and~~

~~10. Annually report its findings and recommendations to the General Assembly and the Governor. JCOTS shall make such further interim reports to the General Assembly and the Governor as it deems advisable or as required by concurrent resolution of the General Assembly or by the Governor. The chairman of JCOTS shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of JCOTS no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: Existing § 30-85 is divided into two proposed sections to standardize the organization of articles establishing legislative collegial bodies. This proposed section establishes the Commission's purpose. Technical changes are made.

~~§ 30-86 30.1-1234. Membership; ~~terms; vacancies; chairman and vice chairman; expenses;~~ quorum.~~

~~A. JCOTS shall be composed have a total membership of 12 legislative members, ~~seven~~ of whom shall. Members shall be appointed as follows:~~

1. Seven members of the House of Delegates to be appointed by the Speaker of the House of Delegates ~~from the membership thereof~~, in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, ~~and five of whom shall~~

2. Five members of the Senate to be appointed by the Senate Committee on Rules ~~from the membership of the Senate.~~

~~B. Members shall serve for terms coincident with their terms of office. Members may be reappointed for successive terms. Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.~~

~~C. JCOTS members shall receive compensation as provided in § 30-19.12 and shall be reimbursed from funds appropriated or otherwise available to JCOTS for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.~~

~~D. Five members of JCOTS shall constitute a quorum. At the first meeting following the adjournment sine die of the Regular Session in an even-numbered year, JCOTS shall elect a chairman and vice chairman from among its membership. A vacancy in either office shall be filled for the unexpired term in the same manner. Meetings of JCOTS shall be held at the call of the chairman or whenever members constituting a quorum so request.~~

Drafting note: Provisions relating to terms, vacancies, compensation and expenses, officers, and meetings are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Language is updated for consistency with other legislative entities and technical changes are made, including the designation of subdivisions.

§ 30.1-1235. Powers and duties of JCOTS.

JCOTS shall have the following powers and duties:

1. Evaluate the impact of existing statutes and proposed legislation related to technology and science in the Commonwealth;

2. Advise the General Assembly, the Governor, and agencies, authorities, and institutions of the Commonwealth upon matters related to technology and science;

3. Investigate, research, and consider such issues related to technology and science as may be requested by the General Assembly or determined by JCOTS;

4. Make recommendations to the General Assembly and the Governor related to technology and science in the Commonwealth;

5. Consult with appropriate entities, public or private, on matters related to technology and science under JCOTS's consideration;

6. Encourage research and development in technology and science;

7. Solicit input from appropriate entities, public or private, on issues related to technology and science;

8. Coordinate its efforts with and assist the efforts of other agencies, authorities, and institutions of the Commonwealth;

9. Accept public or private funds to carry out its purposes; and

10. Submit reports pursuant to § 30.1-1107. JCOTS shall make such further interim reports to the General Assembly and the Governor as it deems advisable or as required by concurrent resolution of the General Assembly or by the Governor.

Drafting note: Existing § 30-85 is divided into two proposed sections to standardize the organization of articles establishing legislative collegial bodies. This proposed section establishes the Commission's powers and duties. A reference to the general reporting requirement in proposed Chapter 11 (General Provisions) is added to the existing reporting provision. Language is updated for clarity and technical changes are made.

~~§ 30-87 30.1-1236. Staff; cooperation and assistance~~ Staffing.

JCOTS may appoint, ~~and~~ employ, and, at its pleasure, remove an executive director and such other persons as it deems necessary ~~and determine their~~ to assist it in carrying out its duties as set forth in this article. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated ~~therefor~~ to the Commission in the

~~general appropriation act. All agencies, authorities, and institutions of the Commonwealth shall cooperate and provide assistance to JCOTS upon request.~~

Drafting note: Provisions relating to agency assistance are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Language is updated for clarity and consistency with other legislative entities.

~~§ 30-88 30.1-1237.~~ Advisory committees.

JCOTS may establish advisory committees composed of persons with expertise in the matters under consideration by JCOTS. Such persons shall serve without compensation, but shall be reimbursed from funds appropriated or otherwise available to JCOTS for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825, unless they waive reimbursement.

Drafting note: Technical change.

~~§ 30-89. Reserved.~~

Drafting note: This section is removed because it is carried as reserved in the existing title.

~~CHAPTER 21.~~

~~VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL.~~

~~Article 6.~~

~~Virginia Freedom of Information Advisory Council.~~

Drafting note: Existing Chapter 21, relating to the Virginia Freedom of Information Advisory Council, is retained as proposed Article 6.

~~§ 30-178 30.1-1238.~~ Virginia Freedom of Information Advisory Council; ~~membership; terms; quorum; expenses purpose.~~

~~A.~~ The Virginia Freedom of Information Advisory Council (the Council) is ~~hereby created as an advisory council established~~ in the legislative branch ~~of state government. The purpose of the Council is~~ to encourage and facilitate compliance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) (the Act).

Drafting note: Existing § 30-178 is divided into three proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Council's purpose. Technical changes are made for consistency with other legislative entities.

§ 30.1-1239. Membership; terms; chair and vice-chair; vacancies.

~~B. A.~~ The Council shall ~~consist~~ have a total membership of 14 members that shall include four legislative members, seven nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows: ~~the Attorney General or his designee; the Librarian of Virginia or his designee; the Director of the Division of Legislative Services or his designee; five~~

1. Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates, two of whom shall be members of the House of Delegates, and three nonlegislative citizen members, at least one of whom shall be or have been a representative of the news media; four in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Two members of the Senate to be appointed by the Senate Committee on Rules, two of whom shall be members of the Senate, one of whom shall be or have been an officer of local government, and one nonlegislative citizen at-large member; and two;

3. Three nonlegislative citizen members to be appointed by the Speaker of the House of Delegates, of whom at least one shall be or have been a representative of the news media;

4. Two nonlegislative citizen members to be appointed by the Senate Committee on Rules, of whom one shall be or have been an officer of local government and one shall be an at-large member. The local government representative may be selected from a list recommended by the Virginia Association of Counties and the Virginia Municipal League, after due consideration of such list by the Senate Committee on Rules;

5. Two nonlegislative citizen members to be appointed by the Governor, one of whom shall not be a state employee. The local government representative may be selected from a list

~~recommended by the Virginia Association of Counties and the Virginia Municipal League, after due consideration of such list by the Senate Committee on Rules;~~

6. The Attorney General and the Librarian of Virginia or their designees to serve ex officio; and

7. The Director of the Division of Legislative Services to serve ex officio with nonvoting privileges.

B. The nonlegislative citizen members may be selected from a list recommended by the Virginia Press Association, the Virginia Association of Broadcasters, and the Virginia Coalition for Open Government, after due consideration of such list by the appointing authorities.

~~C. All appointments following the initial staggering of terms. Appointments of nonlegislative citizen members shall be for terms of four years, except that appointments to fill vacancies shall be for the unexpired terms in the same manner as the original appointment. No nonlegislative citizen member shall be eligible to serve for more than two successive four-year terms. At the end of a term, a nonlegislative citizen member shall continue to serve until a successor is appointed. However, after the expiration of a term of three years or less, or after the expiration of the remainder of a term to which appointed to fill a vacancy, two additional terms may be served by such member if appointed thereto. Legislative members and other state government officials shall serve terms coincident with their terms of office.~~ Legislative members may be reappointed for successive terms.

~~D. C.~~ The ~~members of the Council shall elect from among their membership a chairman chair~~ and ~~a vice-chairman for two-year~~ vice-chair shall serve terms. ~~The chairman and vice-chairman of two years and~~ may not succeed themselves to the same position.

Drafting note: Existing § 30-178 is divided into three proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Council's membership, terms, chair and vice-chair, and procedures to fill vacancies. Provisions relating to terms of office for legislative members and ex officio members and the election of the chair and vice-chair are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given

general application to all legislative entities. A provision relating to the initial staggering of terms is proposed for deletion as obsolete. Technical changes are made for consistency with other legislative entities, including the insertion of subdivisions for clarity.

§ 30.1-1240. Meetings; attendance of nonlegislative citizen members; compensation.

~~E.~~The Council shall hold meetings quarterly or upon the call of the ~~chairman~~ chair. ~~A majority of the Council shall constitute a quorum.~~ Notwithstanding the provisions of subsection ~~C~~, if any nonlegislative citizen member of the Council fails to attend a majority of meetings of the Council in a calendar year, the Council shall notify the member's appointing authority. Upon receipt of such notification, the appointing authority may remove the member and appoint a successor as soon as practicable.

~~F.~~Members of the Council shall receive no compensation for their services but shall be reimbursed for ~~all~~ reasonable and necessary expenses ~~incurred in the performance of their duties as provided in §§ 2.2-2813, 2.2-2825 and 30-19.12, as appropriate. Funding for expenses of the members shall be provided from existing appropriations to the Council pursuant to § 30.1-1103.~~

Drafting note: Existing § 30-178 is divided into three proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes requirements for the Council's meetings and attendance of nonlegislative members. A provision regarding quorums is proposed for deletion; this provision is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Provisions regarding reimbursement for expenses are proposed for deletion and replacement with a reference to the general reimbursement provision for all legislative entities. Technical changes are made for consistency with other legislative entities.

~~§ 30-179~~ 30.1-1241. Powers and duties of the Council.

The Council shall have the following powers and duties:

1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information regarding the ~~Virginia Freedom of Information Act (§ 2.2-3700 et seq.)~~ to any person or public body, in an expeditious manner;

2. Conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the ~~Virginia Freedom of Information Act (§ 2.2-3700 et seq.)~~;

3. Publish such educational materials as it deems appropriate on the provisions of the ~~Virginia Freedom of Information Act (§ 2.2-3700 et seq.)~~;

4. Request from any public body such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by a public body shall not be released to any other party unless authorized by such public body;

5. Assist in the development and implementation of the provisions of § 2.2-3704.1;

6. Develop an online public comment form to be posted on the Council's official public government website, as defined in § 2.2-3701, to enable any requester to comment on the quality of assistance provided to the requester by a public body; and

7. Report annually on or before December 1 of each year on its activities and findings regarding the ~~Virginia Freedom of Information Act (§ 2.2-3700 et seq.)~~, including recommendations for ~~changes in the law~~ legislation, to the General Assembly and the Governor. The annual report shall be published ~~as a state document~~ according to the provisions of § 30.1-1107.

Drafting note: Technical changes are made for consistency with other legislative entities.

~~§ 30-180 30.1-1242.~~ Staff Staffing.

~~Staff assistance to the Council shall be provided by the~~ The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Council. Staff shall perform those duties assigned to it by the Council.

Drafting note: Technical changes are made.

~~§ 30-181. Cooperation of agencies of state and local government.~~

~~Every department, division, board, bureau, commission, authority or political subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the Council as the Council may request.~~

Drafting note: This section relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~CHAPTER 31.~~

~~COMMISSION ON ELECTRIC UTILITY REGULATION.~~

Article 7.

Commission on Electric Utility Regulation.

Drafting note: Existing Chapter 31, establishing the Commission on Electric Utility Regulation, is retained as proposed Article 7.

§ 30.1-1243. Definitions.

As used in this article:

"Commission" means the Commission on Electric Utility Regulation.

"Ratepayer" means a residential, commercial, or industrial customer who is billed for the consumption of electricity by an electric utility in the Commonwealth.

"Ratepayer impact statement" means a statement prepared using data or other relevant information to estimate the potential impact on ratepayers' electric bills of proposed legislation related to electric utilities.

Drafting note: The definitions of "ratepayer" and "ratepayer impact statement" are relocated from existing § 30-205.1 and "Commission" is relocated from existing § 30-201 to conform to the current Code conventions.

~~§ 30-201 30.1-1244. (Expires July 1, 2029) Commission on Electric Utility Restructuring continued as~~ Commission on Electric Utility Regulation; purpose.

The Commission ~~on Electric Utility Restructuring established pursuant to Chapter 885 of the Acts of Assembly of 2003, is continued, effective July 1, 2008, as the Commission on Electric Utility Regulation (the Commission) within~~ is established in the legislative branch of

state government. The purpose of the Commission is to monitor the State Corporation Commission's implementation of the Virginia Electric Utility Regulation Act (§ 56-576 et seq.).

Drafting note: Language referencing the Commission on Electric Utility Restructuring is proposed for deletion as obsolete. Technical changes are made.

§ ~~30-202~~ 30.1-1245. (Expires July 1, 2029) Membership; ~~terms~~.

A. The Commission shall have a total membership of 14 members that shall ~~consist of~~ include 10 legislative members, three nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: ~~four~~

1. Six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

2. Four members of the Senate to be appointed by the Senate Committee on Rules that consist of three members from the majority party and one member from the minority party or an equal number from each in the event the chamber is evenly divided; ~~six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one~~

3. One nonlegislative citizen member with expertise in energy affordability and ratepayer advocacy to be appointed by the Speaker of the House of Delegates;

4. One nonlegislative citizen member with expertise in economic development and ratepayer advocacy to be appointed by the Senate Committee on Rules; ~~one nonlegislative citizen member with expertise in energy affordability and ratepayer advocacy to be appointed by the Speaker of the House of Delegates; and one~~

5. One nonlegislative citizen member with expertise in public utility regulation and ratepayer advocacy to be appointed by the Governor; and

6. The Attorney General, or his designee ~~shall, to~~ serve ex officio. Any such designee shall be an attorney employed within the Department of Law's ~~Division of Consumer Counsel~~

Protection Unit. ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.~~

B. Each member of the Commission shall annually complete an orientation on electric utility regulation provided by the State Corporation Commission.

~~Legislative members of the Commission and the ex officio member shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.~~

~~The Commission shall annually elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.~~

C. The ~~chairman~~ chair of the Commission ~~shall be~~ is authorized to designate one or more members of the Commission to observe and participate in the discussions of any work group convened by the State Corporation Commission in furtherance of its duties under the Virginia Electric Utility Regulation Act (§ 56-576 et seq.) and this ~~chapter~~ article. Members participating in such discussions ~~shall be~~ are entitled to compensation and reimbursement as provided in § ~~30-204~~ 30.1-1103, if approved by the Joint Rules Committee or its Budget Oversight Subcommittee.

Drafting note: Provisions relating to terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Language is updated for clarity and consistency and other technical changes are made.

~~§ 30-203. (Expires July 1, 2029) Quorum; meetings; voting on recommendations.~~

~~A majority of the members shall constitute a quorum. The Commission shall meet at least twice per year; meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the~~

~~recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: This section relating to quorum, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-204. (Expires July 1, 2029) Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2-2-2813 and 2-2-2825. Unless otherwise approved in writing by the chairman of the Commission and the executive director of the Commission, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings. However, all such compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application.

~~§ 30-205~~ 30.1-1246. (Expires July 1, 2029) Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Monitor the work of the State Corporation Commission in implementing Chapter 23 (§ 56-576 et seq.) of Title 56. The Commission shall receive an annual report from the State Corporation Commission by November 1 regarding such implementation and shall receive such other reports as the State Corporation Commission may be required to make, including reviews, analyses, and impact on consumers of electric utility regulation in other states;

2. Examine generation, transmission, and distribution systems reliability concerns;

3. Establish one or more subcommittees, composed of its membership, persons with expertise in the matters under consideration by the Commission, or both, to meet at the direction of the ~~chairman~~ chair of the Commission, for any purpose within the scope of the duties

prescribed to the Commission by this section, provided that such persons who are not members of the Commission shall serve without compensation but shall be entitled to be reimbursed from funds appropriated or otherwise available to the Commission for reasonable and necessary expenses incurred in the performance of their duties;

4. Monitor applications by the Commonwealth for grants and awards for energy projects from the federal government;

5. Consider legislation referred to it during any session of the General Assembly or other requests by members of the General Assembly;

6. Conduct studies and gather information and data in order to accomplish its purposes set forth in ~~§ 30-201~~ 30.1-1244 and in connection with the faithful execution of the laws of the Commonwealth;

7. Issue ratepayer impact statements pursuant to ~~§ 30-205.1~~ 30.1-1247; ~~and~~

8. Report annually to the General Assembly and the Governor with such recommendations as may be appropriate for legislative and administrative consideration in order to maintain reliable service in the Commonwealth while preserving the Commonwealth's position as a low-cost electricity market; and

9. Submit reports pursuant to 30.1-1107.

Drafting note: For consistency with other legislative entities, language relating to a required annual report is added. Technical changes are made.

~~§ 30-205.1~~ 30.1-1247. (Expires July 1, 2029) Ratepayer impact statements for electric utility regulation.

~~A. As used in this section:~~

~~"Ratepayer" means a residential, commercial, or industrial customer who is billed for the consumption of electricity by an electric utility in the Commonwealth.~~

~~"Ratepayer impact statement" means a statement prepared using data or other relevant information to estimate the potential impact on ratepayers' electric bills of proposed legislation related to electric utilities.~~

1131 ~~B.~~ Upon ~~the~~ request ~~by of~~ the ~~Chairman Chairs~~ for the House Committee on Labor and
1132 Commerce or the Senate Committee on Commerce and Labor, the Commission shall prepare a
1133 ratepayer impact statement for any proposed legislation related to electric utility regulation
1134 specified by such ~~Chairman Chair~~. Each such ~~Chairman Chair~~ may request up to five ratepayer
1135 impact statements in any given regular or special session of the General Assembly.
1136 Additionally, the Commission may, upon the request of any other member of the General
1137 Assembly, ~~the Commission, at the Commission's discretion, may~~ prepare a ratepayer impact
1138 statement for any proposed legislation related to electric utility regulation specified by such
1139 member.

1140 ~~C.~~ B. The Commission shall provide any such ratepayer impact statement to the
1141 requesting ~~Chairman Chair~~ or member, the patron of the legislation, and the members of any
1142 committee considering the legislation.

1143 ~~D.~~ C. Upon request of the Commission, the State Corporation Commission, the Office
1144 of the Attorney General, and all agencies of the Commonwealth shall expeditiously provide the
1145 Commission with assistance in the preparation of any ratepayer impact statement including
1146 providing the Commission with any necessary data or other relevant information.

1147 ~~E.~~ D. The Commission shall ensure that any ratepayer impact statement provides a
1148 neutral and accurate analysis of the potential impact on ratepayers' electric bills of the proposed
1149 legislation. Any ratepayer impact statement shall include the methodology used by the
1150 Commission to prepare such ratepayer impact statement.

1151 **Drafting note: Technical changes are made.**

1152 § ~~30-206~~ 30.1-1248. (Expires July 1, 2029) Staffing.

1153 The Commission may appoint, ~~and~~ employ, and, at its pleasure, remove an executive
1154 director and such other persons as it deems necessary, ~~subject to funding in the appropriation~~
1155 ~~act, and shall to assist it in carrying out its duties. The Commission may~~ determine the duties
1156 of such staff and fix ~~the their~~ salaries or compensation ~~of such executive director and other~~
1157 ~~persons~~, within the amounts appropriated ~~for such purpose~~ to the Commission in the general
1158 appropriation act. The Commission may also employ experts who have knowledge of the issues

before it. ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request, subject to funding in the appropriation act.~~

Drafting note: Provisions relating to agency assistance are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Language is updated for clarity and consistency and other technical changes are made.

~~§ 30-207. (Expires July 1, 2029) Chairman's executive summary of activity and work of the Commission.~~

~~The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: This section relating to the executive summary is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-208. Repealed.~~

Drafting note: Repealed by Acts 2008, c. 883, cl. 2.

~~§ 30-209~~ 30.1-1249. (Expires July 1, 2029) Sunset.

This ~~chapter~~ article shall expire on July 1, 2029.

Drafting note: Technical change.

~~CHAPTER 38.~~

~~VIRGINIA HOUSING COMMISSION.~~

Article 8.

Virginia Housing Commission.

Drafting note: Existing Chapter 38, relating to the Virginia Housing Commission, is retained as proposed Article 8.

1187 § ~~30-257~~ 30.1-1250. Virginia Housing Commission; purpose.

1188 The Virginia Housing Commission (the Commission) is established in the legislative
1189 branch of state government. The purpose of the Commission is to study and provide
1190 recommendations to ensure and foster the availability of safe, sound, and affordable housing
1191 for every ~~Virginian~~ resident of the Commonwealth. The Commission may also study and make
1192 recommendations relating to such other housing, real property, and community development
1193 issues as it may be called upon to consider or as may be desirable.

1194 **Drafting note: Technical changes are made.**

1195 § ~~30-258~~ 30.1-1251. Membership; ~~terms~~.

1196 The Commission shall ~~consist~~ have a total membership of 11 members. ~~Of these~~
1197 ~~members, there shall be~~ that shall include eight legislative members and three nonlegislative
1198 citizen members. Members shall be appointed as follows: ~~five~~

1199 1. Five members of the House of Delegates to be appointed by the Speaker of the House
1200 of Delegates in accordance with the principles of proportional representation contained in the
1201 Rules of the House of Delegates; ~~three~~

1202 2. Three members of the Senate to be appointed by the Senate Committee on Rules; and
1203 ~~three~~

1204 3. Three nonlegislative citizen members to be appointed by the Governor.
1205 ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth~~
1206 Nonlegislative citizen members shall be appointed for a term of four years.

1207 ~~Legislative members shall serve terms coincident with their terms of office.~~
1208 ~~Nonlegislative citizen members shall be appointed for a term of four years. Appointments to~~
1209 ~~fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative~~
1210 ~~and nonlegislative citizen members may be reappointed for successive terms. Vacancies shall~~
1211 ~~be filled in the same manner as the original appointments.~~

1212 The Commission shall elect a ~~chairman~~ chair and ~~vice-chairman~~ vice-chair every two
1213 years ~~from among its membership, who shall be members of the General Assembly.~~

Drafting note: Provisions relating to terms of legislators, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. An existing provision relating to four-year terms is retained to exempt the Commission from the provisions of proposed Chapter 11, which establishes two-year terms for nonlegislative citizen members of legislative entities.

~~§ 30-259. Quorum; meetings; voting on recommendations.~~

~~A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-260. Compensation and expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such compensation and expenses shall be provided from existing appropriations to the Commission.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-261~~ 30.1-1252. Powers and duties of the Commission.

~~A.~~ The Commission shall have the following powers and duties:

1. Undertake studies, gather information and data, and pursue such other activities as may be desirable to accomplish its purposes as set forth in § ~~30-257~~ 30.1-1250;

~~2. Report annually on its activities during the preceding year and include a discussion of studies made and recommendations for administrative or legislative action; and~~

~~3. Review newly enacted federal legislation pertaining to mortgage lending and brokering and determine if such federal legislation necessitates amendments to the laws of the Commonwealth; and~~

3. Submit reports pursuant to § 30.1-1107. Such reports shall include a discussion of studies made and recommendations for administrative or legislative action.

~~B. The chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: An existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

§ ~~30-262~~ 30.1-1253. Staffing.

The Commission may appoint and employ and, at its pleasure, remove an executive director and such other persons as it deems necessary to assist it in carrying out its duties as set forth in this ~~chapter~~ article. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts as may be appropriated ~~from general or nongeneral funds. Nongeneral funds may include, but not be limited to, federal grants and private donations or contributions to the Commission in the general appropriation act. All other agencies and governing bodies and agencies of political subdivisions of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~CHAPTER 56.~~

~~VIRGINIA CONFLICT OF INTEREST AND ETHICS ADVISORY COUNCIL.~~

Article 9.

Virginia Conflict of Interest and Ethics Advisory Council.

Drafting note: Existing Chapter 56, relating to the Virginia Conflict of Interest and Ethics Advisory Council, is retained as proposed Article 9.

~~§ 30-355~~ 30.1-1254. Virginia Conflict of Interest and Ethics Advisory Council; ~~membership; terms; quorum; expenses~~ purpose.

~~A.~~ The Virginia Conflict of Interest and Ethics Advisory Council (the Council) is ~~hereby created as an advisory council established~~ in the legislative branch of state government. The purpose of the Council is to encourage and facilitate compliance with the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) and the General Assembly ~~Conflicts~~ Conflict of Interests Act (§ ~~30-100~~ 30.1-200 et seq.) (~~hereafter~~ the Acts) and the lobbying laws in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 (~~hereafter Article 3~~).

Drafting note: Existing § 30-355 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Council's purpose. Technical changes are made for consistency with other legislative entities.

§ 30.1-1255. Membership; terms; chair and vice-chair; vacancies; compensation.

~~B.~~ A. The Council shall ~~consist of~~ have a total membership of nine members that shall include four legislative members and five nonlegislative citizen members. Members shall be appointed as follows: ~~three~~

1. Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates, ~~two of whom shall be members of the House of Delegates and one of whom shall~~

1296 ~~be a former judge of a court of record~~ in accordance with the principles of proportional
1297 representation contained in the Rules of the House of Delegates; ~~three~~

1298 2. Two members of the Senate to be appointed by the Senate Committee on Rules, ~~two~~
1299 ~~of whom shall be members of the Senate and one of whom shall be a~~;

1300 3. One former judge of a court of record to be appointed by the Speaker of the House of
1301 Delegates;

1302 4. One former judge of a court of record to be appointed by the Senate Committee on
1303 Rules; and ~~three~~

1304 5. Three nonlegislative citizen members to be appointed by the Governor, ~~one~~ of whom
1305 one shall be a current or former executive branch employee, ~~one of whom~~ shall be appointed
1306 from a list of three nominees submitted by the Virginia Association of Counties, and ~~one of~~
1307 ~~whom~~ shall be appointed from a list of three nominees submitted by the Virginia Municipal
1308 League.

1309 B. In the appointment to the Council of members of the House of Delegates ~~made by~~
1310 ~~the Speaker~~ and ~~members of~~ the Senate ~~made by the Senate Committee on Rules~~, equal
1311 representation shall be given to each of the political parties having the highest and next highest
1312 number of members elected to their respective body. All members of the Council are subject to
1313 confirmation by the General Assembly by a majority vote in each house of (i) the members
1314 present of the majority party and (ii) the members present of the minority party.

1315 C. ~~All appointments following the initial staggering of terms~~ Appointments of
1316 nonlegislative citizen members shall be for terms of four years, ~~except that appointments to fill~~
1317 ~~vacancies shall be for the unexpired terms in the same manner as the original appointment.~~ No
1318 nonlegislative citizen member shall ~~be eligible to~~ serve for more than two successive four-year
1319 terms. However, ~~after the expiration of a term of three years or less, or~~ after the expiration of
1320 the remainder of a term to which appointed to fill a vacancy, two additional terms may be served
1321 by such member ~~if appointed thereto.~~ ~~Legislative members and other state government officials~~
1322 ~~shall serve terms coincident with their terms of office.~~ Legislative members may be reappointed
1323 for successive terms.

D. The ~~members of the Council shall elect from among their membership a chairman~~
~~chair~~ and ~~a vice-chairman for two-year~~ vice-chair shall serve terms. ~~The chairman and vice-~~
~~chairman of two years and~~ may not succeed themselves to the same position. ~~The Council shall~~
~~hold meetings upon the call of the chairman or whenever the majority of the members so~~
~~request. A majority of the Council appointed shall constitute a quorum.~~

E. Members of the Council shall receive no compensation for their services but shall be
reimbursed for ~~all~~ reasonable and necessary expenses ~~incurred in the performance of their duties~~
~~as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate. Funding for expenses of~~
~~the members shall be provided from existing appropriations to the Council pursuant to § 30.1-~~
~~1107.~~

**Drafting note: Existing § 30-355 is divided into two proposed sections to
standardize the organization of articles establishing legislative entities. This proposed
section establishes the Council's membership, terms, chair and vice-chair, procedures to
fill vacancies, and compensation. Provisions relating to terms of office for legislative
members and the election of the chair and vice-chair are proposed for deletion; these
provisions are consolidated in proposed Chapter 11 (General Provisions) and given
general application to all legislative entities. A provision relating to the initial staggering
of terms is proposed for deletion as obsolete. Technical changes are made for consistency
with other legislative entities, including the insertion of subdivisions for clarity.**

~~§ 30-356~~ 30.1-1256. Powers and duties of the Council.

The Council shall have the following powers and duties:

1. Prescribe the forms required for complying with the disclosure requirements of
Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 and the Acts. These forms shall be the
only forms used to comply with the provisions of Article 3 or the Acts. The Council shall make
available the disclosure forms and shall provide guidance and other instructions to assist in the
completion of the forms;

2. Review all disclosure forms filed by lobbyists pursuant to Article 3 (§ 2.2-418 et seq.)
of Chapter 4 of Title 2.2 and by state government officers and employees and legislators

pursuant to the Acts. The Council may review disclosure forms for completeness, including reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and requesting any amendments to ensure the completeness of and correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed or to have been incomplete as filed, the Council shall notify the filer in writing and direct the filer to file a completed disclosure form within a prescribed period of time, and such notification shall be confidential and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

3. Require all disclosure forms and lobbyist registration statements that are required to be filed with the Council to be filed electronically in accordance with the standards approved by the Council. The Council shall provide software or electronic access for filing the required disclosure forms and registration statements without charge to all individuals required to file with the Council. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). The Council may grant extensions as provided in ~~§ 30-356.2~~ § 30.1-1258 and may authorize a designee to grant such extensions;

4. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2;

5. ~~Beginning July 1, 2016, establish~~ Establish and maintain a searchable electronic database comprising those disclosure forms that are filed with the Council pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and ~~30-111~~ 30.1-214. Such database shall be available to the public through the Council's official website;

6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding (i) ethics, (ii) conflicts issues arising under Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or the Acts, or (iii) a person's duties under

Article 3 or the Acts to any person covered by Article 3 or the Acts or to any agency of state or local government, in an expeditious manner. The Council may authorize a designee to furnish formal opinions or informal advice.

a. Formal advisory opinions are public record and shall be published on the Council's website; however, no formal advisory opinion furnished by a designee of the Council shall be available to the public or published until such opinion has been approved by the Council. Published formal advisory opinions may have such deletions and changes as may be necessary to protect the identity of the person involved or other persons supplying information.

b. Informal advice given by the Council or the Council's designee is confidential and is excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); however, if the recipient invokes the immunity provisions of § 2.2-3121 or ~~30-124~~ 30.1-229, the record of the request and the informal advice given shall be deemed to be a public record and shall be released upon request. Other records relating to formal advisory opinions or informal advice, including records of requests, notes, correspondence, and draft versions of such opinions or advice, shall also be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act;

7. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees, legislators, and other interested persons on the requirements of Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 and the Acts and provide training sessions for local elected officials in compliance with Article 9 (§ 2.2-3132) of Chapter 31 of Title 2.2 and ethics orientation sessions for legislators in compliance with Article 6 (~~§ 30-129.1~~ 30.1-234 et seq.) of Chapter ~~13~~ 2;

8. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the educational materials and approve any training or course on the requirements of Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 and the Acts conducted for state and local government officers and employees;

9. Publish such educational materials as it deems appropriate on the provisions of Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 and the Acts;

10. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;

11. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency;

12. Redact from any document or form that is to be made available to the public any residential address, personal telephone number, email address, or signature contained on that document or form; and

13. Report ~~on or before December 1 of each year according to the provisions of § 30.1-1107~~ on its activities and findings regarding Article 3 ~~(§ 2.2-418 et seq.) of Chapter 4 of Title 2.2~~ and the Acts, including recommendations for ~~changes in the laws~~ legislation, to the General Assembly and the Governor. ~~The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document.~~

Drafting note: Technical changes are made, including changes for consistency with other legislative entities.

~~§ 30-356.1~~ 30.1-1257. Request for approval for certain travel.

A. The Council shall receive and review a request for the approval of travel submitted by a person required to file the disclosure form prescribed in § 2.2-3117 or ~~30-111~~ 30.1-214 to accept any travel-related transportation, lodging, hospitality, food or beverage, or other thing of value that has a value exceeding \$100 where such approval is required pursuant to subsection G of § 2.2-3103.1 or subsection F of ~~§ 30-103.1~~ 30.1-204. A request for the approval of travel shall not be required for the following, but such travel shall be disclosed as may be required by the Acts:

1. Travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.);

2. Travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state;

3. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House Committee on Rules or its ~~Chairman~~ Chair or the Senate Committee on Rules or its ~~Chairman~~ Chair; or

4. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.

