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HOUSE BILL NO. 45

Offered January 11, 2012

Prefiled December 14, 2011

A BILL to amend and reenact § 30-5 of the Code of Virginia, relating to continuance of time for filing pleading where party connected with General Assembly.

Patron—Habeeb

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 30-5 of the Code of Virginia is amended and reenacted as follows:**

§ 30-5. Continuance or time for filing pleading, etc., where party or attorney is connected with General Assembly or Division of Legislative Services.

Any party to an action or proceeding in any court, including the Court of Appeals and the Supreme Court of Virginia, commission or other tribunal having judicial or quasi-judicial powers or jurisdiction, who is an officer, employee or member of the General Assembly; *or* employee of the Division of Legislative Services, or who has, prior to or during the session of the General Assembly, employed or retained to represent him in such action or proceeding an attorney who is *or becomes* an officer, employee or member of the General Assembly; or employee of the Division of Legislative Services, shall be entitled to a continuance as a matter of right (i) during the period beginning ~~thirty~~ 30 days prior to the commencement of the session and ending ~~thirty~~ 30 days after the adjournment thereof, and (ii) during a period beginning one day prior to the meeting date of any reconvened or veto session or of any commission, council, committee or subcommittee created by the General Assembly at which such officer, employee or member is scheduled to attend and ending one day after the adjournment of such meeting; however, no continuance need be granted under clause (ii) unless it shall have been requested in writing at least three days prior to the first day for which the continuance is sought and filed with the court. The requesting party, when practicable, shall strive to notify all other parties to the proceeding of such request.

Any pleading or the performance of any act relating thereto required to be filed or performed by any statute or rule during the period beginning ~~thirty~~ 30 days prior to the commencement of the session and ending ~~thirty~~ 30 days after the adjournment of the session shall be extended until not less than ~~thirty~~ 30 days after any such session. The failure of any court, commission or other tribunal to allow such continuance when requested so to do or the returning of such filing or act during the period hereinabove specified shall constitute reversible error; provided that this section shall not prevent the granting of temporary injunctive relief, or the dissolution or extension of a temporary injunction, but the right to such relief shall remain in the sound discretion of the court or other such tribunal.

INTRODUCED

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