

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 342

An Act to amend and reenact § 8.01-293 of the Code of Virginia, relating to execution of writ of possession; service of capias.

[H 1287]

Approved April 1, 2002

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. Authorization to serve process, capias or criminal show cause order; execute writ of possession 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; 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 *or high constable* 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 ejectment; (ii) any sheriff, *high constable* or law-enforcement officer as defined in § 9.1-101 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.