B. When reviewing a request for the approval of travel, the Council shall consider the purpose of the travel as it relates to the official duties of the requester. The Council shall approve any request for travel that bears a reasonable relationship between the purpose of the travel and the official duties of the requester. Such travel shall include any meeting, conference, or other event (i) composed primarily of public officials, (ii) at which public policy related to the duties of the requester will be discussed in a substantial manner, (iii) reasonably expected to educate the requester on issues relevant to his official duties or to enhance the requester's knowledge and skills relative to his official duties, or (iv) at which the requester has been invited to speak regarding matters reasonably related to the requester's official duties.

C. The Council shall not approve any travel requests that bear no reasonable relationship between the purpose of the proposed travel and the official duties of the requester. In making such determination, the Council shall consider the duration of travel, the destination of travel, the estimated value of travel, and any previous or recurring travel.

D. Within five business days of receipt of a request for the approval of travel, the Council shall grant or deny the request, unless additional information has been requested. If additional information has been requested, the Council shall grant or deny the request for the approval within five business days of receipt of such information. If the Council has not granted or denied the request for approval of travel or requested additional information within such five-

day period, such travel shall be deemed to have been approved by the Council. Nothing in this subsection shall preclude a person from amending or resubmitting a request for the approval of travel. The Council may authorize a designee to review and grant or deny requests for the approval of travel.

E. A request for the approval of travel shall be on a form prescribed by the Council and made available on its website. Such form may be submitted by electronic means, ~~facsimile~~, in-person submission, or mail or commercial mail delivery.

F. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for acceptance of a travel-related thing of value if he accepted the travel-related thing of value after receiving approval under this section, regardless of whether such approval is later withdrawn, provided the travel occurred prior to the withdrawal of the approval.

Drafting note: Technical changes are made.

~~§ 30-356.2~~ 30.1-1258. Right to grant extensions in special circumstances; civil penalty.

A. Notwithstanding any other provision of law, any person required to file the disclosure form prescribed in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or the Acts shall be entitled to an extension where good cause for granting such an extension has been shown, as determined by the Council. Good cause shall include:

1. The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or the Acts.

2. A state of emergency ~~is~~ declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, ~~and~~ when such ~~an~~ emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by ~~such~~ the emergency.

3. The filer ~~is~~ being on active duty as a member of a uniformed service of the United States ~~and is on active duty~~ on the date of the filing deadline.

4. A failure of the electronic filing system ~~and~~ when the failure of such system prevents the timely filing of disclosure forms.

1491 B. For any person filer who is unable to timely file the disclosure form prescribed in the
1492 Acts due to the disclosure form not being made available to him until after the deadline has
1493 passed, the Council shall grant such person filer a five-day extension upon request. The head
1494 of the agency for which the person filer works or the clerk of the school board or governing
1495 body of the locality that was responsible for providing the disclosure form to such person filer
1496 shall be assessed a civil penalty in ~~the~~ an amount equal to \$250, to be collected in accordance
1497 with the procedure set forth in subsection B of § 2.2-3124. If the disclosure form is provided to
1498 the person filer within three days prior to the filing deadline, the Council shall grant ~~such person~~
1499 the filer a three-day extension upon request and no civil penalties shall be assessed against the
1500 head of such person's filer's agency or the clerk.

1501 C. The provisions of this section shall not apply to any statement of economic interests
1502 filed as a requirement of candidacy pursuant to § 24.2-502.

1503 **Drafting note: Technical changes are made.**

1504 ~~§ 30-357 30.1-1259. Staff Staffing.~~

1505 ~~Staff assistance to the Council shall be provided by the~~ The Division of Legislative
1506 Services shall provide staff support. Staff shall perform ~~those the~~ duties assigned to it by the
1507 Council, including ~~those the~~ duties enumerated in ~~§ 30-356 30.1-1258~~. The Division of
1508 Legislative Services shall employ an executive director, who shall be subject to the
1509 confirmation of the Joint Committee on Rules.

1510 **Drafting note: Technical changes are made.**

1511 ~~§ 30-358. Cooperation of agencies of state and local government.~~

1512 ~~Every department, division, board, bureau, commission, authority, or political~~
1513 ~~subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the~~
1514 ~~Council as the Council may request.~~

1515 **Drafting note: This section relating to agency assistance is proposed for deletion;**
1516 **these provisions are consolidated in proposed Chapter 11 (General Provisions) and given**
1517 **general application to all legislative entities.**

1518 ~~CHAPTER 42.1~~

~~VIRGINIA ISRAEL ADVISORY BOARD~~

Article 10.

Virginia-Israel Advisory Board.

Drafting note: Existing Chapter 42.1, relating to the Virginia-Israel Advisory Board, is retained as proposed Article 10.

~~§ 30-281.1 30.1-1260. Virginia-Israel Advisory Board; purpose; membership; terms; compensation and expenses; staff; chairman's executive summary.~~

~~A.~~ The Virginia-Israel Advisory Board (the Board) is established ~~as an advisory board~~ in the legislative branch of state government. The purpose of the Board is to advise the General Assembly on ways to improve economic and cultural links between the Commonwealth and the State of Israel, with a focus on the areas of commerce and trade, art and education, and general government.

Drafting note: Existing § 30-281.1 is divided into two proposed sections to standardize the organization of articles establishing legislative collegial entities. This proposed section establishes the Board's purpose. Technical changes are made for consistency with other legislative collegial entities.

§ 30.1-1261. Membership; terms; compensation.

~~B.~~ A. The Board shall have a total membership of 31 members that shall ~~consist of~~ include 29 citizen members and two ex officio members. Members shall be appointed as follows:

1. 10 citizen members, who may be members of the House of Delegates or other state or local elected officials, to be appointed by the Speaker of the House of Delegates, ~~who may be members of the House of Delegates or other state or local elected officials;~~

2. 10 citizen members, who may be members of the Senate or other state or local elected officials, to be appointed by the Senate Committee on Rules, ~~who may be members of the Senate or other state or local elected officials;~~ ~~five~~ and

3. Nine nonlegislative citizen members to be appointed by the Governor ~~who represent,~~ of whom five shall be representatives of business, industry, education, the arts, and government;

~~and four shall be~~ the president, or his designee, of each of the four Jewish Community Federations serving the Richmond, Northern Virginia, Tidewater, and Peninsula regions, ~~each of whom shall be a resident of the Commonwealth; and the Secretary.~~

The Secretaries of Commerce and Trade and ~~the Secretary of~~ Education, or their designees, ~~who~~ shall serve ~~as~~ ex officio ~~voting members of the Board.~~

~~C. Nonlegislative~~ B. Nonlegislative citizen members shall serve for terms of four years. Legislative members and the ~~Secretary~~ Secretaries of Commerce and Trade and ~~the Secretary of~~ Education, or their designees, shall serve terms coincident with their terms of office. ~~Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. Any member may be reappointed for successive terms.~~

~~D. The members of the Board shall elect a chairman and vice chairman annually from among its membership. The Board shall meet at such times as it deems appropriate or on call of the chairman. A majority of the Board shall constitute a quorum.~~

~~E. C.~~ Members shall receive no compensation for their services. ~~However, all members, but~~ shall be reimbursed for ~~all~~ reasonable and necessary expenses ~~incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825 pursuant to § 30.1-1103.~~

~~F. The Joint Rules Committee shall appoint an executive director to the Board. Funding for the costs of expenses of the members and the operations of the Board, including staffing needs, shall be from such funds as appropriated by the General Assembly.~~

~~G. The chairman of the Board shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: Existing § 30-281.1 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed

section establishes the Board's membership, terms, and compensation. Provisions relating to quorum, meetings, chair and vice-chair, vacancies, and an annual reporting requirement are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Provisions relating to staffing in existing subsection F are relocated to § 30.1-1263. Technical changes are made for consistency with other legislative entities, including the insertion of subdivisions for clarity.

§ ~~30-281.2~~ 30.1-1262. Powers and duties of the Board.

~~A.~~ The Board shall have the ~~power and duty to~~ following powers and duties:

1. Undertake studies and gather information and data in order to accomplish its purposes as set forth in § ~~30-281.1~~, 30.1-1260 and ~~to~~ formulate and present its recommendations to ~~the Governor and~~ the General Assembly and the Governor;

2. Apply for, accept, and expend gifts, grants, or donations from public, quasi-public, or private sources, including any matching funds as may be designated in the appropriation act, to enable it to better carry out its purposes;

~~3. Report annually its findings and recommendations to the Governor and the General Assembly. The Board may make interim reports to the Governor and the General Assembly as it deems advisable; and~~

~~4.~~ Account annually on its fiscal activities, including any matching funds received or expended by the Board~~;~~.

~~B. In addition, the Board shall meet~~ 4. Meet with the Governor at least annually to (i) provide a review of the Board's economic and cultural development activity and (ii) assist in planning an economic development and cultural exchange mission to Israel~~;~~ and

5. Submit reports pursuant to § 30.1-1107.

Drafting note: A reference to the general reporting requirement for all legislative entities is added to the Board's powers and duties to replace a reporting provision that is proposed for deletion in existing subsection G of § 30-281.1. Language is updated for

clarity and consistency with other legislative entities, and other technical changes are made.

§ 30.1-1263. Staffing.

The Joint Rules Committee shall appoint an executive director to the Board. Funding for the costs of expenses of the members and the operations of the Board, including staffing needs, shall be from such funds as appropriated by the General Assembly.

Drafting note: The provisions of existing subsection F of § 30-281.1, relating to staffing, are relocated to this proposed section for consistency with other legislative entities.

~~CHAPTER 63.~~

~~BEHAVIORAL HEALTH COMMISSION.~~

Article 11.

Behavioral Health Commission.

Drafting note: Existing Chapter 63, establishing the Behavioral Health Commission, is retained as proposed Article 11.

~~§ 30-401~~ § 30.1-1264. Definitions.

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

"Behavioral health" means the full range of mental health and substance abuse services.

"Behavioral health service system" means those public and private providers, including state and local government agencies and entities, engaged in the development, delivery, coordination, monitoring, oversight, and financing of behavioral health services in the Commonwealth.

"Commission" means the Behavioral Health Commission.

Drafting note: Technical changes are made.

~~§ 30-402~~ § 30.1-1265. Behavioral Health Commission; purpose.

The Behavioral Health Commission is established in the legislative branch of state government ~~for the~~. The purpose of ~~studying the Commission is to provide ongoing oversight and making make~~ recommendations for the improvement of behavioral health services and the

behavioral health service system in the Commonwealth to encourage the adoption of policies to increase the quality and availability of and ensure access to the full continuum of high-quality, effective, and efficient behavioral health services for all persons in the Commonwealth.

~~In carrying out its purpose, the Commission shall provide ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth, including monitoring and evaluation of established programs, services, and delivery and payment structures and implementation of new services and initiatives in the Commonwealth and development of recommendations for improving such programs, services, structures, and implementation.~~

~~The Commission may coordinate with other agencies and entities of the Commonwealth with regard to development and proposal of recommendations related to behavioral health services and the behavioral health service system.~~

Drafting note: Provisions relating to powers and duties of the Behavioral Health Commission are relocated to proposed § 30.1-1267 to standardize the organization of articles establishing legislative entities.

~~§ 30-403 30.1-1266. Membership; terms; vacancies; chairman and vice chairman; quorum; meetings; voting on recommendations.~~

The Commission shall ~~consist~~ have a total membership of 12 legislative members, ~~who~~. Members shall be appointed as follows: ~~five~~

1. Seven members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, of whom at least three shall be members of the House Committee on Appropriations and at least two shall be members of the House Committee on Health and Human Services; and

2. Five members of the Senate to be appointed by the Senate Committee on Rules, of whom (i) at least one of whom shall be a member of the Senate Committee on Education and Health, (ii) at least one of whom shall be a member of the Senate Committee on Rehabilitation and Social Services, and (iii) at least two of whom shall be members of the Senate Committee

on Finance and Appropriations, ~~to be appointed by the Senate Committee on Rules and seven members of the House of Delegates, at least three of whom shall be members of the House Committee on Appropriations and at least two of whom shall be members of the House Committee on Health, Welfare and Institutions, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates.~~

~~Members of the Commission shall serve terms coincident with their terms of office. Members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired term. Vacancies shall be filled in the same manner as the original appointment.~~

~~The Commission shall elect a chairman and a vice chairman from among its membership.~~

~~A majority of the members of the Commission shall constitute a quorum. Meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members of the Commission so request.~~

~~No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: Provisions relating to terms, officers, quorums, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity and consistency.

~~§ 30-404. Compensation; expenses.~~

~~Members of the Commission shall receive such compensation as provided in § 30-19.12. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members~~

~~of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-405~~ 30.1-1267. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. ~~To collect~~ Collect and analyze information and data necessary to accomplish the purpose set forth in ~~§ 30-402~~ 30.1-1265;

2. ~~To monitor~~ Provide ongoing oversight of behavioral health services and the behavioral health service system in the Commonwealth, including monitoring and evaluating established programs, services, and delivery and payment structures, and developing recommendations for the improvement thereof;

3. Monitor and evaluate the jurisdiction, powers and duties, operations, management, and interrelationships of any department, division, board, bureau, commission, authority, or other agency with direct responsibility for the delivery, coordination, management, or financing of behavioral health services in the Commonwealth and develop recommendations for the improvement thereof;

~~3. To monitor~~ 4. Monitor and evaluate the design, implementation, and operation of new behavioral health initiatives in the Commonwealth and develop recommendations for the improvement thereof;

~~4. To examine~~ 5. Examine matters related to the delivery of behavioral health services in other states and ~~to~~ consult and exchange information with officers and agencies of other states with respect to behavioral health service issues of mutual concern;

~~5. To maintain~~ 6. Maintain offices and hold meetings and functions at any place in the Commonwealth that it deems necessary;

~~6. To invite~~ 7. Invite other interested parties to sit with the Commission and participate in its deliberations;

8. Coordinate with other agencies and entities of the Commonwealth with regard to developing and proposing recommendations related to behavioral health services in the Commonwealth;

~~7. To appoint~~ 9. Appoint any work group or special task force from among its members to study and make recommendations on specific matters before the Commission;

~~8. To implement~~ 10. Implement a process to solicit and receive input from (i) individuals who are currently receiving or have received behavioral health services or (ii) individuals with intellectual or developmental disabilities or autism spectrum disorders or the family members of such individuals to inform the work of the Commission; ~~and~~

~~9. To report~~ 11. Submit reports pursuant to § 30.1-1107, including reporting its recommendations to the General Assembly and the Governor annually and to make such interim reports as it deems advisable or as may be required by the General Assembly and the Governor.

Drafting note: Language from existing § 30-402 is added to this proposed section to standardize the organization of articles establishing legislative entities. The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

~~§ 30-406~~ 30.1-1268. Staffing.

The Commission may appoint; ~~and~~ employ; and, at its pleasure, remove an executive director and such other persons as it deems necessary ~~and to assist it in carrying out its duties as set forth in this article~~. The Commission may also employ experts who have knowledge of the issues before it. The Commission shall determine the duties of such staff and fix ~~the their~~ salaries or compensation ~~of such executive director and other persons~~, within the amounts appropriated ~~for such purpose to the Commission in the general appropriation act~~. ~~The Commission may also employ experts who have knowledge of the issues before it.~~

Drafting note: Technical changes are made.

~~§ 30-407. Chairman's executive summary.~~

~~The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activities and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: This section relating to the Commission's reporting requirement is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ ~~30-408~~ 30.1-1269. Cooperation Commission requests~~ of other state agencies and political subdivisions.

The Commission may request records, including data and information, that it may require for the performance of its duties and every department, division, board, bureau, commission, authority, or other agency ~~created~~ established by the Commonwealth or to which the Commonwealth is a party or any political subdivision of the Commonwealth shall provide such records, including data and information, to the fullest extent possible and except as prohibited by law. ~~The Commission shall receive cooperation and assistance in the performance of its duties from every department, division, board, bureau, commission, authority, or other agency created by the Commonwealth or to which the Commonwealth is a party or from any political subdivision of the Commonwealth upon request.~~

Upon request and availability, the Commission shall receive access to the facilities of and ample opportunity to observe the operations of every department, division, board, bureau, commission, authority, or other agency ~~created~~ established by the Commonwealth or to which the Commonwealth is a party or of any political subdivision of the Commonwealth.

Drafting note: Provisions relating to agency assistance are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made.

CHAPTER 13.

1770 SPECIAL ADVISORY LEGISLATIVE ENTITIES.

1771 **Drafting note:** Proposed Chapter 13, Special Advisory Legislative Entities, is
1772 created to logically organize legislative entities whose purposes are to provide a forum for
1773 a particular community to advise the General Assembly on topics of interest. Membership
1774 of such entities consists of both legislative members and nonlegislative citizen members,
1775 usually with specific expertise or background relevant to the entity. Existing Chapters 25
1776 (Virginia Coal and Energy Commission), 24 (State Water Commission), 22 (Small
1777 Business Commission), 35 (Virginia Disability Commission), 41 (Manufacturing
1778 Development Commission), 65 (Commission on Updating Virginia Law to Reflect Federal
1779 Recognition of Virginia Tribes), 64 (School Health Services Committee), 50.1 (Autism
1780 Advisory Council), and the 68 (Virginia Minority Business Commission) are retained in
1781 proposed Chapter 13 as Articles 1 through 9, respectively. Provisions of these proposed
1782 articles are reorganized to standardize the organization of articles establishing legislative
1783 entities by setting out separate sections for each entity's purpose, membership, powers
1784 and duties, staffing, and sunset date, if applicable.

1785 CHAPTER 25.**1786** VIRGINIA COAL AND ENERGY COMMISSION.**1787** Article 1.**1788** Virginia Coal and Energy Commission.

1789 **Drafting note:** Existing Chapter 25, relating to the Virginia Coal and Energy
1790 Commission, is retained as proposed Article 1.

1791 § ~~30-188~~ 30.1-1300. Virginia Coal and Energy Commission; ~~membership; terms;~~
1792 ~~compensation and expenses; staff; quorum; voting on recommendations~~ purpose.

1793 ~~A.~~ The Virginia Coal and Energy Commission (the Commission) is established in the
1794 legislative branch of state government. The purpose of the Commission is to study all aspects
1795 of coal as an energy resource and endeavor to stimulate, encourage, promote, and assist in the
1796 development of renewable and alternative energy resources other than petroleum.

Drafting note: Existing § 30-188 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. For consistency with other legislative entities, a purpose statement is derived from subsection A of existing § 30-189 and relocated to this proposed section that establishes the Virginia Coal and Energy Commission's purpose. Technical changes are made.

§ 30.1-1301. Membership.

A. The Commission shall ~~consist~~ have a total membership of 20 members ~~to that shall include 13 legislative members and seven nonlegislative citizen members. Members shall~~ be appointed as follows: ~~five members of the Senate to be appointed by the Senate Committee on Rules; eight~~

1. Eight members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; ~~and seven~~

2. Five members of the Senate to be appointed by the Senate Committee on Rules; and

3. Seven nonlegislative citizen members, who shall include representatives of industry, government, and groups or organizations identified with the production and conservation of coal, natural gas, and energy, to be appointed by the Governor. ~~The nonlegislative citizen members shall be citizens of the Commonwealth and shall include representatives of industry, government and groups or organizations identified with production and conservation of coal, natural gas, and energy.~~

~~B. Legislative members shall serve terms coincident with their terms of office. Members appointed by the Governor shall serve~~ Nonlegislative citizen members shall be appointed for terms of four years. ~~Vacancies occurring other than by expiration of term shall be filled for the unexpired term. Any member may be reappointed for successive terms.~~

~~C. The members of the Commission shall elect a chairman and vice chairman annually from among its membership.~~

~~D. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as~~

~~provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for compensation and expenses of the members shall be provided from existing appropriations to the Commission.~~

~~E. Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall provide legal, research, policy analysis and other services as requested by the Commission. All agencies of the Commonwealth shall assist the Commission upon request.~~

~~F. A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever a majority of the members so request.~~

~~G. No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: Existing § 30-188 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Virginia Coal and Energy Commission's membership. Provisions relating to citizenship of nonlegislative citizen members, vacancies, officers, compensation and expenses, funding, agency assistance, quorums, meetings, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

An existing provision relating to four-year terms for nonlegislative citizen members is retained to exempt the Commission from the provisions of proposed Chapter 11 (General Provisions), which establishes two-year terms for nonlegislative citizen members. For consistency with other legislative entities, the provision in existing subsection E relating to staffing for the Commission is relocated to proposed § 30.1-1303.

Technical changes are made, including the insertion and reordering of subdivisions in proposed subsection A for consistency with other legislative entities.

§ ~~30-189~~ 30.1-1302. Powers and duties of the Commission.

A. ~~The Commission shall generally study all aspects of coal as an energy resource and endeavor to stimulate, encourage, promote, and assist in the development of renewable and alternative energy resources other than petroleum. The Commission shall have no authority to adopt regulations. All agencies of the Commonwealth shall assist the Commission in its work. In addition to the aforementioned general powers, the~~ The Commission shall ~~also perform~~ have the following ~~functions~~ powers and duties:

1. Act in an advisory capacity to the Governor and executive branch agencies ~~upon~~ energy related regarding energy-related matters;

2. Investigate and consider such questions and problems relating to the field of coal and energy utilization and alternative energy sources as may be submitted;

3. Make recommendations to the Governor and General Assembly on ~~its~~ the Commission's own initiative;

4. Consult with applicable state agencies on all matters regarding energy conservation, including the promotion and implementation of initiatives for the ~~public at large~~ public at large to conserve energy;

5. Endeavor to encourage research designed to further new and more extensive use of ~~the~~ coal as well as alternative and renewable energy resources of the Commonwealth;

6. ~~Effectively disseminate any such~~ Disseminate proposals to state and local groups and organizations, ~~both state and local, so as to stimulate in order to encourage~~ local governing bodies and private ~~business initiative in the field of energy related matters~~ businesses to adopt energy initiatives;

7. Coordinate ~~its~~ the efforts of the Commission with those of the Virginia Solar Energy Center established pursuant to § 45.2-1900 and the Virginia Center for Coal and Energy Research established pursuant to Article 3 (§ 23.1-2623 et seq.) of Chapter 26 of Title 23.1;

1880 8. Actively seek federal and other funds to be used to carry out ~~its~~ the functions of the
1881 Commission;

1882 9. Seek to establish alternative fuel capability within the Commonwealth; ~~and~~

1883 10. Investigate and make recommendations regarding the development of nuclear
1884 power. The Commission shall encourage the reprocessing of spent fuel for reuse and
1885 periodically address (i) ~~encouraging the reprocessing of spent fuel for reuse~~, (ii) incentives to
1886 encourage the study of nuclear engineering at public institutions of higher education in the
1887 Commonwealth, ~~(iii)~~ (ii) the storage of nuclear waste, ~~(iv)~~ (iii) the transportation of nuclear
1888 waste, ~~(v)~~ (iv) security needs of nuclear power plants, and ~~(vi)~~ (v) on-site temporary storage
1889 facilities for spent nuclear fuel; and

1890 11. Submit reports pursuant to § 30.1-1107.

1891 B. ~~The Commission shall report its findings and recommendations to the General~~
1892 ~~Assembly and the Governor on an annual basis. The Chairman of the Commission shall submit~~
1893 ~~to the General Assembly and the Governor an annual executive summary of the interim activity~~
1894 ~~and work of the Commission no later than the first day of each regular session of the General~~
1895 ~~Assembly. The executive summary shall be submitted as provided in the procedures of the~~
1896 ~~Division of Legislative Automated Systems for the processing of legislative documents and~~
1897 ~~reports and shall be posted on the General Assembly's website. The Commission shall have no~~
1898 authority to adopt regulations.

1899 **Drafting note: A provision in existing § 30-189 relating to agency assistance is**
1900 **proposed for deletion; such provisions are consolidated in proposed Chapter 11 (General**
1901 **Provisions) and given general application to all legislative entities. The reporting**
1902 **provision in existing subsection B is proposed for deletion and replacement with a**
1903 **reference to the general reporting requirement for all legislative entities in proposed**
1904 **subdivision A 11. Technical changes are made.**

1905 § 30.1-1303. Staffing.

1906 The Office of the Clerk of the chair of the Commission shall provide administrative staff
1907 support. The Division of Legislative Services shall provide legal and legislative research and
1908 analysis as requested by the Commission.

1909 **Drafting note: The provision for staffing for the Commission is relocated to this**
1910 **proposed section from subsection E of existing § 30-188 and amended for consistency with**
1911 **other legislative entities. A substantive change is made to more accurately reflect the**
1912 **staffing requirements of the Division of Legislative Services as the Division has been**
1913 **operating in practice.**

1914 ~~CHAPTER 24.~~
1915 ~~STATE WATER COMMISSION.~~
1916 Article 2.
1917 State Water Commission.

1918 **Drafting note: Existing Chapter 24, relating to the State Water Commission, is**
1919 **retained as proposed Article 2.**

1920 ~~§ 30-186 30.1-1304.~~ State Water Commission; ~~membership; terms; compensation and~~
1921 ~~expenses; staff; quorum; voting on recommendations~~ purpose.

1922 A. The State Water Commission (the Commission) is established in the legislative
1923 branch of state government. The purpose of the Commission is to study and report on all aspects
1924 of water supply and allocation problems in the Commonwealth.

1925 **Drafting note: Existing § 30-186 is divided into two proposed sections to**
1926 **standardize the organization of articles establishing legislative entities. For consistency**
1927 **with other legislative entities, a purpose statement is derived from subdivision 1 of existing**
1928 **§ 30-187 and relocated to this proposed section that establishes the Commission's purpose.**
1929 **Technical changes are made.**

1930 § 30.1-1305. Membership; terms.

1931 A. The Commission shall ~~consist~~ have a total membership of 15 members ~~to that shall~~
1932 include 13 legislative members and two nonlegislative citizen members. Members shall be
1933 appointed as follows: ~~the Chairmen~~

1934 1. The Chairs of the House Committee on Agriculture, Chesapeake and Natural
1935 Resources and the Senate Committee on Agriculture, Conservation and Natural Resources;
1936 ~~seven~~

1937 2. Seven members of the House of Delegates to be appointed by the Speaker of the
1938 House of Delegates in accordance with the principles of proportional representation contained
1939 in the Rules of the House of Delegates; ~~four~~

1940 3. Four members of the Senate to be appointed by the Senate Committee on Rules; and
1941 ~~two~~

1942 4. Two nonlegislative citizen members to be appointed by the Governor, ~~who shall be~~
1943 ~~citizens of the Commonwealth.~~

1944 ~~B. Legislative members shall serve terms coincident with their terms of office and may~~
1945 ~~be reappointed to successive terms. Gubernatorial appointees~~ Nonlegislative citizen members
1946 shall serve be appointed for terms of four years ~~and may succeed themselves, but vacancies~~
1947 ~~during their terms shall be filled only for the unexpired portion of the term. Vacancies shall be~~
1948 ~~filled in the same manner as the original appointments.~~

1949 ~~C. The members of the Commission shall elect a chairman and a vice chairman.~~

1950 ~~D. Commission members shall be compensated as provided in § 30-19.12, and shall be~~
1951 ~~reimbursed for all reasonable and necessary expenses incurred in the performance of their duties~~
1952 ~~as provided in §§ 2.2-2813 and 2.2-2825. Funding for the compensation and expenses of the~~
1953 ~~members shall be provided by the Commission from existing appropriations to the Commission.~~

1954 E. Administrative staff support shall be provided by the Office of the Clerk of the Senate
1955 or the Office of the Clerk of the House of Delegates as may be appropriate for the house in
1956 which the chairman of the Commission serves. The Division of Legislative Services shall
1957 provide legal, research, policy analysis and other services as requested by the Commission. All
1958 ~~agencies of the Commonwealth shall assist the Commission upon request.~~

1959 ~~F. A majority of the members shall constitute a quorum. The meetings of the~~
1960 ~~Commission shall be held at the call of the chairman or whenever the majority of members so~~
1961 ~~request.~~

~~G. No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: Existing § 30-186 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. Provisions relating to citizenship of nonlegislative citizen members, vacancies, officers, compensation and expenses, funding, agency assistance, quorums, meetings, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

An existing provision relating to four-year terms for nonlegislative citizen members is retained to exempt the Commission from the provisions of proposed Chapter 11 (General Provisions), which establishes two-year terms for nonlegislative citizen members. For consistency with other legislative entities, the provision in existing subsection E relating to staffing for the Commission is relocated to proposed § 30.1-1308. Technical changes are made, including the insertion of subdivisions in proposed subsection A.

§ ~~30-187~~ 30.1-1306. Powers and duties of the Commission.

The Commission shall have the ~~power and duty to~~ following powers and duties:

1. Study all aspects of water supply and allocation problems in the Commonwealth, whether these problems are of a quantitative or qualitative nature;
2. Coordinate the legislative recommendations of all other state entities having responsibilities with respect to water supply and allocation issues; and

~~3. Report annually its findings and recommendations to the General Assembly and the Governor. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary~~

1990 ~~shall be submitted as provided in the procedures of the Division of Legislative Automated~~
1991 ~~Systems for the processing of legislative documents and reports and shall be posted on the~~
1992 ~~General Assembly's website~~ Submit reports pursuant to [§ 30.1-1107](#).

1993 **Drafting note: A reporting provision in existing § 30-187 is proposed for deletion**
1994 **and replacement with a reference to the general reporting requirement for all legislative**
1995 **entities. Technical changes are made.**

1996 [§ 30.1-1308. Staffing.](#)

1997 [The Office of the Clerk of the chair of the Commission shall provide administrative staff](#)
1998 [support. The Division of Legislative Services shall provide legal and legislative research and](#)
1999 [analysis as requested by the Commission.](#)

2000 **Drafting note: The provision for staffing for the Commission is relocated to this**
2001 **proposed section from subsection E of existing § 30-186. A substantive change is made to**
2002 **more accurately reflect the staffing requirements of the Division of Legislative Services as**
2003 **the Division has been operating in practice.**

2004 ~~CHAPTER 22.~~

2005 ~~SMALL BUSINESS COMMISSION.~~

2006 ~~Article 3.~~

2007 ~~Small Business Commission.~~

2008 **Drafting note: Existing Chapter 22, relating to the Small Business Commission, is**
2009 **retained as proposed Article 3.**

2010 ~~§ 30-182~~ [30.1-1308](#). Small Business Commission; purpose; ~~membership; terms;~~
2011 ~~compensation and expenses; staff; voting on recommendations.~~

2012 ~~A.~~ The Small Business Commission (the Commission) is established in the legislative
2013 branch of state government. The purpose of the Commission ~~shall be~~ [is](#) to study, report, and
2014 make recommendations on issues of concern to small businesses in the Commonwealth.

2015 **Drafting note: Existing § 30-182 is divided into two proposed sections to**
2016 **standardize the organization of articles establishing legislative entities. This proposed**
2017 **section establishes the Commission's purpose. Technical changes are made.**

2018 [§ 30.1-1309. Membership.](#)

2019 ~~B.~~ The Commission shall ~~consist~~ [have a total membership](#) of 16 members that [shall](#)
2020 include 10 legislative members and six nonlegislative citizen members. Members shall be
2021 appointed as follows: ~~six~~

2022 [1. Six](#) members of the House of Delegates to be appointed by the Speaker of the House
2023 of Delegates in accordance with the principles of proportional representation contained in the
2024 Rules of the House of Delegates; ~~four~~

2025 [2. Four](#) members of the Senate to be appointed by the Senate Committee on Rules; and
2026 ~~six~~

2027 [3. Six](#) nonlegislative citizen members, each of whom shall have previously
2028 demonstrated small business experience or expertise, to be appointed by the Governor.

2029 ~~Nonlegislative citizen members shall be citizens of the Commonwealth.~~

2030 ~~All gubernatorial appointments to the Commission shall be for terms of two years.~~

2031 ~~Legislative members shall serve terms coincident to their terms of office.~~

2032 ~~All members may be reappointed for successive terms. Appointments to fill vacancies,~~
2033 ~~other than by expiration of a term, shall be made for the unexpired terms. Vacancies shall be~~
2034 ~~filled in the same manner as the original appointments.~~

2035 ~~C. The members of the Commission shall elect a chairman and a vice chairman~~
2036 ~~annually, who shall be members of the General Assembly. A majority of the members of the~~
2037 ~~Commission shall constitute a quorum. The Commission shall meet at the call of the chairman~~
2038 ~~or whenever a majority of the members so request.~~

2039 ~~D. Legislative members of the Commission shall receive such compensation as is set~~
2040 ~~forth in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the~~
2041 ~~performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all~~
2042 ~~reasonable and necessary expenses incurred in the performance of their duties as provided in~~
2043 ~~§§ 2.2-2813 and 2.2-2825. However, all such compensation and expenses shall be paid from~~
2044 ~~existing appropriations to the Commission.~~

~~E. Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall provide legal, research, policy analysis and other services as requested by the Commission. All agencies of the Commonwealth shall assist the Commission, upon request.~~

~~F. No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: Existing § 30-182 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. Provisions relating to citizenship of nonlegislative citizen members, terms, vacancies, officers, quorums, meetings, compensation and expenses, funding, agency assistance, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

For consistency with other legislative entities, the provision in existing subsection E relating to staffing for the Commission is relocated to proposed § 30.1-1311. Technical changes are made, including the insertion of subdivisions in proposed subsection A for consistency with other legislative entities.

