

081419568

HOUSE BILL NO. 708

House Amendments in [] - January 30, 2008

A BILL to amend and reenact § 8.01-389 of the Code of Virginia, relating to the admission of temporary detention orders as evidence.

Patron Prior to Engrossment—Delegate Janis

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-389 of the Code of Virginia is amended and reenacted as follows:**

§ 8.01-389. Judicial records as evidence; full faith and credit; recitals in deeds, deeds of trust, and mortgages; "records" defined.

A. The records of any judicial proceeding and any other official records of any court of this Commonwealth [~~including the review of a petition and issuance of a temporary detention order under § 37.2-809,~~] shall be received as prima facie evidence provided that such records are authenticated and certified by the clerk of the court where preserved to be a true record. [*For the purposes of this section, judicial proceeding shall include the review of a petition and issuance of a temporary detention order under § 37.2-809.*]

A1. The records of any judicial proceeding and any other official record of any court of another state or country, or of the United States, shall be received as prima facie evidence provided that such records are authenticated by the clerk of the court where preserved to be a true record.

B. Every court of this Commonwealth shall give such records of courts not of this Commonwealth the full faith and credit given to them in the courts of the jurisdiction from whence they come.

B1. In any instance in which a court not of this Commonwealth shall have entered an order of injunction limiting or preventing access by any person to the courts of this Commonwealth without that person having had notice and an opportunity for a hearing prior to the entry of such foreign order, that foreign order is not required to be given full faith and credit in any Virginia court. The Virginia court may, in its discretion, hold a hearing to determine the adequacy of notice and opportunity for hearing in the foreign court.

C. Specifically, recitals of any fact in a deed or deed of trust of record conveying any interest in real property shall be prima facie evidence of that fact.

D. "Records" as used in this article, shall be deemed to include any memorandum, report, paper, data compilation, or other record in any form, or any combination thereof.

ENGROSSED

HB708E