

## 2008 SESSION

INTRODUCED

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### HOUSE BILL NO. 1295

Offered January 9, 2008

Prefiled January 9, 2008

A *BILL to amend the Code of Virginia by adding a section numbered 17.1-308.1, relating to direct appeals to the Supreme Court.*

Patrons—Athey, Carrico, Cole, Cosgrove, Gilbert, Kilgore, Lingamfelter, Massie, Merricks and Sherwood

Referred to Committee for Courts of Justice

#### **Be it enacted by the General Assembly of Virginia:**

#### **1. That the Code of Virginia is amended by adding a section numbered 17.1-308.1 as follows:**

*§ 17.1-308.1. Direct appeals from certain constitutional challenges.*

*A. Whenever any general district court or any administrative agency renders a decision declaring that a statute or a regulation of the Commonwealth is unconstitutional on its face or as applied, the Supreme Court in its discretion, on its own motion or upon application of the Attorney General, may certify the case for determination by the Supreme Court before it has been determined by the circuit court. The effect of such certification shall be to transfer jurisdiction over the case to the Supreme Court for all purposes.*

*B. In those instances when the Supreme Court makes such a certification, the Court, in aid of its appellate jurisdiction and at its discretion, may order that all proceedings involving the statute or regulation at issue be stayed pending resolution of the matter in the Supreme Court.*

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