~~§ 30-183~~ 30.1-1310. Powers and duties of the Commission.

The Commission shall have the ~~power~~ following powers and ~~duty to~~ duties:

1. Evaluate the impact of existing statutes and proposed legislation on small businesses;:
2. Assess the Commonwealth's small business assistance programs and examine ways to enhance their effectiveness;:
3. Provide small business owners and their advocates with a forum to address their concerns; and

~~4. Report annually its findings and recommendations to the General Assembly and the Governor. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. Submit reports pursuant to § 30.1-1107.~~

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

[§ 30.1-1311. Staffing.](#)

[The Office of the Clerk of the chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission.](#)

Drafting note: The provisions for staffing for the Commission are relocated from subsection E of existing § 30-182 to this proposed section. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice.

~~CHAPTER 35.~~

~~VIRGINIA DISABILITY COMMISSION.~~

[Article 4.](#)

[Virginia Disability Commission.](#)

Drafting note: Existing Chapter 35, relating to the Virginia Disability Commission, is retained as proposed Article 4.

~~§ 30-232 30.1-1312. (Contingent expiration date — see notes) Virginia Disability Commission; purpose.~~

The Virginia Disability Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to identify and recommend

2100 legislative priorities and policies for adoption or examination by the General Assembly in order
2101 to provide ongoing support ~~in developing and reviewing for the development and review of~~
2102 services and funding related to Virginians residents of the Commonwealth with physical and
2103 sensory disabilities. ~~The Commission shall submit its recommendations to the General~~
2104 ~~Assembly and the Governor by October 1 of each year.~~

2105 **Drafting note: The reporting requirement in existing § 30-232 is relocated to § 30.1-**
2106 **1314 for consistency with other legislative entities. Technical changes are made to**
2107 **standardize language.**

2108 § ~~30-233~~ 30.1-1313. ~~(Contingent expiration date — see notes)~~ Membership; ~~terms;~~
2109 ~~vacancies; chairman and vice chairman.~~

2110 A. The Commission shall ~~consist~~ have a total membership of 11 members that ~~includes~~
2111 shall include six legislative members and five nonlegislative citizen members. Members shall
2112 be appointed as follows: ~~two members of the Senate to be appointed by the Senate Committee~~
2113 ~~on Rules; four~~

2114 1. Four members of the House of Delegates to be appointed by the Speaker of the House
2115 of Delegates in accordance with the principles of proportional representation contained in the
2116 Rules of the House of Delegates; ~~two nonlegislative citizen members, one of whom shall be a~~
2117 ~~consumer with a disability and one shall be a member of the medical, insurance, or~~
2118 ~~rehabilitation professions, to be appointed by the Senate Committee on Rules upon~~
2119 ~~consideration of the recommendation of the Governor, if any; and three~~

2120 2. Two members of the Senate to be appointed by the Senate Committee on Rules;

2121 3. Three nonlegislative citizen members, ~~one~~ of whom one shall be a consumer with a
2122 disability, one shall be a member of the medical, insurance, or rehabilitation ~~professions~~
2123 profession, and one shall be a citizen at large, to be appointed by the Speaker of the House of
2124 Delegates upon consideration of the recommendations of the Governor, if any; and

2125 4. Two nonlegislative citizen members, of whom one shall be a consumer with a
2126 disability and one shall be a member of the medical, insurance, or rehabilitation profession, to
2127 be appointed by the Senate Committee on Rules upon consideration of the recommendation of

2128 ~~the Governor, if any. Nonlegislative citizen members of the Commission shall be citizens of~~
2129 ~~the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the~~
2130 ~~Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed~~
2131 ~~for travel originating and ending within the Commonwealth of Virginia for the purpose of~~
2132 ~~attending meetings.~~

2133 ~~Legislative members of the Commission shall serve terms coincident with their terms~~
2134 ~~of office. Nonlegislative citizen members shall be appointed for terms of two years.~~
2135 ~~Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired~~
2136 ~~terms. Legislative and nonlegislative citizen members may be reappointed. However, no~~
2137 ~~nonlegislative citizen member shall serve more than four consecutive two-year terms. The~~
2138 ~~remainder of any term to which a member is appointed to fill a vacancy shall not constitute a~~
2139 ~~term in determining the member's eligibility for reappointment. Vacancies shall be filled in the~~
2140 ~~same manner as the original appointments.~~

2141 ~~The Commission shall elect a chairman and vice chairman from among its legislative~~
2142 ~~membership.~~

2143 **Drafting note: Provisions in existing § 30-233 relating to citizenship of**
2144 **nonlegislative citizen members, travel reimbursement, terms, vacancies, and officers are**
2145 **proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General**
2146 **Provisions) and given general application to all legislative entities.**

2147 **Technical changes are made, including the insertion and reordering of subdivisions**
2148 **for consistency with other legislative entities.**

2149 ~~§ 30-234. (Contingent expiration date — see notes) Quorum; meetings; voting on~~
2150 ~~recommendations.~~

2151 ~~A majority of the members shall constitute a quorum. The meetings of the Commission~~
2152 ~~shall be held at the call of the chairman or whenever the majority of the members so request.~~

2153 ~~No recommendation of the Commission shall be adopted if a majority of the Senate~~
2154 ~~members or a majority of the House members appointed to the Commission (i) vote against the~~

2155 ~~recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote~~
2156 ~~of the Commission.~~

2157 **Drafting note: This section relating to quorums, meetings, and voting**
2158 **requirements is proposed for deletion; these provisions are consolidated in proposed**
2159 **Chapter 11 (General Provisions) and given general application to all legislative entities.**

2160 ~~§ 30-235. (Contingent expiration date—see notes) Compensation and expenses.~~

2161 ~~Legislative members of the Commission shall receive such compensation as provided~~
2162 ~~in § 30-19.12, and nonlegislative citizen members shall receive such compensation as provided~~
2163 ~~in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for~~
2164 ~~reasonable and necessary expenses incurred in the performance of their duties as provided in~~
2165 ~~§§ 2.2-2813 and 2.2-2825. However, all such compensation and expenses shall be paid from~~
2166 ~~existing appropriations to the Commission.~~

2167 **Drafting note: This section relating to compensation and expenses and funding is**
2168 **proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General**
2169 **Provisions) and given general application to all legislative entities.**

2170 ~~§ ~~30-236~~ 30.1-1314. (Contingent expiration date—see notes)~~ Powers and duties of the
2171 Commission.

2172 A. The Commission shall have the following powers and duties:

2173 1. Serve as the primary forum in the Commonwealth where the needs of and issues
2174 affecting people with physical and sensory disabilities are identified and addressed through the
2175 collaboration of members of the legislative and executive branches of state government,
2176 including the staff of legislative and executive branch agencies, and citizens of the
2177 Commonwealth;

2178 2. Develop, evaluate, and advance budget proposals and legislative and policy
2179 recommendations to support a service system that maximizes the self-sufficiency of ~~Virginians~~
2180 residents of the Commonwealth with disabilities;

2181 3. Develop and evaluate recommendations for service program changes and funding
2182 related to services for persons with physical and sensory disabilities;

2183 4. Advise [the General Assembly and the Governor](#) on local, state, and federal policies
2184 and programs relevant to citizens with disabilities;

2185 5. Serve as the primary body for coordinating proposals and recommendations of all
2186 commissions and agencies for legislation or budget actions affecting persons with physical and
2187 sensory disabilities, including receiving, reviewing, and responding to proposals and
2188 recommendations; ~~and~~

2189 6. Convene work groups composed of persons with expertise in the matters under
2190 consideration by the Commission to assist the Commission on issues related to (i) housing and
2191 transportation, (ii) education and employment, (iii) publicly funded services, and (iv) such other
2192 issues as the Commission may deem necessary. Persons serving on the work groups shall serve
2193 without compensation; and

2194 7. By October 1 of each year, submit its recommendations to the General Assembly and
2195 the Governor in an annual report that shall be submitted as provided in the procedures of the
2196 Division of Legislative Automated Systems for the processing of legislative documents and
2197 reports and shall be posted on the General Assembly's website.

2198 B. If the Commission is not funded by a separate appropriation in the general
2199 appropriation act for any year thereafter, the Commission shall expire on July 1 of the fiscal
2200 year in which it fails to receive such funding.

2201 **Drafting note: The reporting provision in existing § 30-238 and the reporting date**
2202 **requirement in existing § 30-232 are relocated and retained in this section in order to**
2203 **exempt the Commission from the provisions of proposed Chapter 11 (General Provisions).**
2204 **Proposed subsection B codifies a portion of the second enactment clause from chapter 992**
2205 **of the 2004 Acts of Assembly. Technical changes are made.**

2206 ~~§ 30-237 30.1-1315. (Contingent expiration date—see notes)~~ Staffing.

2207 ~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the
2208 ~~Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house~~
2209 ~~in which the~~ chairman chair of the Commission ~~serves~~ shall provide administrative staff

2210 support. The Division of Legislative Services shall provide legal, and legislative research,
2211 policy and analysis ~~and other services~~ as requested by the Commission.

2212 ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon~~
2213 ~~request.~~

2214 **Drafting note: A provision relating to agency assistance is proposed for deletion;**
2215 **this provision is consolidated in proposed Chapter 11 (General Provisions) and given**
2216 **general application to all legislative entities. A substantive change is made to more**
2217 **accurately reflect the staffing requirements of the Division of Legislative Services as the**
2218 **Division has been operating in practice. Technical changes are made for clarity and**
2219 **consistency.**

2220 ~~§ 30-238. (Contingent expiration date — see notes) Chairman's executive summary of~~
2221 ~~activity and work of the Commission.~~

2222 ~~The chairman shall submit to the General Assembly and the Governor an annual~~
2223 ~~executive summary of the interim activity and work of the Commission no later than the first~~
2224 ~~day of each regular session of the General Assembly. The executive summary shall be~~
2225 ~~submitted as provided in the procedures of the Division of Legislative Automated Systems for~~
2226 ~~the processing of legislative documents and reports and shall be posted on the General~~
2227 ~~Assembly's website.~~

2228 **Drafting note: This section is proposed for deletion and relocated to proposed §**
2229 **30.1-1314 for consistency with other legislative entities.**

2230 ~~§ 30-239. Repealed.~~

2231 **Drafting note: Repealed by Acts 2012, c. 741, cl. 3.**

2232 ~~CHAPTER 41.~~

2233 ~~MANUFACTURING DEVELOPMENT COMMISSION.~~

2234 Article 2.

2235 Manufacturing Development Commission.

2236 **Drafting note: Existing Chapter 41, relating to the Manufacturing Development**
2237 **Commission, is retained as proposed Article 2.**

2238 § ~~30-275~~ 30.1-1316. (For contingent expiration date, see Acts 2006, cc. 607, 900, cl. 2)

2239 Manufacturing Development Commission; purpose; ~~membership; terms; compensation and~~
2240 ~~expenses; staff; voting on recommendations.~~

2241 ~~A.~~ The Manufacturing Development Commission (the Commission) is established in
2242 the legislative branch of state government. The purpose of the Commission ~~shall be~~ is to assess
2243 manufacturing needs and formulate legislative and regulatory remedies to ensure the future of
2244 the manufacturing sector in ~~Virginia~~ the Commonwealth.

2245 **Drafting note: Existing § 30-275 is divided into two proposed sections to**
2246 **standardize the organization of articles establishing legislative entities. This proposed**
2247 **section establishes the Manufacturing Development Commission's purpose. Technical**
2248 **changes are made.**

2249 § 30.1-1317. Membership; terms; compensation.

2250 ~~B.~~ A. The Commission shall have a total membership of 14 members that shall ~~consist~~
2251 ~~of~~ include eight legislative members, five nonlegislative citizen members, and one ex officio
2252 member. Members shall be appointed as follows: ~~three members of the Senate, to be appointed~~
2253 ~~by the Senate Committee on Rules; five~~

2254 1. Five members of the House of Delegates, to be appointed by the Speaker of the House
2255 of Delegates in accordance with the principles of proportional representation contained in the
2256 Rules of the House of Delegates; ~~and five~~

2257 2. Three members of the Senate to be appointed by the Senate Committee on Rules; and

2258 3. Five nonlegislative citizen members, of whom (i) ~~one shall be a representative of a~~
2259 ~~public institution of higher education other than Norfolk State University or Virginia State~~
2260 ~~University, (ii) one shall be a representative of an entity or organization active in economic~~
2261 ~~development efforts in the Commonwealth, (iii) one shall be a representative of a Virginia~~
2262 ~~manufacturer, (iv) (ii) one shall be~~ the president a representative of the Virginia Manufacturers
2263 Association, ~~and (v) (iii) one shall be a representative of an entity or organization active in~~
2264 economic development efforts in the Commonwealth, (iv) one shall be a representative of
2265 Norfolk State University or Virginia State University, and (v) one shall be a representative of a

2266 public institution of higher education other than Norfolk State University or Virginia State
2267 University, to be appointed by the Governor.

2268 The Secretary of Commerce and Trade or his designee shall serve ex officio ~~with voting~~
2269 ~~privileges. Nonlegislative citizen members shall be citizens of the Commonwealth.~~

2270 B. Nonlegislative citizen members shall be appointed for terms of four years. Legislative
2271 members, the president of the Virginia Manufacturers Association, and ex officio members
2272 shall serve terms coincident with their terms of office. All members may be reappointed for
2273 successive terms. Appointments to fill vacancies, other than by expiration of a term, shall be
2274 for the unexpired terms. Vacancies shall be filled in the same manner as the original
2275 appointments.

2276 ~~C. The members of the Commission shall elect a chairman and a vice chairman~~
2277 ~~annually, who shall be members of the General Assembly. A majority of the members of the~~
2278 ~~Commission shall constitute a quorum. The Commission shall meet at the call of the chairman~~
2279 ~~or whenever a majority of the members so request.~~

2280 ~~D. Legislative members of the Commission shall receive such compensation as is set~~
2281 ~~forth in § 30-19.12. Nonlegislative citizen members shall serve without compensation. All~~
2282 ~~members shall be reimbursed for all reasonable and necessary expenses incurred in the~~
2283 ~~performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for compensation~~
2284 ~~and reimbursement of expenses of the members shall be provided from existing appropriations~~
2285 ~~to the Commission.~~

2286 C. Costs of this Commission shall not exceed \$12,000 per year.

2287 E. Administrative staff support shall be provided by the Office of the Clerk of the Senate
2288 or the Office of the Clerk of the House of Delegates as may be appropriate for the house in
2289 which the chairman of the Commission serves. The Division of Legislative Services shall
2290 provide legal, research, policy analysis, and other services as requested by the Commission.
2291 Technical assistance shall be provided by the Department of Energy. All agencies of the
2292 Commonwealth shall assist the Commission, upon request.

2293 ~~F. No recommendation of the Commission shall be adopted if a majority of the Senate~~
2294 ~~members or a majority of the House members appointed to the Commission (i) votes against~~
2295 ~~the recommendation and (ii) votes for the recommendation to fail notwithstanding the majority~~
2296 ~~vote of the Commission.~~

2297 **Drafting note:** Existing § 30-275 is divided into two proposed sections to
2298 standardize the organization of articles establishing legislative entities. This proposed
2299 section establishes the Manufacturing Development Commission's membership. A
2300 substantive change is made to change "the president of the Virginia Manufacturers
2301 Association" as a member of the Manufacturing Development Commission to "a
2302 representative of the Virginia Manufacturers Association" for consistency with other
2303 legislative entities. Provisions relating to citizenship of nonlegislative citizen members,
2304 vacancies, officers, quorums, meetings, compensation of legislative members, expenses of
2305 all members, funding, and voting requirements are proposed for deletion; these provisions
2306 are consolidated in proposed Chapter 11 (General Provisions) and given general
2307 application to all legislative entities.

2308 An existing provision relating to four-year terms for nonlegislative citizen
2309 members is retained to exempt the Manufacturing Development Commission from the
2310 provisions of proposed Chapter 11 (General Provisions), which establishes two-year terms
2311 for nonlegislative citizen members. For consistency with other legislative entities, the
2312 provision in existing subsection E relating to staffing for the Manufacturing Development
2313 Commission is relocated to proposed § 30.1-1320.

2314 Technical changes are made, including the insertion and reordering of subdivisions
2315 in proposed subsection A for consistency with other legislative entities.

2316 § ~~30-276~~ 30.1-1318. (For contingent expiration date, see Acts 2006, cc. 607, 900, cl. 2)
2317 Powers and duties of the Commission.

2318 A. The Commission shall have the ~~power~~ following powers and ~~duty to~~ duties:

2319 1. Assess the direct and indirect economic impact of the manufacturing sector on
2320 ~~Virginia's the~~ economy of the Commonwealth;

2321 2. Determine the needs of the manufacturing sector and the most efficient, and cost-
2322 effective manner in which such needs may be addressed.;

2323 3. Consider the effect of local and state tax policies; regulatory compliance costs; and
2324 research and development investment, energy, transportation, and workforce training policies
2325 and costs on the manufacturing sector; and recommend the appropriate role for state and local
2326 governments in ensuring the future of the manufacturing sector in the Commonwealth.;

2327 4. Develop a comprehensive energy plan for the Commonwealth, which that evaluates
2328 the Commonwealth's current and future energy supply and demand. In developing the such
2329 plan, the Commission shall solicit and analyze suggestions and information from the following
2330 sectors: utility providers, petroleum companies, automobile manufacturers, fuel suppliers,
2331 technology companies, environmental organizations, and consumers.;

2332 5. Evaluate the effectiveness of state and local economic development programs and
2333 incentives on the research and development of technology-intensive manufacturing.;

2334 6. Consult and coordinate with the Joint Commission on Technology and Science, the
2335 Joint Legislative Audit and Review Commission, the Joint Commission on Administrative
2336 Rules, and other legislative commissions, committees, and councils to minimize fragmentation
2337 and duplication relative to the respective powers and duties of such groups; entities;

2338 7. Provide manufacturers and their advocates with a forum to address their concerns.;

2339 and

2340 8. ~~Report annually its findings and recommendations to the General Assembly and the~~
2341 ~~Governor as provided in the procedures of the Division of Legislative Automated Systems. The~~
2342 ~~chairman of the Commission shall submit to the General Assembly and the Governor an annual~~
2343 ~~executive summary of the interim activity and work of the Commission no later than the first~~
2344 ~~day of each regular session of the General Assembly. The executive summary shall be~~
2345 ~~submitted as provided in the procedures of the Division of Legislative Automated Systems for~~
2346 ~~the processing of legislative documents and reports and shall be posted on the General~~
2347 ~~Assembly's website~~ Submit reports pursuant to § 30.1-1107.

B. If the Commission is not funded by a separate appropriation in the general appropriation act for any year thereafter, the Commission shall expire on July 1 of the fiscal year in which it fails to receive such funding.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Proposed subsection B codifies a portion of the second enactment clause from chapters 607 and 900 of the 2006 Acts of Assembly. Technical changes are made.

§ 30.1-1319. Staffing.

The Office of the Clerk of the chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Commission.

Drafting note: The provisions for staffing for the Manufacturing Development Commission are relocated from subsection E of existing § 30-275 to this proposed section. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice.

~~§ 30-277. Repealed.~~

Drafting note: Repealed by Acts 2009, c. 542.

~~CHAPTER 65.~~

~~COMMISSION ON UPDATING VIRGINIA LAW TO REFLECT FEDERAL
RECOGNITION OF VIRGINIA TRIBES.~~

Article 7.

Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes.

Drafting note: Existing Chapter 65, related to the Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes, is retained as proposed Article 7.

~~§ 30-414~~ 30.1-1320. (Expires July 1, 2026) Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes; purpose.

The Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes (the Commission) is established in the legislative branch of state government ~~for the~~. The purpose of ~~performing the Commission is to perform~~ a comprehensive review of ~~the Code of Virginia law~~ to assess ways in which it ~~must~~ shall be revised to reflect the government-to-government relationship the Commonwealth should maintain, by treaty and applicable federal law, with the sovereign, self-governing, federally recognized Tribal Nations located within the present-day external boundaries of the Commonwealth.

Drafting note: Technical changes are made.

~~§ 30-415~~ 30.1-1321. (Expires July 1, 2026) Membership; ~~terms~~.

The Commission shall have a total membership of 19 members, ~~consisting of that shall include~~ 10 legislative members, eight nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: ~~six~~

1. Six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; ~~four~~

2. Four members of the Senate to be appointed by the Senate Committee on Rules; ~~seven~~
3. Seven nonlegislative citizen members, of whom at least one ~~of whom~~ shall represent each of the seven federally recognized Tribal Nations located in the Commonwealth, to be appointed by the Speaker of the House of Delegates with the advice and consent of each such federally recognized Tribal Nation; and ~~one~~

4. One nonlegislative citizen member, who shall represent the Commonwealth's scholarly community, to be appointed by the Senate Committee on Rules.

The Secretary of the Commonwealth, or his designee, shall serve ex officio ~~with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.~~

~~Legislative members and the ex officio member of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be~~

~~for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.~~

~~The Commission shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.~~

Drafting note: Provisions relating to citizenship of nonlegislative citizen members, terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions.

~~§ 30-416 30.1-1322. (Expires July 1, 2026) Quorum; meetings; voting~~ Voting on recommendations.

~~A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

No recommendation of the Commission shall be adopted if the majority of the members representing Tribal Nations vote against the ~~recommendations~~ recommendation.

Drafting note: Provisions relating to quorums, meetings, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made.

~~§ 30-417. (Expires July 1, 2026) Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the~~

~~performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.~~

Drafting note: This section relating to compensation and expenses and funding is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ ~~30-418~~ 30.1-1323. (Expires July 1, 2026) Powers and duties of the Commission; report.~~

The Commission shall have the following powers and duties:

1. ~~Performing~~ Perform a comprehensive review of the Code of Virginia ~~law~~ to reflect the government-to-government relationship between the Commonwealth and federally recognized Tribal Nations located in the Commonwealth as distinct governments with the right to exercise general sovereignty and powers of government~~;~~ and

~~2. Submitting to the General Assembly and the Governor an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website~~ Submit reports pursuant to § 30.1-1107.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

§ ~~30-419~~ 30.1-1324. (Expires July 1, 2026) Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman~~ chair of the Commission ~~serves~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal, and legislative research, policy and analysis, ~~and other services~~ as requested by the Commission.

Drafting note: A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

§ ~~30-420~~ 30.1-1325. (Expires July 1, 2026) Sunset.

This ~~chapter~~ article shall expire on July 1, 2026.

Drafting note: Technical change.

~~CHAPTER 64.~~

~~SCHOOL HEALTH SERVICES COMMITTEE.~~

Article 8.

School Health Services Committee.

Drafting note: Existing Chapter 64, relating to the School Health Services Committee, is retained as proposed Article 8.

§ ~~30-409~~ 30.1-1326. (Expires July 1, 2028) School Health Services Committee; purpose.

The School Health Services Committee (the Committee) is established in the legislative branch of state government. The purpose of the Committee is to review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting. ~~The Committee shall submit its~~

2484 ~~findings and recommendations to the General Assembly and the Governor by October 1 of each~~
2485 ~~year.~~

2486 **Drafting note: The existing reporting requirement is relocated to proposed § 30.1-**
2487 **1329 for consistency with other legislative entities.**

2488 § ~~30-410~~ 30.1-1327. (Expires July 1, 2028) Membership; ~~terms; quorum; meetings~~.

2489 ~~A.~~ The Committee shall have a total membership of 15 members that shall ~~consist of 8~~
2490 include eight legislative members, five nonlegislative citizen members, and two ex officio
2491 members. Members shall be appointed as follows: ~~three members of the Senate, each of whom~~
2492 ~~shall be a member of the Senate Committee on Education and Health, to be appointed by the~~
2493 ~~Senate Committee on Rules; five~~

2494 1. Five members of the House of Delegates, each of whom shall be a member of either
2495 the House Committee on Health and Human Services or ~~a member of~~ the House Committee on
2496 Education, to be appointed by the Speaker of the House of Delegates in accordance with the
2497 principles of proportional representation contained in the Rules of the House of Delegates; ~~three~~
2498 ~~nonlegislative citizen members, one of whom shall be an educator at a public school in the~~
2499 ~~Commonwealth, one of whom shall be a school nurse at a public school in the Commonwealth,~~
2500 ~~and one of whom shall be a public health expert, to be appointed by the Senate Committee on~~
2501 ~~Rules; and two~~

2502 2. Three members of the Senate, each of whom shall be a member of the Senate
2503 Committee on Education and Health, to be appointed by the Senate Committee on Rules;

2504 3. Two nonlegislative citizen members, ~~one~~ of whom one shall be an educator at a public
2505 school in the Commonwealth and one ~~of whom~~ shall be a public health expert, to be appointed
2506 by the Speaker of the House of Delegates; and

2507 4. Three nonlegislative citizen members, of whom one shall be an educator at a public
2508 school in the Commonwealth, one shall be a school nurse at a public school in the
2509 Commonwealth, and one shall be a public health expert, to be appointed by the Senate
2510 Committee on Rules.

2511 The Superintendent of Public Instruction and the State Health Commissioner, or their
2512 designees, shall serve ex officio with nonvoting privileges. ~~Nonlegislative citizen members of~~
2513 ~~the Committee shall be citizens of the Commonwealth. Unless otherwise approved in writing~~
2514 ~~by the chairman of the Committee and the respective Clerk, nonlegislative citizen members~~
2515 ~~shall only be reimbursed for travel originating and ending within the Commonwealth for the~~
2516 ~~purpose of attending meetings.~~

2517 ~~Legislative members and ex officio members of the Committee shall serve terms~~
2518 ~~coincident with their terms of office.~~

2519 ~~Appointments to fill vacancies, other than by expiration of a term, shall be for the~~
2520 ~~unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All~~
2521 ~~members may be reappointed.~~

2522 ~~Nonlegislative citizen members shall be appointed for a term of two years.~~

2523 ~~The Committee shall elect a chairman and vice chairman from among its membership,~~
2524 ~~who shall be members of the General Assembly.~~

2525 ~~B. A majority of the members shall constitute a quorum. The meetings of the Committee~~
2526 ~~shall be held at the call of the chairman or whenever the majority of the members so request.~~

2527 ~~No recommendation of the Committee shall be adopted if a majority of the Senate~~
2528 ~~members or a majority of the House members appointed to the Committee (i) vote against the~~
2529 ~~recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote~~
2530 ~~of the Committee.~~

2531 **Drafting note: Provisions relating to citizenship of nonlegislative citizen members,**
2532 **travel reimbursement, vacancies, officers, quorums, meetings, and voting requirements**
2533 **are proposed for deletion; these provisions are consolidated in proposed Chapter 11**
2534 **(General Provisions) and given general application to all legislative entities. Technical**
2535 **changes are made, including the designation of subdivisions.**

2536 ~~§ 30-411. (Expires July 1, 2028) Compensation; expenses; annual report.~~

2537 ~~Legislative members of the Committee shall receive such compensation as provided in~~
2538 ~~§ 30-19.12, and nonlegislative citizen members shall receive such compensation for the~~

~~performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Committee shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Committee or, if unfunded, shall be approved by the Joint Rules Committee.~~

~~The Committee shall submit to the General Assembly and the Governor an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Committee shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Committee no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: This section relating to compensation and expenses and funding is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. The existing reporting requirement is relocated to proposed § 30.1-1329 for consistency with other legislative entities.

[§ 30.1-1328. Powers and duties of the Committee.](#)

[The Committee shall have the following powers and duties:](#)

[1. Review and provide advice to the General Assembly and other policy makers regarding proposals that require local school boards to offer certain health services in a school setting; and](#)

[2. By October 1 of each year, submit its findings and recommendations to the General Assembly and the Governor in an annual report that shall be submitted as provided in the](#)

procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Drafting note: The reporting provision in existing § 30-409 is relocated and retained in this section for consistency with other legislative entities and to exempt the Committee from the provisions of proposed Chapter 11 (General Provisions), which establishes a reporting date requirement of the first day of each regular session of the General Assembly.

§ ~~30-412~~ 30.1-1329. (Expires July 1, 2028) Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the Senate ~~or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the~~ ~~chairman~~ chair of the Committee ~~serves shall provide administrative staff support.~~ The Division of Legislative Services shall provide legal, and legislative research, ~~policy and analysis, and other services~~ as requested by the Committee.

Drafting note: A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

§ ~~30-413~~ 30.1-1330. (Expires July 1, 2028) Sunset.

This ~~chapter~~ article shall expire on July 1, 2028.

Drafting note: Technical change.

~~CHAPTER 50.1.~~

~~AUTISM ADVISORY COUNCIL.~~

Article 9.

Autism Advisory Council.

Drafting note: Existing Chapter 50.1, related to the Autism Advisory Council, is retained as proposed Article 9.

§ ~~30-329.1~~ 30.1-1331. (Expires July 1, 2027) Autism Advisory Council ~~created;~~ purpose; ~~membership;~~ staff.

A. For the purposes of this article, "autism spectrum disorder" means the same as that term is defined in the current edition of the "Diagnostic and Statistical Manual of Mental Disorders" published by the American Psychiatric Association.

B. The Autism Advisory Council (the Council) is established ~~as an advisory council~~ in the legislative branch of state government. The purpose of the Council is to promote coordination of services and resources among agencies involved in the delivery of services to ~~Virginians residents of the Commonwealth~~ with autism spectrum disorders and to increase public awareness of such services and resources.

Drafting note: Existing § 30-329.1 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Autism Advisory Council's purpose. Technical changes are made.

§ 30.1-1332. Membership; terms; meetings.

~~B. A.~~ The Council shall have a total membership of 25 members that shall ~~consist of~~ include six legislative members, 12 nonlegislative citizen members, and seven ex officio members. Members shall be appointed as follows: ~~two members of the Senate to be appointed by the Senate Committee on Rules; four~~

1. Four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; ~~and 12~~

2. Two members of the Senate to be appointed by the Senate Committee on Rules; and

3. Twelve nonlegislative citizen members, of whom (i) two shall be representatives of autism advocacy organizations, (ii) two shall be parents of children with autism, (iii) two shall be persons with an autism spectrum disorder, (iv) one shall be a clinician in the autism field, (v) one shall be a licensed behavior analyst, (vi) one shall be a private day school director, (vii) one shall be a public school special education director, and (viii) two shall be representatives from autism programs at an institution of higher education, to be appointed by the Governor.

The Commissioner of Behavioral Health and Developmental Services, the Commissioner for Aging and Rehabilitative Services, the Commissioner of Health, the

Commissioner of Social Services, the Superintendent of Public Instruction, the Executive Director of the Virginia Board for People with Disabilities, and the Director of the Department of Medical Assistance Services, or their designees, shall serve ex officio ~~with voting privileges.~~ ~~Nonlegislative citizen members of the Council shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Council and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.~~

~~C. Legislative and ex officio members shall serve terms coincident with their terms of office. All appointments of nonlegislative~~ B. Nonlegislative citizen members shall be appointed for ~~four-year~~ terms of four years. ~~Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed; however, no~~ No nonlegislative citizen member shall serve more than two consecutive four-year terms. ~~The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's term limit. Vacancies shall be filled in the same manner as the original appointments.~~

~~Legislative members of the Council shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such compensation and expense payments shall be paid from existing appropriations to the Council or, if unfunded, shall be approved by the Joint Rules Committee.~~

~~D. The Council shall elect a chairman and vice chairman annually, who shall be members of the General Assembly. A majority of the members of the Council shall constitute a quorum.~~ C. The Council shall meet no less than five times a year, upon the call of the ~~chairman~~ chair or a majority of the members.

