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HOUSE BILL NO. 2112

Offered January 13, 2021

Prefiled January 12, 2021

A *BILL to amend and reenact §§ 2.2-511, 8.01-36, 8.01-267.8, 8.01-383.1, 8.01-555, 8.01-626, 8.01-670, 8.01-671, 8.01-675.3, 8.01-676.1, 9.1-909, 15.2-1627, 15.2-1643, 15.2-2139, 15.2-2140, 15.2-2656, 15.2-3104, 15.2-3217, 15.2-3221, 15.2-3222, 15.2-3227, 15.2-3244, 15.2-3308, 15.2-3528, 15.2-3605, 15.2-3809, 15.2-3909, 15.2-4108, 15.2-4120, 15.2-5218, 15.2-5367, 15.2-6606, 15.2-6632, 15.2-7406, 16.1-279.1, 17.1-309, 17.1-400 through 17.1-403, 17.1-405 through 17.1-408, 17.1-410, 17.1-413, 17.1-503, 17.1-513, 18.2-308.08, 18.2-384, 19.2-152.10, 19.2-321, 19.2-321.1, 19.2-321.2, 19.2-322.1, 19.2-386.13, 19.2-402, 19.2-403, 19.2-404, 22.1-97, 22.1-289.024, as it shall become effective, 24.2-237, 24.2-422, 24.2-433, 25.1-239, 32.1-48.010, 32.1-48.013, 33.2-928, 33.2-2917, 37.2-920, 45.1-161.322, 55.1-1833, 55.1-1966, 55.1-2211, 57-2.02, 58.1-527, 58.1-1828, 58.1-2282, 58.1-3147, 58.1-3992, and 63.2-1710 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 26.1 of Title 8.01 sections numbered 8.01-675.5 and 8.01-675.6; and to repeal §§ 8.01-670.1 and 8.01-672 of the Code of Virginia, relating to the Court of Appeals; jurisdiction; number of judges.*

Patrons—Herring and Lopez; Senator: Surovell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-511, 8.01-36, 8.01-267.8, 8.01-383.1, 8.01-555, 8.01-626, 8.01-670, 8.01-671, 8.01-675.3, 8.01-676.1, 9.1-909, 15.2-1627, 15.2-1643, 15.2-2139, 15.2-2140, 15.2-2656, 15.2-3104, 15.2-3217, 15.2-3221, 15.2-3222, 15.2-3227, 15.2-3244, 15.2-3308, 15.2-3528, 15.2-3605, 15.2-3809, 15.2-3909, 15.2-4108, 15.2-4120, 15.2-5218, 15.2-5367, 15.2-6606, 15.2-6632, 15.2-7406, 16.1-279.1, 17.1-309, 17.1-400 through 17.1-403, 17.1-405 through 17.1-408, 17.1-410, 17.1-413, 17.1-503, 17.1-513, 18.2-308.08, 18.2-384, 19.2-152.10, 19.2-321, 19.2-321.1, 19.2-321.2, 19.2-322.1, 19.2-386.13, 19.2-402, 19.2-403, 19.2-404, 22.1-97, 22.1-289.024, as it shall become effective, 24.2-237, 24.2-422, 24.2-433, 25.1-239, 32.1-48.010, 32.1-48.013, 33.2-928, 33.2-2917, 37.2-920, 45.1-161.322, 55.1-1833, 55.1-1966, 55.1-2211, 57-2.02, 58.1-527, 58.1-1828, 58.1-2282, 58.1-3147, 58.1-3992, and 63.2-1710 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 26.1 of Title 8.01 sections numbered 8.01-675.5 and 8.01-675.6 as follows:

§ 2.2-511. Criminal cases.

A. Unless specifically requested by the Governor to do so, the Attorney General shall have no authority to institute or conduct criminal prosecutions in the circuit courts of the Commonwealth except in cases involving (i) violations of the Alcoholic Beverage Control Act (§ 4.1-100 et seq.), (ii) violation of laws relating to elections and the electoral process as provided in § 24.2-104, (iii) violation of laws relating to motor vehicles and their operation, (iv) the handling of funds by a state bureau, institution, commission or department, (v) the theft of state property, (vi) violation of the criminal laws involving child pornography and sexually explicit visual material involving children, (vii) the practice of law without being duly authorized or licensed or the illegal practice of law, (viii) violations of § 3.2-4212 or 58.1-1008.2, (ix) with the concurrence of the local attorney for the Commonwealth, violations of the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.), (x) with the concurrence of the local attorney for the Commonwealth, violations of the Air Pollution Control Law (§ 10.1-1300 et seq.), the Virginia Waste Management Act (§ 10.1-1400 et seq.), and the State Water Control Law (§ 62.1-44.2 et seq.), (xi) with the concurrence of the local attorney for the Commonwealth, violations of Chapters 2 (§ 18.2-18 et seq.), 3 (§ 18.2-22 et seq.), and 10 (§ 18.2-434 et seq.) of Title 18.2, if such crimes relate to violations of law listed in clause (x) of this subsection, (xii) with the concurrence of the local attorney for the Commonwealth, criminal violations by Medicaid providers or their employees in the course of doing business, or violations of Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, in which cases the Attorney General may leave the prosecution to the local attorney for the Commonwealth, or he may institute proceedings by information, presentment or indictment, as appropriate, and conduct the same, (xiii) with the concurrence of the local attorney for the Commonwealth, violations of Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2, (xiv) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of §§ 18.2-186.3 and 18.2-186.4, (xv) with the concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of § 18.2-46.2, 18.2-46.3, or 18.2-46.5 when such violations are committed on the grounds of a state correctional facility, and (xvi) with the concurrence of the local attorney for the Commonwealth,

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59 assisting in the prosecution of violations of Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 of Title 18.2.

60 In all other criminal cases in the circuit courts, except where the law provides otherwise, the
 61 authority of the Attorney General to appear or participate in the proceedings shall not attach unless and
 62 until a ~~petition for notice of appeal has been granted by filed with the clerk of the circuit court noting~~
 63 ~~an appeal to the Court of Appeals or a writ of error has been granted by the Supreme Court.~~ In all
 64 criminal cases before the Court of Appeals or the Supreme Court in which the Commonwealth is a party
 65 or is directly interested, the Attorney General shall appear and represent the Commonwealth *if he files a*
 66 *notice of appearance with the Court of Appeals or the Supreme Court, as appropriate.* ~~In any criminal~~
 67 ~~case in which a petition for appeal has been granted by the Court of Appeals, the Attorney General shall~~
 68 ~~continue to represent the Commonwealth in any further appeal of a case from the Court of Appeals to~~
 69 ~~the Supreme Court. If the Attorney General chooses to appear and represent the Commonwealth in any~~
 70 ~~such appeal, he shall send a copy of his notice of appearance to the attorney for the Commonwealth~~
 71 ~~who prosecuted the underlying criminal case. The Attorney General shall be counsel of record in all~~
 72 ~~criminal cases before the Court of Appeals or the Supreme Court in which the Commonwealth is a party~~
 73 ~~or is directly interested if he has filed a notice of appearance with the Court of Appeals or the Supreme~~
 74 ~~Court.~~

75 B. The Attorney General shall, upon request of a person who was the victim of a crime and subject
 76 to such reasonable procedures as the Attorney General may require, ensure that such person is given
 77 notice of the filing, of the date, time and place and of the disposition of any appeal or habeas corpus
 78 proceeding involving the cases in which such person was a victim. For the purposes of this section, a
 79 victim is an individual who has suffered physical, psychological or economic harm as a direct result of
 80 the commission of a crime; a spouse, child, parent or legal guardian of a minor or incapacitated victim;
 81 or a spouse, child, parent or legal guardian of a victim of a homicide. Nothing in this subsection shall
 82 confer upon any person a right to appeal or modify any decision in a criminal, appellate or habeas
 83 corpus proceeding; abridge any right guaranteed by law; or create any cause of action for damages
 84 against the Commonwealth or any of its political subdivisions, the Attorney General or any of his
 85 employees or agents, any other officer, employee or agent of the Commonwealth or any of its political
 86 subdivisions, or any officer of the court.

87 **§ 8.01-36. Joinder of action of tort to infant with action for recovery of expenses incurred**
 88 **thereby and claim for recovery of expenses by infant.**

89 A. Where there is pending any action by an infant plaintiff against a tort-feasor for a personal injury,
 90 where the cause of action accrued prior to July 1, 2013, any parent or guardian of such infant, who is
 91 entitled to recover from the same tort-feasor the expenses of curing or attempting to cure such infant
 92 from the result of such personal injury, may bring an action against such tort-feasor for such expenses,
 93 in the same court where such infant's case is pending, either in the action filed in behalf of the infant or
 94 in a separate action. If the claim for expenses be by separate action, upon motion of any party to either
 95 case, made to the court at least one week before the trial, both cases shall be tried together at the same
 96 time as parts of the same transaction. But separate verdicts when there is a jury trial shall be rendered,
 97 and the judgment shall distinctly separate the decision and judgment in the separate causes of action.

98 In the event of the cases being carried to the ~~Supreme Court of Appeals~~, which may be done if there
 99 be the jurisdictional amount in either case, they shall both be carried together as one case and record,
 100 but the ~~Supreme Court of Appeals~~ shall clearly specify the decision in each case, separating them in the
 101 decision to the extent necessary to do justice among the parties. *If an appeal is taken from the judgment*
 102 *of the Court of Appeals, the Supreme Court, in matters in which it grants the petition for appeal, shall*
 103 *clearly specify the decision in each case, separating them in the decision to the extent necessary to do*
 104 *justice among the parties.*

105 B. For causes of action that accrue on or after July 1, 2013, the past and future expenses of curing
 106 or attempting to cure an infant of personal injuries proximately caused by a tort-feasor are damages
 107 recoverable by an infant in a cause of action against the tort-feasor and, if applicable to the infant's
 108 cause of action, are subject to the limitation on damages in § 8.01-581.15. Any parent or guardian of
 109 such infant who has paid for or is personally obligated to pay for past or future expenses to cure or
 110 attempt to cure the infant shall have a lien and right of reimbursement against any recovery by the
 111 infant up to the amount the parent or guardian has actually paid or is personally obligated to pay. The
 112 right to reimbursement of any parent or guardian shall accrue upon the first tender of funds of any
 113 recovery from a tort-feasor to the infant. Court approval of the infant settlement shall release party
 114 defendants from all claims for past or future expenses of curing or attempting to cure the infant.

115 Nothing in this section shall relieve a parent of the obligation to pay for the medical expenses of
 116 curing or attempting to cure the infant as such obligation exists under current law.

117 **§ 8.01-267.8. Interlocutory appeal.**

118 A. The ~~Supreme Court or the Court of Appeals~~, in its discretion, may permit an appeal to be taken
 119 from an order of a circuit court although the order is not a final order where the circuit court has
 120 ordered a consolidated trial of claims joined or consolidated pursuant to this chapter.

121 B. The ~~Supreme Court or the~~ Court of Appeals, in its discretion, may permit an appeal to be taken
 122 from any other order of a circuit court in an action combined pursuant to this chapter although the order
 123 is not a final order provided the written order of the circuit court states that the order involves a
 124 controlling question of law as to which there is substantial ground for difference of opinion and that an
 125 immediate appeal from the order may materially advance the ultimate termination of the litigation.

126 C. Application for an appeal pursuant to this section shall be made within ~~ten~~ 10 days after the entry
 127 of the order and shall not stay proceedings in the circuit court unless the circuit court or the appellate
 128 court shall so order.

129 **§ 8.01-383.1. Appeal when verdict reduced and accepted under protest; new trial for inadequate**
 130 **damages.**

131 A. In any action at law in which the trial court ~~shall require~~ *requires* a plaintiff to remit a part of his
 132 recovery, as ascertained by the verdict of a jury, or else submit to a new trial, such plaintiff may remit
 133 and accept judgment of the court thereon for the reduced sum under protest, but, notwithstanding such
 134 remittitur and acceptance, if under protest, *may appeal* the judgment of the court in requiring him to
 135 remit ~~may be reviewed by the Supreme Court upon an appeal awarded the plaintiff as in other actions at~~
 136 ~~law; and in any such case in which an appeal is awarded the~~ *to the Court of Appeals. The defendant;*
 137 *may appeal* the judgment of the court in requiring such remittitur ~~may be the subject of review by the~~
 138 ~~Supreme Court to the Court of Appeals,~~ regardless of the amount. *If an appeal is taken from the*
 139 *judgment of the Court of Appeals, the Supreme Court, in matters in which it grants the petition for*
 140 *appeal, shall review the judgment, regardless of amount.*

141 B. In any action at law when the court finds as a matter of law that the damages awarded by the
 142 jury are inadequate, the trial court may (i) award a new trial or (ii) require the defendant to pay an
 143 amount in excess of the recovery of the plaintiff found in the verdict. If either the plaintiff or the
 144 defendant declines to accept such additional award, the trial court shall award a new trial.

145 If additur pursuant to this subsection is accepted by either party under protest, it may be reviewed on
 146 appeal.

147 **§ 8.01-555. When appeal bond given property to be delivered to owner.**

148 When judgment in favor of the plaintiff is rendered by a general district court in any case in which
 149 an attachment is issued and on appeal therefrom to a circuit court an appeal bond is given, with
 150 condition to prosecute the appeal with effect or pay the debt, interest, costs and damages, as well as the
 151 costs of the appeal, the officer, in whose custody any attached property is, shall deliver the same to the
 152 owner thereof. When an appeal is from a circuit court to the ~~Supreme Court of Appeals~~ and an appeal
 153 bond is given pursuant to § 8.01-676.1, the officer having custody shall proceed in like manner.

154 **§ 8.01-626. Review of injunction by Court of Appeals.**

155 Wherein a circuit court (i) grants an injunction or (ii) refuses an injunction or (iii) having granted an
 156 injunction, dissolves or refuses to enlarge it, an aggrieved party may, within 15 days of the court's order,
 157 ~~present a petition for review to a justice of the Supreme Court; however, if the issue concerning the~~
 158 ~~injunction arose in a case over which the Court of Appeals would have appellate jurisdiction under~~
 159 ~~§ 17.1-405 or 17.1-406, the petition for review shall be initially presented to a judge of file a petition~~
 160 ~~for review with the clerk of the Court of Appeals within 15 days of the circuit court's order. The clerk~~
 161 ~~shall assign the petition to a judge of the Court of Appeals; such assignments shall be made on a~~
 162 ~~rotating basis.~~ The aggrieved party shall serve a copy of the petition for review on the counsel for the
 163 opposing party, which may file a response within seven days from the date of service unless the court
 164 determines a shorter time frame. The petition for review shall be accompanied by a copy of the
 165 proceedings, including the original papers and the court's order respecting the injunction. The ~~justice or~~
 166 ~~judge~~ may take such action thereon as he considers appropriate under the circumstances of the case.

