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## SENATE BILL NO. 946

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on January 25, 2017)

(Patron Prior to Substitute—Senator Obenshain)

A *BILL to amend and reenact §§ 8.01-671, 12.1-39, 12.1-40, and 12.1-41 of the Code of Virginia, relating to time within which a petition for appeal to the Supreme Court shall be filed.*

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

**1. That §§ 8.01-671, 12.1-39, 12.1-40, and 12.1-41 of the Code of Virginia are amended and reenacted as follows:**

**§ 8.01-671. Time within which petition must be presented.**

A. In cases where an appeal is permitted from the trial court to the Supreme Court, no petition shall be presented for an appeal to the Supreme Court from any final judgment whether the Commonwealth be a party or not, (i) which shall have been rendered more than ~~three months~~ 90 days before the petition is presented, provided; that in criminal cases, a ~~thirty-day~~ 30-day extension may be granted, in the discretion of the court, in order to attain the ends of justice, or (ii) if it be an appeal from a final decree refusing a bill of review to a decree rendered more than ~~four months~~ 120 days prior thereto, unless the petition is presented within ~~three months~~ 90 days from the date of such decree.

B. When an appeal from an interlocutory decree or order is permitted, the petition for appeal shall be presented within the appropriate time limitation set forth in subsection A hereof.

C. No appeal to the Supreme Court from a decision of the Court of Appeals shall be granted unless a petition for appeal is filed within ~~thirty~~ 30 days after the date of the decision appealed from.

**§ 12.1-39. Appeals generally.**

The Commonwealth, any party in interest, or any party aggrieved by any final finding, decision settling the substantive law, order, or judgment of the Commission shall have, of right, an appeal to the Supreme Court irrespective of the amount involved; provided, however, that the petition for such appeal shall be filed with the Clerk of the Supreme Court within ~~four months~~ 120 days from the final judgment or finding of the State Corporation Commission; and provided further that an appeal bond is filed pursuant to § 8.01-676.1.

No other court of the Commonwealth shall have jurisdiction to review, reverse, correct, or annul any action of the Commission or to enjoin or restrain it in the performance of its official duties; provided, however, that the writs of mandamus and prohibition shall lie from the Supreme Court to the Commission.

The Commission shall, whenever an appeal is taken therefrom, file in the record of the case a statement of the reasons upon which the action appealed from was based.

**§ 12.1-40. Method of taking and prosecuting appeals.**

All appeals from the State Corporation Commission shall be taken and perfected, and the clerk of the Commission shall make up and transmit the record on appeal, within ~~four months~~ 120 days from the date of the finding, order, or judgment appealed from. The method of taking and prosecuting any appeal from the Commission shall be as provided by the rules of the Supreme Court.

**§ 12.1-41. Petitions for writs of supersedeas.**

Upon petition of the Commonwealth, any party in interest, or any party aggrieved, the Supreme Court may award a writ of supersedeas to any final finding, order, or judgment of the Commission. Any such petition shall be presented within ~~four months~~ 120 days from the date of such final finding, order, or judgment.