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**HOUSE BILL NO. 64**

Offered January 13, 2016

Prefiled December 4, 2015

A *BILL to amend and reenact § 16.1-112 of the Code of Virginia, relating to the establishment of an electronic filing system in the general district court; submission of papers to appellate court; acceptability of electronic medium.*

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Patron—Kilgore

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 16.1-112 of the Code of Virginia is amended and reenacted as follows:****§ 16.1-112. All papers transmitted to appellate court; acceptability of electronic medium; further proceedings.**

The judge or clerk of any court from which an appeal is taken under this article shall promptly transmit to the clerk of the appellate court the original warrant or warrants or other notices or pleadings with the judgment endorsed thereon, together with all pleadings, exhibits, and other papers filed in the trial of the case, the required bond, and, if applicable, the money deposited to secure such bond and the writ tax and costs paid pursuant to § 16.1-107, and the fees for service of process of the notice of appeal in the circuit court. *The Executive Secretary of the Supreme Court shall establish an electronic filing system for use in the general district courts. The judge or clerk of a general district court shall provide to the appropriate clerk of any appellate court the original warrant or warrants or other notices or pleadings with the judgment endorsed thereon, together with all pleadings, exhibits, and other papers filed in the trial of the case, in electronic form. The clerk of the appellate court shall accept the official civil or criminal record in electronic form as otherwise required by law.* Upon receipt of the foregoing by the clerk of the appellate court, the case shall then be docketed.

When such case has been docketed, the clerk of such appellate court shall by writing to be served, as provided in §§ 8.01-288, 8.01-293, 8.01-296 and 8.01-325, or by certified mail, with certified delivery receipt requested, notify the appellee, or by regular mail to his attorney, that such an appeal has been docketed in his office; provided, that upon affidavit by the appellant or his agent in conformity with § 8.01-316 being filed with the clerk, the clerk shall post such notice at the front door of his courtroom and shall mail a copy thereof to the appellee at his last known address or place of abode or to his attorney; and he shall file a certificate of such posting and mailing with the papers in the case. No such appeal shall be heard unless it appears that the appellee or his attorney has had such notice, or that such certificate has been filed, 10 days before the date fixed for trial; or has in person or by attorney waived such notice.

INTRODUCED

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