167 When a judge of the Court of Appeals has initially acted upon a petition for review of an order of a
 168 circuit court respecting an injunction, a party aggrieved by such action of the judge of the Court of
 169 Appeals may, within 15 days of the order of the judge of the Court of Appeals, present a petition for
 170 review of such order to a ~~justice the clerk of the Supreme Court if the case would otherwise be~~
 171 ~~appealable to the Supreme Court in accordance with § 17.1-410. The clerk shall assign the petition to a~~
 172 ~~justice of the Supreme Court; such assignments shall be made on a rotating basis.~~ The aggrieved party
 173 shall serve a copy of the petition for review on the counsel for the opposing party, which may file a
 174 response within seven days from the date of service unless the court determines a shorter time frame.
 175 The petition for review shall be accompanied by a copy of the proceedings before the circuit court,
 176 including the original papers and the circuit court's order respecting the injunction, and a copy of the
 177 order of the judge of the Court of Appeals from which review is sought. The justice may take such
 178 action thereon as he considers appropriate under the circumstances of the case.

179 *Nothing in this section shall be construed to prevent the Court of Appeals or the Supreme Court*
 180 *from resolving a petition for review by an order joined by more than one judge or justice. An order*
 181 *issued by a justice of the Supreme Court does not become a judgment of the court except on the*

182 concurrence of at least three justices, as provided in § 17.1-308.

183 **§ 8.01-670. In what cases awarded.**

184 A. Except as provided by § 17.1-405, any person may present a petition for an appeal to the
185 Supreme Court if he believes himself aggrieved:

186 1. By any judgment in a controversy concerning:

187 a. The title to or boundaries of land;

188 b. The condemnation of property;

189 c. The probate of a will;

190 d. The appointment or qualification of a personal representative, guardian, conservator, committee, or
191 curator;

192 e. A mill, roadway, ferry, wharf, or landing;

193 f. The right of the Commonwealth, or a county, or municipal corporation to levy tolls or taxes; or

194 g. The construction of any statute, ordinance, or county proceeding imposing taxes; or

195 2. By the order of a court refusing a writ of quo warranto or by the final judgment on any such writ;

196 or

197 3. By a final judgment in any other civil case.

198 B. Except as provided by § 17.1-405, any party may present a petition for an appeal to the Supreme
199 Court in any case on an equitable claim wherein there is an interlocutory decree or order:

200 1. Granting, dissolving or denying an injunction; or

201 2. Requiring money to be paid or the possession or title of property to be changed; or

202 3. Adjudicating the principles of a cause.

203 C. Except in cases where appeal from a final judgment lies in the Court of Appeals, as provided in
204 § 17.1-405, any party may present a petition pursuant to § 8.01-670.1 for appeal to the Supreme Court.

205 *A party aggrieved by a final decision of the Court of Appeals may petition the Supreme Court for an
206 appeal in accordance with § 17.1-411.*

207 **§ 8.01-671. Time within which petition must be presented.**

208 A. In cases where an appeal is permitted from the trial court to the Supreme Court, no petition shall
209 be presented for an appeal to the Supreme Court from any final judgment, whether the Commonwealth
210 be a party or not, ~~(i) which shall have been that was~~ rendered more than 90 days before the petition is
211 presented, provided that a 30-day *an* extension may be granted, in the discretion of the court ~~Supreme~~
212 *Court*, in order to attain the ends of justice; or ~~(ii) if it be an appeal from a final decree refusing a bill~~
213 ~~of review to a decree rendered more than 120 days prior thereto, unless the petition is presented within~~
214 ~~90 days from the date of such decree.~~

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

217 C. No appeal to the Supreme Court from a decision of the Court of Appeals shall be granted unless
218 a petition for appeal is filed within 30 days after the date of the decision appealed from. *However, an*
219 *extension may be granted, in the discretion of the court, in order to attain the ends of justice.*

220 **§ 8.01-675.3. Time within which appeal must be taken; notice.**

221 Except as provided in § 19.2-400 for pretrial appeals by the Commonwealth in criminal cases and in
222 § 19.2-401 for cross appeals by the defendant in such pretrial appeals a notice of appeal to the Court of
223 Appeals in any case within the jurisdiction of the court shall be filed within 30 days from the date of
224 any final judgment order, decree, or conviction. When an appeal from an interlocutory decree or order is
225 permitted, the *notice of* appeal shall be filed within 30 days from the date of such decree or order,
226 except for pretrial appeals pursuant to § 19.2-398. *However, an extension may be granted, in the*
227 *discretion of the Court of Appeals, in order to attain the ends of justice.*

228 For purposes of this section, § 17.1-408, and an appeal pursuant to § 19.2-398, a petition for appeal
229 in a criminal case or a notice of appeal to the Court of Appeals, shall be deemed to be timely filed if (i)
230 it is mailed postage prepaid by registered or certified mail and (ii) the official postal receipt, showing
231 mailing within the prescribed time limits, is exhibited upon demand of the clerk or any party.

232 **§ 8.01-675.5. Appeal of interlocutory orders and decrees by permission; immunity.**

233 A. *When, prior to the commencement of trial, the circuit court has entered in any pending civil
234 action an order or decree that is not otherwise appealable, any party may file in the circuit court a
235 motion requesting that the circuit court certify such order or decree for interlocutory appeal.*

236 *The motion shall include a concise analysis of the statutes, rules, or cases believed to be
237 determinative of the issues and request that the court certify in writing that the order or decree involves
238 a question of law as to which (i) there is substantial ground for difference of opinion; (ii) there is no
239 clear, controlling precedent on point in the decisions of the Supreme Court of Virginia or the Court of
240 Appeals of Virginia; (iii) determination of the issues will be dispositive of a material aspect of the
241 proceeding currently pending before the court; and (iv) it is in the parties' best interest to seek an
242 interlocutory appeal. If the request for certification is opposed by any party, the parties may brief the
243 motion in accordance with the Rules of Supreme Court of Virginia.*

244 Within 15 days of the entry of an order by the circuit court granting such certification, a petition for
 245 appeal may be filed with the Court of Appeals. If the Court of Appeals determines that the certification
 246 by the circuit court has sufficient merit, it may, in its discretion, permit an appeal to be taken from the
 247 interlocutory order or decree and shall notify the certifying circuit court and counsel for the parties of
 248 its decision.

249 The consideration of any petition and appeal by the Court of Appeals shall be in accordance with
 250 the applicable provisions of the Rules of the Supreme Court of Virginia and shall not take precedence
 251 on the docket unless the court so orders.

252 B. When, prior to the commencement of trial, the circuit court has entered in any pending civil
 253 action an order granting or denying a plea of sovereign, absolute, or qualified immunity that, if
 254 granted, would immunize the movant from compulsory participation in the proceeding, the order is
 255 eligible for immediate appellate review. Any person aggrieved by such order may, within 15 days of the
 256 entry of such order, file a petition for review with the Court of Appeals in accordance with the
 257 procedures set forth in § 8.01-626.

258 C. No petitions or appeals under this section shall stay proceedings in the circuit court unless the
 259 circuit court or appellate court orders such a stay upon a finding that (i) the petition or appeal could
 260 be dispositive of the entire civil action or (ii) there exists good cause, other than the pending petition or
 261 appeal, to stay the proceedings.

262 D. The failure of a party to seek interlocutory review under this section shall not preclude review of
 263 the issue on appeal from a final order. An order by the Court of Appeals denying interlocutory review
 264 under this section shall not preclude review of the issue on appeal from a final order, unless the order
 265 denying such interlocutory review provides for such preclusion.

266 **§ 8.01-675.6. Jurisdictional amount.**

267 No petition shall be presented for an appeal from any judgment of a circuit court except in cases in
 268 which the controversy is for a matter of \$500 or more in value or amount, and except in cases in which
 269 it is otherwise expressly provided; nor to a judgment of any circuit court when the controversy is for a
 270 matter less in value or amount than \$500, exclusive of costs, unless there be drawn in question a
 271 freehold or franchise or the title or bounds of land, or some other matter not merely pecuniary.

272 **§ 8.01-676.1. Security for appeal.**

273 A. Security for costs of appeal of right to Court of Appeals in civil cases. A party filing a notice of
 274 an appeal of right to the Court of Appeals in a civil case shall simultaneously file an appeal bond or
 275 irrevocable letter of credit in the penalty of \$500, or such sum as the trial court may require, subject to
 276 subsection E, conditioned upon paying all costs and fees incurred in the Court of Appeals and the
 277 Supreme Court if it takes cognizance of the claim. If the appellant wishes suspension of execution in a
 278 civil appeal, the security shall also be conditioned and shall be in such sum as the trial court may
 279 require as provided in subsection C.

280 B. Security for costs on petition for appeal to Court of Appeals or Supreme Court. An appellant
 281 whose petition for appeal is granted by the Court of Appeals or the Supreme Court shall (if he has not
 282 done so) within 15 days from the date of the Certificate of Appeal file an appeal bond or irrevocable
 283 letter of credit in the same penalty as provided in subsection A, conditioned on the payment of all
 284 damages, costs, and fees incurred in the Court of Appeals and in the Supreme Court.

285 C. Security for suspension of execution. An appellant who wishes execution of the judgment or
 286 award from which an appeal is sought to be suspended during the appeal shall, subject to the provisions
 287 of subsection J, file a suspending bond or irrevocable letter of credit conditioned upon the performance
 288 or satisfaction of the judgment and payment of all damages incurred in consequence of such suspension,
 289 and except as provided in subsection D, execution shall be suspended upon the filing of such security
 290 and the timely prosecution of such appeal. Such security shall be continuing and additional security shall
 291 not be necessary except as to any additional amount which that may be added or to any additional
 292 requirement which that may be imposed by the courts.

293 D. Suspension of execution in decrees for support and custody; injunctions. The court from which an
 294 appeal is sought may refuse to suspend the execution of decrees for support and custody, and may also
 295 refuse suspension when a judgment refuses, grants, modifies, or dissolves an injunction.

296 E. Increase or decrease in penalty or other modification of security. 1. The trial court or commission
 297 may, upon the motion of any party (i) for good cause shown, modify the terms of the security for the
 298 appeal or of the security for the suspension of execution of a judgment and (ii) resolve any objection to
 299 the form or issuer of a bond or letter of credit at any time until the Court of Appeals or the Supreme
 300 Court acts upon any similar motion. Any party aggrieved by the decision of the trial court or
 301 commission may request a review of such decision by the appellate court before which the case is
 302 pending.

303 2. The Court of Appeals or the Supreme Court may order that the penalty or any other terms or
 304 requirements of the security for the appeal or of the security for the suspension of execution of a

305 judgment be modified for good cause shown (i) upon the motion of any party or (ii) if such request is
306 made in the brief of any party filed in the Court of Appeals, or in the Petition for Appeal or the
307 appellee's Brief in Opposition filed in the Supreme Court or the Court of Appeals.

308 3. Affidavits and counter-affidavits may be filed by the parties containing facts pertinent to such
309 request. Any increase or decrease in the amount of or other modification of the security so ordered shall
310 be effected in the clerk's office of the trial court within 15 days of the order of the trial court, the Court
311 of Appeals, or the Supreme Court.

312 4. If an increase so ordered is not effected within 15 days, the appeal shall be dismissed, in the case
313 of the security required under subsection A or B, or the suspension of execution of a judgment shall be
314 discontinued, in the case of the security required under subsection C.

315 F. By whom executed. Each bond filed shall be executed by a party or another on his behalf, and by
316 surety approved by the clerk of the court from which appeal is sought, or by the clerk of the Supreme
317 Court or the clerk of the Court of Appeals if the bond is ordered by such Court. Any letter of credit
318 posted as security for an appeal shall be in a form acceptable to the clerk of the court from which
319 appeal is sought, or by the clerk of the Supreme Court or the Court of Appeals if the security is ordered
320 by such court. The letter of credit shall be from a bank incorporated or authorized to conduct banking
321 business under the laws of this Commonwealth or authorized to do business in this Commonwealth
322 under the banking laws of the United States, or a federally insured savings institution located in this
323 Commonwealth.

324 G. Appeal from State Corporation Commission; security for costs. When an appeal of right is entered
325 from the State Corporation Commission to the Supreme Court, and no suspension of the order,
326 judgment, or decree appealed from is requested, such appeal bond or letter of credit shall be filed when
327 and in the amount required by the clerk of the Supreme Court, whose action shall be subject to review
328 by the Supreme Court.

329 H. Appeal from State Corporation Commission; suspension. Any judgment, order, or decree of the
330 State Corporation Commission subject to appeal to the Supreme Court may be suspended by the
331 Commission or by the Supreme Court pending decision of the appeal if the Commission or the Supreme
332 Court deems such suspension necessary for the proper administration of justice but only upon the
333 written application of an appellant after reasonable notice to all other parties in interest and the filing of
334 a suspending bond or irrevocable letter of credit with such conditions, in such penalty, and with such
335 surety thereon as the Commission or the Supreme Court may deem sufficient. But no surety shall be
336 required if the appellant is any county, city or town of this Commonwealth, or the Commonwealth.

337 I. Forms of bonds; letters of credit; where filed. The Clerk of the Supreme Court shall prescribe
338 separate forms for bonds, one for costs alone, one for suspension of execution, and one for both and a
339 form for irrevocable letters of credit, to which the bond or bonds or irrevocable letters of credit given
340 shall substantially conform. The forms for each bond and the letter of credit shall be published in the
341 Rules of Court. It shall be sufficient if the bond or letter of credit, when executed as required, is filed
342 with the trial court, clerk of the Virginia Workers' Compensation Commission, or the clerk of the State
343 Corporation Commission, whichever is applicable, and no personal appearance in the trial court, Virginia
344 Workers' Compensation Commission, or State Corporation Commission by the principal, the surety on
345 the bond or the bank issuing the letter of credit shall be required as a condition precedent to its filing.

346 J. In any civil litigation under any legal theory, the amount of the suspending bond or irrevocable
347 letter of credit to be furnished during the pendency of all appeals or discretionary reviews of any
348 judgment granting legal, equitable, or any other form of relief in order to stay the execution thereon
349 during the entire course of appellate review by any courts shall be set in accordance with applicable
350 laws or court rules, and the amount of the suspending bond or irrevocable letter of credit shall include
351 an amount equivalent to one year's interest calculated from the date of the notice of appeal in
352 accordance with § 8.01-682. However, the total suspending bond or irrevocable letter of credit that is
353 required of an appellant and all of its affiliates shall not exceed \$25 million, regardless of the value of
354 the judgment.

355 K. Dissipation of assets. If the appellee proves by a preponderance of the evidence that a party
356 bringing an appeal, for whom the suspending bond or irrevocable letter of credit requirement has been
357 limited or waived, is purposefully dissipating its assets or diverting assets outside the jurisdiction of the
358 United States courts for the purpose of evading the judgment, the limitation or waiver shall be rescinded
359 and a court may require the appellant to post a suspending bond or irrevocable letter of credit in an
360 amount up to the full amount of the judgment. Dissipation of assets shall not include those ongoing
361 expenditures made from assets of the kind that the appellant made in the regular course of business prior
362 to the judgment being appealed, such as the payment of stock dividends and other financial incentives to
363 the shareholders of publicly owned companies, continued participation in charitable and civic activities,
364 and other expenditures consistent with the exercise of good business judgment.