~~E. Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Clerk of the House of Delegates, as may be appropriate for the house in which the~~

~~chairman serves. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Council.~~

~~F. No recommendation of the Council shall be adopted if a majority of the legislative members appointed to the Council (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Council.~~

Drafting note: Existing § 30-329.1 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Autism Advisory Council's membership and meetings. Provisions relating to citizenship of nonlegislative citizen members, travel reimbursement, vacancies, compensation and expenses, funding, officers, quorums, and voting requirements are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

Existing provisions relating to four-year terms and term limits for nonlegislative citizen members are retained to exempt the Autism Advisory Council from the provisions of proposed Chapter 11 (General Provisions), which establishes two-year terms for nonlegislative citizen members and term limits for nonlegislative citizen members. For consistency with other legislative entities, the provision in existing subsection E relating to staffing for the Autism Advisory Council is relocated to proposed § 30.1-1334. Technical changes are made, including the designation of subdivisions in proposed subsection A.

~~§ 30-329.2~~ 30.1-1333. (Expires July 1, 2027) Powers and duties of the Council.

~~A.~~ The Council shall have the ~~power and duty to~~ following powers and duties:

1. Facilitate the coordination of services and resources among agencies involved in the delivery of services to ~~Virginians~~ residents of the Commonwealth with autism spectrum disorders;

2. Monitor the implementation of action plans developed by agencies in response to the report of the Joint Legislative Audit and Review Commission entitled "Assessment of Services for Virginians with Autism Spectrum Disorders," House Document No. 8 (2009);

3. Recommend policies, legislation, and funding needed to implement the action plans developed in response to the report of the Joint Legislative Audit and Review Commission entitled "Assessment of Services for Virginians with Autism Spectrum Disorders," House Document No. 8 (2009) and address other emerging issues; ~~and~~

4. Determine services, resources, and policies that may further address the needs of individuals with autism spectrum disorders; ~~and~~

~~B. 5. By December 1 of each year, the Council shall submit to the Governor and the General Assembly and to the Division of Legislative Automated Systems for publication as a House or Senate document an annual report containing~~ Submit reports pursuant to § 30.1-1107, including progress updates and recommended next steps to be taken by agencies in the following year.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made.

~~§ 30-329.3. (Expires July 1, 2027) Autism spectrum disorders defined.
For the purposes of this chapter, "autism spectrum disorder" means the same as that term is defined in the current edition of the "Diagnostic and Statistical Manual of Mental Disorders" published by the American Psychiatric Association.~~

Drafting note: This section relating to the definition of "autism spectrum disorder" is proposed for deletion and the definition is relocated to proposed § 30.1-1331 to conform to current Code conventions.

~~§ 30.1-1334. Staffing.
The Office of the Clerk of the chair of the Council shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Council.~~

Drafting note: The provisions for staffing for the Autism Advisory Council are relocated from subsection E of existing § 30-329.1. A substantive change is made to more

accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice.

§ ~~30-329.4~~ 30.1-1335. (Expires July 1, 2027) Sunset.

This ~~chapter~~ article shall expire on July 1, 2027.

Drafting note: Technical change.

~~CHAPTER 68.~~

~~VIRGINIA MINORITY BUSINESS COMMISSION.~~

Article 3.

Virginia Minority Business Commission.

Drafting note: Existing Chapter 68, relating to the Virginia Minority Business Commission, is retained as proposed Article 3.

§ ~~30-440~~ 30.1-1336. (Expires July 1, 2028) Virginia Minority Business Commission; purpose.

The Virginia Minority Business Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to promote the growth and competitiveness of ~~Virginia~~ minority-owned businesses in the Commonwealth, as defined in § 2.2-1604.

Drafting note: Technical change.

§ ~~30-441~~ 30.1-1337. (Expires July 1, 2028) Membership; ~~terms; vacancies; chairman and vice-chairman.~~

The Commission shall ~~consist~~ have a total membership of 13 members that shall include seven legislative members and six nonlegislative citizen members. Members shall be appointed as follows: ~~four~~

1. Four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; ~~three~~

2. Three members of the Senate to be appointed by the Senate Committee on Rules; ~~three~~

3. Three nonlegislative citizen members with expertise in entrepreneurship, economics, and business to be appointed by the Speaker of the House of Delegates; and ~~three~~

4. Three nonlegislative citizen members with expertise in entrepreneurship, economics, and business to be appointed by the Senate Committee on Rules. ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia.~~

~~Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.~~

~~Legislative members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.~~

~~The Commission shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.~~

Drafting note: Provisions relating to citizenship of nonlegislative citizen members, travel reimbursement, terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions.

~~§ 30-442. (Expires July 1, 2028) Quorum; meetings; voting on recommendations.~~

~~A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~No recommendation of the Commission shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Commission (i) vote against the~~

2760 ~~recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote~~
2761 ~~of the Commission.~~

2762 **Drafting note: This section relating to quorums, meetings, and voting**
2763 **requirements is proposed for deletion; these provisions are consolidated in proposed**
2764 **Chapter 11 (General Provisions) and given general application to all legislative entities.**

2765 ~~§ 30-443. (Expires July 1, 2028) Compensation; expenses.~~

2766 ~~Legislative members of the Commission shall receive such compensation as provided~~
2767 ~~in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the~~
2768 ~~performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for~~
2769 ~~reasonable and necessary expenses incurred in the performance of their duties as provided in~~
2770 ~~§§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance~~
2771 ~~at official meetings of the Commission shall be paid by the offices of the Clerk of the House of~~
2772 ~~Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be~~
2773 ~~paid from existing appropriations to the Commission or, if unfunded, shall be approved by the~~
2774 ~~Joint Rules Committee.~~

2775 **Drafting note: This section relating to compensation and expenses of members and**
2776 **funding is proposed for deletion; these provisions are consolidated in proposed Chapter**
2777 **11 (General Provisions) and given general application to all legislative entities.**

2778 ~~§ 30-444~~ 30.1-1338. (Expires July 1, 2028) Powers and duties of the Commission.

2779 The Commission shall have the following powers and duties:

2780 1. Evaluate the impact of existing statutes and proposed legislation on ~~Virginia~~
2781 minority-owned businesses in the Commonwealth;

2782 2. Assess current programs in the Commonwealth aimed at assisting minority-owned
2783 businesses and examine ways to enhance their effectiveness;

2784 3. Provide minority business owners and their advocates with a forum to address their
2785 concerns;

2786 4. Develop strategies and recommendations to promote the growth and competitiveness
2787 of ~~Virginia~~ minority-owned businesses in the Commonwealth;

2788 5. Collaborate with the Department of Small Business and Supplier Diversity and other
2789 appropriate entities to facilitate the Commission's work and mission; ~~and~~

2790 6. Submit reports pursuant to § 30.1-1107, although such reports shall be optional, not
2791 mandatory; and

2792 7. Perform such other duties, functions, and activities as may be necessary to facilitate
2793 and implement the objectives of this ~~chapter~~ article.

2794 **Drafting note: For consistency with other commissions, the provision in existing §**
2795 **30-445 that provides for an optional annual executive summary is relocated to this section.**
2796 **The existing reporting provision is proposed for deletion and replacement with a**
2797 **reference to the general reporting requirement for all legislative entities. Technical**
2798 **changes are made.**

2799 ~~§ 30-445. (Expires July 1, 2028) Chairman's executive summary of activity and work~~
2800 ~~of the Commission.~~

2801 ~~The chairman may submit to the General Assembly and the Governor an annual~~
2802 ~~executive summary of the interim activity and work of the Commission no later than the first~~
2803 ~~day of each regular session of the General Assembly. The executive summary may be submitted~~
2804 ~~as provided in the procedures of the Division of Legislative Automated Systems for the~~
2805 ~~processing of legislative documents and reports and may be posted on the General Assembly's~~
2806 ~~website.~~

2807 **Drafting note: This section is proposed for deletion and its provision relating to an**
2808 **optional annual executive summary is relocated and retained in proposed § 30.1-1338.**

2809 ~~§ 30-446~~ 30.1-1339. (Expires July 1, 2028) Sunset.

2810 This ~~chapter~~ article shall expire on July 1, 2028.

2811 **Drafting note: Technical change.**

2812 CHAPTER 14.

2813 OVERSIGHT LEGISLATIVE ENTITIES.

2814 **Drafting note: Proposed Chapter 14, Oversight Legislative Entities, is created to**
2815 **logically organize legislative entities whose purposes are to monitor, oversee, and review**

the performance of the duties and responsibilities of certain other agencies or state entities. Existing Chapters 37 (Chesapeake Bay Restoration Fund Approval Committee), 33 (Commission on Unemployment Compensation), 42 (Public-Private Partnership Advisory Commission), 43 (Joint Commission on Transportation Accountability), 47 (MEI Project Approval Commission), 52 (Joint Subcommittee to Evaluate Tax Preferences), 53 (Health Insurance Reform Commission), and 57 (Intercollegiate Athletics Review Commission) are retained as proposed Articles 1 through 8, respectively, of Chapter 14 (Oversight Entities). Provisions of these proposed articles are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose, membership, powers and duties, staffing, and sunset date, if applicable.

~~CHAPTER 37.~~

~~CHESAPEAKE BAY RESTORATION FUND ADVISORY COMMITTEE~~

Article 1.

Chesapeake Bay Restoration Fund Approval Committee.

Drafting note: Existing § 30-256 establishing the Chesapeake Bay Restoration Fund Advisory Committee is retained as proposed Article 1 and renamed the Chesapeake Bay Restoration Fund Approval Committee to more accurately reflect how the entity operates in practice at the direction of the Code Commission.

§ ~~30-256~~ 30.1-1400. Chesapeake Bay Restoration Fund ~~Advisory Approval~~ Committee; membership; terms; expenses; staff purpose.

~~A. There~~ The Chesapeake Bay Restoration Fund Approval Committee (the Committee) is ~~hereby~~ established in the legislative branch of state government ~~the Chesapeake Bay Restoration Fund Advisory Committee (the Committee)~~. The purpose of the Committee ~~shall advise the General Assembly is to provide oversight~~ on the expenditure of moneys received in the Chesapeake Bay Restoration Fund ~~(the Fund)~~ created pursuant to § 46.2-749.2.

Drafting note: Existing § 30-256 is divided into 4 proposed sections to standardize the organization of articles establishing legislative entities. This proposed section

establishes the Commission's purpose, and revises such purpose to more accurately reflect how the entity operates in practice at the direction of the Code Commission. Technical changes are made.

§ 30.1-1401. Membership; terms; compensation.

~~B.~~ A. The Committee shall ~~consist~~ have a total membership of seven ~~persons~~ members that shall include three legislative members and four nonlegislative citizen members.

Members shall be appointed as follows: ~~two~~

1. Two members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; ~~one~~

2. One member of the Senate to be appointed by the Senate Committee on Rules; ~~two~~

3. Two nonlegislative citizen members, of whom one shall be a representative of the Chesapeake Bay Foundation, to be appointed by the Speaker of the House of Delegates, ~~one of whom shall be a representative of the Chesapeake Bay Foundation;~~ and ~~two~~

4. Two nonlegislative citizen members, of whom one shall be a representative of the Virginia Association of Soil and Water Conservation Districts, to be appointed by the Senate Committee on Rules, ~~one of whom shall be a representative of the Virginia Association of Soil and Water Conservation Districts.~~

All persons appointed to the Committee shall ~~be representative of the~~ represent interests associated with the restoration and conservation of the Chesapeake Bay ~~and shall be citizens of the Commonwealth.~~

~~C.~~ B. Nonlegislative citizen members of the Committee shall serve for terms of four years. ~~Legislative members shall serve terms coincident with their terms of office and may be reappointed for successive terms. Appointments to fill vacancies shall be for the unexpired term and shall be made in the same manner as the original appointment. Nonlegislative citizen members shall not be eligible to serve more than four consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.~~

2872 ~~D.C.~~ Members shall receive no compensation for their services, but shall be reimbursed
2873 out of the Fund for all reasonable and necessary expenses as provided in §§ 2.2-2813 and 2.2-
2874 2825 incurred in the performance of their duties. ~~The Division of Legislative Services shall be~~
2875 ~~reimbursed from the Fund for costs, as shall be approved by the Committee, incurred in~~
2876 ~~providing administrative assistance to the Committee.~~

2877 ~~E. The Committee shall elect a chairman and vice chairman from among its legislative~~
2878 ~~membership. A majority of the members of the Committee shall constitute a quorum. The~~
2879 ~~Committee shall meet at least one time each year, and additional meetings may be held at the~~
2880 ~~call of the chairman.~~

2881 **Drafting note: Existing § 30-256 is divided into 4 proposed sections to standardize**
2882 **the organization of articles establishing legislative entities. This proposed section**
2883 **establishes the Commission's membership. Provisions relating to terms, compensation**
2884 **and expenses, officers, meetings, and quorums are proposed for deletion; these provisions**
2885 **are consolidated in proposed Chapter 11 (General Provisions) and given general**
2886 **application to all legislative entities. Technical changes are made.**

2887 § 30.1-1402. Powers and duties of the Committee.

2888 ~~F. The Committee shall develop~~ have the following powers and duties:

2889 1. Develop goals and guidelines for the use of the Chesapeake Bay Restoration Fund
2890 (the Fund) in accordance with the purposes of the ~~fund~~ Fund as provided in § 46.2-749.2. The
2891 uses of the Fund may include cooperative programs with, or project grants to, state agencies,
2892 the federal government, or any not-for-profit agency, institution, organization, or entity, public
2893 or private. ~~Moneys~~ No moneys in the Fund shall ~~not~~ be used to supplant existing general fund
2894 appropriations except as provided in subsection D of § 46.2-749.2.

2895 ~~G. No later than~~ 2. Present to the General Assembly and the Governor a plan for the
2896 expenditure of any amounts in the Fund by November 15 of each year, ~~the Committee shall~~
2897 ~~present to the General Assembly and the Governor a plan for expenditure of any amounts in the~~
2898 ~~Fund.~~

Drafting note: Existing § 30-256 is divided into 4 proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's powers and duties. Technical changes are made.

§ 30.1-1403. Staffing.

~~H. Staffing of the Committee shall be provided by the~~The Office of the Clerk of the chair of the Committee shall provide administrative staff support. The Division of Legislative Services shall provide legal and legislative research and analysis as requested by the Committee.

Drafting note: Existing § 30-256 is divided into 4 proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's staffing. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

~~CHAPTER 33.~~

~~COMMISSION ON UNEMPLOYMENT COMPENSATION.~~

Article 2.

Commission on Unemployment Compensation.

Drafting note: Existing Chapter 33, relating to the Commission on Unemployment Compensation, is retained as proposed Article 2.

~~§ 30-218~~ § 30.1-1404. Commission on Unemployment Compensation; purpose.

The Commission on Unemployment Compensation (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to annually monitor and evaluate ~~Virginia's the Commonwealth's~~ unemployment compensation system relative to the economic health of the Commonwealth.

Drafting note: Technical change.

~~§ 30-219~~ § 30.1-1405. Membership; ~~terms; vacancies; chairman and vice chairman meetings.~~

2926 A. The Commission shall ~~consist~~ have a total membership of 10 members that shall
2927 include eight legislative members and two nonlegislative citizen members. Members shall be
2928 appointed as follows: ~~three members of the Senate, to be appointed by the Senate Committee~~
2929 ~~on Rules; five~~

2930 1. Five members of the House of Delegates to be appointed by the Speaker of the House
2931 of Delegates in accordance with the principles of proportional representation contained in the
2932 Rules of the House of Delegates; ~~and two~~

2933 2. Three members of the Senate to be appointed by the Senate Committee on Rules;

2934 3. One nonlegislative citizen ~~members, one of whom~~ member who shall be an employee
2935 stakeholder representative to be appointed by the Speaker of the House of Delegates; ~~and one~~
2936 ~~of whom~~

2937 4. One nonlegislative citizen member who shall be an employer representative to be
2938 appointed by the Senate Committee on Rules. ~~Nonlegislative citizen members of the~~
2939 ~~Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by~~
2940 ~~the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall~~
2941 ~~only be reimbursed for travel originating and ending within the Commonwealth for the purpose~~
2942 ~~of attending meetings.~~

2943 ~~Legislative members of the Commission shall serve terms coincident with their terms~~
2944 ~~of office. Nonlegislative citizen members shall be appointed for a term of two years. Legislative~~
2945 ~~and nonlegislative citizen~~

2946 ~~members may be reappointed. However, no nonlegislative citizen member shall serve~~
2947 ~~more than four consecutive two-year terms. The remainder of any term to which a member is~~
2948 ~~appointed to fill a vacancy shall not constitute a term in determining the member's eligibility~~
2949 ~~for reappointment. Appointments to fill vacancies, other than by expiration of a term, shall be~~
2950 ~~for the unexpired terms. Vacancies shall be filled in the same manner as the original~~
2951 ~~appointments.~~

2952 The Commission shall elect a chairman and vice chairman from among its membership,
2953 who shall be members of the General Assembly.

2954 ~~§ 30-220. Quorum; meetings; voting on recommendations.~~

2955 ~~A majority of the members shall constitute a quorum.~~

2956 ~~B. The Commission shall meet at least two times each year. The meetings of the~~
2957 ~~Commission shall be held at the call of the chairman or whenever the majority of the members~~
2958 ~~so request.~~

2959 ~~No recommendation of the Commission shall be adopted if a majority of the Senate~~
2960 ~~members or a majority of the House members appointed to the Commission (i) vote against the~~
2961 ~~recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote~~
2962 ~~of the Commission.~~

2963 **Drafting note: Provisions relating to nonlegislative citizen members, terms,**
2964 **compensation and expenses, travel reimbursement, officers, quorums, and voting**
2965 **equalization are proposed for deletion; these provisions are consolidated in proposed**
2966 **Chapter 11 (General Provisions) and given general application to all legislative entities.**
2967 **Technical changes are made for clarity and consistency, including the designation and**
2968 **reordering of subdivisions in subsection A for clarity.**

2969 ~~§ 30-221. Compensation; expenses.~~

2970 ~~Legislative members of the Commission shall receive such compensation as provided~~
2971 ~~in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the~~
2972 ~~performance of their duties as provided in § 2-2-2813. All members shall be reimbursed for all~~
2973 ~~reasonable and necessary expenses incurred in the performance of their duties as provided in~~
2974 ~~§§ 2-2-2813 and 2-2-2825. Compensation to members of the General Assembly for attendance~~
2975 ~~at official meetings of the Commission shall be paid by the offices of the Clerk of the House of~~
2976 ~~Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be~~
2977 ~~paid from existing appropriations to the Commission or, if unfunded, shall be approved by the~~
2978 ~~Joint Rules Committee.~~

2979 **Drafting note: This section relating to compensation and expenses is proposed for**
2980 **deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions)**
2981 **and given general application to all legislative entities.**

2982 § ~~30-222~~ 30.1-1406. Powers and duties of the Commission.

2983 A. The Commission shall have the following powers and duties:

2984 1. Evaluate the impact of existing statutes and proposed legislation on unemployment
2985 compensation and the Unemployment Trust Fund;

2986 2. Assess the Commonwealth's unemployment compensation programs and examine
2987 ways to enhance effectiveness;

2988 3. Monitor the current status and long-term projections for the Unemployment Trust
2989 Fund; and

2990 4. ~~Report annually its findings and recommendations to the General Assembly and the~~
2991 ~~Governor~~ Submit reports pursuant to § 30.1-1107.

2992 B. The Commission shall ~~also be responsible for monitoring the Virginia Employment~~
2993 ~~Commission's management of the Commonwealth's unemployment insurance system by~~
2994 ~~monitoring~~ monitor the Virginia Employment Commission's management of the following
2995 operations of the Commonwealth's unemployment insurance system:

2996 1. Key performance metrics related to unemployment insurance backlogs;

2997 2. Efforts to identify, prevent, and recover incorrect unemployment insurance benefit
2998 payments, including fraudulent payments;

2999 3. Modernization of the unemployment insurance information technology system and
3000 subsequent efforts to improve functionality;

3001 4. Expenditures of state funds appropriated for unemployment insurance administration;
3002 and

3003 5. Implementation of recommendations from the 2021 Operations and Performance of
3004 the Virginia Employment Commission report by the Joint Legislative Audit and Review
3005 Commission.

3006 C. The Commission shall ~~periodically~~ convene an advisory committee ~~composed by~~
3007 December 1, 2022, and at least every five years thereafter. The advisory committee shall consist
3008 of an employer representative, an employee representative, a labor economist, a finance expert,

a labor law expert, and any other stakeholders or subject matter experts deemed appropriate by the Commission for the following purposes: ~~(i) to review UI~~

1. Review unemployment insurance benefits, replacement ratios, and reciprocity rates; ~~(ii) to identify~~

2. Identify factors that affect ~~UI~~ unemployment insurance benefits and reciprocity, such as the design of ~~UI~~ unemployment insurance benefit calculations or ~~UI~~ unemployment insurance eligibility criteria; ~~(iii) to assess~~

3. Assess the advantages and disadvantages of potential changes to benefits; and ~~(iv) to recommend~~

4. Recommend to the Commission options to change benefit levels when needed.

~~This advisory committee shall be established by December 1, 2022, and shall be convened at least every five years thereafter.~~

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the reporting requirement in proposed Chapter 11 (General Provisions) generally applicable to all legislative entities. References to the undefined term "UI" are revised to "unemployment insurance" in subsection C. Technical changes are made, including the designation of subdivisions for clarity.

~~§ 30-223~~ 30.1-1407. Staffing.

The Office of the Clerk of the ~~Senate or the Office of the Clerk of the House of Delegates~~ chair of the Commission shall provide administrative staff support ~~as may be appropriate in the house in which the chairman of the Commission serves~~. The Division of Legislative Services shall provide legal, and legislative research, policy and analysis ~~and other services~~ as requested by the Commission. ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A general provision relating to agency assistance is proposed for deletion because such provisions are given general application in proposed Chapter 11 (General Provisions). A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in

practice. Technical changes are made for clarity and consistency, and to modernize language.

~~§ 30-224. Chairman's executive summary of activity and work of the Commission.~~

~~The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: This section relating to reporting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-225. Repealed.~~

Drafting note: Repealed by Acts 2006, cc. 389 and 476, cl. 1.

~~CHAPTER 42.~~

~~PUBLIC-PRIVATE PARTNERSHIP ADVISORY COMMISSION.~~

~~Article 3.~~

Public-Private Partnership Oversight Commission.

Drafting note: Existing Chapter 42, Public-Private Partnership Oversight Commission, is retained as proposed Article 3. The Commission is renamed as the Public-Private Partnership Oversight Commission at the direction of the Code Commission to more accurately reflect how the entity operates in practice.

~~§ 30-278~~ 30.1-1408. Definitions.

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

"Commission" means the Public-Private Partnership ~~Advisory Oversight~~ Commission.

"Comprehensive agreement" means the same as ~~the~~ that term is defined in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

3064 "Detailed proposal" means a proposal from a private entity accepted by a responsible
3065 public entity beyond a conceptual level of review and at which time issues, such as ~~fixing~~ fixed
3066 costs, payment schedules, financing, deliverables, and project ~~schedule~~ schedules, are defined.

3067 "Interim agreement" means the same as ~~the~~ that term is defined in the Public-Private
3068 Education Facilities and Infrastructure Act of 2002.

3069 "Private entity" means the same as that term is defined in the Public-Private Education
3070 Facilities and Infrastructure Act of 2002.

3071 "Qualifying project" means the same as that term is defined in the Public-Private
3072 Education Facilities and Infrastructure Act of 2002.

3073 "Responsible public entity" means a public entity that is an agency or institution of the
3074 Commonwealth and that has the power to develop or operate a qualifying project.

3075 **Drafting note: Technical changes are made.**

3076

3077 § ~~30-279~~ 30.1-1409. Public-Private Partnership ~~Advisory Oversight~~ Commission
3078 ~~established; membership; terms; compensation; staff; quorum purpose.~~

3079 ~~A. The Public-Private Partnership Advisory Commission (the Commission) is~~
3080 ~~established as an advisory commission~~ in the legislative branch of state government. The
3081 purpose of the Commission ~~shall be~~ is to ~~advise~~ provide oversight of responsible public entities
3082 that are agencies or institutions of the Commonwealth on proposals received pursuant to the
3083 Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

3084 **Drafting note: Existing § 30-279 is divided into three proposed sections to**
3085 **standardize the organization of articles establishing legislative entities. This proposed**
3086 **section establishes the purpose of the Commission. Technical changes are made.**

3087 § 30.1-1410. Membership; meetings; compensation.

3088 ~~B. A.~~ The Commission shall ~~consist~~ have a total membership of 11 members, ~~including~~
3089 that shall include eight legislative members, and three ex officio members. Members shall be
3090 appointed as follows: ~~(i) the~~

3091 1. The Chair of the House Committee on Appropriations or his designee and four
3092 members of the House of Delegates to be appointed by the Speaker of the House, ~~(ii) the of~~
3093 Delegates in accordance with the principles of proportional representation contained in the
3094 Rules of the House of Delegates; and

3095 2. The Chair of the Senate Committee on Finance and Appropriations, or his designee,
3096 and two members of the Senate to be appointed by the Senate Committee on Rules, ~~and (iii)~~
3097 three.

3098 Three Secretaries, as defined in § 2.2-200, to be appointed by the Governor ~~to~~ shall
3099 serve ex officio.

3100 ~~Legislative members shall serve on the Commission until the expiration of their terms~~
3101 ~~of office or until their successors shall qualify. Executive branch agency members shall serve~~
3102 ~~only as long as they retain their positions.~~

3103 ~~C. The members of the Commission shall elect from among the legislative membership~~
3104 ~~a chairman and a vice chairman who shall serve for two-year terms. B. The Commission shall~~
3105 hold meetings quarterly or upon the call of the chairman. ~~A majority of the Commission shall~~
3106 ~~constitute a quorum.~~

3107 ~~D. C.~~ Members of the Commission shall receive no compensation for their services but
3108 shall be reimbursed for all reasonable and necessary expenses incurred in the performance of
3109 their duties as provided in §§ 2.2-2813, 2.2-2825, and 30-19.12, as appropriate.

3110 **Drafting note: Existing § 30-279 is divided into three proposed sections to**
3111 **standardize the organization of articles establishing legislative entities. This proposed**
3112 **section establishes the Commission's membership. Provisions relating to officers,**
3113 **quorums, and compensation and expenses are proposed for deletion; these provisions are**
3114 **consolidated in proposed Chapter 11 (General Provisions) and given general application**
3115 **to all legislative entities. Technical changes are made, including the designation of**
3116 **subdivisions for clarity.**

3117 ~~§ 30-280 30.1-1411. Submission by responsible public entities of detailed proposals for~~
3118 ~~qualifying projects; exclusion of certain qualifying projects; review of detailed proposals;~~

3119 ~~copies of interim and comprehensive agreements to be provided~~ Review of certain qualifying
3120 projects by the Commission.

3121 A. ~~Each~~ Except as provided in subsection B, a responsible public entity receiving a
3122 detailed ~~proposals from private entities~~ proposal for a qualifying project shall provide ~~copies a~~
3123 copy of such ~~proposals~~ detailed proposal to the ~~Chairman~~ chair of the Commission, the
3124 ~~chairmen~~ Chairs of the House Committee on Appropriations, House Committee on Finance,
3125 and Senate Committee on Finance and Appropriations or their designees, and the Director of
3126 the Department of General Services prior to entering into the negotiation of an interim or
3127 comprehensive agreement.

3128 B. The following qualifying projects ~~shall not be subject to~~ are exempt from review by
3129 the Commission:

3130 1. Any proposed qualifying project with a total cost of less than \$3 million.

3131 2. Any proposed qualifying project with a total cost of more than \$3 million but less
3132 than \$50 million for which funds ~~have been~~ are specifically appropriated as a public-private
3133 partnership in the general appropriation act or for capital construction projects that ~~have been~~
3134 are authorized in the general appropriation act, provided that such project does not increase ~~in~~
3135 size more than five percent beyond the plans and justifications that were the basis of the
3136 appropriation. ~~For~~ However, for any qualifying project that will be completed in phases and for
3137 which no appropriation ~~has been~~ is made for phases other than the current phase of the project,
3138 the Commission may undertake additional reviews of such projects.

3139 C. Within 10 days of receipt of a ~~complete copy of the~~ detailed ~~proposals~~ proposal for
3140 a qualifying project, the Commission shall ~~determine whether to~~ accept or decline such
3141 ~~proposals~~ proposal for review and notify the responsible public entity of its decision. Upon
3142 acceptance for review, the responsible public entity shall provide any additional information
3143 that may be requested by the Commission regarding the qualifying project, provided that such
3144 information is available to or can be obtained by the responsible public entity.

3145 D. If the Commission accepts a detailed proposal for review, ~~the findings and~~
3146 ~~recommendations of~~ the Commission shall ~~be provided~~ provide findings and recommendations,

if any, to the responsible public entity within 45 days of receiving ~~complete copies of~~ the detailed ~~proposals~~ proposal. ~~If no findings or recommendations are provided by the Commission to the responsible public entity within the 45-day period, the Commission shall be deemed to have no findings or recommendations. Upon acceptance for review, the responsible public entity shall provide any additional information regarding the qualifying project upon the request of the Commission, provided such information is available to or can be obtained by the responsible public entity.~~

D. ~~The Commission shall review accepted detailed proposals and provide~~ Such findings and recommendations ~~to the responsible public entity, including (i) shall include~~ the following:

1. A determination of whether the terms and conditions of the ~~proposals~~ detailed proposal and proposed qualifying project create state tax-supported debt, taking into consideration the specific findings of the Secretary of Finance ~~with respect to such recommendation, (ii) an~~

2. An analysis of the potential financial impact of the proposed qualifying project, ~~(iii) a~~

3. A review of the policy aspects of the detailed ~~proposals~~ proposal and the qualifying project, ~~and (iv) proposed~~

4. A review of the proposed general business terms and conditions.

~~Review~~ A review by the Commission shall not be construed to constitute approval of any ~~appropriations~~ appropriation necessary to implement any subsequent interim or comprehensive agreement. If no findings or recommendations are provided by the Commission to the responsible public entity within the 45-day period, the Commission shall be deemed to have no findings or recommendations.

E. ~~The~~ No responsible public entity shall ~~not~~ commence negotiation of an interim or comprehensive agreement until the Commission ~~has submitted its~~ provides recommendations, if any, or ~~declined~~ declines to accept the detailed proposals for review.

F. The responsible public entity shall submit a copy of the proposed interim or comprehensive agreement to the Commission, the ~~chairmen~~ Chairs of the House Committee on

3175 Appropriations, House Committee on Finance, and Senate Committee on Finance and
3176 Appropriations or their designees, and the Director of the Department of General Services at
3177 least 30 days prior to execution of the agreement along with a report describing the extent to
3178 which the Commission's recommendations were addressed in the proposed interim or
3179 comprehensive agreement.

3180 **Drafting note: Provisions of this section are reorganized to logically order the steps**
3181 **of the Commission's review process. Technical changes are made for clarity, including the**
3182 **addition of clarifying language and subdivisions.**

3183 § 30.1-1412. Staffing.

3184 ~~E. Administrative staff support shall be provided by the~~ The Office of the Clerk of the
3185 ~~Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house~~
3186 ~~in which the chairman~~ chair of the Commission ~~serves~~ shall provide administrative staff
3187 support. The Division of Legislative Services shall provide legal, and legislative research, and
3188 policy analysis ~~services to as requested by~~ the Commission. Technical assistance shall be
3189 provided by the staffs of the House Committee on Appropriations and the Senate Committee
3190 on Finance and Appropriations and the Office of the Auditor of Public Accounts. ~~Additional~~
3191 The Department of General Services shall provide additional assistance as needed ~~shall be~~
3192 ~~provided by the Department of General Services.~~

3193 ~~F. A copy of the proceedings of the Commission shall be filed with the Division of~~
3194 ~~Legislative Services.~~

3195 **Drafting note: Existing § 30-279 is divided into three proposed sections to**
3196 **standardize the organization of articles establishing legislative entities. This proposed**
3197 **section establishes the Commission's staffing. Existing subsection F is proposed for**
3198 **deletion as obsolete due to the availability of meeting livestream video archives provided**
3199 **by the Clerks' Offices. A substantive change is made to more accurately reflect the staffing**
3200 **requirements of the Division of Legislative Services as the Division has been operating in**
3201 **practice. Technical changes are made for clarity and consistency.**

3202 ~~§ 30-281~~ § 30.1-1413. Confidentiality of certain records submitted to the Commission.

