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HOUSE BILL NO. 1155

Offered January 24, 2000

A BILL to amend and reenact § 8.01-293 of the Code of Virginia, relating to who may serve process.

Patron—Weatherholtz

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-293 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-293. Who to serve process.

A. The following persons are authorized to serve process:

1. The sheriff within such territorial bounds as described in § 8.01-295; or

2. Any person of age eighteen years or older and who is not a party or otherwise interested in the subject matter in controversy.

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 may execute an order or writ of possession for personal, real or mixed property, including an order or writ of possession arising out of an action in unlawful entry and detainer or ejection; (ii) any sheriff or law-enforcement officer as defined in § 9-169 of the Code of Virginia may serve any *capias* or criminal 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.

C. Any person who is not a law-enforcement officer shall not be authorized by this section to serve process, unless such person has completed training as prescribed by the Department of Criminal Justice Services. The Department shall promulgate regulations and minimal standards for training of such process servers.

D. No person who has been convicted of a felony and whose rights are unrestored shall be authorized by this section to serve process. Any person applying to the Department of Criminal Justice Services for authorization to serve process shall consent in writing, on a form to be provided by the Department, to have the Department obtain his criminal history record information.

INTRODUCED

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