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SENATE BILL NO. 856

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 29, 2003)

(Patrons Prior to Substitute—Senators Stosch and Norment [SB 821])

A BILL to amend and reenact § 8.01-3 of the Code of Virginia, and to repeal § 17.1-318 of the Code of Virginia, relating to printing and distributing Rules of the Supreme Court.

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-3 of the Code of Virginia is amended and reenacted as follows:**

§ 8.01-3. Supreme Court may prescribe rules; effective date thereof; rules to be and available; indexed, and annotated; effect of subsequent enactments of General Assembly.

A. Supreme Court to prescribe rules. - The Supreme Court, subject to §§ 17.1-503 and 16.1-69.32, may, from time to time, prescribe the forms of writs and make general regulations for the practice in all courts of the Commonwealth; and may prepare a system of rules of practice and a system of pleading and the forms of process and may prepare rules of evidence to be used in all such courts. This section shall be liberally construed so as to eliminate unnecessary delays and expenses.

B. Effective date; ~~printing and distribution; maintenance by clerks of courts availability.~~ - New rules and amendments to rules shall not become effective until ~~sixty~~ 60 days from adoption by the Supreme Court, and shall be ~~printed and distributed as public documents pursuant to § 17.1-318. Such rules and amendments shall be maintained in a special book kept for such purpose by the clerks of court to which they are distributed~~ made available to all courts, members of the bar, and the public.

C. Rules to be published. - The Virginia Code Commission shall publish and cause to be properly indexed and annotated the rules adopted by the Supreme Court, and all amendments thereof by the Court, and all changes made therein pursuant to subsection D hereof.

D. Effect of subsequent enactments of the General Assembly on rules of court. - The General Assembly may, from time to time, by the enactment of a general law, modify, or annul any rules adopted or amended pursuant to this section. In the case of any variance between a rule and an enactment of the General Assembly such variance shall be construed so as to give effect to such enactment.

E. The rules of evidence prepared by the Supreme Court shall be submitted to the Virginia Code Commission for approval as provided in § 30-153 and shall be codified upon enactment by the General Assembly.

2. That § 17.1-318 of the Code of Virginia is repealed.