3203 Records and information afforded ~~the~~ protection under subdivision 11 of § 2.2-3705.6
3204 that are provided by a responsible public entity to the Commission shall continue to be protected
3205 from disclosure when in the possession of the Commission.

3206 **Drafting note: Technical change.**

3207 ~~CHAPTER 43.~~

3208 ~~JOINT COMMISSION ON TRANSPORTATION ACCOUNTABILITY.~~

3209 Article 4.

3210 Joint Commission on Transportation Accountability.

3211 **Drafting note: Existing Chapter 43, relating to the Joint Commission on**
3212 **Transportation Accountability, is retained as proposed Article 4.**

3213 § ~~30-282~~ 30.1-1414. Joint Commission on Transportation Accountability ~~established;~~
3214 ~~composition; terms; compensation and expenses; quorum; voting on recommendations~~ purpose.

3215 ~~There~~ The Joint Commission on Transportation Accountability (the Commission) is
3216 ~~hereby~~ established in the legislative branch of state government ~~the Joint Commission on~~
3217 ~~Transportation Accountability.~~ The purpose of the Commission is to ensure that sums
3218 appropriated to state agencies for transportation purposes have been or are being expended for
3219 the purposes for which they were made and to evaluate the effectiveness of programs in
3220 accomplishing such legislative intent.

3221 **Drafting note: Existing § 30-339 is divided into two proposed sections to**
3222 **standardize the organization of articles establishing legislative entities. This proposed**
3223 **section establishes the Commission and states its purpose. Language from existing § 30-**
3224 **342 is summarized and added because existing § 30-339 does not include a statement of**
3225 **the Commission's purpose. Technical changes are made.**

3226 § 30.1-1415. Membership.

3227 The Commission shall have a total membership of 11 members that shall consist of ~~six~~
3228 10 legislative members and one ex officio member. Members shall be appointed as follows:

3229 1. Six members of the House of Delegates, of whom at least three shall be members of
3230 the House Committee on Transportation, to be appointed by the Speaker of the House of

3231 Delegates in accordance with the principles of proportional representation contained in the
3232 Rules of the House of Delegates, of whom at least three shall be members of the House
3233 Committee on Transportation; four and

3234 2. Four members of the Senate, of whom at least two shall be members of the Senate
3235 Committee on Transportation, to be appointed by the Senate Committee on Rules ~~of whom at~~
3236 ~~least two shall be members of the Senate Committee on Transportation; and the.~~

3237 The Auditor of Public Accounts or his designee, who shall serve ~~as a nonvoting~~ ex
3238 officio ~~member~~ with nonvoting privileges.

3239 ~~Members shall serve terms coincident with their terms of office as members of the~~
3240 ~~House of Delegates and the Senate. Members may be reappointed for successive terms.~~

3241 ~~Members of the Commission shall receive such compensation as provided in § 30-19.12~~
3242 ~~and shall be reimbursed for all their reasonable and necessary expenses incurred in the~~
3243 ~~performance of their duties as members of the Commission. Funding for the costs of~~
3244 ~~compensation and expenses of the members shall be provided from existing appropriations to~~
3245 ~~the Commission.~~

3246 ~~The Commission shall annually elect a chairman and a vice chairman from among its~~
3247 ~~membership. Meetings of the Commission shall be held upon the call of the chairman or~~
3248 ~~whenever the majority of the members so request. A majority of the members appointed to the~~
3249 ~~Commission shall constitute a quorum.~~

3250 **Drafting note: Existing § 30-282 is divided into two proposed sections to**
3251 **standardize the organization of articles establishing legislative entities. This proposed**
3252 **section establishes the Commission's membership. General provisions relating to terms,**
3253 **compensation and expenses, funding sources, officers, meetings, and quorums are**
3254 **proposed for deletion because such provisions are consolidated in proposed Chapter 11**
3255 **(General Provisions) and given general application to all legislative entities. Technical**
3256 **changes are made, including the designation of subdivisions for clarity.**

3257 ~~§ 30-284~~ 30.1-1416. Powers and duties of the Commission.

3258 The Commission shall have the following powers and duties:

3259 1. ~~To make~~ Conduct performance reviews of operations of state agencies with
3260 transportation responsibilities to ~~ascertain~~ ensure that sums appropriated have been or are being
3261 expended for the purposes for which they were made and to evaluate the effectiveness of
3262 programs in accomplishing legislative intent;

3263 2. ~~To study~~ Study, on a continuing basis, the operations, practices, and duties of state
3264 agencies with transportation responsibilities as they relate to efficiency in the use of space,
3265 personnel, equipment, and facilities;

3266 3. ~~To retain~~ Retain such consultants and advisers as the Commission deems necessary
3267 to evaluate financial and project management of state agencies with transportation
3268 responsibilities;

3269 4. ~~To make~~ Make such special studies of and reports on the operations and functions of
3270 state agencies with transportation responsibilities as ~~it~~ the Commission deems appropriate and
3271 as may be requested by the General Assembly;

3272 5. ~~To review~~ Review actions of the Commonwealth Transportation Board; and

3273 6. ~~To make~~ Make recommendations to the General Assembly on necessary
3274 transportation legislation.

3275 B. The Commission is exempt from the reporting requirement established in § 30.1-
3276 1107.

3277 **Drafting note: Technical changes are made for clarity and consistency.**

3278 ~~§ 30-283 30.1-1417.~~ Staff Staffing.

3279 ~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the
3280 ~~house of the General Assembly of which the~~ Chairman chair of the Commission ~~is a member~~
3281 ~~Legal,~~ shall provide administrative staff support. The Division of Legislative Services shall
3282 provide legal and legislative research, policy and analysis, ~~and other services~~ as requested by
3283 the Commission ~~shall be provided by the Division of Legislative Services.~~ Technical assistance
3284 shall be provided by the Joint Legislative Audit and Review Commission upon request.

Drafting note: A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made for clarity and consistency.

~~§ 30-285. State agencies to furnish information and assistance.~~

~~All agencies of the Commonwealth, their staff, and employees shall provide the Commission with necessary information for the performance of its duties and afford the Commission's staff ample opportunity to observe agency operations.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-286. Payment of expenses of Commission.~~

~~The salaries, per diems, and other expenses necessary to the function of the Commission shall be payable from funds appropriated to the Commission.~~

Drafting note: This section relating to funding is proposed for deletion because such provisions are consolidated and given general application in proposed Chapter 11 (General Provisions).

~~CHAPTER 47.~~

~~MEI PROJECT APPROVAL COMMISSION.~~

Article 5.

MEI Project Approval Commission.

Drafting note: Existing Chapter 47, establishing the MEI Project Approval Commission, is retained as proposed Article 5.

§ 30.1-1418. Definitions.

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

"Commission" means the MEI Project Approval Commission.

"Major Employment and Investment project" or "MEI project" means the same as that term is defined in § 2.2-2260.

3312 "Nondiscretionary incentive" means a tax credit, tax exemption, or grant to which a
3313 taxpayer or applicant is entitled if he meets the statutory criteria required for such credit,
3314 exemption, or grant.

3315 **Drafting note: The definitions of "MEI project" and "nondiscretionary incentive"**
3316 **are relocated from existing subsection F of § 30-309 to conform to current Code**
3317 **conventions. Technical changes are made.**

3318 § ~~30-309~~ 30.1-1419. MEI Project Approval Commission; ~~membership; terms;~~
3319 ~~compensation and expenses; definition purpose.~~

3320 ~~A. The MEI Project Approval Commission (the Commission) is established as an~~
3321 ~~advisory commission~~ in the legislative branch of state government. The purpose of the
3322 Commission ~~shall be~~ is to review financing for individual incentive packages, including ~~but not~~
3323 ~~limited to~~ packages offering tax incentives, for economic development, film, and episodic
3324 television projects (including ~~but not limited to~~ MEI projects) for which ~~(i) one~~ the following
3325 apply:

3326 1. One or more of the incentives in the incentive package ~~is~~ are not authorized under
3327 current law or ~~an amendment by~~ the General Assembly ~~is being sought~~ seeking an amendment
3328 to one or more currently existing incentives included as part of the incentive package, ~~(ii) one;~~
3329 2. One of the proposed incentives ~~being sought~~ includes a cash payment to a private
3330 sector business of more than \$3.5 million from any fund ~~prior to~~ before any performance metrics
3331 ~~being are~~ met by the proposed project; ~~or (iii) the~~

3332 3. The aggregate amount of incentives ~~to be~~ provided by the Commonwealth in the
3333 incentive package, including discretionary grants, general or nongeneral funds, proceeds from
3334 bonds, rights to lease property at below fair market value, or any other incentives from the
3335 Commonwealth, is in excess of \$10 million in value.

3336 Except for the value of any sales tax exemption available pursuant to subdivision 18 of
3337 § 58.1-609.3 or tax credit available pursuant to § 58.1-439.12:03, the value of any existing
3338 nondiscretionary incentives shall not be considered in calculating whether the incentives are in

excess of \$10 million in value, and no review shall be required for a project if the only incentives to be provided to a potential project are nondiscretionary incentives.

Drafting note: Existing § 30-309 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission and states its purpose. Technical changes are made, including the insertion of subdivisions for clarity.

§ 30.1-1420. Membership.

~~B.~~ The Commission shall ~~consist~~ have a total membership of 14 members that shall include 12 legislative members and two ex officio members. Members shall be appointed as follows: ~~seven~~

1. Seven members of the House Committee on Appropriations or the House Committee on Finance to be appointed by the ~~chair~~ Chair of the House Committee on Appropriations ~~and five; and~~

2. Five members of the Senate Committee on Finance and Appropriations to be appointed by the ~~chair~~ Chair of the Senate Committee on Finance and Appropriations. ~~In addition, the.~~

The Secretaries of Finance and Commerce and Trade shall serve ~~as~~ ex officio, with nonvoting ~~members of the Commission privileges.~~

~~C. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments. Members may be reappointed for successive terms.~~

~~D. The members of the Commission shall elect a chairman and vice chairman annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~E. Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative members shall receive such compensation as provided in § 2.2-2813.~~

~~F. As used in this chapter, "MEI project" means the same as that term is defined in § 2.2-2260, and "nondiscretionary incentive" means a tax credit, tax exemption, or grant to which a taxpayer or applicant is entitled if he meets the statutory criteria required for the credit, exemption, or grant.~~

Drafting note: Existing § 30-309 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. Provisions relating to terms, vacancies, officers, and compensation and expenses are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Subsection F is relocated to proposed § 30.1-1418 to conform to the standard convention of placing definitions at the beginning of an article. Technical changes are made, including the designation of subdivisions.

~~§ 30-310~~ 30.1-1421. Review of incentive packages.

~~A. 1. The Commission shall review individual incentive packages, including but not limited to packages offering tax incentives, for economic development, film, and episodic television projects (including but not limited to MEI projects) for which~~

~~(i) one or more of the incentives in the incentive package is not authorized under current law or an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package,~~

~~(ii) one of the incentives being sought includes a cash payment to a private sector business of more than \$3.5 million from any fund prior to any performance metrics being met by the proposed project, or~~

~~(iii) the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including discretionary grants, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth is in excess of \$10 million in value.~~

~~Except for the value of any sales tax exemption available pursuant to subdivision 18 of § 58.1-609.3 or tax credit available pursuant to § 58.1-439.12:03, the value of any existing~~

nondiscretionary incentives shall not be considered in calculating whether the incentives are in excess of \$10 million in value, and no review shall be required for a project if the only incentives to be provided to a potential project are nondiscretionary incentives. The In addition to reviewing certain incentive packages pursuant to § 30.1-1419 [§ 30-309], the Commission shall also review economic development projects in which a business relocates or expands its operations in one or more ~~Virginia~~ localities in the Commonwealth and simultaneously closes its operations or substantially reduces the number of its employees in another ~~Virginia~~ locality in the Commonwealth if the aggregate amount of incentives to be provided by the Commonwealth in the incentive package, including discretionary grants, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth, is in excess of \$2.5 million in value. The Commission shall review such packages and projects and recommend approval or denial of such packages and projects to the General Assembly. Factors ~~that shall to~~ be considered by the Commission in its review shall include ~~but not be limited to~~ (a) return the following:

1. Return on investment; ~~(b) the;~~
2. The time frame for repayment of incentives to the Commonwealth; ~~(c) average;~~
3. Average wages of the jobs created by the prospective MEI project or other economic development project; ~~(d) the;~~
4. The amount of capital investment that is required; ~~and (e) the~~
5. The need for enhanced employment opportunities in the prospective location of the prospective MEI project or other economic development project.

~~2. a. Any time~~ B. Anytime a proposed individual incentive package is ~~to be~~ considered by the Commission, materials outlining ~~(i) the~~ following information shall be provided to the staff of the House Committee on Appropriations and Senate Committee on Finance and Appropriations not less than five business days prior to the scheduled Commission meeting:

1. The value of the proposed incentives; ~~(ii)~~
2. The assumed return on investment; ~~(iii) the~~
3. The time frame for repayment of incentives to the Commonwealth; ~~(iv) average~~

3423 4. Average wages of the jobs created by the prospective economic development, film,
3424 or episodic television project; ~~(v) the~~

3425 5. The amount of capital investment that is required; ~~(vi) the~~

3426 6. The need for enhanced employment opportunities in the prospective location of the
3427 prospective economic development, film, or episodic television project; ~~(vii) the~~

3428 7. The total amount of state incentives received by the sponsor of the economic
3429 development, film, or episodic television project in the past; and ~~(viii) a~~

3430 8. A list of all other existing, nondiscretionary incentives for which the sponsor of the
3431 economic development, film, or episodic television project may qualify ~~shall be provided to the~~
3432 ~~staff of the House Committee on Appropriations and Senate Committee on Finance and~~
3433 ~~Appropriations not less than five business days prior to the scheduled Commission meeting.~~

3434 Staff shall also be provided with an aggregate list of all discretionary incentives
3435 currently committed by the Commonwealth for the next 10 years, including anticipated requests
3436 for appropriations to satisfy such commitments during that time.

3437 ~~b. C.~~ The timing of any request for an endorsement of a proposed individual incentive
3438 package should be scheduled ~~so that to permit~~ the ~~MEI~~ Commission ~~could~~, at its discretion, to
3439 have up to seven days ~~subsequent to~~ after the presentation of the incentive package prior to
3440 endorsing or rejecting such proposal.

3441 ~~c. D.~~ State agencies, localities, authorities, or other political subdivisions of the
3442 Commonwealth that have significant involvement in a proposed individual incentive package
3443 in terms of providing facilities or regulatory support to a project or in developing the proposed
3444 individual incentive package shall review the materials required by ~~subdivision 2 subsection B~~
3445 and certify the accuracy of such materials prior to consideration by the Commission.

3446 ~~B. E.~~ An affirmative vote by four of the seven members of the Commission from the
3447 House of Delegates and three of the five members of the Commission from the Senate ~~shall be~~
3448 is required to endorse any incentive package, including ~~but not limited to~~ packages ~~offering tax~~
3449 ~~incentives, for economic development, film, and episodic television projects (including but not~~
3450 ~~limited to MEI projects) for which;~~

(i) ~~one or more of the incentives in the incentive package is not authorized under current law or an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package,~~

(ii) ~~one of the incentives being sought includes a cash payment to a private sector business of more than \$3.5 million from any fund prior to any performance metrics being met by the proposed project, or~~

(iii) ~~the aggregate amount of incentives to be provided by the Commonwealth in the incentive package including discretionary grants, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth is in excess of \$10 million in value.~~

Except for the value of any sales tax exemption available pursuant to subdivision 18 of § 58.1-609.3 or tax credit available pursuant to § 58.1-439.12:03, the value of any existing nondiscretionary incentives shall not be considered in calculating whether the incentives are in excess of \$10 million in value described in § 30.1-1419 [§ 30-309]. Such vote shall also be required to endorse any economic development project in which a business relocates or expands its operations in one or more ~~Virginia~~ localities in the Commonwealth and simultaneously closes its operations or substantially reduces the number of its employees in another ~~Virginia~~ locality in the Commonwealth if the aggregate amount of incentives to be provided by the Commonwealth in the incentive package, including discretionary grants, general or nongeneral funds, proceeds from bonds, rights to lease property at below fair market value, or any other incentives from the Commonwealth, is in excess of \$2.5 million in value. However, no vote shall be required for a project if the only incentives to be provided to a potential project are nondiscretionary incentives available to any qualified taxpayer under existing law.

Drafting note: Technical changes are made for clarity and consistency and to modernize language, including the reorganization of subdivisions and subsections.

~~§ 30-310.1~~ 30.1-1422. Review of tax financing projects.

In addition to the required review of certain incentive packages pursuant to ~~§ 30-310~~ §§ 30.1-1421 and 30.1-1419 [30-309], the Commission may, in its discretion, ~~also~~ review potential

economic development projects presented by private sector businesses or state authorities ~~which that~~ would be financed through entitlements to sales taxes or through personal or corporate income tax incentives or modifications. The Commission ~~shall is~~ not ~~be~~ required to endorse or recommend any such project but may include recommendations in its annual report prepared pursuant to § ~~30-312~~ 30.1-1424.

Drafting note: Technical changes are made for clarity and to modernize language.

§ ~~30-311~~ 30.1-1423. ~~Staff; cooperation from other state agencies~~ Staffing.

~~Administrative staff support shall be provided by the~~ The staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall provide administrative staff support. ~~Additional assistance as needed shall be provided by the~~ The Auditor of Public Accounts, ~~the~~ Division of Legislative Services, ~~the~~ Virginia Economic Development Authority, ~~or the~~ and Virginia Public Building Authority shall provide additional assistance as requested by the Commission.

Drafting note: Technical changes are made.

§ ~~30-312~~ 30.1-1424. Commission report to General Assembly.

~~The chairman~~ A. In lieu of the report required by § 30.1-1107, the chair of the Commission shall report annually by the first day of each General Assembly Regular Session on all endorsed incentive packages for which an offer has been made and publicly announced. Staff identified in § ~~30-311~~ 30.1-1423 shall assist the ~~commission~~ Commission in preparing such report, which shall contain the following information: (i) the industrial sector of the MEI project or other economic development project, (ii) known competitor states, (iii) employment creation and capital investment expectations, (iv) anticipated average annual wage of the new jobs, (v) local and state returns on investment as prepared by the Virginia Economic Development Partnership Authority, (vi) expected time frame for repayment of the incentives to the Commonwealth in the form of direct and indirect general tax revenues, (vii) details of the proposed incentive package, including the breakdown of the components into various uses and an expected timeline for payments, and (viii) draft legislation or amendments to the ~~Appropriation Act~~ general appropriation act that propose financing for the endorsed incentive

package through the Virginia Public Building Authority or any other proposed funding or financing mechanisms.

B. To assist in the preparation of ~~the~~ such report, the draft legislation or amendments referred to in clause (viii) of subsection A shall be submitted to the staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations no later than December 15 each year.

Drafting note: Technical changes are made for clarity, including the designation of subsections.

~~CHAPTER 52.~~

~~JOINT SUBCOMMITTEE TO EVALUATE TAX PREFERENCES.~~

Article 6.

Joint Subcommittee to Evaluate Tax Preferences.

Drafting note: Existing Chapter 52, relating to the Joint Subcommittee to Evaluate Tax Preferences, is retained as proposed Article 6.

~~§ 30-336~~ 30.1-1425. Joint Subcommittee to Evaluate Tax Preferences; purpose.

The Joint Subcommittee to Evaluate Tax Preferences (the Joint Subcommittee) is established in the legislative branch of state government. The purpose of the Joint Subcommittee is to oversee the evaluation of ~~Virginia's~~ the Commonwealth's tax preferences, including ~~but not limited to~~ tax credits, deductions, subtractions, exemptions, and exclusions.

Drafting note: Technical changes are made.

~~§ 30-337~~ 30.1-1426. Membership; ~~terms; vacancies; chairman and vice chairman; quorum; meetings; compensation.~~

The Joint Subcommittee shall have a total membership of 14 legislative members ~~that shall consist of eight members of the House of Delegates and six members of the Senate.~~ Members shall be appointed as follows: eight

1. Eight members of the House of Delegates, of ~~which~~ whom six shall be members of the House Committee on Finance and two shall be members of the House Committee on Appropriations, to be appointed by the Speaker of the House of Delegates, upon the

recommendation of the ~~Chairman~~ Chair of the House Committee on ~~Appropriations~~ Finance and the ~~Chairman~~ Chair of the House Committee on ~~Finance~~ Appropriations, respectively; and ~~six~~

2. Six members of the Senate, who shall also be members of the Senate Committee on Finance and Appropriations, to be appointed by the Senate Committee on Rules, upon the recommendation of the ~~Chairman~~ Chair of the Senate Committee on Finance and Appropriations.

~~Members shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Members may be reappointed. Vacancies shall be filled in the same manner as the original appointments.~~

~~The Joint Subcommittee shall elect a chairman and vice chairman from among its membership.~~

~~A majority of the members shall constitute a quorum. The meetings of the Joint Subcommittee shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~No recommendation of the Joint Subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Joint Subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Joint Subcommittee.~~

~~Members of the Joint Subcommittee shall receive such compensation and shall be reimbursed for reasonable and necessary expenses as provided in the general appropriation act.~~

Drafting note: General provisions relating to terms, vacancies, officers, quorums, meetings, voting requirements, and compensation and expenses are proposed for deletion because such provisions consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. In subdivision 2, a substantive change is made to align Joint Subcommittee membership with apparent legislative intent. Technical changes are made, including the designation of subdivisions for clarity.

~~§ 30-338~~ 30.1-1427. Powers and duties of the Joint Subcommittee; ~~staffing; reports.~~

3563 The Joint Subcommittee shall have the following powers and duties:

3564 1. Undertake a systematic review of ~~Virginia's the Commonwealth's~~ tax preferences;

3565 2. Adopt a schedule for reviewing tax preferences based upon program areas to which
3566 the preferences relate;

3567 3. Establish procedures and performance measures to evaluate the effectiveness of tax
3568 preferences;

3569 4. Request that the Governor direct Department of Taxation staff conduct independent
3570 evaluations of tax preferences in promoting economic activity, generating revenue, or otherwise
3571 achieving ~~their~~ the tax preference's intended policy purpose and report the findings to the Joint
3572 Subcommittee;

3573 5. Recommend a process and guidelines for establishing expiration dates for tax
3574 preferences; and

3575 6. Submit ~~an annual report to the General Assembly and the Governor of its~~
3576 recommendations reports pursuant to § 30.1-1107, including which tax preferences should be
3577 continued, expanded, modified, or eliminated.

3578 **Drafting note: Existing § 30-388 is divided into two proposed sections to separate**
3579 **two distinct topics. This proposed section establishes the powers and duties of the Joint**
3580 **Subcommittee. Technical changes are made.**

3581 § 30.1-1428. Staffing; technical advisory group.

3582 ~~The Joint Subcommittee is authorized to establish a technical advisory group to assist~~
3583 ~~the work of the Joint Subcommittee and Department of Taxation staff by providing additional~~
3584 ~~guidance and reviewing evaluations conducted by the Department. The technical advisory~~
3585 ~~group shall include individuals with tax policy or economic expertise and legislative staff.~~

3586 ~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the
3587 House of Delegates shall provide administrative staff support. ~~Legal, The Division of~~
3588 Legislative Services shall provide legal and legislative research, ~~policy and~~ analysis, ~~and other~~
3589 services as requested by the Joint Subcommittee ~~shall be provided by the Division of Legislative~~
3590 Services. Technical assistance shall be provided by the The staffs of the House Committee on

3591 Appropriations and the Senate Committee on Finance and Appropriations shall provide
3592 technical assistance.

3593 ~~The chairman shall submit to the General Assembly and the Governor an annual~~
3594 ~~executive summary of the interim activity and work of the Joint Subcommittee no later than the~~
3595 ~~first day of each regular session of the General Assembly. The executive summary shall be~~
3596 ~~submitted as provided in the procedures of the Division of Legislative Automated Systems for~~
3597 ~~the processing of legislative documents and reports and shall be posted on the General~~
3598 ~~Assembly's website.~~

3599 B. The Joint Subcommittee is authorized to establish a technical advisory group to assist
3600 the work of the Joint Subcommittee and Department of Taxation staff by providing additional
3601 guidance and reviewing evaluations conducted by the Department of Taxation. The technical
3602 advisory group shall include individuals with tax policy or economic expertise and legislative
3603 staff.

3604 **Drafting note: Existing § 30-388 is divided into two proposed sections to separate**
3605 **two distinct topics. This proposed section establishes the Joint Subcommittee's staffing**
3606 **requirements and ability to establish a technical advisory group. The Joint**
3607 **Subcommittee's reporting requirement is proposed for deletion; these provisions are**
3608 **consolidated in proposed Chapter 11 (General Provisions) and given general application**
3609 **to all legislative entities. A substantive change is made to more accurately reflect the**
3610 **staffing requirements of the Division of Legislative Services as the Division has been**
3611 **operating in practice. Language is updated for clarity and consistency and other technical**
3612 **changes are made.**

3613 ~~CHAPTER 53.~~

3614 ~~HEALTH INSURANCE REFORM COMMISSION.~~

3615 Article 7.

3616 Health Insurance Reform Commission.

3617 **Drafting note: Existing Chapter 53, establishing the Health Insurance Reform**
3618 **Commission, is retained as proposed Article 7.**

§ 30.1-1429. Definitions.

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

"Act" means the federal Patient Protection and Affordable Care Act.

"Applicable agency" means the governmental agency that, in accordance with applicable federal rules, is responsible for identifying state-mandated benefits that are in addition to the essential health benefits.

"Bureau" means the Bureau of Insurance of the State Corporation Commission.

"Commission" means the Health Insurance Reform Commission.

"Essential health benefits benchmark plan" or "benchmark plan" has the same meaning as "EHB-benchmark plan" provided in 45 C.F.R. § 156.20.

"Mandated health insurance benefit or provider" has the same meaning as "state-mandated health benefit" provided in § 38.2-3406.1.

Drafting note: The definitions of "mandated health insurance benefit or provider" and "applicable agency" are relocated from existing § 30-343, and "Bureau", and "essential health benefits benchmark plan" or "benchmark plan" are relocated from existing § 30-343.1 to conform to the current Code conventions.

~~§ 30-339 30.1-1430. Health Insurance Reform Commission-established; membership; terms purpose.~~

~~A. The Health Insurance Reform Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to (i) monitor the implementation of the Act; (ii) assess proposed mandated health insurance benefits and providers; (iii) develop recommendations to increase access to health insurance coverage; (iv) ensure that the costs to business and individual purchasers of health insurance coverage are reasonable; and (v) encourage a robust market for health insurance products in the Commonwealth.~~

Drafting note: Existing § 30-339 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission and states its purpose. Language from existing § 30-

342 is summarized and added here because existing § 30-339 does not include a statement of the Commission's purpose. Technical changes are made.

§ 30.1-1431. Membership.

~~B.~~ The Commission shall ~~consist~~ have a total membership of 12 members that shall include 10 legislative members and two nonvoting ex officio members. Members shall be appointed as follows: ~~four~~

1. Four members of the House Committee on Labor and Commerce and one member of the House Committee on Appropriations to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; ~~four and~~

2. Four members of the Senate Committee on Commerce and Labor and one member of the Senate Committee on Finance and Appropriations to be appointed by the Senate Committee on Rules; ~~and the~~

The Secretary of Health and Human Resources and the Commissioner of Insurance, or their designees, shall serve ex officio with nonvoting privileges.

~~C. Members of the Commission shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.~~

~~D. The Commission annually shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.~~

Drafting note: Existing § 30-339 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. Provisions relating to terms and vacancies are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

~~§ 30-340. Quorum; meetings; voting on recommendations.~~

~~A. A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~B. No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-341. Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the compensation and costs of expenses of members shall be provided by the State Corporation Commission.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-342~~ 30.1-1432. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Monitor the work of appropriate federal and state agencies in implementing the provisions of the ~~federal Patient Protection and Affordable Care Act (the Act)~~, including any adopted amendments ~~thereto~~ and regulations ~~promulgated thereunder~~;

2. Receive information provided to the Commission pursuant to ~~§ 30-343~~ 30.1-1433 and, on the basis of such information, assess the implications of the Act's implementation on residents of the Commonwealth, businesses operating within the Commonwealth, and the general fund of the Commonwealth;

3. Consider the development of a comprehensive strategy for implementing health reform in ~~Virginia the Commonwealth~~, including recommendations for innovative health care solutions independent of the approach embodied in the Act that meet the needs of ~~Virginia's the Commonwealth's~~ citizens and government by creating an improved health system that will serve as an economic driver for the Commonwealth while allowing for more effective and efficient delivery of high quality care at lower cost;

4. Receive periodic reports from the Bureau ~~of Insurance of the State Corporation Commission (the Bureau)~~ pursuant to § ~~30-343 30.1-1433~~ and recommend, in accordance with the provisions of § ~~30-343.1 30.1-1433~~, health benefits required to be included within the scope of the essential health benefits provided under health insurance products offered in the Commonwealth, including any benefits that are not required to be provided by the terms of the Act;

5. Upon request of the ~~Chairman~~ Chair of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor, assess proposed mandated health insurance benefits and providers as provided in § ~~30-343 30.1-1433~~ and recommend whether, on the basis of such assessments, mandated health insurance benefits and providers be providers under health care plans offered through a health benefit exchange, outside a health benefit exchange, neither, or both;

6. Conduct other studies of mandated health insurance benefits and provider issues as requested by the General Assembly; ~~and~~

7. Develop such recommendations as may be appropriate for legislative and administrative consideration in order to increase access to health insurance coverage, ensure that the costs to business and individual purchasers of health insurance coverage are reasonable, and encourage a robust market for health insurance products in the Commonwealth; ~~and~~

8. Submit reports pursuant to 30.1-1107.

Drafting note: For consistency with other legislative entities, a reference to the reporting requirement for all legislative entities is added to the Commission's powers and duties. Technical changes are made.

3731 § ~~30-343~~ 30.1-1433. Standing committees to request Commission assessment.

3732 A. Whenever a legislative measure containing a mandated health insurance benefit or
3733 provider is proposed that is not identical or substantially similar to a legislative measure
3734 previously reviewed by the Commission within the three-year period immediately preceding
3735 the then-current session of the General Assembly, the Chair of the House Committee on Labor
3736 and Commerce or Senate Committee on Commerce and Labor having jurisdiction over the
3737 proposal shall (i) request that the Commission assess the proposal and (ii) send a copy of such
3738 request to the Bureau ~~of Insurance of the State Corporation Commission (the Bureau)~~. The
3739 Commission shall be given a period of 24 months to complete and submit its assessment on
3740 each such request. A report summarizing the Commission's assessment shall be forwarded to
3741 the ~~chairman~~ chair of the standing committee that requested the assessment. ~~For the purposes~~
3742 ~~of this section, "mandated health insurance benefit or provider" has the same meaning as "state-~~
3743 ~~mandated health benefit" provided in § 38.2-3406.1.~~

3744 B. Upon receipt of a copy of ~~such~~ a request pursuant to subsection A, the Bureau shall
3745 prepare an analysis of the extent to which the proposed mandate is currently available under
3746 qualified health plans in the Commonwealth and advise the Commission as to whether the
3747 applicable agency has determined or would likely determine, in accordance with applicable
3748 federal rules, that the proposed mandate exceeds the scope of the essential health benefits. The
3749 Bureau's analysis shall be advisory only and not binding upon the Commission, the Bureau, the
3750 State Corporation Commission, or any other parties. ~~As used in this section, "applicable~~
3751 ~~agency" means the governmental agency that in accordance with applicable federal rules is~~
3752 ~~responsible for identifying state-mandated benefits that are in addition to the essential health~~
3753 ~~benefits.~~ If the applicable federal rules require an agency of the Commonwealth to identify the
3754 state-mandated benefits that are in addition to the essential health benefits but do not identify a
3755 specific agency that is responsible for making such identification, the Bureau shall be the
3756 applicable agency. Following the Bureau's analysis, the Commission shall determine if the
3757 proposed mandate shall be (i) considered as part of an essential health benefits benchmark plan
3758 review in accordance with the provisions of § ~~30-343.1~~ 30.1-1434, (ii) assessed jointly by the

3759 Bureau and the Joint Commission on Health Care in accordance with subsection C, or (iii)
3760 considered in another manner by the Commission.

