

2008 SESSION

HOUSE SUBSTITUTE

089596212

SENATE BILL NO. 793

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 29, 2008)

(Patron Prior to Substitute—Senator Colgan)

A BILL to amend and reenact § 49-3 of the Code of Virginia, relating to the administration of oath of office.

Be it enacted by the General Assembly of Virginia:

1. That § 49-3 of the Code of Virginia is amended and reenacted as follows:

§ 49-3. Who may administer oaths to officers.

The oaths to be taken by a person elected a member of either house of the General Assembly shall be administered by the clerk or presiding officer of the houses, respectively, or a notary. Those to be taken by any judge of any court of record elected by the General Assembly shall be administered in a court of record, or by any judge, or by any officer authorized by law to administer an oath. Those to be taken by any person elected or appointed an officer of either house of the General Assembly shall be administered by the person and in the manner prescribed by the rules of such house. The oaths to be taken by a person elected or appointed to any other office or post shall, except in cases in which it may be otherwise directed by law, be administered by the clerk of a court of record, by any judge, by a Commissioner or clerk of the State Corporation Commission or by the Secretary of the Commonwealth. A magistrate or person holding a comparable position in another state may administer the oaths to be taken by a commissioner or other person residing therein.

Whenever a person required to take an oath of office is a member of the United States Armed Forces and is on active duty, or is deployed by the United States Department of Defense as a civilian, the oath set forth in § 49-1 may be administered by a notary public as defined in § 47.1-2.

2. That an emergency exists and this act is in force from its passage.

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