365 L. For good cause shown, a court may otherwise waive the filing of a suspending bond or
366 irrevocable letter of credit as to the damages in excess of, or other than, the compensatory damages.

367 Subject to the provisions of subsection K, the parties may agree to waive the requirement of a
 368 suspending bond or irrevocable letter of credit or agree to a suspending bond or irrevocable letter of
 369 credit in an amount less than the compensatory damages.

370 M. Exemption. When an appeal is proper to protect the estate of a decedent or person under
 371 disability, or to protect the interest of the Commonwealth or any county, city, or town of this
 372 Commonwealth, no security for appeal shall be required.

373 N. Indigents. No person who is an indigent shall be required to post security for an appeal bond.

374 O. Virginia Workers' Compensation Commission. No claimant who files an appeal from a final
 375 decision of the Virginia Workers' Compensation Commission with the Court of Appeals shall be
 376 required to post security for costs as provided in subsection A ~~or B~~ if such claimant has not returned to
 377 his employment or by reason of his disability is unemployed. Such claimant shall file an affidavit
 378 describing his disability and employment status with the Court of Appeals together with a motion to
 379 waive the filing of the security under subsection A ~~or B~~.

380 P. Time for filing security for appeal. The appeal bond or letter of credit prescribed in subsections A
 381 and B is not jurisdictional and the time for filing such security in cases before the Court of Appeals or
 382 the Supreme Court may be extended by a judge or justice of the court before which the case is pending
 383 on motion for good cause shown and to attain the ends of justice. The effect of failing to perfect an
 384 appeal bond shall be governed by the Rules of Supreme Court of Virginia.

385 Q. Consideration of appeal bond, suspending bond, or letter of credit by Court of Appeals or
 386 Supreme Court. A determination on an issue affecting an appeal bond, suspending bond, or letter of
 387 credit in a case before the Court of Appeals or the Supreme Court may be considered by an individual
 388 judge of such court rather than by a panel of judges.

389 R. This section applies to injunction bonds required pursuant to § 8.01-631.

390 S. In accordance with § 1-205, if the party required to post an appeal or suspending bond tenders
 391 such bond together with cash in the full amount required by this section to the clerk specified in this
 392 section, no surety shall be required.

393 **§ 9.1-909. Relief from registration, reregistration, or verification.**

394 A. Upon expiration of three years from the date upon which the duty to register as a Tier III
 395 offender or murderer is imposed, the person required to register may petition the court in which he was
 396 convicted or, if the conviction occurred outside of the Commonwealth, the circuit court in the
 397 jurisdiction where he currently resides, for relief from the requirement to verify his registration
 398 information four times each year at three-month intervals. After five years from the date of his last
 399 conviction for a violation of § 18.2-472.1, a Tier III offender or murderer may petition for relief from
 400 the requirement to verify his registration information every month. A person who is required to register
 401 may similarly petition the circuit court for relief from the requirement to verify his registration twice
 402 each year after five years from the date of his last conviction for a violation of § 18.2-472.1. The court
 403 shall hold a hearing on the petition, on notice to the attorney for the Commonwealth, to determine
 404 whether the person suffers from a mental abnormality or a personality disorder that makes the person a
 405 menace to the health and safety of others or significantly impairs his ability to control his sexual
 406 behavior. Prior to the hearing the court shall order a comprehensive assessment of the applicant by a
 407 panel of three certified sex offender treatment providers as defined in § 54.1-3600. A report of the
 408 assessment shall be filed with the court prior to the hearing. The costs of the assessment shall be taxed
 409 as costs of the proceeding.

410 If, after consideration of the report and such other evidence as may be presented at the hearing, the
 411 court finds by clear and convincing evidence that the person does not suffer from a mental abnormality
 412 or a personality disorder that makes the person a menace to the health and safety of others or
 413 significantly impairs his ability to control his sexual behavior, the petition shall be granted and the duty
 414 to verify his registration information more frequently than once a year shall be terminated. The court
 415 shall promptly notify the State Police upon entry of an order granting the petition. The person shall,
 416 however, be under a continuing duty to register annually for life. If the petition is denied, the duty to
 417 verify his registration information with the same frequency as before shall continue. ~~An appeal from the~~
 418 ~~A denial of a petition shall lie to the Supreme Court be appealable pursuant to § 17.1-405.~~

419 A petition for relief pursuant to this subsection may not be filed within three years from the date on
 420 which any previous petition for such relief was denied.

421 B. The duly appointed guardian of a person convicted of an offense requiring registration,
 422 reregistration, or verification of his registration information as either a Tier I, Tier II, or Tier III
 423 offender or murderer, who due to a physical condition is incapable of (i) reoffending and (ii)
 424 reregistering or verifying his registration information, may petition the court in which the person was
 425 convicted for relief from the requirement to reregister or verify his registration information. The court
 426 shall hold a hearing on the petition, on notice to the attorney for the Commonwealth, to determine
 427 whether the person suffers from a physical condition that makes the person (i) no longer a menace to

428 the health and safety of others and (ii) incapable of reregistering or verifying his registration
429 information. Prior to the hearing the court shall order a comprehensive assessment of the applicant by at
430 least two licensed physicians other than the person's primary care physician. A report of the assessment
431 shall be filed with the court prior to the hearing. The costs of the assessment shall be taxed as costs of
432 the proceeding.

433 If, after consideration of the report and such other evidence as may be presented at the hearing, the
434 court finds by clear and convincing evidence that due to his physical condition the person (i) no longer
435 poses a menace to the health and safety of others and (ii) is incapable of reregistering or verifying his
436 registration information, the petition shall be granted and the duty to reregister or verify his registration
437 information shall be terminated. However, for a person whose duty to reregister or verify his registration
438 information was terminated under this subsection, the Department of State Police shall, annually for Tier
439 I or Tier II offenders and quarterly for persons convicted of Tier III offenses and murder, verify and
440 report to the attorney for the Commonwealth in the jurisdiction in which the person resides that the
441 person continues to suffer from the physical condition that resulted in such termination.

442 The court shall promptly notify the State Police upon entry of an order granting the petition to
443 terminate the duty to reregister.

444 If the petition is denied, the duty to reregister shall continue. An appeal from the denial of a petition
445 shall be to the ~~Virginia Supreme Court~~ *of Appeals*.

446 A petition for relief pursuant to this subsection may not be filed within three years from the date on
447 which any previous petition for such relief was denied.

448 If, at any time, the person's physical condition changes so that he is capable of reoffending,
449 reregistering, or verifying his registration information, the attorney for the Commonwealth shall file a
450 petition with the circuit court in the jurisdiction where the person resides and the court shall hold a
451 hearing on the petition, with notice to the person and his guardian, to determine whether the person still
452 suffers from a physical condition that makes the person (i) no longer a menace to the health and safety
453 of others and (ii) incapable of reregistering or verifying his registration information. If the petition is
454 granted, the duty to reregister shall commence from the date of the court's order. An appeal from the
455 denial or granting of a petition shall be to the ~~Virginia Supreme Court~~ *of Appeals*. Prior to the hearing
456 the court shall order a comprehensive assessment of the applicant by at least two licensed physicians
457 other than the person's primary care physician. A report of the assessment shall be filed with the court
458 prior to the hearing. The costs of the assessment shall be taxed as costs of the proceeding.

459 **§ 15.2-1627. Duties of attorneys for the Commonwealth and their assistants.**

460 A. No attorney for the Commonwealth, or assistant attorney for the Commonwealth, shall be required
461 to carry out any duties as a part of his office in civil matters of advising the governing body and all
462 boards, departments, agencies, officials and employees of his county or city; of drafting or preparing
463 county or city ordinances; of defending or bringing actions in which the county or city, or any of its
464 boards, departments or agencies, or officials and employees thereof, shall be a party; or in any other
465 manner of advising or representing the county or city, its boards, departments, agencies, officials and
466 employees, except in matters involving the enforcement of the criminal law within the county or city.

467 B. The attorney for the Commonwealth and assistant attorney for the Commonwealth shall be a part
468 of the department of law enforcement of the county or city in which he is elected or appointed, and
469 shall have the duties and powers imposed upon him by general law, including the duty of prosecuting
470 all warrants, indictments or informations charging a felony, and he may in his discretion, prosecute
471 Class 1, 2 and 3 misdemeanors, or any other violation, the conviction of which carries a penalty of
472 confinement in jail, or a fine of \$500 or more, or both such confinement and fine. He shall enforce all
473 forfeitures, and carry out all duties imposed upon him by § 2.2-3126. He may enforce the provisions of
474 § 18.2-250.1, 18.2-268.3, 29.1-738.2, or 46.2-341.26:3. *He may, in his discretion, file a notice of appeal*
475 *with the circuit court for the appeal of a criminal case for which he was the prosecuting attorney and*
476 *he may appear and represent the Commonwealth in any criminal case on appeal before the Court of*
477 *Appeals or the Supreme Court for which he was the prosecuting attorney, provided that the Attorney*
478 *General has not filed a notice of appearance pursuant to § 2.2-511.*

479 *He may also represent the Commonwealth in an appeal of a civil matter related to the enforcement*
480 *of a criminal law or a criminal case for which he was the prosecuting attorney, including a petition for*
481 *expungement of a defendant's criminal record, an action of forfeiture filed in accordance with the*
482 *provisions of Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, or any matter which he may enforce*
483 *pursuant to this section.*

484 **§ 15.2-1643. Circuit courts to order court facilities to be repaired.**

485 A. When it appears to the circuit court for any county or city, from the report of persons appointed
486 to examine the court facilities, or otherwise, that the court facilities of such county or city are insecure,
487 out of repair, or otherwise pose a danger to the health, welfare and safety of court employees or the
488 public, the court shall enter an order, in the name and on behalf of the Commonwealth against the
489 supervisors of the county, or the members of the council of the city, as the case may be, to show cause

490 why a mandamus should not issue, commanding them to cause the court facilities of such county or city
 491 to be made secure, or put in good repair, or rendered otherwise safe as the case may be, and to proceed
 492 as in other cases of mandamus, to cause the necessary work to be done. The court shall cause a copy of
 493 such order to be served upon each supervisor or member of the council, as the case may be.

494 B. Upon the entry of such order, as provided in subsection A hereof, the chief judge of the circuit
 495 shall forthwith notify the Chief Justice of the Supreme Court of the entry thereof. Upon receipt of the
 496 notice, the Chief Justice shall assign a judge of a circuit remote from the circuit wherein the repairs are
 497 alleged to be necessary to hear and determine whether, after consideration of such matters as set forth in
 498 subdivisions 1 through 4, the court facilities are in fact insecure or out of repair or otherwise pose a
 499 danger to the health, welfare and safety of court employees or the public and the extent to which
 500 repairs, if any, are necessary.

501 Before a mandamus is issued, if the concerned governing body elects, or if the pleadings allege that
 502 the court facilities are in fact insecure or out of repair, or otherwise pose a danger to the health, welfare
 503 and safety of court employees or the public, the local governing body shall appoint a five-member
 504 panel, three of whom shall be qualified by training and experience as either an architect or a
 505 professional engineer, not representing the same firms, to review the court facilities in question and
 506 make recommendations to the local governing body and circuit court judge assigned by the Chief Justice
 507 concerning the construction or repairs deemed necessary.

508 In making their recommendations, the panel shall consider matters such as, but not limited to, the
 509 following:

510 1. Security provisions to safeguard court personnel, participants and the public;
 511 2. Efficient layout and circulation patterns to maximize public access, promote efficient operations,
 512 and accommodate the diverse users;

513 3. Provision of administrative and service areas, judges' chambers, hearing rooms, conference rooms,
 514 prison holding areas, and public information areas; and

515 4. Comfort, safety and obsolescence of the existing facility or any part thereof.

516 The existing facilities shall be considered in relationship to their location and the extent of their use,
 517 and their failure to meet any of these general considerations shall not necessarily be deemed a cause for
 518 determining them inadequate.

519 In making their recommendations, the panel may consult recognized national standard works in the
 520 field.

521 All costs, fees and expenses of the five-member panel, after approval by the local governing body,
 522 shall be paid by the county or city that appointed the panel.

523 C. If, after hearing, the court finds that the court facilities are not insecure or out of repair or
 524 otherwise unsafe, or having been in such condition, that the necessary repairs have been made, the court
 525 shall vacate the order. If the court finds that the court facilities are insecure or out of repair or otherwise
 526 unsafe, it shall issue its mandamus as provided in subsection A.

527 D. Appeals shall be allowed to the ~~Supreme~~ Court of ~~Virginia~~ *Appeals* as appeals from courts of
 528 equity are allowed.

529 E. Nothing in this section shall be construed to authorize a circuit court to require that an additional
 530 or replacement courthouse be constructed.

531 **§ 15.2-2139. Special court; costs.**

532 The costs in the proceedings before the special court shall be paid by the party instituting the
 533 proceedings and shall be the same as in other civil cases; the costs shall also include the per diem and
 534 expenses of the court reporter, if any, and, in the discretion of the court, a reasonable allowance to the
 535 court for secretarial services in connection with the preparation of the written opinion. In the event of an
 536 appeal, the ~~Supreme~~ Court of ~~Virginia~~ *Appeals* shall determine by whom the appellate costs shall be
 537 paid. *If an appeal is taken from the judgment of the Court of Appeals, the Supreme Court, in matters in*
 538 *which it grants the petition for appeal, shall determine by whom the appellate costs shall be paid.*

539 **§ 15.2-2140. Dispute between jurisdictions; appeals.**

540 A. An appeal may be ~~granted by the Supreme Court of Virginia, or any judge thereof, to~~ *filed in the*
 541 *Court of Appeals* by any party from the judgment of the special court, and the appeal shall be heard and
 542 determined without reference to the principles of demurrer to evidence. The special court shall certify
 543 the facts in the case to the ~~Supreme~~ Court of *Appeals*, and the evidence shall be considered as on appeal
 544 in proceedings under Chapter 2 (§ 25.1-200 et seq.) of Title 25.1. In any case, by consent of all parties
 545 of record, a motion to dismiss may be made at any time before final judgment on appeal.