3761 C. Upon request of the Commission, the Bureau and the Joint Commission on Health
3762 Care shall jointly assess the social and financial impact and the medical efficacy of the proposed
3763 mandate, ~~which.~~ The assessment shall include an estimate of the effects of enactment of the
3764 proposed mandate on the costs of health coverage in the Commonwealth, including any
3765 estimated additional costs that the Commonwealth may be responsible for pursuant to §
3766 1311(d)(3)(B) of the ~~federal Patient Protection and Affordable Care~~ Act should the proposed
3767 mandate ultimately be determined by the applicable agency to be a benefit that exceeds the
3768 scope of the essential health benefits. Upon completion of ~~the~~ such assessment by the Bureau
3769 and the Joint Commission on Health Care, the Commission may make a recommendation
3770 regarding its support of or opposition to the enactment of the proposed mandate. The
3771 Commission's recommendation may address whether the proposed mandate should be provided
3772 under health care plans offered through a health benefit exchange or outside a health benefit
3773 exchange.

3774 The Commission shall be given a period of 24 months to complete and submit its
3775 assessment on each such request. A report summarizing the Commission's study shall be
3776 forwarded to ~~the Governor and~~ the General Assembly and the Governor.

3777 D. Whenever a legislative measure containing a mandated health insurance benefit or
3778 provider is identical or substantially similar to a legislative measure previously reviewed by the
3779 Commission within the three-year period immediately preceding the then-current session of the
3780 General Assembly, the standing committee may request the Commission to study the measure
3781 as provided in subsection A.

3782 **Drafting note: Technical changes are made.**

3783 § ~~30-343.1~~ 30.1-1434. Review of essential health benefits benchmark plan.

3784 A. ~~As used in this section:~~

3785 ~~"Bureau" means the Bureau of Insurance of the State Corporation Commission.~~

~~"Essential health benefits benchmark plan" or "benchmark plan" has the same meaning as "EHB benchmark plan" provided in 45 C.F.R. § 156.20.~~

~~B.~~ The Commission, in coordination with the Bureau, shall conduct a review of the essential health benefits benchmark plan in 2025 and every five years thereafter in accordance with 45 C.F.R. § 156.111 and this ~~section~~ article.

~~C.~~ B. Prior to any review year, the Bureau shall convene a work group of relevant stakeholders to discuss and make recommendations regarding any potential changes to the benchmark plan. Members of the work group shall possess demonstrated and acknowledged expertise in health benefit plan design, actuarial science, population health, patient advocacy, or advocating for or assisting enrollees in individual or small group health coverage. Factors the work group shall consider include (i) coverage denial rates of benefits that are not covered under the current benchmark plan; (ii) the utilization of mandated benefits; (iii) the projected impact of a proposed mandate on the prevalence of medical need, the urgency of such medical need, and any disproportionate disease burden borne by different subpopulations; (iv) the projected cost of each proposed mandate; and (v) other data as determined by the work group. Additionally, for any referred legislation the Commission ~~has chosen~~ chooses to be considered in the benchmark plan review, the Bureau shall complete an assessment of such legislation that includes an estimate of the effects of including the proposed mandate as part of the benchmark plan on the costs of health coverage in the Commonwealth. The Bureau shall submit the findings and any recommendations of the work group and any assessments of proposed mandates to the Commission by March 31 of the review year.

~~D.~~ C. By June 30 of any review year, the Commission shall determine if an application will be made for a change to the benchmark plan and shall identify any potential benefit changes to the benchmark plan for further analysis. In making its determination and identifying any potential benefit changes, the Commission may consider (i) the findings and recommendations of the work group, (ii) any referred legislation the Commission ~~has chosen~~ chooses to be considered in the benchmark plan review and the Bureau's assessment of such legislation, and (iii) public comment. If the Commission determines that an application will be made for a

3814 change to the benchmark plan, the Commission shall identify any potential benefit changes for
3815 further analysis.

3816 ~~E.~~ D. The Bureau shall conduct an actuarial analysis of any benefit changes identified
3817 by the Commission and present such analysis to the Commission by September 30 of such
3818 review year.

3819 ~~F.~~ E. By December 31 of any review year, the Commission shall determine which, if
3820 any, potential benefit changes shall be included in a new benchmark plan. The Commission
3821 shall make a recommendation to the General Assembly in the form of a bill that directs the
3822 Bureau to select a new benchmark plan that includes any such changes at the next regular
3823 session of the General Assembly.

3824 ~~G.~~ F. During the review year, the Commission shall conduct public hearings to solicit
3825 feedback from consumers and other interested parties regarding any potential benefit changes
3826 to the benchmark plan. At least two public hearings shall be held prior to the Commission's
3827 determination required by subsection ~~D.~~ C. If the Commission has determined that an
3828 application for a new benchmark plan will be made for a change to the benchmark plan, at least
3829 two additional public hearings shall be held prior to selection of a new benchmark plan required
3830 by subsection ~~F.~~ E. Such hearings shall be adequately advertised and planned and shall include
3831 an opportunity for the public to participate both ~~in-person~~ in person and remotely.

3832 ~~H.~~ G. The Bureau shall establish and maintain a website to convey relevant information
3833 to the public related to any benchmark plan review.

3834 **Drafting note: Technical changes are made, including the designation of**
3835 **subdivisions.**

3836 ~~§ 30-344~~ 30.1-1435. Staffing.

3837 ~~Administrative staff support for the Commission shall be provided by the~~ The Office of
3838 the Clerk of the Senate or the Office of Clerk of the House of Delegates as may be appropriate
3839 ~~for the house in which the chairman~~ chair of the Commission ~~serves~~ shall provide administrative
3840 staff support. The Division of Legislative Services shall provide legal, and legislative research,
3841 policy and analysis, ~~and other services~~ as requested by the Commission. The Bureau ~~of~~

~~Insurance of the State Corporation Commission~~ and such other state agencies as may be considered appropriate by the Commission shall provide staff assistance to the Commission. ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; this provision is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

~~§ 30-345. Chairman's executive summary of activity and work of the Commission. The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: This section relating to the Commission's reporting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-346. Repealed.~~

Drafting note: Repealed by Acts 2017, c. 485, cl. 2.

~~CHAPTER 54.~~

~~MEDICAID INNOVATION AND REFORM COMMISSION.~~

Existing Chapter 54 of Title 30 (§ 30-347), consisting of one section, is recommended for repeal as obsolete upon recommendation of the Code Commission.

~~§ 30-347. Medicaid Innovation and Reform Commission; membership; terms; compensation and expenses; definition.~~

~~A. The Medicaid Innovation and Reform Commission (the Commission) is established as a commission in the legislative branch of state government. The purpose of the Commission~~

~~shall be to review, recommend and approve innovation and reform proposals affecting the implementation of Title XIX and Title XXI of the Social Security Act, including eligibility and financing for proposals set out in Item 307 of Chapter 806 of the 2013 Acts of Assembly. Specifically, the Commission shall review (i) the development of reform proposals; (ii) progress in obtaining federal approval for reforms such as benefit design, service delivery, payment reform, and quality and cost containment outcomes; and (iii) implementation of reform measures.~~

~~B. The Commission shall consist of 12 members as follows: the chair of the House Committee on Appropriations, or his designee, and four members of the House Committee on Appropriations appointed by the chair and the chair of the Senate Committee on Finance and Appropriations, or his designee, and four members of the Senate Committee on Finance and Appropriations appointed by the chair. In addition, the Secretaries of Finance and Health and Human Resources shall serve as ex officio, nonvoting members of the Commission.~~

~~C. Members shall serve terms coincident with their terms of office. Vacancies for unexpired terms shall be filled in the same manner as the original appointments. Members may be reappointed for successive terms.~~

~~D. 1. The members of the Commission shall elect a chairman and vice chairman annually. A majority of the voting members of the Commission shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request. The Commission shall meet bimonthly beginning in June 2013, or as soon as possible thereafter.~~

~~2. An affirmative vote by three of the five members of the Commission from the House of Delegates and three of the five members of the Commission from the Senate shall be required to endorse any reform proposal to amend the State Plan for Medical Assistance under Title XIX of the Social Security Act, and any waivers thereof, to implement coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act.~~

3897 ~~E. Legislative members of the Commission shall receive such compensation as provided~~
3898 ~~in § 30-19.12, and nonlegislative members shall receive such compensation as provided in §~~
3899 ~~2.2-2813.~~

3900 **Drafting note: This section is recommended for repeal as obsolete upon**
3901 **recommendation of the Code Commission.**

3902 ~~CHAPTER 57.~~

3903 ~~INTERCOLLEGIATE ATHLETICS REVIEW COMMISSION.~~

3904 Article 8.

3905 Intercollegiate Athletics Review Commission.

3906 **Drafting note: Existing Chapter 57 (Intercollegiate Athletics Review Commission)**
3907 **is retained as proposed Article 8.**

3908 ~~§ 30-359~~ 30.1-1436. Intercollegiate Athletics Review Commission; purpose;
3909 ~~membership; terms; compensation and expenses.~~

3910 ~~A. As used in this chapter, "Commission" means the Intercollegiate Athletics Review~~
3911 ~~Commission.~~

3912 ~~B.~~ The Intercollegiate Athletics Review Commission (the Commission) is established
3913 ~~as an advisory commission~~ in the legislative branch of state government. The purpose of the
3914 Commission is to review the plan and financing recommendations of the board of visitors of
3915 any public institution of higher education in the Commonwealth relating to the institution
3916 adding a major intercollegiate athletics program such as football or basketball or changing the
3917 division level of any of its existing intercollegiate athletics programs as set forth in subsection
3918 I of § 23.1-1309.

3919 **Drafting note: Existing § 30-359 is divided into two proposed sections to**
3920 **standardize the organization of articles establishing legislative entities. This proposed**
3921 **section establishes the Commission's purpose. Technical changes are made.**

3922 § 30.1-1437. Membership.

3923 ~~C.~~ The Commission shall ~~consist of eleven~~ have a total membership of 11 members that
3924 shall include seven legislative members and four ex officio members. Members shall be
3925 appointed as follows: ~~the chair~~

3926 1. The Chair of the House Committee on Appropriations, or his designee, and three
3927 members of the House Committee on Appropriations to be appointed by the ~~chair and the chair~~
3928 Chair; and

3929 2. The Chair of the Senate Committee on Finance and Appropriations, or his designee,
3930 and two members of the Senate Committee on Finance and Appropriations to be appointed by
3931 the ~~chair~~ Chair. ~~In addition, the~~

3932 The Auditor of Public Accounts, the Secretary of Education, the Secretary of Finance,
3933 and the Executive Director of the State Council of Higher Education for Virginia shall serve ~~as~~
3934 ex officio, with nonvoting ~~members of the Commission~~ privileges.

3935 ~~D. Members shall serve terms coincident with their terms of office. Vacancies for~~
3936 ~~unexpired terms shall be filled in the same manner as the original appointments.~~

3937 ~~E. The members of the Commission shall elect a chairman and vice chairman annually.~~
3938 ~~A majority of the voting members of the Commission shall constitute a quorum. The meetings~~
3939 ~~of the Commission shall be held at the call of the chairman or whenever the majority of the~~
3940 ~~members so request.~~

3941 ~~F. Members of the Commission shall receive such compensation and reimbursement of~~
3942 ~~expenses as provided in the general appropriation act.~~

3943 **Drafting note:** Existing § 30-359 is divided into two proposed sections to
3944 standardize the organization of articles establishing legislative entities. This proposed
3945 section establishes the Commission's membership. Provisions relating to terms, officers,
3946 quorums, meetings, and compensation and expenses are proposed for deletion; these
3947 provisions are consolidated in proposed Chapter 11 (General Provisions) and given
3948 general application to all legislative entities. Technical changes are made, including the
3949 designation of subdivisions for clarity.

3950 § ~~30-360~~ 30.1-1438. ~~Review of plans to add a major intercollegiate athletics program~~
3951 ~~or change the division level of an existing intercollegiate athletics program~~ Powers and duties
3952 of the Commission.

3953 A. The Commission shall have the following powers and duties:

3954 1. Review plans and financing recommendations from a public institution of higher
3955 education in the Commonwealth to add a major intercollegiate athletics program or change the
3956 division level of an existing intercollegiate athletics program; and

3957 2. Provide findings and recommendations to such public institution of higher education
3958 as provided in this section.

3959 B. Within two business days of receipt of a plan and financing recommendations for
3960 changing the division level of any existing intercollegiate athletics program pursuant to
3961 subsection I of § 23.1-1309, the Commission shall review the plan and notify the board of
3962 visitors of the public institution of higher education of its findings and recommendations.

3963 ~~B.~~ C. Within 45 business days of receipt of a plan and financing recommendations for
3964 adding a major intercollegiate athletics program such as football or basketball pursuant to
3965 subsection I of § 23.1-1309, the Commission shall review the plan and notify the board of
3966 visitors of the public institution of higher education of its findings and recommendations.

3967 ~~C.~~ D. Findings and recommendations of the Commission may relate to (i) the potential
3968 financial impact of the addition of a major intercollegiate athletics program or a change in the
3969 division level of an existing intercollegiate athletics program upon the Commonwealth and
3970 students; (ii) the potential impact on the subsidy percentage, as that term is defined in § 23.1-
3971 1309; or (iii) the policy aspects of such an addition or change. Review by the Commission shall
3972 not be construed to constitute approval of any ~~appropriations~~ appropriation necessary to
3973 implement any portion of the plan.

3974 ~~D.~~ E. Findings and recommendations of the Commission shall require an affirmative
3975 vote by three of the five members from the House Committee on Appropriations and two of the
3976 three members from the Senate Committee on Finance and Appropriations.

3977 F. The Commission is exempt from the provisions of § 30.1-1107.

Drafting note: Language stating the specific duty of the Commission to review plans and recommendations is added at the beginning of the section for clarity. Subsection F is added to exempt the Commission from the provisions of proposed Chapter 11 (General Provisions) which establishes an annual reporting requirement. Technical changes are made.

~~§ 30-361 30.1-1439. Staff; cooperation from other state agencies~~ Staffing.

~~Administrative staff support shall be provided by the~~ The staffs of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall provide administrative staff support. ~~Additional assistance as needed shall be provided by the~~ The State Council of Higher Education for Virginia shall provide assistance as requested by the Commission.

Drafting note: Technical changes are made.

CHAPTER 15.

COMMEMORATIVE, EDUCATIONAL, AND MEMORIAL ENTITIES.

Drafting note: Proposed Chapter 15, Commemorative, Educational, and Memorial Entities, is created to logically organize legislative entities whose purposes are to preserve the legacy of significant events and people. Existing Chapters 27 (Dr. Martin Luther King, Jr. Memorial Commission), 34.1 (Brown v. Board of Education Scholarship Program and Fund), 55 (Commission on Civic Education), and 66 (American Revolution 250 Commission) are retained as proposed Articles 1 through 4, respectively. Provisions of these proposed articles are reorganized to standardize the organization of articles establishing legislative entities by setting out separate sections for each entity's purpose, membership, powers and duties, staffing, and sunset date, if applicable.

CHAPTER 27.

DR. MARTIN LUTHER KING, JR. MEMORIAL COMMISSION.

Article 1.

Dr. Martin Luther King, Jr. Memorial Commission.

4005 **Drafting note: Existing Chapter 27, establishing the Dr. Martin Luther King, Jr.**
4006 **Memorial Commission, is retained as proposed Article 1.**

4007 § ~~30-192~~ 30.1-1500. Dr. Martin Luther King, Jr. Memorial Commission; purpose.

4008 ~~There is hereby established within the legislative branch, the~~ The Dr. Martin Luther
4009 King, Jr. Memorial Commission, ~~hereinafter referred to as the "Commission,"~~ (the
4010 Commission) is established in the legislative branch of state government. The purpose of the
4011 Commission is to (i) promote the legacy and continuation of the work of Dr. Martin Luther
4012 King, Jr., particularly racial, economic, and social justice, academic scholarship, and
4013 community service; (ii) coordinate and lead year-round educational and commemorative
4014 activities throughout the Commonwealth that inform the public of his principles, achievements,
4015 and contributions, giving special emphasis to his career as a scholar, author, orator, community
4016 leader, conciliator, and theologian; and to the federal and state Dr. Martin Luther King, Jr.
4017 Holiday; (iii) facilitate public policy analysis relative to his principles and teachings; (iv) foster
4018 an appreciation of diverse cultures, particularly minority populations within the
4019 Commonwealth; and (v) provide opportunities for public discourse on contemporary issues.

4020 **Drafting note: Technical changes are made.**

4021 § ~~30-192.1~~ 30.1-1501. Membership; ~~terms~~.

4022 The Commission shall ~~be composed~~ have a total membership of 18 members that ~~consist~~
4023 of shall include 10 legislative members ~~and eight, six~~ nonlegislative citizen members, and two
4024 ex officio members. Members shall be appointed as follows: ~~four members of the Senate, to be~~
4025 ~~appointed by the Senate Committee on Rules; six~~

4026 1. Six members of the House of Delegates, ~~to be appointed by the Speaker of the House,~~
4027 of Delegates in accordance with the principles of proportional representation contained in the
4028 Rules of the House of Delegates; ~~the Executive Director of Living the Dream; the President of~~
4029 ~~the Foundation for the Humanities and Public Policy; three nonlegislative citizen members, of~~
4030 ~~whom one shall be a representative of the Southern Christian Leadership Conference of~~
4031 ~~Virginia and two shall be nonlegislative citizens at-large, to be appointed by the Senate~~
4032 ~~Committee on Rules; and three~~

2. Four members of the Senate to be appointed by the Senate Committee on Rules;

3. Three nonlegislative citizen-~~at-large~~ members, to be appointed by the Speaker of the House of Delegates. ~~Nonlegislative citizen members shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. The Senate Committee on Rules and the Speaker of the House shall ensure, to the extent possible, that their respective appointments to the Commission reflect the demographic population of the Commonwealth.~~

~~Legislative members and nonlegislative citizen members serving by virtue of their office on the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and nonlegislative citizen members may be reappointed for successive terms. Vacancies shall be filled in the same manner as the original appointments.~~

~~The Commission shall elect a chairman and a vice chairman from among its membership who shall be members of the General Assembly; and~~

4. Three nonlegislative citizen members, of whom one shall be a representative of the Southern Christian Leadership Conference of Virginia, to be appointed by the Senate Committee on Rules.

The Executive Director of Living the Dream and the Executive Director of Virginia Humanities shall serve ex officio.

The Senate Committee on Rules and the Speaker of the House shall ensure, to the extent possible, that their respective appointments to the Commission reflect the demographic population of the Commonwealth.

Drafting note: The obsolete title, "President of the Foundation for the Humanities and Public Policy," is updated to the current title for that position, "Executive Director of Virginia Humanities." Provisions relating to terms, vacancies, officers, and

reimbursement are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the insertion of subdivisions for clarity.

~~§ 30-192.2. Quorum; meetings; voting on recommendations.~~

~~A majority of the members shall constitute a quorum. The Commission shall meet no more than four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.~~

~~No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A specific provision limiting the Commission's meetings to four per year is relocated to proposed § 30.1-1502.

~~§ 30-192.3. Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such compensation and expenses shall be paid from existing appropriations to the Commission, or if unfunded, shall be approved by the Joint Rules Committee.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-192.4~~ 30.1-1502. Powers and duties of the Commission.

4089 A. The Commission shall have the following powers and duties:

4090 1. Identify, plan, develop, and implement appropriate programs and events that further
4091 the philosophy and memory of Dr. Martin Luther King, Jr.;

4092 2. Monitor the educational goals, programs, and objectives of public and private schools
4093 to encourage the recognition and inclusion of the achievements and contributions of ethnic and
4094 minority groups;

4095 3. Inventory and review, biennially, activities and events sponsored by localities in the
4096 Commonwealth and those instituted or offered by public and private schools ~~and or~~ institutions
4097 of higher education designed to honor Dr. King's memory;

4098 4. Facilitate the analysis of public policy relative to Dr. King's principles and
4099 philosophy, including his work pertaining to social and economic justice, ethics, and racial
4100 equality, and promote the appreciation of diverse cultures among the citizenry;

4101 5. Collaborate with The King Center in Atlanta and other established state and local
4102 entities and community organizations in activities and events that commemorate the birth and
4103 death ~~of Dr. King~~ and in initiatives designed to perpetuate ~~the his~~ work and legacy ~~of Dr. Martin~~
4104 Luther King, Jr.;

4105 6. Establish a memorial to honor Dr. Martin Luther King, Jr., in which (i) records, oral
4106 histories, and memorabilia documenting his relationship with and impact on the
4107 Commonwealth may be acquired and preserved; (ii) information concerning his life, work,
4108 teachings, writings, and philosophy may be collected, preserved, and accessed for educational
4109 and cultural purposes; and (iii) scholarly inquiry and writing, undergraduate and graduate study,
4110 and policy analysis may be conducted;

4111 7. Encourage and support collaborative activities among state, local, and national
4112 organizations that (i) emphasize the noncommercialization of the state and federal Dr. Martin
4113 Luther King, Jr. Holiday; (ii) present ~~his~~ Dr. King's life and achievements in historical context; ~~;~~
4114 (iii) articulate the relationship between his philosophy, contributions, and current public
4115 policies; ~~;~~ and (iv) demonstrate his principles consistently through significant participation of

persons of diverse racial, ethnic, and cultural backgrounds in public and private endeavors and enterprises;

8. Monitor and evaluate state, local, and national public policy relative to the principles and philosophy of Dr. King, and make appropriate recommendations to ~~the Governor and the~~ General Assembly and the Governor to maintain progress ~~towards~~ toward social and economic justice and equal opportunity for all citizens;

9. ~~Apply for~~ Seek, receive, and expend ~~such~~ gifts, donations, grants, bequests, ~~and or~~ other funds from any source ~~as may be received or that becomes available in connection with its duties under this chapter, and may comply with such conditions and requirements as may be imposed in connection therewith~~ to support the work of the Commission and facilitate the objectives of this article;

10. Seek, accept, and direct the expenditure of public and private contributions to ~~enable it to~~ carry out the ~~purposes of this chapter~~ Commission's purpose and ~~to~~ enhance its fiscal stability, financial management, and ~~fund raising~~ fundraising abilities;

11. Submit reports pursuant to § 30.1-1107; and

11. 12. Perform such other duties, functions, and activities as may be necessary to facilitate ~~or and~~ implement the ~~Commission's~~ objectives of this article.

B. The Commission shall meet no more than four times each year.

Drafting note: For consistency with other legislative entities, a reference to the reporting requirement for all legislative entities is added to the Commission's powers and duties. A provision limiting the Commission's meetings to four per year is relocated from existing § 30-192.2. Technical changes are made.

~~§ 30-192.5~~ 30.1-1503. Staffing.

The Office of the Clerk of the ~~chairman~~ chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal, and legislative research, policy and analysis, ~~and other services~~ as requested by the Commission. ~~All agencies of the Commonwealth shall assist the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; this provision is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

~~§ 30-192.6. Chairman's executive summary of activity and work of the Commission. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a state document. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: This section relating to the Commission's reporting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-192.7~~ 30.1-1504. Dr. Martin Luther King, Jr. Commission Fund established. There is ~~hereby~~ created in the state treasury a special nonreverting fund to be known as the Dr. Martin Luther King, Jr. Commission Fund, ~~hereafter referred to as "the Fund (the Fund)."~~ The Fund shall be established on the books of the Comptroller. All moneys, including gifts, donations, grants, bequests, and other funds from any source ~~as may be received by the Commission~~, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in and be credited to the Fund ~~and be credited to it~~. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of supporting the Commission's work and as seed money to generate additional funds. Expenditures and disbursements from the Fund shall be made by the State

Treasurer on warrants issued by the Comptroller upon written request signed by the ~~chairman~~ chair, upon the approval of a majority of the members of the Commission.

Drafting note: Technical changes are made.

~~§§ 30-192.8 through 30-192.14.~~

Drafting note: Repealed by Acts 2005, c. 731, cl. 2.

~~CHAPTER 28.~~

~~CAPITOL SQUARE PRESERVATION COUNCIL.~~

Drafting note: Existing Chapter 28 of Title 30 (§ 30-193 et seq.), consisting of three sections, is recommended for repeal as obsolete pursuant language contained in Budget Item 8 of Chapter 725 of the Acts of Assembly of 2025.

~~§ 30-193. Capitol Square Preservation Council; membership; terms; compensation and expenses; quorum; "Capitol Square" defined.~~

~~A. The Capitol Square Preservation Council (the Council) is established in the legislative branch of state government. The Council shall consist of 13 members as follows: three members appointed by the Speaker of the House of Delegates, after consideration of the lists of nominations provided by the governing bodies of The Garden Club of Virginia, the Historic Richmond Foundation, and Preservation Virginia, if any; two members appointed by the Senate Committee on Rules, after consideration of the lists of nominations provided by the governing bodies of the Virginia Society of the American Institute of Architects and the Virginia Museum of Fine Arts, if any; five nonlegislative citizen members appointed by the Governor, two after consideration of the lists of nominations provided by the governing bodies of the Virginia Chapter of the American Society of Landscape Architects and the Virginia Historical Society, if any, one from the membership of the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion, and two citizens at large; the Secretary of Administration or his designee; and the Clerks of the House of Delegates and the Senate, who shall serve ex officio with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth.~~

4198 B. A personnel committee of the Council is established, consisting of the Clerk of the
4199 House of Delegates, the Clerk of the Senate, the Secretary of Administration, and the chairman
4200 of the Council or their designees. The personnel committee shall establish the personnel policies
4201 for the Chief Administrative Officer of the Council employed pursuant to § 30-194. The Chief
4202 Administrative Officer shall report to the personnel committee regarding proposed projects and
4203 activities and shall seek the prior approval of the personnel committee for personnel
4204 expenditures related to such projects and activities.

4205 C. Following the initial staggering of terms, all appointments to the Council shall be for
4206 terms of three years, except any legislative member appointed shall serve a term coincident
4207 with his terms of office. Vacancies occurring other than by expiration of a term shall be filled
4208 for the unexpired term in the same manner as the original appointment. No member shall be
4209 eligible to serve more than two successive three-year terms, except any legislative member
4210 appointed may be reappointed for successive terms without limitation. However, after
4211 expiration of a term of three years or less, or after the expiration of the remainder of a term to
4212 which he was appointed to fill a vacancy, two additional terms may be served by such member
4213 if appointed thereto.

4214 D. The members of the Council shall elect from among its membership a chairman and
4215 a vice chairman for two-year terms. The chairman and vice chairman may not succeed
4216 themselves to the same position. The Council shall hold meetings quarterly, or upon the call of
4217 the chairman. A majority of the members of the Council shall constitute a quorum.

4218 E. Members of the Council shall not receive compensation, but shall be reimbursed for
4219 all reasonable and necessary expenses incurred in the performance of their duties as provided
4220 in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be
4221 provided from existing appropriations to the Council.

4222 F. For the purposes of this article, "Capitol Square" means the grounds and the interior
4223 and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor,
4224 Broad, and Ninth Streets. The term also includes the exterior of all state buildings that are at
4225 least 50 years old and bordering the boundary streets. The term does not include the interiors

~~of the General Assembly Building, the Washington Building, the Jefferson Building, or the Governor's Mansion.~~

~~§ 30-194. Powers and duties of the Council; Chief Administrative Officer; annual report.~~

~~A. With regard to the architectural, historical, archeological, and landscape features of Capitol Square and antiquities contained therein, the Council shall:~~

~~1. Inventory and assess their condition;~~

~~2. Develop plans and recommendations for their maintenance and preservation and for the enhancement of their historical and architectural integrity;~~

~~3. Develop recommendations for the promotion of activities and efforts that will enhance interpretive and educational opportunities;~~

~~4. Review all plans or proposals for alterations, improvements, additions, renovations, or other disposition that is structural or architectural in nature. No implementation of such plans or proposals shall take place prior to review by the Council. The Council shall report its findings on each plan or proposal to the Governor and the agency responsible for the plan or proposal. However, the Council's Chief Administrative Officer and the Director of the Department of General Services shall enter into a memorandum of agreement describing the type of plans and proposals that are of such a routine or operational nature to not require review by the Council; and~~

~~5. Review and approve all plans or proposals for alterations, improvements, additions, or renovations to, or other disposition of, any monuments, statuary, artwork, or other historical artifacts contained within the Capitol Building, including within the Rotunda, the old Senate chamber, and the old hall of the House of Delegates, and excluding the new Senate chamber and the new hall of the House of Delegates, office space, and any other area designated as legislative space that is not open to the public. Nothing in this subdivision shall apply to the personal belongings of any employee or elected or appointed official working within the Capitol Building.~~

~~B. The Council may employ a Chief Administrative Officer and determine his duties and compensation within the amounts appropriated therefor. The Chief Administrative Officer~~

~~shall be qualified to carry out the duties to which he is assigned and shall work at the pleasure of the Council. The Council may also obtain such assistance as it may deem necessary, and may employ, within the amounts appropriated therefor, experts who have special knowledge of the issues before the Council.~~

~~C. The Council may enter into partnerships, joint ventures, and other collaborative relationships with organizations in furtherance of the Council's duties.~~

~~D. The Council may, unless otherwise restricted by the Governor or the General Assembly, under terms approved by the Attorney General, accept gifts and grants in furtherance of its duties. This provision shall be deemed to be in addition to and not in conflict with any other powers or authorities related to the acceptance of gifts and grants under other provisions of this Code.~~

~~E. The Council may enter into contracts in the furtherance of its duties in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.).~~

~~F. Neither the Council nor its staff in fulfilling their responsibilities shall act in a manner inconsistent with subsection A of § 2.2-1144.~~

~~G. The Council shall make a report on its activities and recommendations, if any, annually by December 1 to the Governor and the General Assembly. The Council shall make such further interim reports to the Governor and the General Assembly as it deems advisable or as required by the General Assembly.~~

~~§ 30-195. Duties of the chief administrative officer.~~

~~A. The Chief Administrative Officer shall work under the direction and control of the Council and shall exercise the powers and duties conferred upon him by law or requested by the Council pursuant to authorities conferred by this chapter.~~

~~B. The Chief Administrative Officer shall be vested with the authority of the Council when it is not in session, subject to guidelines or delegations prescribed by the Council.~~

~~C. The Chief Administrative Officer shall, upon request, act as an advisor to the Governor, the Art and Architectural Review Board, the Citizens' Advisory Council on~~

~~Furnishing and Interpreting the Executive Mansion, and other state agencies dealing with architectural, historical, archeological, and landscape features of Capitol Square.~~

~~D. The Chief Administrative Officer may employ an Architectural Historian who shall serve as curator for the architectural, historical, archeological, and landscape features of Capitol Square.~~

Drafting note: This section is recommended for repeal as obsolete pursuant language contained in Budget Item 8 of Chapter 725 of the Acts of Assembly of 2025.

~~CHAPTER 34.1.~~

~~BROWN V. BOARD OF EDUCATION SCHOLARSHIP PROGRAM AND FUND.~~

~~Article 2.~~

~~Brown v. Board of Education Scholarship Program and Fund.~~

Drafting note: Existing Chapter 34.1, establishing the Brown v. Board of Education Scholarship Program and Fund, is retained as proposed Article 2.

~~§ 30-231.01~~ 30.1-1505. Definitions.

As used in this ~~chapter article~~, unless the context ~~indicates otherwise requires a different meaning~~:

"Accredited career and technical education postsecondary school" means (i) a privately owned and managed; academic-vocational non-college degree school, ~~none college non-college degree school~~, postsecondary school, or ~~a~~ vocational non-college degree school, as such terms are defined in § 23.1-213; (ii) formed, incorporated, or chartered within the Commonwealth and whose administrative office and principal campus is located in ~~Virginia the Commonwealth~~; (iii) accredited by a national or regional organization or agency recognized by the ~~United States U.S.~~ Secretary of Education for accrediting purposes; and (iv) certified by the State Council of Higher Education for Virginia to award certificates and diplomas or to confer degrees, pursuant to § 23.1-219.

"Approved education program" means an educational agency or transition program or services accepted for participation in the Program by the ~~Brown v. Board of Education Scholarship~~ Committee.

