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**HOUSE BILL NO. 342****AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Courts of Justice)

(Patron Prior to Substitute—Delegate Albo)

House Amendments in [ ] — February 7, 2002

A *BILL to amend and reenact § 17.1-413 of the Code of Virginia, relating to the publication of opinions rendered by the Court of Appeals of Virginia.*

**Be it enacted by the General Assembly of Virginia:****1. That § 17.1-413 of the Code of Virginia is amended and reenacted as follows:**

§ 17.1-413. Opinions; reporting, printing and electronic publication.

A. The Court of Appeals shall state in writing the reasons for its decision (i) rejecting a petition for appeal or (ii) deciding a case after hearing. Subject to rules promulgated under § 17.1-403 the Court in its discretion may render its decision by order or memorandum opinion.

B. All orders and opinions of the Court of Appeals shall be preserved with the record of the case. Opinions designated by the Court of Appeals as having precedential value or as otherwise having significance for the law or legal system shall be *designated as published opinions and shall be expeditiously reported in separate Court of Appeals Reports in the same manner as the decisions and opinions of the Supreme Court.*

C. The clerk of the Court of Appeals shall retain in the clerk's office a list ~~and brief summary~~ of the ~~ease cases~~ for all unpublished decisions and opinions of the Court of Appeals. The list of cases and ~~summary~~ *written opinions of the Court of Appeals* shall be made available to any person upon request *and on the Court's website in the same manner as published opinions.* [ ~~These unpublished opinions have no precedential value; however, they may be considered by the trial court for their rationale and adopted to the extent they are persuasive.~~ ]

~~B. D.~~ D. The Executive Secretary of the Supreme Court shall contract for the printing of the reports of the Supreme Court and the Court of Appeals and for the advance sheets of each court. He shall select a printer for the reports and prescribe such contract terms as will ensure issuance of the reports as soon as practicable after a sufficient number of opinions are filed. He shall make such contracts after consultation with the Department of General Services and shall distribute these reports in accordance with the applicable provisions of law. He shall also provide for the electronic publication on the Internet of the opinions of the Supreme Court and Court of Appeals subject to conditions and restrictions established by each court regarding the electronic publication of its opinions.

ENGROSSED

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