546 B. If the judgment of the special court is reversed on appeal, or if the judgment is modified, the
 547 ~~Supreme~~ Court of *Appeals* shall enter such order as the special court should have entered, ~~and the order~~
 548 ~~shall be final.~~

549 C. *If an appeal is taken from the judgment of the Court of Appeals, the Supreme Court shall*
 550 *consider the appeal consistent with the procedures set forth in subsection A and shall enter such order*

551 *as the special court should have entered.*

552 **§ 15.2-2656. Appeals.**

553 An appeal from the final judgment of the circuit court in a bond validation proceeding may be taken
 554 to the ~~Supreme~~ Court of ~~Virginia~~ *Appeals*. No appeal shall be allowed unless a notice of appeal is filed
 555 in the circuit court within 15 days after the date on which the final judgment of the court is entered and
 556 unless the appealing party's ~~petition for appeal~~ *opening brief* is filed with the ~~Supreme~~ Court of ~~Virginia~~
 557 *Appeals* within 30 days after the date on which the final judgment of the court is entered. When a
 558 notice of appeal is timely and properly filed with the clerk of the circuit court, the clerk shall certify
 559 and transmit the record to the Clerk of the ~~Supreme~~ Court of ~~Virginia~~ *Appeals* within 30 days after the
 560 date on which the final judgment of the circuit court is entered *and the Court of Appeals shall give the*
 561 *appeal an expedited review*. Failure of the clerk to comply with this requirement shall not affect the
 562 jurisdiction of the ~~Supreme~~ Court of ~~Virginia~~ *Appeals* to consider the appeal. ~~If the Supreme Court of~~
 563 ~~Virginia grants the petition for appeal, it shall be placed on the privileged docket.~~

564 **§ 15.2-3104. Procedure when commissioners fail to agree.**

565 If the commissioners fail to agree upon the location of the line, they shall so report to the circuit
 566 courts for their respective localities, stating in their reports the points and grounds of disagreement and
 567 describing fully the conflicting lines. Either locality may file a petition in the circuit court for either
 568 locality to have a court, constituted as hereinafter provided, ascertain and establish the true boundary
 569 line in doubt or dispute. Such petition shall describe, with reasonable certainty, the location contended
 570 for and shall state the grounds of such contention. A plat, showing the location contended for, filed with
 571 the petition, may serve the purposes of such description. The petitioner shall make the other locality the
 572 party defendant, and the case shall be commenced by serving a copy of the petition upon the county
 573 attorney, if any, or the attorney for the Commonwealth of such county, the city attorney of such city or
 574 the town attorney of such town. No formal plea or answer to the petition shall be necessary, but the
 575 defendant shall state its grounds of defense in writing, describing, with the same degree of certainty
 576 required of the petitioner, the line as contended for by the defendant, and the locality shall be deemed to
 577 be at issue. The issue shall be the true location of the boundary line so in doubt or dispute.

578 The case shall be heard and decided by a court without a jury presided over by three judges as
 579 follows: the judge of the circuit court for the petitioning locality, the judge of the circuit court for the
 580 defendant locality, and a judge of some circuit court in this Commonwealth remote from the localities,
 581 to be designated by the Chief Justice. When the localities are within the same circuit, the Chief Justice
 582 shall designate a third judge from an adjoining circuit. The court shall hear the case upon the evidence
 583 introduced in the manner in which evidence is introduced in common-law cases and shall ascertain and
 584 establish the true boundary line by a majority decision, and shall give judgment accordingly. Costs shall
 585 be awarded as the court shall determine. The judgment of the court shall be recorded in the
 586 common-law order book and in the current deed book of the court and indexed in the names of the
 587 localities, and, unless reversed, shall forever settle, determine, designate and establish the true boundary
 588 line. A copy of any final judgment shall be certified to the Secretary of the Commonwealth. ~~An appeal~~
 589 ~~may be granted by the Supreme Court, or any justice thereof, to either~~ *Either party may appeal* from the
 590 judgment of the court *to the Court of Appeals*, and the cost of such appeal shall be awarded to the party
 591 substantially prevailing. *If an appeal is taken from the judgment of the Court of Appeals, the Supreme*
 592 *Court, in matters in which it grants the petition for appeal, shall render a decision and award the costs*
 593 *of the appeal to the party that substantially prevailed.*

594 **§ 15.2-3217. Court granting annexation to exist for 10 years.**

595 The special court shall not be dissolved after rendering a decision granting any motion or petition for
 596 annexation, but shall remain in existence for a period of ~~ten~~ 10 years from the effective date of any
 597 annexation order entered, or from the date of any decision of the ~~Supreme Court or the Court of~~
 598 *Appeals* affirming such an order. Vacancies occurring in the court during such ~~ten-year~~ 10-year period
 599 shall be filled as provided in § 15.2-3004.

600 The court may be reconvened at any time during the ~~ten-year~~ 10-year period on its own motion, or
 601 on motion of the governing body of the county, or of the city or town, or on petition of not less than
 602 ~~fifty~~ 50 registered voters or property owners in the area annexed; however, if the area annexed contains
 603 fewer than 100 registered voters or property owners, a majority of such registered voters or property
 604 owners may petition for the reconvening of the court.

605 The court shall have power and it shall be its duty, at any time during such period, to enforce the
 606 performance of the terms and conditions under which annexation was granted, and to issue appropriate
 607 process to compel such performance. The court may, in its discretion, award ~~attorneys'~~ attorney fees, and
 608 court and other reasonable costs to the party or parties on whose motion the court is reconvened.

609 Any such action of the court shall be subject to review by the ~~Supreme~~ Court of *Appeals* in the same
 610 manner as is provided with respect to the original decision of the court.

611 **§ 15.2-3221. Appeals; how heard.**

612 An appeal may be ~~granted by the Supreme Court, or any justice thereof~~ *made to the Court of*

613 Appeals. The special court shall certify the facts in the case to the ~~Supreme~~ Court of Appeals, and the
 614 evidence shall be considered as on appeal in proceedings under Chapter 2 (§ 25.1-200 et seq.) of Title
 615 25.1. *If an appeal is taken from the judgment of the Court of Appeals, the Supreme Court, in matters in*
 616 *which it grants the petition for appeal, shall consider the appeal consistent with the procedures set forth*
 617 *herein and shall enter such order as the special court should have entered. In any case, by consent of*
 618 *all parties of record, the motion to annex may be dismissed at any time before final judgment on appeal.*

619 **§ 15.2-3222. What order to be entered by the Supreme Court or the Court of Appeals.**

620 If the judgment of the special court is reversed on appeal, or if the judgment is modified, the
 621 ~~Supreme~~ Court of Appeals shall enter such order as the special court should have entered, *certify a copy*
 622 *of the order to the Secretary of the Commonwealth, and such order shall be final. In the event that the*
 623 ~~Supreme~~ Court enters such order, a copy of the order shall be certified to the Secretary of the
 624 Commonwealth unless appealed to the Supreme Court. *If an appeal is taken from the judgment of the*
 625 *Court of Appeals, the Supreme Court, in matters in which it grants the petition for appeal, shall*
 626 *consider the appeal consistent with the procedures set forth in § 15.2-3221, shall enter such order as*
 627 *the special court should have entered, and shall certify the order to the Secretary of the Commonwealth.*

628 **§ 15.2-3227. Annexation proceedings final for 10 years.**

629 Except by mutual agreement of the governing bodies affected, no city or town, having instituted
 630 proceedings to annex territory of a county, shall again seek to annex territory of such county within the
 631 ~~ten~~ 10 years next succeeding the effective date of annexation in any proceeding under this article or
 632 previous acts. In the event annexation is denied, such prohibition shall begin with the date of the final
 633 order of the court denying annexation or, in the case of an appeal to the Supreme Court *or the Court of*
 634 *Appeals*, with the date of the final order of the Supreme Court *or the Court of Appeals*. However, a city
 635 or town moving to dismiss the proceedings before a hearing on its merits may file a new petition five
 636 years after the filing of the petition in the prior suit. No county shall, except with the consent of its
 637 governing body, be made defendant in any annexation proceeding brought by any city within such
 638 ~~ten-year~~ 10-year period.

639 Notwithstanding the foregoing provisions, a city shall have the right to file and maintain an
 640 annexation proceeding against any county against which it has not filed such a proceeding during the
 641 preceding ~~thirteen~~ 13 years.

642 The provisions of this section shall not apply to any petition for annexation brought by a city or
 643 town, within such ~~ten-year~~ 10-year period, if the previous petition was dismissed due to a procedural
 644 defect, lack of jurisdiction, or any defense other than the merits of the case. The provisions of this
 645 section shall not apply to a city or town ~~which~~ that institutes an annexation proceeding by filing notice
 646 with the Commission on Local Government but which subsequently fails to petition the court to grant
 647 such annexation. In that event, however, the city or town shall not again institute proceedings for
 648 annexation against the county for at least two years after the date the Commission renders its final
 649 report on the initial proceeding.

650 This section shall also apply to any city ~~which~~ that was a town at the time of the filing of such
 651 petition.

652 **§ 15.2-3244. Appeal from such order.**

653 Any one or more of the petitioners, or the defendants, or any inhabitants of the town, who may feel
 654 themselves aggrieved by an order declaring territory to be abandoned as provided by this article, or by
 655 the refusal to enter such order, may, at any time within ~~sixty~~ 60 days from the date of the order, upon
 656 giving bond for costs, the amount thereof to be fixed by the court, ~~apply appeal~~ to the ~~Supreme~~ Court
 657 for a writ of error and ~~supersedeas~~ Court of Appeals according to the general law. *Any one or more of*
 658 *the petitioners, or the defendants, or any inhabitants of the town, who may feel themselves aggrieved by*
 659 *any decision of the Court of Appeals rendered pursuant to this section, may, at any time within 30 days*
 660 *from the date of the order, upon giving bond for costs, the amount thereof to be fixed by the court,*
 661 *apply to the Supreme Court for a writ of error and supersedeas according to the general law.*

662 **§ 15.2-3308. Partial immunity proceedings final for five years; exceptions.**

663 No county, having instituted proceedings for immunity for part or parts of the county, shall again
 664 seek immunity for substantially the same part or parts of the county within the next five years.

665 Such prohibition shall begin with the date of the final order of the court granting or denying
 666 immunity or, in the case of an appeal to the ~~Supreme~~ Court of Appeals, with the date of the final order
 667 of the ~~Supreme~~ Court of Appeals *or, in the case of an appeal to the Supreme Court, with the date of the*
 668 *final order issued by the Supreme Court.* The provisions of this section shall not apply to a petition for
 669 partial immunity if the previous petition was withdrawn, or was dismissed for any reason other than the
 670 merits of the case.

671 The provisions of this section further shall not apply to a county which institutes an immunity
 672 proceeding by filing notice with the Commission on Local Government but subsequently fails to petition
 673 the court to grant such immunity. In that event, however, the county shall not again institute proceedings

674 for immunity for substantially the same part or parts of the county for at least two years after the date
675 the Commission renders its final report on the initial proceeding.

676 **§ 15.2-3528. Appeals.**

677 Appeals may be granted by made to the Supreme Court of Virginia Appeals as provided in §§
678 15.2-3221 and 15.2-3222, which shall apply mutatis mutandis. Any judgment of the Court of Appeals
679 rendered pursuant to this section may be appealed to the Supreme Court, which, if it grants the petition
680 for appeal, shall hear the appeal as provided in §§ 15.2-3221 and 15.2-3222, which shall apply mutatis
681 mutandis.

682 **§ 15.2-3605. How appeals granted and heard.**

683 An appeal may be granted by made to the Supreme Court or any justice thereof Court of Appeals.
684 Court costs shall be awarded as the Supreme Court of Appeals determines. The costs in the Supreme
685 Court of Appeals shall be awarded to the party substantially prevailing. If an appeal is taken from the
686 judgment of the Court of Appeals, the Supreme Court, in matters in which it grants the petition for
687 appeal, shall render a decision and award the costs of the appeal to the party that substantially
688 prevailed.

689 **§ 15.2-3809. Appeals.**

690 Appeals may be granted by made to the Supreme Court of Virginia Appeals as provided in §§
691 15.2-3221 and 15.2-3222, which shall apply mutatis mutandis. Any judgment of the Court of Appeals
692 rendered pursuant to this section may be appealed to the Supreme Court, which, if it grants the petition
693 for appeal, shall hear the appeal as provided in §§ 15.2-3221 and 15.2-3222, which shall apply mutatis
694 mutandis.

695 **§ 15.2-3909. Appeals.**

696 Appeals may be granted by made to the Supreme Court of Virginia Appeals as provided in §§
697 15.2-3221 and 15.2-3222, which shall apply mutatis mutandis. Any judgment of the Court of Appeals
698 rendered pursuant to this section may be appealed to the Supreme Court, which, if it grants the petition
699 for appeal, shall hear the appeal as provided in §§ 15.2-3221 and 15.2-3222, which shall apply mutatis
700 mutandis.

701 **§ 15.2-4108. Appeals.**

702 Appeals may be granted by made to the Supreme Court of Virginia Appeals as provided in
703 §§ 15.2-3221 and 15.2-3222, which shall apply mutatis mutandis. Any judgment of the Court of Appeals
704 rendered pursuant to this section may be appealed to the Supreme Court, which, if it grants the petition
705 for appeal, shall hear the appeal as provided in §§ 15.2-3221 and 15.2-3222, which shall apply mutatis
706 mutandis.

707 **§ 15.2-4120. Court granting transition to town status to exist for 10 years.**

708 A. The special court created pursuant to § 15.2-4101 shall not be dissolved after rendering a decision
709 granting any motion or petition for transition to town status, but shall remain in existence for a period
710 of ~~ten~~ 10 years from the effective date of any transition order entered, or from the date of any decision
711 of the Supreme Court or the Court of Appeals affirming such an order. Vacancies occurring in the court
712 during such ~~ten-year~~ 10-year period shall be filled by designation of another judge from the panel
713 provided for in Chapter 30 (§ 15.2-3000 et seq.) of this title.

714 B. The court may be reconvened at any time during the ~~ten-year~~ 10-year period on its own motion,
715 or on motion of the governing body of the county, or of the town, or on petition of not less than fifteen
716 15 percent of the registered voters of the town.

717 C. The court shall have power and it shall be its duty, at any time during such period, to enforce the
718 performance of the terms and conditions under which town status was granted, and to issue appropriate
719 process to compel such performance. The court may, in its discretion, award attorneys' attorney fees,
720 court and other reasonable costs to the party or parties on whose motion the court is reconvened.

721 D. Any such action of the court shall be subject to review by the Supreme Court and the Court of
722 Appeals in the same manner as is provided with respect to the original decision of the court.

723 **§ 15.2-5218. Appeal from order; supersedeas.**

724 Any party aggrieved by such order may apply for an appeal to the Supreme Court of Virginia
725 Appeals and a supersedeas may be granted in the same manner as is now or hereafter shall be provided
726 by law and the rules of court applicable to civil cases. Any party aggrieved by a judgment of the Court
727 of Appeals rendered pursuant to this section may appeal to the Supreme Court, and a supersedeas may
728 be granted in the same manner as is now or hereafter shall be provided by law and the rules of court
729 applicable to civil cases.

