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SENATE BILL NO. 17

Senate Amendments in [] — January 28, 2002

A BILL to amend and reenact § 8.01-294 of the Code of Virginia, relating to service of process and return of process papers.

Patrons prior to Engrossment—Senator Colgan; Delegate: Parrish

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-294 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-294. Sheriff to get from clerk's office process and other papers; return of papers.

Every sheriff who attends a court shall, every day when the clerk's office is open for business, go to such office and receive all process, and other papers to be served by him, and give receipts therefor, unless he has received notice from a regular employee of the clerk's office that there are no such papers requiring service and shall return all papers within [~~seventy-two hours~~ *five days* seventy-two hours] of service, except when such returns would be due on a Saturday, Sunday, or legal holiday. In such case, the return is due on the next day following such Saturday, Sunday, or legal holiday.

Failure to make return of service of process within the time specified in this section shall not invalidate any service of process or any judgment based thereon. In the event a late return prejudices a [~~defendant~~ party] or interferes with the court's administration of a case, the court may, in its discretion, continue the case, require additional or substitute service of process, or take such other action or enter such order as the court deems appropriate under the circumstances.

ENGROSSED

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