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HOUSE BILL NO. 166

Offered January 10, 2018

Prefiled December 22, 2017

A BILL to amend and reenact §§ 8.01-341.1, 16.1-112, 17.1-240, and 17.1-258.6 of the Code of Virginia and to repeal § 55-111 of the Code of Virginia, relating to jurors; clerks of court.

Patron—Miyares

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-341.1, 16.1-112, 17.1-240, and 17.1-258.6 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-341.1. Exemptions from jury service upon request.

Any of the following persons may serve on juries in civil and criminal cases but shall be exempt from jury service upon his request:

1. through 3. [Repealed.]

4. A mariner actually employed in maritime service;

5. through 7. [Repealed.]

8. A person who has legal custody of and is necessarily and personally responsible for a child or children 16 years of age or younger requiring continuous care by him during normal court hours, or any mother who is breast-feeding a child;

9. A person who is necessarily and personally responsible for a person having a physical or mental impairment requiring continuous care by him during normal court hours;

10. Any person over ~~70~~ 73 years of age;

11. Any person whose spouse is summoned to serve on the same jury panel;

12. Any person who is the only person performing services for a business, commercial or agricultural enterprise and whose services are so essential to the operations of the business, commercial or agricultural enterprise that such enterprise must close or cease to function if such person is required to perform jury duty;

13. Any person who is the only person performing services for a political subdivision as a firefighter, as defined in § 65.2-102, and whose services are so essential to the operations of the political subdivision that such political subdivision will suffer an undue hardship in carrying out such services if such person is required to perform jury duty;

14. Any person employed by the Office of the Clerk of the House of Delegates, the Office of the Clerk of the Senate, the Division of Legislative Services, and the Division of Legislative Automated Systems; however, this exemption shall apply only to jury service starting (i) during the period beginning 60 days prior to the day any regular session commences and ending 30 days after the day of adjournment of such session and (ii) during the period beginning seven days prior to the day any reconvened or special session commences and ending seven days after the day of adjournment of such session;

15. Any general registrar, member of a local electoral board, or person appointed or employed by either the general registrar or the local electoral board, except officers of election appointed pursuant to Article 5 (§ 24.2-115 et seq.) of Chapter 1 of Title 24.2; however, this exemption shall apply only to jury service starting (i) during the period beginning 90 days prior to any election and continuing through election day, (ii) during the period to ascertain the results of the election and continuing for 10 days after the local electoral board certifies the results of the election under § 24.2-671 or the State Board of Elections certifies the results of the election under § 24.2-679, or (iii) during the period of an election recount or contested election pursuant to Chapter 8 (§ 24.2-800 et seq.) of Title 24.2. Any officer of election shall be exempt from jury service only on election day and during the periods set forth in clauses (ii) and (iii); and

16. Any member of the armed services of the United States or the diplomatic service of the United States appointed under the Foreign Service Act (22 U.S.C. § 3901 et seq.) who will be serving outside of the United States at the time of such jury service.

§ 16.1-112. All papers transmitted to appellate court; 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 case papers, which shall include 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

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59 deposited to secure such bond and the writ tax and costs paid pursuant to § 16.1-107 shall also be
60 submitted, along with the fees for service of process of the notice of appeal in the circuit court. Upon
61 agreement between the chief judge of the general district court and the clerk of the appellate court, the
62 case papers shall be transmitted to the appellate court by an electronic method approved by the
63 Executive Secretary of the Supreme Court, with the exception of any exhibit that cannot be
64 electronically transmitted. In the jurisdictions where an agreement pursuant to this section is in effect for
65 the electronic submission of case papers to the appellate court, the appellate court may transmit the case
66 papers back to the general district court by electronic submission where the case is to be returned to the
67 general district court under applicable law. Electronic case papers, whether originating in electronic form
68 or converted to electronic form, shall constitute the official record of the case. Such electronic case
69 papers shall also fulfill any statutory requirement requiring an original, original paper, paper, record,
70 document, facsimile, memorandum, exhibit, certification, or transcript if such electronic case papers are
71 in an electronic form approved by the Executive Secretary of the Supreme Court. *The clerk in the*
72 *appellate court may also request that any paper trial court records be forwarded to such clerk.* Upon
73 receipt of the foregoing by the clerk of the appellate court, the case shall then be docketed.

74 When such case has been docketed, the clerk of such appellate court shall by writing to be served, as
75 provided in §§ 8.01-288, 8.01-293, 8.01-296, and 8.01-325, or by certified mail, with certified delivery
76 receipt requested, notify the appellee, or by regular mail to his attorney, that such an appeal has been
77 docketed in his office, provided that upon affidavit by the appellant or his agent in conformity with
78 § 8.01-316 being filed with the clerk, the clerk shall post such notice at the front door of his courtroom
79 and shall mail a copy thereof to the appellee at his last known address or place of abode or to his
80 attorney, and he shall file a certificate of such posting and mailing with the papers in the case. No such
81 appeal shall be heard unless it appears that the appellee or his attorney has had such notice, or that such
82 certificate has been filed, 10 days before the date fixed for trial, or has in person or by attorney waived
83 such notice.

84 **§ 17.1-240. Recording by microphotographic or electronic process.**

85 A procedural microphotographic process, digital reproduction, or any other micrographic process
86 ~~which~~ that stores images of documents in reduced size or in electronic format, may be used to
87 accomplish the recording of writings otherwise required by any provision of law to be spread in a book
88 or retained in the circuit court clerk's office, including, ~~but not limited to,~~ the civil and criminal order
89 books, the Will Book or Fiduciary Account Book, the Juvenile Order Book, the Adoption Order Book,
90 the Trust Fund Order Book, the Deed Book, the Plat Book, the Land Book, *the Bond Book*, the
91 Judgment Docket Book, the Partnership or Assumed Name Certificate Book, marriage records, and
92 financing statements. Any such micrographic, microphotographic, or electronic recording process shall
93 meet archival standards as recommended by The Library of Virginia.

94 **§ 17.1-258.6. Acceptability of electronic medium; submission of trial court record to appellate**
95 **court.**

96 A. In connection with civil proceedings in circuit court, any statutory requirement for an original,
97 original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript shall
98 be satisfied if such is in an electronic form approved for filing under the Rules of Supreme Court of
99 Virginia. However, this section shall not apply to documents the form of which is specified in any
100 statute governing the creation and execution of wills, codicils, testamentary trusts, premarital agreements,
101 and negotiable instruments.

102 B. Notwithstanding any other provision of law, any statutory authorization for the use of copies or
103 reproductions in civil proceedings in circuit court shall be satisfied by use of such copies or
104 reproductions in hard copy or electronic form approved for filing under the Rules of Supreme Court of
105 Virginia.

106 C. Any clerk of a circuit court with an electronic filing system that complies with the Rules of
107 Supreme Court of Virginia may provide the trial court record in electronic form to the appropriate clerk
108 of any appellate court. The clerk of the Supreme Court and the clerk of the Court of Appeals shall
109 accept the official civil or criminal record in electronic form as otherwise required by law. *The clerk in*
110 *the appellate court may also request that any paper trial court records be forwarded to such clerk.*

111 D. The Rules of Supreme Court of Virginia shall not prohibit the use of a private vendor electronic
112 filing system if such system is in compliance with the filing standards established by the Court.

113 **2. That § 55-111 of the Code of Virginia is repealed.**