730 **§ 15.2-5367. Appeal.**

731 An appeal may be granted by the Supreme Court of Virginia, or any judge thereof, to either the The
732 authority or the city may take an appeal from the judgment of the court to the Court of Appeals, and
733 the appeal shall be heard and determined without reference to the principles of demurrer to evidence.
734 The trial court shall certify the facts in the case to the Supreme Court of Appeals and the evidence shall
735 be considered as on appeal in proceedings under Chapter 2 (§ 25.1-200 et seq.) of Title 25.1. By consent

736 of both parties of record, the petition may be dismissed at any time before final judgment on the appeal.
737 *The authority or the city may appeal any judgment of the Court of Appeals rendered pursuant to this*
738 *section to the Supreme Court. If the Supreme Court grants the petition for appeal, the appeal shall be*
739 *heard consistent with the procedures set forth in this section. By consent of both parties of record, the*
740 *petition may be dismissed at any time before final judgment on the appeal.*

741 **§ 15.2-6606. Powers.**

742 The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this
743 act, including the following, to:

- 744 1. Adopt bylaws for the regulation of its affairs and the conduct of its business;
- 745 2. Sue and be sued in its own name;
- 746 3. Have perpetual succession;
- 747 4. Adopt a corporate seal and alter the same at its pleasure;
- 748 5. Maintain offices at such places as it may designate;
- 749 6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate public access
750 sites that are owned or managed by the authority within the territorial limits of the participating political
751 subdivisions;
- 752 7. Construct, install, maintain, and operate facilities for managing access sites;
- 753 8. Determine fees, rates, and charges for the use of its facilities;
- 754 9. Apply for and accept gifts, or grants of money or gifts, grants or loans of other property or other
755 financial assistance from the United States of America and agencies and instrumentalities thereof, the
756 Commonwealth of Virginia, or any other person or entity, for or in aid of the construction, acquisition,
757 ownership, operation, maintenance or repair of the public access sites or for the payment of principal of
758 any indebtedness of the Authority, interest thereon or other cost incident thereto, and to this end the
759 Authority shall have the power to render such services, comply with such conditions and execute such
760 agreements, and legal instruments, as may be necessary, convenient or desirable or imposed as a
761 condition to such financial aid;
- 762 10. Receive and expend public funds and private donations for dredging or construction; apply for
763 permits in order to perform dredging projects on waterways or to construct facilities and infrastructure
764 within the region for which the Authority exists, provided that such projects enhance recreational and
765 commercial public access; and perform such dredging projects or construct such facilities and
766 infrastructure;
- 767 11. In conjunction with one or both of the Eastern Shore Water Access Authority (the ESWAA),
768 created pursuant to the provisions of Chapter 74 (§ 15.2-7400 et seq.), and the Northern Neck
769 Chesapeake Bay Public Access Authority (the NNCBPAA), created pursuant to the provisions of
770 Chapter 66.1 (§ 15.2-6626 et seq.), receive and expend public funds and private donations for dredging,
771 apply for permits in order to perform dredging projects, and perform such dredging projects on
772 waterways within the region for which any or all of the Authority, the ESWAA, or the NNCBPAA
773 exists;
- 774 12. Appoint, employ or engage such officers, employees, architects, engineers, attorneys, accountants,
775 financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary
776 or appropriate, and to fix their duties and compensation;
- 777 13. Contract with any participating political subdivision for such subdivision to provide legal
778 services, engineering services, depository and investment services contemplated by § 15.2-6612 hereof,
779 accounting services, including the annual independent audit required by § 15.2-6609 hereof, procurement
780 of goods and services, and to act as fiscal agent for the Authority;
- 781 14. Establish personnel rules;
- 782 15. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire
783 any property, real or personal, or any interest therein, and in connection therewith to assume or take
784 subject to any indebtedness secured by such property;
- 785 16. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to
786 the exercise of its powers, including contracts for the management or operation of all or any part of its
787 facilities;
- 788 17. Borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual
789 deficits in its revenues;
- 790 18. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its
791 facilities and governing the conduct of persons and organizations using its facilities and to enforce such
792 rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all
793 as hereinafter provided;
- 794 19. Purchase and maintain insurance or provide indemnification on behalf of any person who is or
795 was a director, officer, employee or agent of the Authority against any liability asserted against him or
796 incurred by him in any such capacity or arising out of his status as such;

797 20. Request and accept legal advice and assistance from the Office of the Attorney General;
 798 21. Do all things necessary or convenient to the purposes of this act. To that end, the Authority may
 799 acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and
 800 adopt rules and regulations; and

801 22. Whenever it shall appear to the Authority, or to a simple majority of participating political
 802 subdivisions, that the need for the Authority no longer exists, the Authority, or in the proper case, any
 803 such subdivision, may petition the circuit court of a participating political subdivision for the dissolution
 804 of the Authority. If the court shall determine that the need for the Authority as set forth in this act no
 805 longer exists and that all debts and pecuniary obligations of the Authority have been fully paid or
 806 provided for, it may enter an order dissolving the Authority.

807 Upon dissolution, the court shall order any real or tangible personal property contributed to the
 808 Authority by a participating political subdivision, together with any improvements thereon, returned to
 809 such participating political subdivisions. The remaining assets of the Authority shall be distributed to the
 810 participating political subdivisions in proportion to their respective contributions theretofore made to the
 811 Authority.

812 Each participating political subdivision and all holders of the Authority's bonds shall be made parties
 813 to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to
 814 such petition at any time within six months after the filing of the petition. From the final judgment of
 815 the court, an appeal shall lie to the ~~Supreme Court of Virginia~~ *Appeals*.

816 **§ 15.2-6632. Powers.**

817 The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this
 818 act, including the following, to:

819 1. Adopt bylaws for the regulation of its affairs and the conduct of its business;

820 2. Sue and be sued in its own name;

821 3. Have perpetual succession;

822 4. Adopt a corporate seal and alter the same at its pleasure;

823 5. Maintain offices at such places as it may designate;

824 6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate public access
 825 sites that are owned or managed by the authority within the territorial limits of the participating political
 826 subdivisions;

827 7. Construct, install, maintain, and operate facilities for managing access sites;

828 8. Determine fees, rates, and charges for the use of its facilities;

829 9. Apply for and accept gifts, or grants of money or gifts, grants or loans of other property, or other
 830 financial assistance from the United States of America and agencies and instrumentalities thereof, the
 831 Commonwealth of Virginia, or any other person or entity, for or in aid of the construction, acquisition,
 832 ownership, operation, maintenance, or repair of the public access sites or for the payment of principal of
 833 any indebtedness of the Authority, interest thereon or other cost incident thereto, and to this end the
 834 Authority shall have the power to render such services, comply with such conditions, and execute such
 835 agreements, and legal instruments, as may be necessary, convenient, or desirable or imposed as a
 836 condition to such financial aid;

837 10. Receive and expend public funds and private donations for dredging or construction; apply for
 838 permits in order to perform dredging projects on waterways or to construct facilities and infrastructure
 839 within the region for which the Authority exists, provided that such projects enhance recreational and
 840 commercial public access; and perform such dredging projects or construct such facilities and
 841 infrastructure;

842 11. In conjunction with one or both of the Eastern Shore Water Access Authority (the ESWAA),
 843 created pursuant to the provisions of Chapter 74 (§ 15.2-7400 et seq.), and the Middle Peninsula
 844 Chesapeake Bay Public Access Authority (the MPCBPAA), created pursuant to the provisions of
 845 Chapter 66 (§ 15.2-6600 et seq.), receive and expend public funds and private donations for dredging,
 846 apply for permits in order to perform dredging projects, and perform such dredging projects on
 847 waterways within the region for which any or all of the Authority, the ESWAA, or the MPCBPAA
 848 exists;

849 12. Appoint, employ, or engage such officers, employees, architects, engineers, attorneys,
 850 accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may
 851 be necessary or appropriate, and to fix their duties and compensation;

852 13. Contract with any participating political subdivision for such subdivision to provide legal
 853 services, engineering services, and depository and investment services contemplated by § 15.2-6638
 854 hereof, accounting services, including the annual independent audit required by § 15.2-6635 hereof,
 855 procurement of goods and services, and to act as fiscal agent for the Authority;

856 14. Establish personnel rules;

857 15. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire
 858 any property, real or personal, or any interest therein, and in connection therewith to assume or take

859 subject to any indebtedness secured by such property;
860 16. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to
861 the exercise of its powers, including contracts for the management or operation of all or any part of its
862 facilities;

863 17. Borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual
864 deficits in its revenues;

865 18. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its
866 facilities and governing the conduct of persons and organizations using its facilities and to enforce such
867 rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all
868 as hereinafter provided;

869 19. Purchase and maintain insurance or provide indemnification on behalf of any person who is or
870 was a director, officer, employee or agent of the Authority against any liability asserted against him or
871 incurred by him in any such capacity or arising out of his status as such;

872 20. Do all things necessary or convenient to the purposes of this act. To that end, the Authority may
873 acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and
874 adopt rules and regulations; and

875 21. Whenever it shall appear to the Authority, or to a simple majority of participating political
876 subdivisions, that the need for the Authority no longer exists, the Authority, or in the proper case, any
877 such subdivision, may petition the circuit court of a participating political subdivision for the dissolution
878 of the Authority. If the court shall determine that the need for the Authority as set forth in this act no
879 longer exists and that all debts and pecuniary obligations of the Authority have been fully paid or
880 provided for, it may enter an order dissolving the Authority.

881 Upon dissolution, the court shall order any real or tangible personal property contributed to the
882 Authority by a participating political subdivision, together with any improvements thereon, returned to
883 such participating political subdivisions. The remaining assets of the Authority shall be distributed to the
884 participating political subdivisions in proportion to their respective contributions theretofore made to the
885 Authority.

886 Each participating political subdivision and all holders of the Authority's bonds shall be made parties
887 to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to
888 such petition at any time within six months after the filing of the petition. From the final judgment of
889 the court, an appeal shall lie to the ~~Supreme~~ Court of ~~Virginia~~ Appeals.

890 **§ 15.2-7406. Powers.**

891 The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this
892 act, including the following, to:

- 893 1. Adopt bylaws for the regulation of its affairs and the conduct of its business;
- 894 2. Sue and be sued in its own name;
- 895 3. Have perpetual succession;
- 896 4. Adopt a corporate seal and alter the same at its pleasure;
- 897 5. Maintain offices at such places as it may designate;
- 898 6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate public access
899 sites that are owned or managed by the Authority within the territorial limits of the participating
900 political subdivisions;
- 901 7. Construct, install, maintain, and operate facilities for managing access sites;
- 902 8. Determine fees, rates, and charges for the use of its facilities;
- 903 9. Apply for and accept gifts, grants of money, or gifts, grants, or loans of other property or other
904 financial assistance from the United States of America and agencies and instrumentalities thereof, the
905 Commonwealth, or any other person or entity, for or in aid of the construction, acquisition, ownership,
906 operation, maintenance, or repair of the public access sites or for the payment of principal of any
907 indebtedness of the Authority, interest thereon, or other cost incident thereto, and to this end the
908 Authority shall have the power to render such services, comply with such conditions, and execute such
909 agreements and legal instruments as may be necessary, convenient, or desirable or imposed as a
910 condition to such financial aid;
- 911 10. Appoint, employ, or engage such officers, employees, architects, engineers, attorneys,
912 accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may
913 be necessary or appropriate, and fix their duties and compensation;
- 914 11. Contract with any participating political subdivision for such subdivision to provide legal
915 services, engineering services, depository and investment services contemplated by § 15.2-7412,
916 accounting services, including the annual independent audit required by § 15.2-7409, and procurement of
917 goods and services and act as fiscal agent for the Authority;
- 918 12. Establish personnel rules;
- 919 13. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest, or otherwise acquire

920 any property, real or personal, or any interest therein, and in connection therewith to assume or take
 921 subject to any indebtedness secured by such property;

922 14. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to
 923 the exercise of its powers, including contracts for the management or operation of all or any part of its
 924 facilities;

925 15. Borrow money, as hereinafter provided, and borrow money for the purpose of meeting casual
 926 deficits in its revenues;

927 16. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its
 928 facilities and governing the conduct of persons and organizations using its facilities and enforce such
 929 rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all
 930 as hereinafter provided;

931 17. Purchase and maintain insurance or provide indemnification on behalf of any person who is or
 932 was a director, officer, employee, or agent of the Authority against any liability asserted against him or
 933 incurred by him in any such capacity or arising out of his status as such;

934 18. Do all things necessary or convenient to the purposes of this act. To that end, the Authority may
 935 acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and
 936 adopt rules and regulations; and

937 19. Whenever it shall appear to the Authority that the need for the Authority no longer exists, the
 938 Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating
 939 political subdivision for the dissolution of the Authority. If the court determines that the need for the
 940 Authority as set forth in this act no longer exists and that all debts and pecuniary obligations of the
 941 Authority have been fully paid or provided for, it may enter an order dissolving the Authority.

942 Upon dissolution, the court shall order any real or tangible personal property contributed to the
 943 Authority by a participating political subdivision, together with any improvements thereon, returned to
 944 such participating political subdivision. The remaining assets of the Authority shall be distributed to the
 945 participating political subdivisions in proportion to their respective contributions theretofore made to the
 946 Authority.

947 Each participating political subdivision and all holders of the Authority's bonds shall be made parties
 948 to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to
 949 such petition at any time within six months after the filing of the petition. From the final judgment of
 950 the court, an appeal shall lie to the Supreme Court of Virginia Appeals.

951 **§ 16.1-279.1. Protective order in cases of family abuse.**

952 A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated
 953 respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the
 954 court may issue a protective order to protect the health and safety of the petitioner and family or
 955 household members of the petitioner. A protective order issued under this section may include any one
 956 or more of the following conditions to be imposed on the respondent:

957 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;

958 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of
 959 the petitioner as the court deems necessary for the health or safety of such persons;

960 3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the
 961 respondent; however, no such grant of possession shall affect title to any real or personal property;

962 4. Enjoining the respondent from terminating any necessary utility service to the residence to which
 963 the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the
 964 respondent to restore utility services to that residence;

965 5. Granting the petitioner and, where appropriate, any other family or household member of the
 966 petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court
 967 may enjoin the respondent from terminating a cellular telephone number or electronic device before the
 968 expiration of the contract term with a third-party provider. The court may enjoin the respondent from
 969 using a cellular telephone or other electronic device to locate the petitioner;

970 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner
 971 alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent
 972 from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent
 973 to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession
 974 or use shall affect title to the vehicle;

975 7. Requiring that the respondent provide suitable alternative housing for the petitioner and, if
 976 appropriate, any other family or household member and where appropriate, requiring the respondent to
 977 pay deposits to connect or restore necessary utility services in the alternative housing provided;

978 8. Ordering the respondent to participate in treatment, counseling or other programs as the court
 979 deems appropriate;

980 9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such
 981 petitioner meets the definition of owner in § 3.2-6500; and

982 10. Any other relief necessary for the protection of the petitioner and family or household members
983 of the petitioner, including a provision for temporary custody or visitation of a minor child.

984 A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary
985 child support order for the support of any children of the petitioner whom the respondent has a legal
986 obligation to support. Such order shall terminate upon the determination of support pursuant to
987 § 20-108.1.