4309 "College-Level Examination Program ~~(CLEP)~~ or "CLEP" means a program consisting
4310 of a series of general and subject examinations in undergraduate college courses that measures
4311 an individual's ~~college-level~~ college-level knowledge gained through ~~course-work~~ coursework,
4312 independent study, cultural pursuits, travel, special interests, military service, and professional
4313 development; for the purpose of earning college credit.

4314 "Committee" means the Brown v. Board of Education Scholarship Committee.

4315 "Dual enrollment" means the concurrent enrollment of a scholarship recipient in an adult
4316 education program for the high school diploma and a public or private accredited two-year or
4317 four-year ~~Virginia~~ institution of higher education in the Commonwealth.

4318 "Educational agency" means any (i) public school in the Commonwealth, (ii) public or
4319 private accredited two-year or four-year ~~Virginia~~ institution of higher education in the
4320 Commonwealth that is in compliance with the Southern Association of Colleges and Schools
4321 Commission on Colleges accreditation standards for institutions and academic programs or
4322 other national or regional organization or agency recognized by the ~~United States~~ U.S. Secretary
4323 of Education for accrediting purposes, (iii) high school equivalency preparation program in
4324 compliance with Board of Education guidelines, (iv) College-Level Examination Program
4325 ~~(CLEP)~~ in compliance with the requirements of the College Board governing ~~college-level~~
4326 college-level examination programs, or (v) accredited career and technical education
4327 postsecondary school in the Commonwealth, that accepts for ~~admission recipients of~~
4328 scholarship recipients under the ~~Brown v. Board of Education Scholarship~~ Program.

4329 "Eligible student" means a person who resided in a jurisdiction in the Commonwealth
4330 between 1954 and 1964 in which the public schools were closed to avoid desegregation and
4331 who (i) was unable during such years to (a) begin, continue, or complete his education in the
4332 public schools of the Commonwealth; (b) attend a private academy or foundation, whether
4333 within or outside of the Commonwealth, established to circumvent desegregation; or (c) pursue
4334 postsecondary education opportunities or training because of the inability to obtain a high
4335 school diploma or (ii) was required to relocate within or outside of the Commonwealth to begin,
4336 continue, or complete his public education during such years because public schools were

4337 closed to avoid desegregation. "Eligible student" also means a lineal or collateral descendant of
4338 such person. "Eligible student" includes only persons currently domiciled and residing in the
4339 Commonwealth.

4340 "Fund" means the Brown v. Board of Education Scholarship Program Fund.

4341 "Graduate degree program" means an accredited academic program of study offered by
4342 ~~a Virginia~~ an institution of higher education in the Commonwealth that has been accepted for
4343 participation in the Program by the ~~Brown v. Board of Education Scholarship~~ Committee to
4344 which scholarship recipients are accepted for admission and for which successful completion
4345 of the academic program culminates in the awarding of the masters or doctoral degree.

4346 "High school equivalency preparation program" means a program of preparation and
4347 instruction for adults who did not complete high school, and for youth who have been granted
4348 permission by the division superintendent of the school in which they are enrolled, to take a
4349 high school equivalency examination approved by the Board of Education.

4350 "Professional degree program" means an accredited graduate level program of study
4351 offered by ~~a Virginia~~ an institution of higher education in the Commonwealth that has been
4352 accepted for participation in the Program by the ~~Brown v. Board of Education Scholarship~~
4353 Committee to which scholarship recipients are accepted for admission and successful
4354 completion of the academic program culminates in the award of a degree in medicine, dentistry,
4355 nursing, law, pharmacy, optometry, engineering, architecture, veterinary medicine, or other
4356 discipline approved by the Committee.

4357 "Program" means the Brown v. Board of Education Scholarship Program ~~and Fund~~.

4358 "Transition program and services" means individualized instruction or a compensatory
4359 education program designed to provide remediation, acceleration, or fundamental basic life
4360 skills to assist scholarship recipients in overcoming learning problems or to prepare such
4361 persons for academic success in an approved education program.

4362 **Drafting note: Technical changes are made, including establishing separate terms**
4363 **for "Program" and "Fund" for clarity and consistency throughout the article.**

4364 § ~~30-231.1~~ 30.1-1506. Brown v. Board of Education Scholarship Program ~~created~~;
4365 purpose.

4366 ~~There is hereby created, from such funds made available for this purpose, the Brown v.~~
4367 ~~Board of Education Scholarship Program, hereinafter referred to as the "Program."~~ The
4368 Program ~~shall be~~ is established for the purpose of assisting students who were enrolled in the
4369 public schools of ~~Virginia~~ the Commonwealth between 1954 and 1964, in jurisdictions in which
4370 the public schools were closed to avoid desegregation, and their lineal or collateral descendants,
4371 in obtaining any of the following: the adult high school diploma; a passing score on a high
4372 school equivalency examination approved by the Board of Education; ~~College Level~~
4373 ~~Examination Program (CLEP)~~ credit; career or technical education or training in an approved
4374 program at a comprehensive community college or at an accredited career and technical
4375 education postsecondary school in the Commonwealth; an undergraduate degree from an
4376 accredited associate-degree-granting or baccalaureate (i) private institution of higher education
4377 or (ii) public institution of higher education; a graduate degree at the masters or doctoral level;
4378 or a professional degree from an accredited baccalaureate private institution of higher education
4379 in the Commonwealth or baccalaureate public institution of higher education in the
4380 Commonwealth.

4381 **Drafting note: The phrase "and their lineal or collateral descendants" is added to**
4382 **better reflect the purpose of the Program under existing law. Technical changes are made**
4383 **to modernize and clarify language.**

4384 § ~~30-231.5~~ 30.1-1507. Brown v. Board of Education Scholarship Committee
4385 ~~established; membership; terms; vacancies; chairman and vice-chairman~~ purpose.

4386 A. ~~There is hereby established in the legislative branch of state government the Brown~~
4387 ~~v. Board of Education Scholarship~~ The Committee, ~~hereinafter referred to as the "Committee,"~~
4388 is established in the legislative branch of state government. The purpose of the Committee is to
4389 evaluate applications for and select ~~recipients of the Brown v. Board of Education~~ eligible
4390 students to receive scholarships, ~~in accordance with the provisions of this chapter under the~~
4391 Program.

Drafting note: Provisions relating to terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

§ 30.1-1508. Membership.

~~B.~~ A. The Committee shall ~~consist~~ have a total membership of 11 members that shall include six legislative members and five nonlegislative citizen members. Members shall be appointed as follows: ~~(i) four~~

1. Four members of the House of Delegates ~~and two to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;~~

2. Two members of the Senate to be appointed by the ~~Joint Rules Committee~~ Senate Committee on Rules; and ~~(ii) five~~

3. Five nonlegislative citizen members, of whom one shall represent college admissions personnel, one shall have expertise in academic and career counseling, and three shall represent residents of the affected jurisdictions, to be appointed by the Governor. ~~Nonlegislative citizen members of the Committee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the Committee and the Joint Rules Committee, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.~~

~~C. Legislative members of the Committee shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and nonlegislative citizen members may be reappointed. However, no House member shall serve more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a nonlegislative citizen member is appointed to fill a vacancy shall not constitute a term in~~

determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Committee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

Drafting note: Provisions relating to terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the insertion of subdivisions for clarity.

~~§ 30-231.6. Quorum; meetings; voting on recommendations.~~

~~A majority of the voting members shall constitute a quorum. The Committee shall meet not more than four times each year. The meetings of the Committee shall be held at the call of the chairman or whenever the majority of the voting members so request. No recommendation of the Committee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Committee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Committee.~~

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A specific provision limiting the Commission's meetings to four per year is relocated to proposed § 30-1509 [§ 30-231.8].

~~§ 30-231.7. Compensation; expenses.~~

~~Legislative members of the Committee shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such compensation and expenses shall be paid from existing appropriations to the Committee, or if unfunded, shall be approved by the Joint Rules Committee.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

§ ~~30-231.8~~ 30.1-1509. Powers and duties of the Committee.

A. The Committee shall have the following powers and duties:

1. Establish criteria for the awarding of scholarships, including, ~~but not limited to,~~ eligibility for and ~~the~~ renewal of scholarships; evidence of satisfactory academic achievement in accordance with § ~~30-231.2,~~ 30.1-1511; terms and conditions of scholarships awarded pursuant to § ~~30-231.3,~~ the 30.1-1512; cancellation, rescindment, and recovery of scholarship awards; and conditions for which repayment of scholarships, or any part thereof, may be required;

2. Evaluate applications for and select recipients of ~~the Brown v. Board of Education~~ scholarships, ~~in accordance with the provisions of this chapter~~ under the Program;

3. Establish standards and determine approved education programs to ensure that the Program is implemented and administered in a manner that preserves the purpose for which it was created;

4. Establish, revise as necessary, and implement policies and standards to govern all aspects of the Program;

5. Confer with the Board of Education, Virginia Community College System, State Council of Higher Education of Virginia, and Private College Advisory Board to the State Council of Higher Education of Virginia to establish a protocol to facilitate (i) the dual enrollment of eligible students in two-year and four-year degree programs, and (ii) the conventional enrollment of ~~such eligible~~ students in public and private two-year and four-year accredited institutions of higher education;

6. Develop and implement a system to provide individualized transition programs and services, including, ~~but not limited to,~~ remediation, acceleration, and fundamental basic life skills, designed to prepare eligible students for academic success in the preparation program for a high school equivalency examination approved by the Board of Education; earning college

credit through ~~the College Level Examination Program (CLEP)~~ examinations; adult basic education programs; and two-year, four-year, graduate, and professional degree programs;

7. Determine annually the sum of any gifts, grants, donations, bequests, or other funds in the ~~Brown v. Board of Education Scholarship Program~~ Fund, ~~and~~ set the annual maximum scholarship award, and determine the maximum number of scholarships that may be awarded each year;

8. Seek, receive, and expend gifts, grants, donations, bequests, or other funds from any source on behalf of the Program for its support and to facilitate its purpose;

9. Make ~~the first~~ awards of the ~~Brown v. Board of Education Scholarship~~ Program annually to eligible students ~~between July 1, 2004, and July 1, 2006, but no later than July 1, 2006~~ selected by the Committee;

10. Submit reports pursuant to § 30.1-1107; and

~~10.-11.~~ Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this chapter article.

B. The Commission shall meet no more than four times each year.

Drafting note: For consistency with other legislative entities, a reference to the reporting requirement for all legislative entities is added to the Committee's powers and duties. A specific provision limiting the Commission's meetings to four per year is relocated from existing § 30-231.6. An obsolete reference to the initial timeline for scholarship implementation is proposed for deletion. Technical changes are made for clarity and consistency.

~~§ 30-231.9 30.1-1510. Staff support; State Council of Higher Education to advise and assist Committee Staffing.~~

The Office of the Clerk of the ~~chairman~~ chair of the Committee shall provide administrative staff support. The Division of Legislative Services shall provide legal, and legislative research, ~~policy and analysis and other services~~ as requested by the Committee. The State Council of Higher Education for Virginia, consistent with its statutory responsibilities for higher education in the Commonwealth, shall advise and provide technical assistance to the

4504 Committee in the implementation and administration of the Program, ~~in accordance with the~~
4505 ~~provisions of this chapter and~~ in the manner as may be requested by the Committee. ~~All agencies~~
4506 ~~of the Commonwealth shall provide assistance to the Committee, upon request.~~

4507 **Drafting note: A provision relating to agency assistance is proposed for deletion;**
4508 **this provisions is consolidated in proposed Chapter 11 (General Provisions) and given**
4509 **general application to all legislative entities. A substantive change is made to more**
4510 **accurately reflect the staffing requirements of the Division of Legislative Services as the**
4511 **Division has been operating in practice. Technical changes are made.**

4512 ~~§ 30-231.10. Chairman's executive summary of activity and work of the Committee.~~

4513 ~~The chairman shall submit to the General Assembly and the Governor an annual~~
4514 ~~executive summary of the interim activity and work of the Committee no later than the first day~~
4515 ~~of each regular session of the General Assembly. The executive summary shall state whether~~
4516 ~~the Committee intends to submit to the General Assembly and the Governor a report of its~~
4517 ~~findings and recommendations for publication as a state document. The executive summary~~
4518 ~~shall be submitted as provided in the procedures of the Division of Legislative Automated~~
4519 ~~Systems for the processing of legislative documents and reports and shall be posted on the~~
4520 ~~General Assembly's website.~~

4521 **Drafting note: This section relating to reporting requirements is proposed for**
4522 **deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions)**
4523 **and given general application to all legislative entities.**

4524 ~~§ ~~30-231.4~~ 30.1-1511. Brown v. Board of Education Scholarship Program Fund~~
4525 ~~established.~~

4526 There is ~~hereby~~ created in the state treasury a special nonreverting fund to be known as
4527 the Brown v. Board of Education Scholarship Program Fund, ~~hereafter referred to as the "Fund."~~
4528 The Fund shall be established on the books of the Comptroller and shall consist of gifts, grants,
4529 donations, bequests, or other funds from any source as may be received by the ~~Brown v. Board~~
4530 ~~of Education Scholarship~~ Program or the ~~Brown v. Board of Education Scholarship~~ Committee
4531 on behalf of the Program. Moneys shall be paid into the state treasury and credited to the Fund.

4532 Interest earned on moneys in the Fund shall remain in and be credited to the Fund ~~and be~~
4533 ~~credited to it~~. Any moneys remaining in the Fund, including interest thereon, at the end of each
4534 fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund
4535 shall be used solely for the purpose of awarding scholarships to eligible students, pursuant to
4536 §§ ~~30-231.2~~ 30.1-1512 and ~~30-231.3~~ 30.1-1513. Expenditures and disbursements for
4537 scholarships to eligible students from the Fund shall be made by the State Treasurer on warrants
4538 issued by the Comptroller upon written request signed by the ~~Chairman~~ chair of the State
4539 Council of Higher Education for Virginia as directed by the ~~Brown v. Board of Education~~
4540 Scholarship Committee.

4541 **Drafting note: Technical changes are made to modernize and standardize the**
4542 **language used to establish special funds for legislative entities.**

4543 § ~~30-231.2~~ 30.1-1512. Criteria for awarding and renewal of scholarships; ~~awards made~~
4544 by the ~~Brown v. Board of Education Scholarship~~ Committee; ~~eligible students; Standards of~~
4545 ~~Learning requirements and assessments waived for eligible students~~ eligibility; penalty.

4546 ~~With~~ A. Scholarships shall be awarded to eligible students annually by the Committee
4547 with the funds made available from gifts, grants, donations, bequests, and other funds as may
4548 be received for such purpose; ~~scholarships shall be awarded annually~~.

4549 ~~Awards~~ B. Scholarships may be granted for part-time or full-time attendance ~~for no~~
4550 ~~more than one~~ and shall be limited to:

4551 1. One year of study for students enrolled in adult education programs for the high
4552 school diploma and preparation programs for a high school equivalency examination approved
4553 by the Board of Education or ~~the College Level Examination Program (for CLEP) credit;~~ and
4554 ~~for no~~

4555 2. No more than the minimum number of credit hours required to complete program
4556 requirements, except as approved by the Committee for students enrolled in the following
4557 approved education programs: ~~(i) an~~

4558 a. An approved career or technical education or training program at a comprehensive
4559 community college, or at an accredited career and technical education postsecondary school in
4560 the Commonwealth; ~~(ii)-a~~

4561 b. A two-year undergraduate comprehensive community college program; ~~(iii)-a~~

4562 c. A four-year undergraduate degree program; ~~(iv)-a~~

4563 d. A recognized five-year undergraduate degree program; ~~(v)-a~~

4564 e. A masters or doctoral level degree program; ~~and (vi)-a~~ or

4565 f. A professional degree program.

4566 Awards-Scholarships granted may also be used for ~~the College Level Examination~~
4567 ~~Program (CLEP)~~ examinations and costs related to preparation for ~~the~~ tests, transition programs
4568 and services, and dual enrollment programs as may be approved by the Committee, in
4569 accordance with § ~~30-231.8~~ 30.1-1509. ~~Awards granted to applicants accepted for enrollment~~
4570 ~~at accredited career and technical education postsecondary schools shall be made in accordance~~
4571 ~~with Article VIII, Section 11 of the Constitution of Virginia. In addition, no~~

4572 C. No scholarship under ~~this the~~ Program shall be used to obtain multiple baccalaureate,
4573 masters, doctoral, or professional degrees.

4574 B. D. The Standards of Learning requirements and all related assessments shall be
4575 waived for any student awarded a scholarship under ~~this the~~ Program and enrolled in an adult
4576 basic education program to obtain the high school diploma.

4577 C. E. No student pursuing a course of religious training or theological education or a
4578 student enrolled in any institution whose primary purpose is to provide religious training or
4579 theological education shall be eligible to receive a scholarship ~~awards~~. However, nothing in this
4580 section shall be construed to prohibit a student from taking courses of a religious or theological
4581 nature to satisfy undergraduate and graduate elective requirements for a liberal arts nonreligious
4582 degree.

4583 D. F. Only students who are domiciled residents of ~~Virginia the Commonwealth~~ as
4584 defined by § 23.1-502 shall be eligible to receive ~~such scholarship~~ awards. ~~However, to~~
4585 ~~facilitate the~~ For purposes of this Program only, the Committee may establish a list of

acceptable documents to verify United States citizenship and legal presence in the Commonwealth from among those included in regulations promulgated by the Department of Motor Vehicles governing legal presence in the Commonwealth to obtain a driver's license or identification card, and regulations promulgated by the State ~~Health~~ Department of Health governing requests for and access to vital records.

~~E. Scholarships shall be awarded to eligible students by the Committee.~~

~~F.~~ G. Scholarships may be renewed, upon request, annually if the recipient:

1. Maintains ~~Virginia~~ domicile and residency in the Commonwealth;

2. Evidences satisfactory academic achievement and progress toward program completion; and

3. Maintains continuous enrollment in an approved education program until graduation or program completion, in accordance with the provisions of this section and § ~~30-231.1~~ 30.1-1506.

For scholarship renewal purposes, the Committee may extend the period in which satisfactory academic achievement shall be demonstrated for no more than two semesters or the equivalent thereof.

~~G. For the purpose of this chapter, "eligible student" means a person who resided in a jurisdiction in Virginia between 1954 and 1964 in which the public schools were closed to avoid desegregation and who (i) was unable during such years to (a) begin, continue, or complete his education in the public schools of the Commonwealth, (b) ineligible to attend a private academy or foundation, whether in state or out of state, established to circumvent desegregation, or (c) pursue postsecondary education opportunities or training because of the inability to obtain a high school diploma or (ii) was required to relocate within or outside of the Commonwealth to begin, continue, or complete his public education during such years because public schools were closed to avoid desegregation. "Eligible student" also means a lineal or collateral descendant of such person. "Eligible student" includes only persons currently domiciled and residing in the Commonwealth.~~

H. Any person who knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any application for a scholarship is guilty of a Class 3 misdemeanor.

Drafting note: Proposed subsection H is relocated from existing § 30-231.3 to logically organize provisions relating to the application process. Technical changes are made, and duplicative provisions are proposed for deletion.

~~§ 30-231.3~~ 30.1-1513. Amount and use of scholarships; ~~use of scholarships;~~ disbursement and recovery of scholarship funds; terms and conditions; ~~penalty~~.

~~A. Scholarships shall be awarded from gifts, grants, donations, bequests, or other funds made available to the Program.~~ No scholarship awarded under ~~this~~ the Program shall exceed the total annual costs of tuition, a book allowance, and fees assessed by the educational agency for the specific program in which the student is enrolled, as determined by the Committee.

B. The full amount of each scholarship awarded to a recipient shall be used solely for the payment of tuition, a book allowance, and fees, or for a one-time only payment of the costs of a preparation program, instructional materials, and high school equivalency examinations approved by the Board of Education or ~~the College-Level Examination Program (CLEP)~~ examinations.

C. Awards granted to applicants accepted for enrollment at accredited career and technical education postsecondary schools shall be made in accordance with Article VIII, ~~section~~ Section 11 of the Constitution of Virginia.

~~D. No scholarship under this Program shall be used to obtain multiple baccalaureate, masters, doctoral, or professional degrees.~~

~~E.~~ Before any scholarship is awarded, the applicant shall sign an acceptance form ~~under the terms of which the applicant affirms~~ affirming the accuracy of the information he has provided and ~~agrees~~ agreeing to pursue the approved education program for which the scholarship is awarded until his graduation or the completion of the program, as appropriate. Following verification of enrollment by the relevant educational agency to the State Council of

4640 Higher Education for Virginia, educational agencies acting as agents for students receiving
4641 awards under this ~~chapter article~~ shall promptly credit disbursed funds to student accounts. ~~A~~
4642 E. No scholarship award ~~made in accordance with the provisions of this chapter~~ shall
4643 ~~not~~ be reduced by the educational agency upon receipt of any other financial assistance on
4644 behalf of the student. However, the scholarship award may be reduced by the Committee to
4645 ensure that, when such award is added to other financial assistance, the award does not produce
4646 a total of financial assistance that exceeds the annual total costs of tuition, a book allowance,
4647 and fees, ~~pursuant to this section. Beginning on July 1, 2008, every~~ Every educational agency
4648 acting as an agent for students receiving awards under this ~~chapter article~~ shall notify the
4649 Committee and the State Council of Higher Education for Virginia upon request concerning the
4650 type and total of other financial assistance received by such students. ~~In addition, every~~
4651 F. Every educational agency accepting for admission persons awarded a Brown v. Board
4652 of Education scholarship shall, upon request, provide the Committee information concerning
4653 the accreditation status of the school and academic programs offered, and other relevant
4654 information as the Committee may require to evaluate the person's eligibility for the scholarship
4655 and to determine the eligibility of the educational agency for participation in the Program.
4656 Whenever a student withdraws from an educational agency or otherwise fails, regardless of
4657 reason, to complete the program in which he is enrolled, the educational agency shall surrender
4658 promptly to the Commonwealth the balance of the scholarship award, in accordance with the
4659 tuition refund policy in effect at the time of the student's admission to the educational agency.
4660 ~~F. Any person who uses a false or fictitious name or gives a false or fictitious address~~
4661 ~~in any application for a scholarship or knowingly makes a false statement or conceals a material~~
4662 ~~fact or otherwise commits a fraud in any such application shall be guilty of a Class 3~~
4663 ~~misdemeanor.~~
4664 G. This ~~chapter article~~ shall not be construed as creating any legally enforceable right
4665 or entitlement on the part of any person or any right or entitlement to participation in the
4666 Program. ~~Scholarships shall be awarded to the extent funds are made available to the Program~~
4667 ~~through gifts, grants, donations, bequests, or other funds.~~

Drafting note: Existing subsection F is relocated to proposed § 30.1-1512 [§ 30-231.2] to logically organize provisions relating to the application process. An obsolete reference to an initial implementation date is proposed for deletion. Technical changes are made, and duplicative provisions are proposed for deletion.

~~CHAPTER 55.~~

~~COMMISSION ON CIVIC EDUCATION.~~

Article 3.

Commission on Civic Education.

Drafting note: Existing Chapter 55, establishing the Commission on Civic Education, is retained as proposed Article 3.

~~§ 30-348~~ § 30.1-1514. Commission on Civic Education; purpose; ~~membership; terms~~.

The Commission on Civic Education (the Commission) is established in the legislative branch of state government. The ~~purposes~~ purpose of the Commission ~~are~~ is to (i) educate students on the importance of citizen involvement in a constitutional republic, (ii) promote the study of state and local government among the Commonwealth's citizenry, and (iii) enhance communication and collaboration among organizations in the Commonwealth that conduct civic education.

Drafting note: Existing § 30-348 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's purpose. Technical changes are made.

§ 30.1-1515. Membership.

The Commission shall have a total membership of 17 members that shall ~~consist of~~ include five legislative members and 12 nonlegislative citizen members. Members shall be appointed as follows:

1. Three members of the House of Delegates; to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; ~~two~~

2. Two members of the Senate; to be appointed by the Senate Committee on Rules; ~~six~~

4696 3. Six nonlegislative citizen members, of whom two ~~of whom~~ shall be former or current
4697 government or civics teachers, one ~~of whom~~ shall be a representative of an organization
4698 involved in civic engagement, one ~~of whom~~ shall be a representative of an institution of political
4699 or civil engagement studies ~~center~~, one ~~of whom~~ shall be a Department of Education social
4700 studies specialist, and one ~~of whom~~ shall have the qualifications or experience as determined
4701 by the Speaker, to be appointed by the Speaker of the House of Delegates in accordance with
4702 the principles of proportional representation contained in the Rules of the House of Delegates;
4703 and ~~six~~

4704 4. Six nonlegislative citizen members, of whom two ~~of whom~~ shall be current or former
4705 social studies coordinators, one ~~of whom~~ shall be a representative of a voter outreach
4706 organization, one ~~of whom~~ shall be a member of the Virginia Press Association, one ~~of whom~~
4707 shall be a professor of social studies education, and one ~~of whom~~ shall have the qualifications
4708 or experience as determined by the Senate Committee on Rules, to be appointed by the Senate
4709 Committee on Rules. ~~Nonlegislative citizen members of the Commission shall be citizens of~~
4710 ~~the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission,~~
4711 ~~the Clerk of the House of Delegates, and the Clerk of the Senate, nonlegislative citizen members~~
4712 ~~shall only be reimbursed for travel originating and ending within the Commonwealth for the~~
4713 ~~purpose of attending meetings.~~

4714 ~~Legislative members shall serve terms coincident with their terms of office.~~
4715 ~~Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill~~
4716 ~~vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative~~
4717 ~~members and nonlegislative citizen members may be reappointed. However, no nonlegislative~~
4718 ~~citizen member shall serve more than four consecutive two-year terms. The remainder of any~~
4719 ~~term to which a member is appointed to fill a vacancy shall not constitute a term in determining~~
4720 ~~the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the~~
4721 ~~original appointments.~~

4722 ~~The Commission shall elect a chairman and vice chairman from among its membership,~~
4723 ~~who shall be members of the General Assembly.~~

Drafting note: Existing § 30-348 is divided into two proposed sections to standardize the organization of articles establishing legislative entities. This proposed section establishes the Commission's membership. General provisions relating to terms, vacancies, officers, and reimbursement are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

~~§ 30-349. Quorum; meetings; voting on recommendations.~~

~~A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever a majority of the members so request.~~

~~No recommendation of the Commission shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: This proposed section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-350. Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.~~

Drafting note: This proposed section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-351~~ 30.1-1516. Powers and duties; ~~report of the Commission.~~

The Commission shall have the following powers and duties:

4752 1. ~~To develop~~ Develop and coordinate outreach programs in collaboration with schools
4753 to educate students on the importance of understanding that (i) a constitutional republic is a
4754 form of government dependent on reasoned debate and ~~good faith~~ good-faith negotiation; (ii)
4755 individual involvement is a critical factor in community success; and (iii) consideration of and
4756 respect for others is essential to deliberating, negotiating, and advocating positions on public
4757 concerns.;

4758 2. ~~To identify~~ Identify civic education projects in the Commonwealth and provide
4759 technical assistance as ~~may be~~ needed ~~to~~ for such programs.;

4760 3. ~~To build~~ Build a network of civic education professionals to share information and
4761 strengthen partnerships.;

4762 4. ~~To develop~~ Develop, in consultation with entities represented on the Commission and
4763 others as determined by the Commission, a clearinghouse that ~~shall be~~ is accessible on the
4764 Department of Education's website. The electronic clearinghouse shall include, ~~among other~~
4765 ~~things~~, (i) a database of civic education resources, lesson plans, and other programs of best
4766 practices in civic education; (ii) a bulletin board to promote discussion and exchange of ideas
4767 relative to civic education; (iii) an events calendar; and (iv) links to civic education research.;

4768 5. ~~To make~~ Make recommendations to the Board of Education regarding revisions to
4769 the Standards of Learning for civics and government.;

4770 6. ~~To seek~~ Seek, receive, and expend gifts, grants, donations, bequests, or other funds
4771 from any source to support the work of the Commission and facilitate the objectives of this
4772 ~~chapter~~, article; and

4773 7. ~~To submit to the Governor and the General Assembly an annual report. The chairman~~
4774 ~~shall submit to the Governor and the General Assembly an annual executive summary of the~~
4775 ~~interim activity and work of the Commission no later than the first day of each regular session~~
4776 ~~of the General Assembly. The executive summary shall be submitted for publication as a report~~
4777 ~~document as provided in the procedures of the Division of Legislative Automated Systems for~~
4778 ~~the processing of legislative documents and reports and shall be posted on the General~~
4779 ~~Assembly's website~~ Submit reports pursuant to § 30.1-1107.

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities. Technical changes are made for clarity and consistency.

§ ~~30-353~~ 30.1-1517. Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~chairman~~ chair of the Commission shall provide administrative staff support. The Division of Legislative Services shall provide legal, and legislative research, policy and analysis, ~~and other services~~ as requested by the Commission. ~~Technical assistance shall be provided by the~~ The Department of Education shall provide technical assistance. ~~All agencies of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; this provision is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made for clarity and consistency.

§ ~~30-352~~ 30.1-1518. Commission on Civic Education Fund.

There is ~~hereby~~ created in the state treasury a special nonreverting fund to be known as the Commission on Civic Education Fund, ~~referred to in this section as "the Fund (the Fund)."~~ The Fund shall be established on the books of the Comptroller ~~and shall consist of~~. All moneys, including gifts, grants, donations, bequests, or other funds from any source as may be received by the Commission ~~for its work~~. Moneys, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in and be credited to the Fund ~~and be credited to it~~. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used for the purpose of enabling the Commission to perform its duties. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants

4807 issued by the Comptroller upon written request signed by the ~~chairman~~ chair of the
4808 Commission.

4809 **Drafting note: Technical changes are made to modernize and standardize the**
4810 **language used to establish special funds for legislative entities.**

4811 ~~§ 30-354. Repealed.~~

4812 **Drafting note: Repealed by Acts 2020, c. 1045, cl. 2.**

4813 ~~CHAPTER 66.~~

4814 ~~AMERICAN REVOLUTION 250 COMMISSION.~~

4815 Article 4.

4816 American Revolution 250 Commission.

4817 **Drafting note: Existing Chapter 66, establishing the American Revolution 250**
4818 **Commission, is retained as proposed Article 4.**

4819 ~~§ 30-421~~ 30.1-1519. (Expires July 1, 2032) American Revolution 250 Commission;
4820 purpose.

4821 The American Revolution 250 Commission (the Commission) is established in the
4822 legislative branch of state government. The purpose of the Commission is to commemorate the
4823 250th anniversary of the American Revolution, the Revolutionary War, and the independence
4824 of the United States.

4825 **Drafting note: No change.**

4826 ~~§ 30-422~~ 30.1-1520. (Expires July 1, 2032) Membership; ~~terms; vacancies; chairman~~
4827 ~~and vice-chairman.~~

4828 A. The Commission shall have a total membership of at least ~~26~~ 27 ~~but no more than 31~~
4829 members that shall ~~consist of~~ include five legislative members, ~~16~~ 17 nonlegislative citizen
4830 members, and at least five but no more than nine ex officio members. Members shall be
4831 appointed as follows:

4832 1. ~~Two members of the Senate, to be appointed by the Senate Committee on Rules;~~

4833 ~~2.~~ Three members of the House of Delegates, to be appointed by the Speaker of the
4834 House of Delegates in accordance with the principles of proportional representation contained
4835 in the Rules of the House of Delegates;

4836 2. Two members of the Senate to be appointed by the Senate Committee on Rules;

4837 ~~3. One~~ Three nonlegislative citizen members, consisting of one representative from each
4838 of the lead commemoration partners: the Jamestown-Yorktown Foundation, the primary state
4839 agency; the Virginia Museum of History & Culture, the primary nonstate agency; and Gunston
4840 Hall, the primary representative of ~~Virginia's~~ historic homes and related sites in the
4841 Commonwealth;

4842 ~~4. One~~ Two nonlegislative citizen members, of whom one shall be a representative from
4843 the American Battlefield Trust and one shall be a representative from the Virginia Bar
4844 Association, to be appointed by the represented organization; and

4845 ~~5. Six~~ Twelve nonlegislative citizen members ~~appointed by the Governor, of whom six~~
4846 shall be selected from a list of 10 candidates provided by the Jamestown-Yorktown Foundation;
4847 and

4848 ~~6. Six members appointed by the Governor~~ six shall be selected from a list of 10
4849 candidates provided by the Virginia Museum of History & Culture, to be appointed by the
4850 Governor.