988 B. The protective order may be issued for a specified period of time up to a maximum of two years.
989 The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day
990 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner
991 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective
992 order shall be given precedence on the docket of the court. If the petitioner was a family or household
993 member of the respondent at the time the initial protective order was issued, the court may extend the
994 protective order for a period not longer than two years to protect the health and safety of the petitioner
995 or persons who are family or household members of the petitioner at the time the request for an
996 extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day
997 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein
998 shall limit the number of extensions that may be requested or issued.

999 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as
1000 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,
1001 but in all cases no later than the end of the business day on which the order was issued, enter and
1002 transfer electronically to the Virginia Criminal Information Network the respondent's identifying
1003 information and the name, date of birth, sex, and race of each protected person provided to the court
1004 and shall forthwith forward the attested copy of the protective order containing any such identifying
1005 information to the primary law-enforcement agency responsible for service and entry of protective
1006 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith
1007 verify and enter any modification as necessary to the identifying information and other appropriate
1008 information required by the Department of State Police into the Virginia Criminal Information Network
1009 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and
1010 the order shall be served forthwith upon the respondent and due return made to the court. Upon service,
1011 the agency making service shall enter the date and time of service and other appropriate information
1012 required by the Department of State Police into the Virginia Criminal Information Network and make
1013 due return to the court. If the order is later dissolved or modified, a copy of the dissolution or
1014 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency
1015 responsible for service and entry of protective orders, and upon receipt of the order by the primary
1016 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
1017 identifying information and other appropriate information required by the Department of State Police
1018 into the Virginia Criminal Information Network as described above and the order shall be served
1019 forthwith and due return made to the court.

1020 D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this
1021 section shall constitute contempt of court.

1022 E. The court may assess costs and attorneys' fees against either party regardless of whether an order
1023 of protection has been issued as a result of a full hearing.

1024 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate
1025 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths,
1026 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing
1027 violent or threatening acts or harassment against or contact or communication with or physical proximity
1028 to another person, including any of the conditions specified in subsection A, shall be accorded full faith
1029 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided
1030 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person
1031 against whom the order is sought to be enforced sufficient to protect such person's due process rights
1032 and consistent with federal law. A person entitled to protection under such a foreign order may file the
1033 order in any juvenile and domestic relations district court by filing with the court an attested or
1034 exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of
1035 the order to the primary law-enforcement agency responsible for service and entry of protective orders
1036 which shall, upon receipt, enter the name of the person subject to the order and other appropriate
1037 information required by the Department of State Police into the Virginia Criminal Information Network
1038 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where
1039 practical, the court may transfer information electronically to the Virginia Criminal Information Network.

1040 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy
1041 available of any foreign order filed with that court. A law-enforcement officer may, in the performance
1042 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been

1043 provided to him by any source and may also rely upon the statement of any person protected by the
1044 order that the order remains in effect.

1045 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve
1046 or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on
1047 the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order
1048 may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be
1049 heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a
1050 copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

1051 H. As used in this section:

1052 "Copy" includes a facsimile copy; and

1053 "Protective order" includes an initial, modified or extended protective order.

1054 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's
1055 office, nor any employee of them, may disclose, except among themselves, the residential address,
1056 telephone number, or place of employment of the person protected by the order or that of the family of
1057 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme
1058 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

1059 J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

1060 K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner
1061 information that is published by the Department of Criminal Justice Services for victims of domestic
1062 violence or for petitioners in protective order cases.

1063 L. *An appeal of a protective order issued pursuant to this section shall be given expedited review by*
1064 *the Court of Appeals.*

1065 **§ 17.1-309. Jurisdiction of writs of mandamus and prohibition.**

1066 The Supreme Court shall have jurisdiction to issue writs of mandamus and prohibition to the circuit
1067 and district courts, *the Court of Appeals*, and to the State Corporation Commission and in all other cases
1068 in which such writs, respectively, would lie according to the principles of the common law. Provided
1069 that no writ of mandamus, prohibition or any other summary process whatever shall issue in any case of
1070 the collection of revenue or attempt to collect the same, or to compel the collecting officers to receive
1071 anything in payment of taxes except such money as is legal tender for the payment of revenue, or in
1072 any case arising out of the collection of revenue in which the applicant for the writ of process has any
1073 other remedy adequate for the protection and enforcement of his individual right, claim and demand, if
1074 just.

1075 **§ 17.1-400. Creation and organization; election and terms of judges; oath; vacancies;**
1076 **qualifications; incompatible activities prohibited; chief judge.**

1077 A. The Court of Appeals of Virginia is hereby established effective January 1, 1985. It shall consist
1078 of ~~14~~ 15 judges who shall be elected for terms of eight years by the majority of the members elected to
1079 each house of the General Assembly. *The General Assembly shall consider regional diversity in making*
1080 *its elections.* Before entering upon the duties of the office, a judge of the Court of Appeals shall take
1081 the oath of office required by law. The oath shall be taken before a justice of the Supreme Court of
1082 Virginia or before any officer authorized by law to administer an oath. When any vacancy exists while
1083 the General Assembly is not in session, the Governor may appoint a successor to serve until 30 days
1084 after the commencement of the next regular session of the General Assembly. Whenever a vacancy
1085 occurs or exists in the office of a judge of the Court of Appeals while the General Assembly is in
1086 session, or when the term of office of a judge of the Court of Appeals will expire or the office will be
1087 *vacant or vacated* at a date certain between the adjournment of the General Assembly and the
1088 commencement of the next session of the General Assembly, a successor may be elected at any time
1089 during a session preceding the date of such vacancy by the vote of a majority of the members elected to
1090 each house of the General Assembly for a full term and, upon qualification, the successor shall enter at
1091 once upon the discharge of the duties of the office; however, such successor shall not qualify prior to
1092 the predecessor leaving office. No person shall be elected or reelected to a subsequent term under this
1093 section until he has submitted to a criminal history record search and submitted to a search of the
1094 central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect
1095 and reports of such searches have been received by the chairmen of the House and Senate Committees
1096 for Courts of Justice. If the person has not met the requirement of filing in the preceding calendar year
1097 a disclosure form prescribed in § 2.2-3117 or 30-111, he shall also provide a written statement of
1098 economic interests on the disclosure form prescribed in § 2.2-3117 to the chairmen of the House and
1099 Senate Committees for Courts of Justice.

1100 All judges of the Court of Appeals shall be residents of the Commonwealth and shall, at least five
1101 years prior to the appointment or election, have been licensed to practice law in the Commonwealth. No
1102 judge of the Court of Appeals, during his continuance in office, shall engage in the practice of law
1103 within or without the Commonwealth or seek or accept any nonjudicial elective office, or hold any other
1104 office of public trust, or engage in any other incompatible activity.

1105 B. The chief judge shall be elected by majority vote of the judges of the Court of Appeals to serve a
1106 term of four years.

1107 C. If a judge of the Court of Appeals is absent or unable through sickness, disability, or any other
1108 reason to perform or discharge any official duty or function authorized or required by law, a (i) retired
1109 chief justice or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge
1110 of the Court of Appeals of Virginia, or (iii) retired judge of a circuit court of Virginia, with his or her
1111 prior consent, may be appointed by the chief judge of the Court of Appeals, acting upon his own
1112 initiative or upon a personal request from the absent or disabled judge, to perform or discharge the
1113 official duties or functions of the absent or disabled judge until that judge shall again be able to attend
1114 his duties. The chief judge of the Court of Appeals shall be notified forthwith at the time any absent or
1115 disabled judge is able to return to his duties.

1116 D. The chief judge of the Court of Appeals may, upon his own initiative, designate a (i) retired chief
1117 justice or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge of the
1118 Court of Appeals of Virginia, or (iii) retired or active judge of a circuit court of Virginia, with the prior
1119 consent of such justice or judge, to perform or discharge the official duties or functions of a judge of
1120 the Court of Appeals if there is a need to do so due to congestion in the work of the court. Nothing in
1121 this subsection shall be construed to increase the number of judges of the Court of Appeals provided for
1122 in subsection A of this section.

1123 E. Any retired chief justice, retired justice, retired chief judge or active or retired judge sitting on the
1124 Court of Appeals pursuant to subsection C or D shall receive from the state treasury actual expenses for
1125 the time he or she is actually engaged in holding court.

1126 F. The powers and duties herein conferred or empowered upon the chief judge of the Court of
1127 Appeals may be exercised and performed by any judge or any committee of judges of the court
1128 designated by the chief judge for such purpose.

1129 **§ 17.1-401. Senior judge.**

1130 A. Any chief judge or judge of the Court of Appeals who is eligible for retirement, other than for
1131 disability, with the consent of a majority of the members of the court first obtained, may elect to retire
1132 under the Judicial Retirement System (§ 51.1-300 et seq.) and be known and designated as a senior
1133 judge. In addition, any chief judge or judge of the Court of Appeals who is retired under the Judicial
1134 Retirement System (§ 51.1-300 et seq.) shall be subject to recall, with the consent of a majority of the
1135 members of the court, and may be known and designated as a senior judge.

1136 B. Any chief judge or judge who has retired from active service, as provided in subsection A, may
1137 be designated and assigned by the Chief Judge of the Court of Appeals to perform the duties of a judge
1138 of the court. Such judge shall have all the powers, duties, and privileges attendant on the position for
1139 which he is recalled to serve.

1140 C. While serving in such status, a senior judge shall be deemed to be serving in a temporary capacity
1141 and, in addition to the retirement benefits received by such judge, shall receive as compensation a sum
1142 equal to one-fourth of the total compensation of an active judge of the Court of Appeals for a similar
1143 period of service. A retired judge, while performing the duties of a senior judge, shall be furnished
1144 office space, support staff, a telephone, and supplies as are furnished a judge of the court.

1145 D. A judge may terminate his status as a senior judge, or such status may be terminated by a
1146 majority of the members of the court. Each judge designated a senior judge shall serve a one-year term
1147 unless the court, by order or otherwise, extends the term for an additional year. There shall be no limit
1148 on the number of terms a senior judge may so serve.

1149 E. Only ~~five~~ *seven* retired judges shall serve as senior judges at any one time.

1150 F. Nothing in this section shall be construed to increase the number of judges of the Court of
1151 Appeals provided for in § 17.1-400.

1152 **§ 17.1-402. Sessions; panels; quorum; presiding judges; hearings en banc.**

1153 A. The Court of Appeals shall sit at such locations within the Commonwealth as the chief judge,
1154 upon consultation with the other judges of the court, shall designate so as to provide, insofar as feasible,
1155 convenient access to the various geographic areas of the Commonwealth. The chief judge shall schedule
1156 sessions of the court as required to discharge expeditiously the business of the court.

1157 B. The Court of Appeals shall sit in panels of at least three judges each. The presence of all judges
1158 in the panel shall be necessary to constitute a quorum. The chief judge shall assign the members to
1159 panels and, insofar as practicable, rotate the membership of the panels. The chief judge shall preside
1160 over any panel of which he is a member and shall designate the presiding judges of the other panels.

1161 C. Each panel shall hear and determine, independently of the others, the petitions for appeal *pursuant*
1162 *to § 17.1-406 or 19.2-398* and appeals ~~granted~~ in criminal *and civil* cases ~~and the other cases~~ assigned
1163 to that panel.

1164 D. The Court of Appeals shall sit en banc (i) when there is a dissent in the panel to which the case
1165 was originally assigned and an aggrieved party requests an en banc hearing and at least ~~four~~ *six* judges

1166 of the court vote in favor of such a hearing or (ii) when any judge of any panel shall certify that in his
 1167 opinion a decision of such panel of the court is in conflict with a prior decision of the court or of any
 1168 panel thereof and ~~three~~ *five* other judges of the court concur in that view. The court may sit en banc
 1169 upon its own motion at any time *or upon the petition of any party*, in any case in which a majority of
 1170 the court determines it is appropriate to do so. The court sitting en banc shall consider and decide the
 1171 case and may overrule any previous decision by any panel or of the full court.

1172 E. The court may sit en banc with no fewer than ~~eight~~ *11* judges. In all cases decided by the court
 1173 en banc, the concurrence of at least a majority of the judges sitting shall be required to reverse a
 1174 judgment, in whole or in part.

1175 **§ 17.1-403. Rules of practice, procedure, and internal processes; promulgation by Supreme**
 1176 **Court; amendments; summary disposition of appeals.**

1177 The Supreme Court shall prescribe and publish the initial rules governing practice, procedure, and
 1178 internal processes for the Court of Appeals designed to achieve the just, speedy, and inexpensive
 1179 disposition of all litigation in that court consistent with the ends of justice and to maintain uniformity in
 1180 the law of the Commonwealth. Before amending the rules thereafter, the Supreme Court shall receive
 1181 and consider recommendations from the Court of Appeals. The rules shall prescribe procedures
 1182 governing the summary disposition of appeals ~~which are determined to be without merit in appropriate~~
 1183 *circumstances, authorizing the Court of Appeals to prescribe truncated record or appendix preparation,*
 1184 *and allowing the Court of Appeals to omit oral argument if the panel has examined the briefs and*
 1185 *record and unanimously agrees that oral argument is unnecessary for any of the following reasons: (i)*
 1186 *the appeal is frivolous or (ii) the dispositive issue or issues have been authoritatively decided.*

1187 **§ 17.1-405. Appellate jurisdiction — Administrative agency, Virginia Workers' Compensation**
 1188 **Commission, and civil matter appeals.**

1189 ~~Any~~ *Unless otherwise provided by law*, any aggrieved party may appeal to the Court of Appeals
 1190 from:

1191 1. Any final decision of a circuit court on appeal from (i) a decision of an administrative agency, or
 1192 (ii) a grievance hearing decision issued pursuant to § 2.2-3005;

1193 2. Any final decision of the Virginia Workers' Compensation Commission;

1194 3. ~~Any~~ *Except as provided in subsection B of § 17.1-406*, any final judgment, order, or decree of a
 1195 circuit court involving:

1196 a. ~~Affirmance or annulment of a marriage;~~

1197 b. ~~Divorce;~~

1198 c. ~~Custody;~~

1199 d. ~~Spousal or child support;~~

1200 e. ~~The control or disposition of a child;~~

1201 f. ~~Any other domestic relations matter arising under Title 16.1 or Title 20;~~

1202 g. ~~Adoption under Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2; or~~

1203 h. ~~A final grievance hearing decision issued pursuant to subsection B of § 2.2-3007, in a civil matter;~~

1204 4. Any interlocutory decree or order entered in any of the cases listed in this section (i) ~~granting,~~
 1205 ~~dissolving, or denying an injunction or~~ (ii) ~~adjudicating the principles of a cause pursuant to~~
 1206 ~~§ 8.01-267.8, 8.01-626, or 8.01-675.5; or~~

1207 5. ~~Any final judgment, order, or decree of a circuit court (i) involving an application for a concealed~~
 1208 ~~weapons permit pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2, (ii) involving~~
 1209 ~~involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04, or (iii) for declaratory or~~
 1210 ~~injunctive relief under § 57-2.02.~~

1211 **§ 17.1-406. Appeals in criminal matters; cases over which Court of Appeals does not have**
 1212 **jurisdiction.**

1213 A. Any aggrieved party may present a petition for appeal to the Court of Appeals from (i) any final
 1214 conviction in a circuit court of a traffic infraction or a crime, except where a sentence of death has been
 1215 imposed; (ii) ~~any final decision of a circuit court on an application for a concealed weapons permit~~
 1216 ~~pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2; (iii) any final order of a circuit~~
 1217 ~~court involving involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04, or (iv) any~~
 1218 ~~final order for declaratory or injunctive relief under § 57-2.02.~~ The Commonwealth or any county, city,
 1219 or town may petition the Court of Appeals for an appeal pursuant to this subsection in any case in
 1220 which such party previously could have petitioned the Supreme Court for a writ of error under
 1221 § 19.2-317. The Commonwealth may also petition the Court of Appeals for an appeal in a criminal case
 1222 pursuant to § 19.2-398.