4851 ~~7. The chairman chair and vice-chairman vice-chair~~ of the Commission may appoint up
4852 to four members who are directors of historic homes, historic sites, or National Park Service
4853 sites in ~~Virginia the Commonwealth~~. Such members shall serve ~~as~~ ex officio ~~members with~~
4854 ~~voting privileges~~.

4855 ~~8. The chairman chair and vice-chairman vice-chair~~ of the Commission may appoint
4856 former legislative members of the Commission who have retired or resigned from the General
4857 Assembly. Such members shall serve ~~as~~ ex officio ~~members with voting privileges~~.

4858 The Secretary of Education, the Librarian of Virginia, the Director of the Department
4859 of Historic Resources, the Executive Director of Virginia Humanities, and the Chief Executive
4860 Officer of the Virginia Tourism Authority; or their designees; shall serve ~~as~~ ex officio ~~members~~

~~with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.~~

~~B. The Commission shall elect a chairman and vice chairman from among its membership.~~

~~C. Legislative members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for the duration of the Commission's activities. Appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. Nonlegislative citizen members of the Commission shall not receive compensation or reimbursement for travel and other expenses incurred in the performance of their duties.~~

Drafting note: Provisions relating to officers, terms, and vacancies are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. The number of nonlegislative citizen members appointed to the Commission, and consequently the total number of members, is updated to cure an apparent error. A portion of existing § 30-424 relating to compensation and expenses for nonlegislative citizen members is relocated to this section. Technical changes are made for clarity and consistency, including reorganization of the membership list.

~~§ 30-423. (Expires July 1, 2032) Quorum; meetings.~~

~~A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever a majority of the members so request.~~

Drafting note: This section relating to quorums and meetings is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-424. (Expires July 1, 2032) Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members of the Commission shall not receive~~

4888 ~~compensation or reimbursement for travel and other expenses incurred in the performance of~~
4889 ~~their duties.~~

4890 **Drafting note: This section relating to compensation and expenses is proposed for**
4891 **deletion; the first sentence is consolidated in proposed Chapter 11 (General Provisions)**
4892 **and given general application to all legislative entities. The second sentence is relocated to**
4893 **proposed section 30.1-1520 [§ 30-422].**

4894 ~~§ 30-425~~ 30.1-1521. (Expires July 1, 2032) Powers and duties of the Commission.

4895 A. The Commission shall have the following powers and duties:

4896 1. Formulate and implement a program for the inclusive observance of the 250th
4897 anniversary of the independence of the United States and the Revolutionary War in ~~Virginia~~
4898 the Commonwealth, including (i) civic, cultural, and historical education and scholarship
4899 concerning the ideals of the American Revolution and their contemporary relevance; (ii)
4900 visitation of museums and historic sites, including battlefields; (iii) creation and publication of
4901 historical documents and studies; (iv) cooperation with agencies responsible for the
4902 preservation or restoration of historic sites, buildings, art, and artifacts; (v) establishment of
4903 exhibitions and interpretive and wayfinding signage; (vi) arrangement of appropriate public
4904 ceremonies; (vii) a comprehensive marketing and tourism campaign encompassing calendar
4905 year 2025 through calendar year 2026; and (viii) the general dissemination of public
4906 information regarding ~~Virginia's~~ the Commonwealth's involvement in the American Revolution
4907 and its legacy today;

4908 2. Appoint and establish an advisory council composed of nonlegislative citizen
4909 members ~~at large~~ who have a knowledge of relevant history or expertise in areas useful to the
4910 work of the Commission, including a representative of the Sons of the Revolution in the
4911 Commonwealth of Virginia, a representative of the Virginia Daughters of the American
4912 Revolution, and a representative of the National Washington-Rochambeau Revolutionary
4913 Route Association. The advisory council shall make recommendations and provide comment
4914 as requested by the Commission. The Commission may ~~from time to time~~ appoint, add, or

4915 remove members of the advisory council. Members of the advisory council shall serve without
4916 compensation or reimbursement;

4917 3. Appoint and establish an executive committee composed of members of the
4918 Commission, including the Commission's ~~chairman~~ chair and ~~vice-chairman~~ vice-chair and one
4919 representative designated by each of the ~~following lead commemoration partners~~: the
4920 Jamestown-Yorktown Foundation, the Virginia Museum of History & Culture, and Gunston
4921 Hall; and

4922 4. ~~Perform such other duties, functions, and activities as may be necessary to facilitate~~
4923 ~~and implement the objectives of the Commission~~ Submit reports pursuant to § 30.1-1107.

4924 B. The Commission may solicit, accept, use, and dispose of gifts, grants, donations,
4925 bequests, or other funds or real or personal property for the purpose of aiding or facilitating the
4926 work of the Commission. In accordance with the general appropriation act, the Commission
4927 may procure supplies, services, and property, and make or enter into contracts, leases, or other
4928 legal agreements as it may deem necessary to carry out its duties ~~as set forth in this chapter~~. No
4929 contract, lease, or other legal agreement shall be entered into by the Commission that extends
4930 beyond the date of expiration of the Commission.

4931 **Drafting note: For consistency with other legislative entities, a reference to the**
4932 **general reporting requirement for all legislative entities is added to the Commission's**
4933 **powers and duties. A provision allowing the Commission to perform any duty, action, or**
4934 **function to implement its objectives is proposed for deletion. Technical changes are made**
4935 **for clarity and consistency.**

4936 § ~~30-426~~ 30.1-1522. (Expires July 1, 2032) Staffing.

4937 The Commission may appoint and employ and, at its pleasure, remove an executive
4938 director and such other persons as it deems necessary to assist it in carrying out its duties as set
4939 forth in this ~~chapter~~ article. The Commission may determine the duties of such staff and fix
4940 their salaries or compensation within the amounts appropriated ~~thereof~~ in the general
4941 appropriation act. If funds are not appropriated for staffing, the Joint Rules Committee shall
4942 determine the staffing support for the Commission.

~~Administrative staff support shall be provided by the The Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman chair of the Commission ~~serves~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal services as requested by the Commission. All agencies and political subdivisions of the Commonwealth shall provide assistance to the Commission, upon request.~~

Drafting note: A provision relating to agency assistance is proposed for deletion; this provision is consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made for clarity and consistency.

~~§ 30-427. (Expires July 1, 2032) Chairman's executive summary of activity and work of the Commission; report.~~

~~The chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: This section relating to a required annual report is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ ~~30-428~~ 30.1-1523. (Expires July 1, 2032) Virginia American Revolution 250 Commission Fund.~~

There is ~~hereby~~ created in the state treasury a special nonreverting fund to be known as the Virginia American Revolution 250 Commission Fund, ~~hereafter referred to as the "Fund (the Fund).~~" The Fund shall be established on the books of the Comptroller ~~and shall consist of.~~

4971 All funds appropriated for such purpose and any gifts, grants, donations, bequests, ~~or and~~ other
4972 funds ~~from any source as may be~~ received ~~by the Commission for its work.~~ Moneys on its behalf
4973 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the
4974 Fund shall remain in and be credited to the Fund ~~and be credited to it~~. Any moneys remaining
4975 in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the
4976 general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the
4977 purpose of enabling the Commission to perform its duties. Expenditures and disbursements
4978 from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon
4979 written request of the ~~chairman~~ chair of the Commission.

4980 **Drafting note: Technical changes are made to modernize and standardize the**
4981 **language used to establish special funds for legislative entities.**

4982 § ~~30-429~~ 30.1-1524. (Expires July 1, 2032) Sunset.

4983 This ~~chapter~~ article shall expire on July 1, 2032.

4984 **Drafting note: Technical change.**

4985 CHAPTER 16.

4986 LEGISLATIVE STUDY ENTITIES.

4987 **Drafting note: Proposed Chapter 16, Legislative Study Entities, is created to**
4988 **logically organize legislative entities whose purposes are to study, review, evaluate, assess,**
4989 **or investigate a particular topic or issue in order to report and make recommendations to**
4990 **the General Assembly. Membership consists of legislative members and nonlegislative**
4991 **citizen members, usually with specific expertise or background relevant to the topic.**
4992 **Existing Chapters 61 (Commission on School Construction and Modernization), 67**
4993 **(Virginia Commission to End Hunger), and 69 (Commission on Women's Health) are**
4994 **retained in proposed Chapter 16 as Articles 1, 2, and 3, respectively. Provisions of these**
4995 **proposed articles are reorganized to standardize the organization of articles establishing**
4996 **legislative entities by setting out separate sections for each entity's purpose, membership,**
4997 **powers and duties, staffing, and sunset date, if applicable.**

4998 ~~CHAPTER 61.~~

4999 ~~COMMISSION ON SCHOOL CONSTRUCTION AND MODERNIZATION.~~

5000 Article 1.

5001 Commission on School Construction and Modernization.

5002 **Drafting note: Existing Chapter 61, relating to the Commission on School**
5003 **Construction and Modernization, is retained as proposed Article 1.**

5004 § ~~30-384~~ 30.1-1600. (Expires July 1, 2026) Commission on School Construction and
5005 Modernization; purpose.

5006 The Commission on School Construction and Modernization (the Commission) is
5007 established in the legislative branch of state government. The purpose of the Commission is to
5008 develop and provide guidance and resources to local school divisions related to school
5009 construction and modernization and make funding recommendations to ~~the Governor and~~ the
5010 General Assembly and the Governor.

5011 **Drafting note: Technical changes.**

5012 § ~~30-385~~ 30.1-1601. (Expires July 1, 2026) Membership; ~~terms~~.

5013 The Commission shall have a total membership of 17 members that shall ~~consist of~~
5014 include eight legislative members, three nonlegislative citizen members, and six ex officio
5015 members. Members shall be appointed as follows: ~~three members of the Senate, to be appointed~~
5016 ~~by the Senate Committee on Rules; five~~

5017 1. Five members of the House of Delegates; to be appointed by the Speaker of the House
5018 of Delegates in accordance with the principles of proportional representation contained in the
5019 Rules of the House of Delegates; ~~one~~

5020 2. Three members of the Senate to be appointed by the Senate Committee on Rules;

5021 3. One nonlegislative citizen member to be appointed by the ~~Senate Committee on Rules~~
5022 Speaker of the House of Delegates in accordance with the principles of proportional
5023 representation contained in the Rules of the House of Delegates; ~~one~~

5024 4. One nonlegislative citizen member to be appointed by the ~~Speaker of the House of~~
5025 ~~Delegates~~ Senate Committee on Rules; and ~~one~~

5026 5. One nonlegislative citizen member to be appointed by the Governor.

5027 The Superintendent of Public Instruction, the Director of the Department of General
5028 Services, the Executive Director of the Virginia Resources Authority, the State Treasurer, the
5029 President of the Board of Education, and the Director of the Department of Planning and
5030 Budget, or their ~~respective~~ designees, shall ~~each~~ serve ex officio ~~with voting privileges~~.
5031 ~~Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.~~
5032 ~~Unless otherwise approved in writing by the chairman of the Commission and the respective~~
5033 ~~Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending~~
5034 ~~within the Commonwealth for the purpose of attending meetings.~~

5035 ~~Legislative members and ex officio members of the Commission shall serve terms~~
5036 ~~coincident with their terms of office. Appointments to fill vacancies, other than by expiration~~
5037 ~~of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the~~
5038 ~~original appointments. All members may be reappointed. Nonlegislative citizen members shall~~
5039 ~~be appointed for a term of two years.~~

5040 ~~The Commission shall elect a chairman and vice chairman from among its membership,~~
5041 ~~who shall be members of the General Assembly.~~

5042 **Drafting note: Provisions relating to reimbursement for travel, terms, vacancies,**
5043 **and officers are proposed for deletion; these provisions are consolidated in proposed**
5044 **Chapter 11 (General Provisions) and given general application to all legislative entities.**
5045 **Technical changes are made for consistency and clarity, including the designation and**
5046 **reordering of subdivisions.**

5047 ~~§ 30-386. (Expires July 1, 2026) Quorum; meetings; voting on recommendations.~~

5048 ~~A majority of the members shall constitute a quorum. The meetings of the Commission~~
5049 ~~shall be held at the call of the chairman or whenever the majority of the members so request.~~

5050 ~~No recommendation of the Commission shall be adopted if a majority of the Senate~~
5051 ~~members or a majority of the House members appointed to the Commission (i) vote against the~~
5052 ~~recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote~~
5053 ~~of the Commission.~~

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-387. (Expires July 1, 2026) Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2-2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2-2-2813 and 2-2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~§ 30-388~~ 30.1-1602. (Expires July 1, 2026) Powers and duties of the Commission.

The Commission shall have the following powers and duties:

- ~~1. Assessing~~ Assess the Commonwealth's school facilities and ~~determining~~ determine funding needs for school construction and modernization ~~funding needs.;~~
 - ~~2. Identifying~~ Identify funding mechanisms and ~~making~~ make recommendations to the ~~Governor and the General Assembly;~~ and the Governor;
 - ~~3. Establishing~~ Establish best practices in school ~~modernization and~~ construction and modernization for school divisions.;
 - ~~4. Creating~~ Create standardized construction designs and procurement practices to recommend and make available to local school divisions.;
 - ~~5. Identifying~~ Identify potential cost-saving measures for implementation by local school divisions to minimize construction and modernization costs where possible.;
- and

~~6. Submitting to the General Assembly and the Governor an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website Submit reports pursuant to § 30.1-1107.~~

Drafting note: The existing reporting provision is proposed for deletion and replacement with a reference to the general reporting requirement for all legislative entities contained in Chapter 11 (General Provisions). Language is updated for clarity and consistency and technical changes are made.

~~§ 30-389~~ 30.1-1603. (Expires July 1, 2026) Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman chair of the Commission ~~serves~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal, and legislative research, policy and analysis, ~~and other services~~ as requested by the Commission.

Drafting note: A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

~~§ 30-390~~ 30.1-1604. (Expires July 1, 2026) Sunset.

This ~~chapter~~ article shall expire on July 1, 2026.

Drafting note: Technical change.

~~CHAPTER 67.~~

~~VIRGINIA COMMISSION TO END HUNGER.~~

Article 2.

5110 Virginia Commission to End Hunger.

5111 **Drafting note: Existing Chapter 67, relating to the Virginia Commission to End**
5112 **Hunger, is retained as proposed Article 2.**

5113 § ~~30-430~~ 30.1-1605. (Expires July 1, 2027) Virginia Commission to End Hunger;
5114 purpose.

5115 The Virginia Commission to End Hunger (the Commission) is established in the
5116 legislative branch of state government. The purpose of the Commission is to develop an action
5117 plan every two years for ending hunger in the Commonwealth, review the progress of such plan,
5118 and ensure cross-collaboration among government entities and community partners toward the
5119 goal of ending hunger in the Commonwealth.

5120 **Drafting note: The two paragraphs comprising the existing section are**
5121 **consolidated into one paragraph for consistency.**

5122 § ~~30-431~~ 30.1-1606. (Expires July 1, 2027) Membership; ~~terms; quorum; meetings~~.

5123 The Commission shall have a total membership of 19 members that shall ~~consist of~~
5124 include eight legislative members and 11 nonlegislative citizen members. Members shall be
5125 appointed as follows: ~~three members of the Senate, to be appointed by the Senate Committee~~
5126 ~~on Rules; five~~

5127 1. Five members of the House of Delegates; to be appointed by the Speaker of the House
5128 of Delegates in accordance with the principles of proportional representation contained in the
5129 Rules of the House of Delegates; ~~five~~

5130 2. Three members of the Senate to be appointed by the Senate Committee on Rules;

5131 3. Six nonlegislative citizen members, of whom one shall be a researcher at the
5132 university level, one shall be a representative of the Secretary of Health and Human Services,
5133 two shall be representatives from community organizations working toward ending hunger, one
5134 shall be a high school junior or senior student representative from a public school, and one shall
5135 be a board-certified physician, to be appointed by the Speaker of the House of Delegates in
5136 accordance with the principles of proportional representation contained in the Rules of the
5137 House of Delegates; and

5138 4. Five nonlegislative citizen members, ~~one of whom is~~ one shall be a researcher at the
5139 university level, three ~~of whom are~~ shall be representatives from community organizations
5140 working toward ending hunger, and one ~~of whom is~~ shall be a nutritionist, to be appointed by
5141 the Senate Committee on Rules; ~~and six nonlegislative citizen members, one of whom is a~~
5142 ~~researcher at the university level, one of whom is a representative of the Secretary of Health~~
5143 ~~and Human Services, two of whom are representatives from community organizations working~~
5144 ~~toward ending hunger, one of whom is a high school junior or senior student representative~~
5145 ~~from a public school, and one of whom is a board-certified physician, to be appointed by the~~
5146 ~~Speaker of the House of Delegates. Nonlegislative citizen members of the Commission shall be~~
5147 ~~citizens of the Commonwealth.~~

5148 ~~Legislative members of the Commission shall serve terms coincident with their terms~~
5149 ~~of office. Nonlegislative citizen members shall be appointed for a term of two years.~~
5150 ~~Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired~~
5151 ~~terms. Vacancies shall be filled in the same manner as the original appointments. All members~~
5152 ~~may be reappointed.~~

5153 ~~No Senate member shall serve more than two consecutive four-year terms, no House~~
5154 ~~member shall serve more than four consecutive two-year terms, and no nonlegislative citizen~~
5155 ~~member appointed by the Speaker of the House of Delegates or the Senate Committee on Rules~~
5156 ~~shall serve more than four consecutive two-year terms. The remainder of any term to which a~~
5157 ~~member is appointed to fill a vacancy shall not constitute a term in determining the member's~~
5158 ~~eligibility for reappointment.~~

5159 ~~The Commission shall elect a chairman and vice chairman from among its membership,~~
5160 ~~who shall be members of the General Assembly. A majority of the members shall constitute a~~
5161 ~~quorum. The meetings of the Commission shall be held at the call of the chairman or whenever~~
5162 ~~the majority of the members so request.~~

5163 ~~No recommendation of the Commission shall be adopted if a majority of the House~~
5164 ~~members or a majority of the Senate members appointed to the Commission (i) vote against the~~

5165 ~~recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote~~
5166 ~~of the Commission.~~

5167 **Drafting note: Provisions relating to terms, vacancies, officers, quorums, meetings,**
5168 **and voting requirements that apply to all legislative entities are proposed for deletion;**
5169 **these provisions are consolidated in proposed Chapter 11 (General Provisions) and given**
5170 **general application to all legislative entities. Technical changes are made, including the**
5171 **insertion and reordering of subdivisions for clarity and consistency.**

5172 ~~§ 30-432. (Expires July 1, 2027) Compensation; expenses.~~

5173 ~~Legislative members of the Commission shall receive such compensation as provided~~
5174 ~~in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the~~
5175 ~~performance of their duties as provided in § 2-2-2813. All members shall be reimbursed for all~~
5176 ~~reasonable and necessary expenses incurred in the performance of their duties as provided in~~
5177 ~~§§ 2-2-2813 and 2-2-2825.~~

5178 **Drafting note: This section relating to compensation and expenses is proposed for**
5179 **deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions)**
5180 **and given general application to all legislative entities**

5181 ~~§ 30-433~~ 30.1-1607. (Expires July 1, 2027) Powers and duties of the Commission.

5182 The Commission shall have the following powers and duties:

5183 1. Identify all funding sources that can be used for improving nutrition and ending
5184 hunger for which the state has administrative control ~~as well as~~ and for development of future
5185 funding.;

5186 2. Identify strategies for ensuring that each public elementary and secondary student has
5187 access to nutritious meals and snacks at school, including by promoting full participation in all
5188 federally assisted school meal and snack programs by both eligible schools and eligible students
5189 in such schools.;

5190 3. Identify barriers to food access and develop sustainable policies and programs to
5191 address ~~those~~ such barriers.;

5192 4. Promote and facilitate public-private partnerships.;

5193 5. Develop benchmarks and set goals to indicate success; and
5194 6. Submit ~~to the Governor and the General Assembly an annual report for publication~~
5195 ~~as a report document as provided in the procedures of the Division of Legislative Automated~~
5196 ~~Systems for the processing of legislative documents and reports. The chairman of the~~
5197 ~~Commission shall submit to the Governor and the General Assembly an annual executive~~
5198 ~~summary of the interim activity and work of the Commission no later than the first day of each~~
5199 ~~regular session of the General Assembly. The executive summary shall be submitted for~~
5200 ~~publication as a report document as provided in the procedures of the Division of Legislative~~
5201 ~~Automated Systems for the processing of legislative documents and reports and shall be posted~~
5202 ~~on the General Assembly's website~~ reports pursuant to § 30.1-1107.

5203 **Drafting note: The existing reporting provision is proposed for deletion and**
5204 **replacement with a reference to the general reporting requirement for all legislative**
5205 **entities. Technical changes are made.**

5206 § ~~30-434~~ 30.1-1608. (Expires July 1, 2027) Staffing.

5207 ~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the
5208 ~~chairman~~ chair of the Commission shall provide administrative staff support. The Division of
5209 Legislative Services shall provide legal; and legislative research; policy and analysis; ~~and other~~
5210 ~~services~~ as requested by the Commission. ~~All agencies of the Commonwealth shall provide~~
5211 ~~assistance to the Commission, upon request.~~

5212 **Drafting note: This section related to agency assistance is proposed for deletion;**
5213 **these provisions are consolidated in proposed Chapter 11 (General Provisions) and given**
5214 **general application to all legislative entities. A substantive change is made to more**
5215 **accurately reflect the staffing requirements of the Division of Legislative Services as the**
5216 **Division has been operating in practice. Technical changes are made for clarity and**
5217 **consistency and to modernize language.**

5218 § ~~30-435~~ 30.1-1609. (Expires July 1, 2027) Sunset.

5219 This ~~chapter~~ article shall expire on July 1, 2027.

5220 **Drafting note: Technical change.**

5221

~~CHAPTER 69.~~

5222

~~COMMISSION ON WOMEN'S HEALTH.~~

5223

Article 3.

5224

Commission on Women's Health.

5225

Drafting note: Existing Chapter 69, relating to the Commission on Women's

5226

Health, is retained as proposed Article 3.

5227

§ ~~30-447~~ 30.1-1610. Commission on Women's Health; purpose.

5228

The Commission on Women's Health (the Commission) is established as a commission

5229

in the legislative branch of state government. The purpose of the Commission is to study, report

5230

on, and make recommendations on issues related to women's health, including maternal health.

5231

Drafting note: Technical changes are made.

5232

§ ~~30-448~~ 30.1-1611. Membership; ~~terms; vacancies; chair and vice chair.~~

5233

The Commission shall ~~consist~~ have a total membership of 15 members that shall include

5234

10 legislative members and five nonlegislative citizen members. Members shall be appointed

5235

as follows: ~~six~~

5236

1. Six members of the House of Delegates to be appointed by the Speaker of the House

5237

of Delegates in accordance with the principles of proportional representation contained in the

5238

Rules of the House of Delegates; ~~four~~

5239

2. Four members of the Senate to be appointed by the Senate Committee on Rules; ~~two~~

5240

3. Two nonlegislative citizen members with significant experience or expertise in

5241

women's or maternal health policy to be appointed by the Speaker of the House of Delegates in

5242

accordance with the principles of proportional representation contained in the Rules of the

5243

House of Delegates; and ~~three~~

5244

4. Three nonlegislative citizen members with significant experience or expertise in

5245

women's or maternal health policy to be appointed by the Senate Committee on Rules.

5246

~~Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. Unless~~

5247

~~otherwise approved in writing by the chair of the Commission and the respective Clerk,~~

~~nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.~~

~~Legislative members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.~~

~~The Commission shall elect a chair and vice chair from among its membership, who shall be members of the General Assembly.~~

Drafting note: Provisions relating to reimbursement for travel, terms, vacancies, and officers are proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. Technical changes are made, including the designation of subdivisions for clarity.

~~§ 30-449. Quorum; meetings; voting on recommendations.~~

~~A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chair or whenever the majority of the members so request.~~

~~No recommendation of the Commission shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.~~

Drafting note: This section relating to quorums, meetings, and voting requirements is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities

~~§ 30-450. Compensation; expenses.~~

~~Legislative members of the Commission shall receive such compensation as provided in § 30.1-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.~~

Drafting note: This section relating to compensation and expenses is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities

~~§ 30.1-451~~ 30.1-1612. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Study and evaluate issues related to women's health, including maternal health, mental health, access to reproductive care, chronic conditions, and health outcomes;
2. Examine the intersection of social determinants of health and ~~their~~ the impact of such determinants on women's health outcomes;
3. Conduct public hearings, facilitate stakeholder engagement, and consult with subject-matter experts as necessary;
4. Identify systemic barriers to equitable health care access for women and recommend policies to address such barriers; ~~and~~
5. Develop and make recommendations to the General Assembly for legislative, regulatory, and budgetary changes or policies to improve women's health outcomes in the Commonwealth; and
6. Submit reports pursuant to § 30.1-1107.

Drafting note: For consistency with other commissions, a reference to the general reporting requirement for legislative entities is added to the Commission's powers and duties. Technical updates are made for clarity.

~~§ 30-452~~ 30.1-1613. Staffing.

~~Administrative staff support shall be provided by the~~ The Office of the Clerk of the ~~House of Delegates or the Office of the Clerk of the Senate as may be appropriate for the house in which the~~ chair of the Commission ~~serves~~ shall provide administrative staff support. The Division of Legislative Services shall provide legal, and legislative research, ~~policy and analysis, and other services~~ as requested by the Commission. ~~Staff shall perform those duties assigned to it by the Commission.~~ The Commission may ~~also~~ consult or contract with experts who have knowledge of the issues before it within the amounts appropriated for such purpose. ~~The Department of Health, the Department of Medical Assistance Services, and all other agencies of the Commonwealth shall provide assistance to the Commission upon request of the Commission.~~

Drafting note: A provision related to agency assistance is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities. A substantive change is made to more accurately reflect the staffing requirements of the Division of Legislative Services as the Division has been operating in practice. Technical changes are made.

~~§ 30-453. Executive summary of activity and work of the Commission.~~

~~The chair shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than December 1 of each year. Such executive summary shall include any legislative, regulatory, or budgetary changes or policies recommended by the Commission. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.~~

Drafting note: This section relating to the Commission's reporting requirement is proposed for deletion; these provisions are consolidated in proposed Chapter 11 (General Provisions) and given general application to all legislative entities.

~~CHAPTER 17.~~

~~JOINT COMMISSION ON BEHAVIORAL HEALTH CARE.~~

~~§§ 30-165, 30-166, and 30-167. Expired.~~

Drafting note: Expired pursuant to Acts 2000, c. 776 on July 1, 2003.

~~CHAPTER 23.~~

~~CHESAPEAKE BAY PARTNERSHIP COUNCIL.~~

~~§§ 30-184, 30-185. Repealed.~~

Drafting note: Repealed by Acts 2001, c. 577.

~~CHAPTER 26.~~

~~COMMISSION ON EARLY CHILDHOOD AND CHILD DAY CARE PROGRAMS.~~

~~§§ 30-190, 30-191. Repealed.~~

Drafting note: Repealed by Acts 2001, c. 577.

~~CHAPTER 30.~~

~~ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION.~~

~~§§ 30-198 through 30-200.1. Expired.~~

Drafting note: Expired.

~~CHAPTER 32.~~

~~VIRGINIA DELEGATION TO MULTISTATE TAX ADMINISTRATION DISCUSSIONS.~~

~~§§ 30-210 through 30-217. Expired.~~

Drafting note: Expired.

~~CHAPTER 34.~~

~~BROWN V. BOARD OF EDUCATION SCHOLARSHIP AWARDS COMMITTEE.~~

~~§§ 30-226 through 30-231. Repealed.~~

Drafting note: Repealed by Acts 2005, cc. 753 and 834, cl. 4, effective March 26, 2005.

5355 ~~CHAPTER 40.~~

5356 ~~VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION~~

5357 ~~AND FUND.~~

5358 ~~§§ 30-266 through 30-274. Expired.~~

5359 **Drafting note: Expired.**

5360 ~~CHAPTER 44.~~

5361 ~~COMMISSION ON THE PREVENTION OF HUMAN TRAFFICKING.~~

5362 ~~§§ 30-287 through 30-292. Expired.~~

5363 **Drafting note: Expired.**

5364 ~~CHAPTER 45.~~

5365 ~~VIRGINIA BICENTENNIAL OF THE AMERICAN WAR OF 1812 COMMISSION.~~

5366 ~~§§ 30-266 through 30-274. Expired.~~

5367 **Drafting note: Expired.**

5368 ~~CHAPTER 46.~~

5369 ~~VIRGINIA COMMISSION ON ENERGY AND ENVIRONMENT.~~

5370 ~~§§ 30-301 through 30-308. Expired.~~

5371 **Drafting note: Expired.**

5372 ~~CHAPTER 48.~~

5373 ~~COMMISSION ON CIVICS EDUCATION.~~

5374 ~~§§ 30-313 through 30-318. Expired.~~

5375 **Drafting note: Expired.**

5376 ~~CHAPTER 49.~~

5377 ~~VIRGINIA COMMISSION ON THE CENTENNIAL OF THE WOODROW WILSON~~

5378 ~~PRESIDENCY.~~

5379 ~~§§ 30-319 through 30-325. Expired July 1, 2013.~~

5380 **Drafting note: Expired pursuant to Acts 2010, c. 667, as amended by Acts 2012, c.**

5381 **571.**

5382 ~~CHAPTER 50.~~

5383 ~~AUTISM ADVISORY COUNCIL.~~

5384 ~~§§ 30-326 through 30-329. Expired.~~

5385 **Drafting note: Expired July 1, 2022.**

5386 ~~CHAPTER 58.~~

5387 ~~COMMISSION ON ECONOMIC OPPORTUNITY FOR VIRGINIANS IN ASPIRING AND~~
5388 ~~DIVERSE COMMUNITIES.~~

5389 ~~§§ 30-362 through 30-370. Expired.~~

5390 **Drafting note: Expired.**

5391 ~~CHAPTER 59.~~

5392 ~~COMMISSION ON EMPLOYEE RETIREMENT SECURITY AND PENSION REFORM.~~

5393 ~~§§ 30-371 through 30-375. Expired.~~

5394 **Drafting note: Expired.**

5395 ~~CHAPTER 60.~~

5396 ~~COMMISSION ON WELLNESS AND OPPORTUNITY.~~

5397 ~~§§ 30-376 through 30-383. Expired.~~

5398 **Drafting note: Expired effective July 1, 2025, pursuant to Acts 2025, c. 1036.**

5399 #

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Status Update: HB2660 Work Group

I. Scope of Work Group Review and Recommendations

The legislation provided a scope of review for the Work Group consisting of four lines of inquiry:

- 1) Organization of procedural steps in a clear, logical, and sequential order to enhance ease of reference;
- 2) Clarification of the processes, requirements, and timelines applicable to each type of plat or plan;
- 3) Standardization of terminology to ensure consistency, reduce ambiguity, and minimize misinterpretation; and
- D. Identification and elimination of redundant or duplicative provisions to streamline the Code and improve its usability.

II. Composition of Work Group

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III. Meetings held; Progress

To date, the HB2660 work group has held five meetings of the full work group. These took place on May 12, June 16, September 4, September 25, and October 16.

At the first meeting of the work group, the members reached consensus that the work group would focus its work on clarifying and organizing two code sections in Title 15.2: §15.2-2259 and §15.2-2260.

At each meeting, the work group worked to come to consensus on proposed amendments to §15.2-2259 and §15.2-2260.

At the September 25 meeting, the full work group determined it would be best to form a sub work group that could meet in person to attempt to come to a consensus on draft changes to §15.2-2259 and §15.2-2260.

The following members of the HB2660 work group volunteered to take part in the sub workgroup: Courtney Sydnor, Andrew Clark, Michele Gowdy, Mary Zirkle, Phil Abraham and Sarah Thomas. The sub workgroup met on October 6 at the VACO building in Richmond, VA. Joanne Maxwell, Director of Governance and Legislative Affairs at VDOT attended the sub workgroup meeting to give VDOT's perspective on some of the proposed clarifications of 15.2-2259 and 15.2-2260.

At the October 16 meeting, Ms. Sydnor of the sub work group presented the draft of the sub work group in its current form. There were still areas where consensus could not be achieved with the full work group and the work group decided to meet one more time, on October 30.

Once the October 30 meeting takes place, a report will be drafted and should be ready for the Code Commission's next virtual meeting on November 17 at 10AM.