1223 B. In accordance with other applicable provisions of law, appeals lie directly to the Supreme Court
 1224 from a conviction in which a sentence of death is imposed, from a final decision, judgment or order of
 1225 a circuit court involving a petition for a writ of habeas corpus, from any final finding, decision, order,
 1226 or judgment of the State Corporation Commission, and from proceedings under §§ 54.1-3935 and
 1227 54.1-3937. Complaints of the Judicial Inquiry and Review Commission shall be filed with the Supreme

1228 Court of Virginia. The Court of Appeals shall not have jurisdiction over any cases or proceedings
1229 described in this subsection.

1230 **§ 17.1-407. Procedures on appeal.**

1231 A. The notice of appeal in all cases within the jurisdiction of the court shall be filed with the clerk
1232 of the trial court or the clerk of the Virginia Workers' Compensation Commission, as appropriate, and a
1233 copy of such notice shall be mailed or delivered to all opposing counsel and parties not represented by
1234 counsel, *the Attorney General*, and to the clerk of the Court of Appeals. The clerk shall endorse thereon
1235 the day and year he received it.

1236 B. Appeals pursuant to § 17.1-405 *and subsection A of § 17.1-406, other than petitions for appeal by*
1237 *the Commonwealth in criminal cases*, are appeals of right. The clerk of the Court of Appeals shall refer
1238 each case for which a notice of appeal has been filed, ~~other than appeals in eriminal eases,~~ to a panel of
1239 the court as the court may direct.

1240 C. Each petition for appeal *by the Commonwealth* in a criminal case shall be referred to one or more
1241 judges of the Court of Appeals as the court shall direct. A judge to whom the petition is referred may
1242 grant the petition on the basis of the record without the necessity of oral argument. The clerk shall refer
1243 each appeal for which a petition has been granted to a panel of the court as the court shall direct.

1244 D. ~~If the judge to whom a petition is initially referred does not grant the appeal,~~ *Before a petition for*
1245 *appeal by the Commonwealth is denied*, counsel for the ~~petitioner~~ *Commonwealth* shall be entitled to
1246 state orally before a panel of the court the reasons why ~~his~~ *its* appeal should be granted. If all of the
1247 judges of the panel to whom the petition is referred are of the opinion that the petition ought not be
1248 granted, the order denying the appeal shall state the reasons for the denial. Thereafter, no other petition
1249 in the matter shall be entertained in the Court of Appeals.

1250 **§ 17.1-408. Time for filing; notice; opening brief; petition.**

1251 The notice of appeal to the Court of Appeals shall be filed in every case within the court's appellate
1252 jurisdiction as provided in § 8.01-675.3. The ~~petition for appeal opening brief~~ in a criminal case shall
1253 be filed not more than ~~forty~~ 40 days after the filing of the record with the Court of Appeals. However, a
1254 ~~thirty-day~~ *an extension* may be granted in the discretion of the ~~court~~ *Court of Appeals* in order to attain
1255 the ends of justice. ~~When an appeal from an interlocutory decree or order is permitted in a eriminal~~
1256 ~~case,~~ *In an appeal pursuant to subsection B or C of § 19.2-398*, the petition for appeal shall be
1257 presented within the ~~forty-day~~ 40-day time limitation provided in this section.

1258 *Upon receiving a notice of appeal in a criminal case, the clerk of the circuit court shall prepare a*
1259 *transcript of the trial at the expense of the Commonwealth.*

1260 **§ 17.1-410. Disposition of appeals; finality of decisions.**

1261 A. Each appeal of right taken to the Court of Appeals and each appeal for which a petition for
1262 appeal has been granted shall be considered by a panel of the court.

1263 When the Court of Appeals has (i) ~~rejected a petition for appeal,~~ (ii) dismissed an appeal in any case
1264 in accordance with the Rules of Court, or ~~(iii)~~ (ii) decided an appeal, its decision shall be final, without
1265 appeal to the Supreme Court, in:

1266 1. ~~Traffic infraction and misdemeanor cases where no incarceration is imposed;~~

1267 2. Cases originating before any administrative agency or the Virginia Workers' Compensation
1268 Commission;

1269 3. ~~Cases involving the affirmance or annulment of a marriage, divorce, custody, spousal or child~~
1270 ~~support or the control or disposition of a juvenile and other domestic relations cases arising under Title~~
1271 ~~16.1 or Title 20, or involving adoption under Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2;~~

1272 4. Appeals in criminal cases pursuant to §§ *subsections A or E of § 19.2-398 and § 19.2-401*. Such
1273 finality of the Court of Appeals' decision shall not preclude a defendant, if he is convicted, from
1274 requesting the Court of Appeals or Supreme Court on direct appeal to reconsider an issue which was the
1275 subject of the pretrial appeal; and

1276 5. 2. Appeals involving involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04.

1277 3. *Appeals involving denial of a concealed handgun permit pursuant to § 18.2-308.08.*

1278 B. ~~Notwithstanding the provisions of subsection A, in any case other than an appeal pursuant to §-~~
1279 ~~19.2-398, in which the Supreme Court determines on a petition for review that the decision of the Court~~
1280 ~~of Appeals involves a substantial constitutional question as a determinative issue or matters of~~
1281 ~~significant precedential value, review may be had in~~ *All other decisions of the Court of Appeals shall be*
1282 *appealable to the Supreme Court in accordance with the provisions of § 17.1-411.*

1283 **§ 17.1-413. Opinions; reporting, printing and electronic publication.**

1284 A. The Court of Appeals shall state in writing the reasons for its decision (i) ~~rejecting a petition for~~
1285 ~~appeal or (ii) deciding ruling in a case after hearing.~~ Subject to rules promulgated under § 17.1-403 the
1286 Court in its discretion may render its decision by order or memorandum opinion. All orders and
1287 opinions of the Court of Appeals shall be preserved with the record of the case. Opinions designated by
1288 the Court of Appeals as having precedential value or as otherwise having significance for the law or

1289 legal system shall be expeditiously reported in separate Court of Appeals Reports in the same manner as
 1290 the decisions and opinions of the Supreme Court. The clerk of the Court of Appeals shall retain in the
 1291 clerk's office a list and brief summary of the case for all unpublished decisions and opinions of the
 1292 Court of Appeals. The list of cases and summary shall be made available to any person upon request.

1293 B. The Executive Secretary of the Supreme Court shall contract for the printing of the reports of the
 1294 Supreme Court and the Court of Appeals and for the advance sheets of each court. He shall select a
 1295 printer for the reports and prescribe such contract terms as will ensure issuance of the reports as soon as
 1296 practicable after a sufficient number of opinions are filed. He shall make such contracts after
 1297 consultation with the Department of General Services and shall distribute these reports in accordance
 1298 with the applicable provisions of law. He shall also provide for the electronic publication on the Internet
 1299 of the opinions of the Supreme Court and Court of Appeals subject to conditions and restrictions
 1300 established by each court regarding the electronic publication of its opinions.

1301 **§ 17.1-503. Rules of practice and procedure; rules not to preclude judges from hearing certain**
 1302 **cases.**

1303 A. The Supreme Court may formulate rules of practice and procedure for the circuit courts following
 1304 consultation with the chairmen of the House and Senate Courts of Justice Committees and the executive
 1305 committee of the Judicial Conference of Virginia for courts of record. Such rules, subject to the strict
 1306 construction of the provisions of § 8.01-4, which shall be the only rules of practice and procedure in the
 1307 circuit courts of the Commonwealth, shall be included in the Code of Virginia as provided in § 8.01-3,
 1308 subject to revision by the General Assembly.

1309 B. No rule shall hereafter be promulgated under the limitations of § 8.01-4, or otherwise which
 1310 would avoid or preclude the judge before whom an accused is arraigned in criminal cases from hearing
 1311 all aspects of the case on its merits, or to avoid or preclude any judge in any case who has heard any
 1312 part of the case on its merits, from hearing the case to its conclusion. However, another judge may hear
 1313 portions of a case where a judge is required to disqualify himself, in cases in which a mistrial is
 1314 declared, or in cases which have been reversed on appeal, or in the event of sickness, disability or
 1315 vacation of the judge. The parties to any suit, action, cause or prosecution may waive the provisions of
 1316 this section. Such waiver shall be entered of record.

1317 C. In its rules of practice and procedure for the circuit courts, the Supreme Court shall include rules
 1318 relating to court decisions on any order of quarantine or isolation issued by the State Health
 1319 Commissioner pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1 that shall ensure,
 1320 to the extent possible, that such hearings are held in a manner that will protect the health and safety of
 1321 individuals subject to any such order of quarantine or isolation, court personnel, counsels, witnesses, and
 1322 the general public. The rules shall also provide for expedited reviews by the ~~Supreme Court of Appeals~~
 1323 of decisions by any circuit court *and by the Supreme Court of decisions of the Court of Appeals* relating
 1324 to appeals of any order of quarantine or isolation.

1325 **§ 17.1-513. Jurisdiction of circuit courts.**

1326 The circuit courts shall have jurisdiction of proceedings by quo warranto or information in the nature
 1327 of quo warranto and to issue writs of mandamus, prohibition and certiorari to all inferior tribunals
 1328 created or existing under the laws of the Commonwealth, and to issue writs of mandamus in all matters
 1329 of proceedings arising from or pertaining to the action of the boards of supervisors or other governing
 1330 bodies of the several counties for which such courts are respectively held or in other cases in which it
 1331 may be necessary to prevent the failure of justice and in which mandamus may issue according to the
 1332 principles of common law. They shall have appellate jurisdiction in all cases, civil and criminal, in
 1333 which an appeal may, as provided by law, be taken from the judgment or proceedings of any inferior
 1334 tribunal.

1335 They shall have original and general jurisdiction of all civil cases, except cases upon claims to
 1336 recover personal property or money not of greater value than \$100, exclusive of interest, and except
 1337 such cases as are assigned to some other tribunal; also in all cases for the recovery of fees in excess of
 1338 \$100; penalties or cases involving the right to levy and collect toll or taxes or the validity of an
 1339 ordinance or bylaw of any corporation; and also, of all cases, civil or criminal, in which an appeal may
 1340 be had to the ~~Supreme Court of Appeals~~.

1341 They shall have jurisdiction to hear motions filed for the purpose of modifying, dissolving, or
 1342 extending a protective order pursuant to § 16.1-279.1 or 19.2-152.10 if the circuit court issued such
 1343 order, unless the circuit court remanded the matter to the jurisdiction of the juvenile and domestic
 1344 relations district court in accordance with § 16.1-297. They shall also have original jurisdiction of all
 1345 indictments for felonies and of presentments, informations and indictments for misdemeanors. They shall
 1346 also have jurisdiction for bail hearings pursuant to §§ 19.2-327.2:1 and 19.2-327.10:1.

1347 They shall have appellate jurisdiction of all cases, civil and criminal, in which an appeal, writ of
 1348 error or supersedeas may, as provided by law, be taken to or allowed by such courts, or the judges
 1349 thereof, from or to the judgment or proceedings of any inferior tribunal. They shall also have
 1350 jurisdiction of all other matters, civil and criminal, made cognizable therein by law and when a motion

1351 to recover money is allowed in such tribunals, they may hear and determine the same, although it is to
1352 recover less than \$100.

1353 While a matter is pending in a circuit court, upon motion of the plaintiff seeking to decrease the
1354 amount of the claim to within the exclusive or concurrent jurisdiction of the general district court as
1355 described in subdivision 1 of § 16.1-77, the circuit court shall order transfer of the matter to the general
1356 district court that has jurisdiction over the amended amount of the claim without requiring that the case
1357 first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of
1358 limitations governing the pending matter shall be unaffected by the transfer. Except for good cause
1359 shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10
1360 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk
1361 of the court to which the case is transferred, and such clerk shall process the claim as if it were a new
1362 civil action. The plaintiff shall prepare and present the order of transfer to the transferring court for
1363 entry, after which time the case shall be removed from the pending docket of the transferring court and
1364 the order of transfer placed among its records. The plaintiff shall provide a certified copy of the transfer
1365 order to the receiving court.

1366 **§ 18.2-308.08. Denial of a concealed handgun permit; appeal.**

1367 A. Only a circuit court judge may deny issuance of a concealed handgun permit to a Virginia
1368 resident or domiciliary who has applied for a permit pursuant to § 18.2-308.04. Any order denying
1369 issuance of a concealed handgun permit shall state the basis for the denial of the permit, including, if
1370 applicable, any reason under § 18.2-308.09 that is the basis of the denial, and the clerk shall provide
1371 notice, in writing, upon denial of the application, of the applicant's right to an ore tenus hearing and the
1372 requirements for perfecting an appeal of such order.

1373 B. Upon request of the applicant made within 21 days, the court shall place the matter on the docket
1374 for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall not be
1375 appointed, and the rules of evidence shall apply. The final order of the court shall include the court's
1376 findings of fact and conclusions of law.

1377 C. Any person denied a permit to carry a concealed handgun by the circuit court may ~~present a~~
1378 ~~petition for review~~ *appeal* to the Court of Appeals. ~~The petition for review shall be filed~~ *Such person*
1379 *shall file a notice of appeal with the clerk of the circuit court noting an appeal to the Court of Appeals*
1380 *and file his opening brief with the Court of Appeals* within 60 days of the expiration of the time for
1381 requesting an ore tenus hearing, or if an ore tenus hearing is requested, within 60 days of the entry of
1382 the final order of the circuit court following the hearing. ~~The petition opening brief shall be~~
1383 accompanied by a copy of the original papers filed in the circuit court, including a copy of the order of
1384 the circuit court denying the permit. ~~Subject to the provisions of subsection B of §- 17.1-410, the~~ *The*
1385 decision of the Court of Appeals or judge shall be final. Notwithstanding any other provision of law, if
1386 the decision to deny the permit is reversed upon appeal, taxable costs incurred by the person shall be
1387 paid by the Commonwealth.

1388 **§ 18.2-384. Proceeding against book alleged to be obscene.**

1389 ~~(1)~~ A. Whenever he has reasonable cause to believe that any person is engaged in the sale or
1390 commercial distribution of any obscene book, any citizen or the attorney for the Commonwealth of any
1391 county or city, or city attorney, in which the sale or commercial distribution of such book occurs may
1392 institute a proceeding in the circuit court in said city or county for adjudication of the obscenity of the
1393 book.

1394 ~~(2)~~ B. The proceeding shall be instituted by filing with the court a petition:

1395 ~~(a)~~ 1. Directed against the book by name or description;

1396 ~~(b)~~ 2. Alleging the obscene nature of the book; and

1397 ~~(c)~~ 3. Listing the names and addresses, if known, of the author, publisher, and all other persons
1398 interested in its sale or commercial distribution.

1399 ~~(3)~~ C. Upon the filing of a petition pursuant to this article, the court in term or in vacation shall
1400 forthwith examine the book alleged to be obscene. If the court find no probable cause to believe the
1401 book obscene, the judge thereof shall dismiss the petition; but if the court find probable cause to believe
1402 the book obscene, the judge thereof shall issue an order to show cause why the book should not be
1403 adjudicated obscene.

1404 ~~(4)~~ D. The order to show cause shall be:

1405 ~~(a)~~ 1. Directed against the book by name or description;

1406 ~~(b)~~ 2. Published once a week for two successive weeks in a newspaper of general circulation within
1407 the county or city in which the proceeding is filed;

1408 ~~(c)~~ 3. If their names and addresses are known, served by registered mail upon the author, publisher,
1409 and all other persons interested in the sale or commercial distribution of the book; and

1410 ~~(d)~~ 4. Returnable ~~twenty-one~~ 21 days after its service by registered mail or the commencement of its
1411 publication, whichever is later.

1412 (5) E. When an order to show cause is issued pursuant to this article, and upon four days' notice to
 1413 be given to the persons and in the manner prescribed by the court, the court may issue a temporary
 1414 restraining order against the sale or distribution of the book alleged to be obscene.

1415 (6) F. On or before the return date specified in the order to show cause, the author, publisher, and
 1416 any person interested in the sale or commercial distribution of the book may appear and file an answer.
 1417 The court may by order permit any other person to appear and file an answer amicus curiae.

1418 (7) G. If no one appears and files an answer on or before the return date specified in the order to
 1419 show cause, the court, upon being satisfied that the book is obscene, shall order the clerk of court to
 1420 enter judgment that the book is obscene, but the court in its discretion may except from its judgment a
 1421 restricted category of persons to whom the book is not obscene.

1422 (8) H. If an appearance is entered and an answer filed, the court shall order the proceeding set on the
 1423 calendar for a prompt hearing. The court shall conduct the hearing in accordance with the rules of civil
 1424 procedure applicable to the trial of cases by the court without a jury. At the hearing, the court shall
 1425 receive evidence, including the testimony of experts, if such evidence be offered, pertaining to:

1426 (a) 1. The artistic, literary, medical, scientific, cultural and educational values, if any, of the book
 1427 considered as a whole;

1428 (b) 2. The degree of public acceptance of the book, or books of similar character, within the county
 1429 or city in which the proceeding is brought;

1430 (c) 3. The intent of the author and publisher of the book;

1431 (d) 4. The reputation of the author and publisher;

1432 (e) 5. The advertising, promotion, and other circumstances relating to the sale of the book;

1433 (f) 6. The nature of classes of persons, including scholars, scientists, and physicians, for whom the
 1434 book may not have prurient appeal, and who may be subject to exception pursuant to subsection (7) G.

1435 (9) I. In making a decision on the obscenity of the book, the court shall consider, among other
 1436 things, the evidence offered pursuant to subsection (8) H, if any, and shall make a written determination
 1437 upon every such consideration relied upon in the proceeding in his findings of fact and conclusions of
 1438 law or in a memorandum accompanying them.

1439 (10) J. If he finds the book not obscene, the court shall order the clerk of court to enter judgment
 1440 accordingly. If he finds the book obscene, the court shall order the clerk of court to enter judgment that
 1441 the book is obscene, but the court, in its discretion, may except from its judgment a restricted category
 1442 of persons to whom the book is not obscene.

1443 (11) K. While a temporary restraining order made pursuant to subsection (5) E is in effect, or after
 1444 the entry of a judgment pursuant to subsection (7) G, or after the entry of judgment pursuant to
 1445 subsection (10) J, any person who publishes, sells, rents, lends, transports in intrastate commerce, or
 1446 commercially distributes or exhibits the book, or has the book in his possession with intent to publish,
 1447 sell, rent, lend, transport in intrastate commerce, or commercially distribute or exhibit the book, is
 1448 presumed to have knowledge that the book is obscene under §§ 18.2-372 through 18.2-378 of this
 1449 article.

1450 (12) L. Any party to the proceeding, including the petitioner, may appeal from the judgment of the
 1451 court to the Supreme Court of Virginia Appeals, as otherwise provided by law.

1452 (13) M. It is expressly provided that the petition and proceeding authorized under this article, relating
 1453 to books alleged to be obscene, shall be intended only to establish scienter in cases where the
 1454 establishment of such scienter is thought to be useful or desirable by the petitioner; and the provisions
 1455 of § 18.2-384 shall in nowise be construed to be a necessary prerequisite to the filing of criminal
 1456 charges under this article.

1457 **§ 19.2-152.10. Protective order.**

1458 A. The court may issue a protective order pursuant to this chapter to protect the health and safety of
 1459 the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or
 1460 warrant for, or a conviction of, any criminal offense resulting from the commission of an act of
 1461 violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective
 1462 order issued under this section may include any one or more of the following conditions to be imposed
 1463 on the respondent:

1464 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to
 1465 person or property;

1466 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of
 1467 the petitioner as the court deems necessary for the health or safety of such persons;

1468 3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses
 1469 that may result in injury to person or property, or (iii) communication or other contact of any kind by
 1470 the respondent; and

1471 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such
 1472 petitioner meets the definition of owner in § 3.2-6500.

1473 B. Except as provided in subsection C, the protective order may be issued for a specified period of

1474 time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day
 1475 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the
 1476 expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend
 1477 the order. Proceedings to extend a protective order shall be given precedence on the docket of the court.
 1478 The court may extend the protective order for a period not longer than two years to protect the health
 1479 and safety of the petitioner or persons who are family or household members of the petitioner at the
 1480 time the request for an extension is made. The extension of the protective order shall expire at 11:59
 1481 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is
 1482 specified. Nothing herein shall limit the number of extensions that may be requested or issued.

1483 C. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the
 1484 victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a
 1485 protective order to the victim pursuant to this chapter to protect the health and safety of the victim. The
 1486 protective order may be issued for any reasonable period of time, including up to the lifetime of the
 1487 defendant, that the court deems necessary to protect the health and safety of the victim. The protective
 1488 order shall expire at 11:59 p.m. on the last day specified in the protective order, if any. Upon a
 1489 conviction for violation of a protective order issued pursuant to this subsection, the court that issued the
 1490 original protective order may extend the protective order as the court deems necessary to protect the
 1491 health and safety of the victim. The extension of the protective order shall expire at 11:59 p.m. on the
 1492 last day specified, if any. Nothing herein shall limit the number of extensions that may be issued.

1493 D. A copy of the protective order shall be served on the respondent and provided to the petitioner as
 1494 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,
 1495 but in all cases no later than the end of the business day on which the order was issued, enter and
 1496 transfer electronically to the Virginia Criminal Information Network the respondent's identifying
 1497 information and the name, date of birth, sex, and race of each protected person provided to the court
 1498 and shall forthwith forward the attested copy of the protective order and containing any such identifying
 1499 information to the primary law-enforcement agency responsible for service and entry of protective
 1500 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith
 1501 verify and enter any modification as necessary to the identifying information and other appropriate
 1502 information required by the Department of State Police into the Virginia Criminal Information Network
 1503 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and
 1504 the order shall be served forthwith upon the respondent and due return made to the court. Upon service,
 1505 the agency making service shall enter the date and time of service and other appropriate information
 1506 required into the Virginia Criminal Information Network and make due return to the court. If the order
 1507 is later dissolved or modified, a copy of the dissolution or modification order shall also be attested,
 1508 forwarded forthwith to the primary law-enforcement agency responsible for service and entry of
 1509 protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall
 1510 forthwith verify and enter any modification as necessary to the identifying information and other
 1511 appropriate information required by the Department of State Police into the Virginia Criminal
 1512 Information Network as described above and the order shall be served forthwith and due return made to
 1513 the court.

1514 E. Except as otherwise provided, a violation of a protective order issued under this section shall
 1515 constitute contempt of court.

1516 F. The court may assess costs and attorneys' fees against either party regardless of whether an order
 1517 of protection has been issued as a result of a full hearing.

1518 G. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate
 1519 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths,
 1520 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing
 1521 violent or threatening acts or harassment against or contact or communication with or physical proximity
 1522 to another person, including any of the conditions specified in subsection A, shall be accorded full faith
 1523 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided
 1524 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person
 1525 against whom the order is sought to be enforced sufficient to protect such person's due process rights
 1526 and consistent with federal law. A person entitled to protection under such a foreign order may file the
 1527 order in any appropriate district court by filing with the court, an attested or exemplified copy of the
 1528 order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary
 1529 law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt,
 1530 enter the name of the person subject to the order and other appropriate information required by the
 1531 Department of State Police into the Virginia Criminal Information Network established and maintained
 1532 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may
 1533 transfer information electronically to the Virginia Criminal Information Network.

1534 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy

1535 available of any foreign order filed with that court. A law-enforcement officer may, in the performance
 1536 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been
 1537 provided to him by any source and may also rely upon the statement of any person protected by the
 1538 order that the order remains in effect.

1539 H. Either party may at any time file a written motion with the court requesting a hearing to dissolve
 1540 or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on
 1541 the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order
 1542 may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be
 1543 heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a
 1544 copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

1545 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's
 1546 office, nor any employee of them, may disclose, except among themselves, the residential address,
 1547 telephone number, or place of employment of the person protected by the order or that of the family of
 1548 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme
 1549 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

1550 J. No fees shall be charged for filing or serving petitions pursuant to this section.

1551 K. As used in this section:

1552 "Copy" includes a facsimile copy; and

1553 "Protective order" includes an initial, modified or extended protective order.

1554 L. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner
 1555 information that is published by the Department of Criminal Justice Services for victims of domestic
 1556 violence or for petitioners in protective order cases.

1557 M. *An appeal of a protective order issued pursuant to this section shall be given expedited review by*
 1558 *the Court of Appeals.*

1559 **§ 19.2-321. With whom petition for writ of error filed.**

1560 A. The *notice of appeal* or petition to the Court of Appeals shall be filed with the Clerk of the Court
 1561 in the manner and within the time provided by law.

1562 B. The petition in a case wherein a writ of error lies from the Supreme Court shall be filed with the
 1563 Clerk of that Court in the manner and within the time provided by law.

1564 **§ 19.2-321.1. Motion in the Court of Appeals for delayed appeal in criminal cases.**

1565 A. Filing and content of motion. When, due to the error, neglect, or fault of counsel representing the
 1566 appellant, or of the court reporter, or of the circuit court or an officer or employee thereof, an appeal, in
 1567 whole or in part, in a criminal case has (i) never been initiated; (ii) been dismissed for failure to adhere
 1568 to proper form, procedures, or time limits in the perfection of the appeal; or (iii) ~~been denied or the~~
 1569 ~~conviction has been affirmed~~ *the conviction*, for failure to file or timely file the indispensable transcript
 1570 or written statement of facts as required by law or by the Rules of Supreme Court; then a motion for
 1571 leave to pursue a delayed appeal may be filed in the Court of Appeals within six months after the
 1572 appeal has been dismissed ~~or denied~~, the conviction has been affirmed, or the circuit court judgment
 1573 sought to be appealed has become final, whichever is later. Such motion shall identify the circuit court
 1574 and the style, date, and circuit court record number of the judgment sought to be appealed, and, if one
 1575 was assigned in a prior attempt to appeal the judgment, shall give the Court of Appeals record number
 1576 in that proceeding, and shall set forth the specific facts establishing the said error, neglect, or fault. If
 1577 the error, neglect, or fault is alleged to be that of an attorney representing the appellant, the motion shall
 1578 be accompanied by the affidavit of the attorney whose error, neglect, or fault is alleged, verifying the
 1579 specific facts alleged in the motion, and certifying that the appellant is not personally responsible, in
 1580 whole or in part, for the error, neglect, or fault causing loss of the original opportunity for appeal.

1581 B. Service, response, and disposition. Such motion shall be served on the attorney for the
 1582 Commonwealth ~~or, if a petition for appeal was granted in the original attempt to appeal, upon~~ *and* the
 1583 Attorney General, in accordance with the Rules of Supreme Court. If the Commonwealth disputes the
 1584 facts alleged in the motion, or contends that those facts do not entitle the appellant to a delayed appeal
 1585 under this section, the motion shall be denied without prejudice to the appellant's right to seek a delayed
 1586 appeal by means of petition for a writ of habeas corpus. Otherwise, the Court of Appeals shall, if the
 1587 motion meets the requirements of this section, grant appellant leave to initiate or re-initiate pursuit of the
 1588 appeal.

1589 C. Time limits when motion granted. If the motion is granted, all computations of time under the
 1590 Rules of Supreme Court shall run from the date of the order of the Court of Appeals granting the
 1591 motion, or if the appellant has been determined to be indigent, from the date of the order by the circuit
 1592 court appointing counsel to represent the appellant in the delayed appeal, whichever is later.

1593 D. Applicability. The provisions of this section shall not apply to cases in which the appellant is
 1594 responsible, in whole or in part, for the error, neglect, or fault causing loss of the original opportunity
 1595 for appeal, nor shall it apply in cases where the claim of error, neglect, or fault has already been alleged
 1596 and rejected in a prior judicial proceeding.

1597 **§ 19.2-321.2. Motion in the Supreme Court for delayed appeal in criminal cases.**

1598 A. Filing and content of motion. When, due to the error, neglect, or fault of counsel representing the
 1599 appellant, or of the court reporter, or of the Court of Appeals or the circuit court or an officer or
 1600 employee of either, an appeal from the Court of Appeals to the Supreme Court in a criminal case has (i)
 1601 never been initiated; (ii) been dismissed for failure to adhere to proper form, procedures, or time limits
 1602 in the perfection of the appeal; (iii) been dismissed in part because at least one assignment of error
 1603 contained in the petition for appeal did not adhere to proper form or procedures; or (iv) been denied or
 1604 the conviction has been affirmed, for failure to file or timely file the indispensable transcript or written
 1605 statement of facts as required by law or by the Rules of Supreme Court; then a motion for leave to
 1606 pursue a delayed appeal may be filed in the Supreme Court within six months after the appeal has been
 1607 dismissed or denied, the conviction has been affirmed, or the Court of Appeals judgment sought to be
 1608 appealed has become final, whichever is later. Such motion shall identify by the style, date, and Court
 1609 of Appeals record number of the judgment sought to be appealed, and, if one was assigned in a prior
 1610 attempt to appeal the judgment to the Supreme Court, shall give the record number assigned in the
 1611 Supreme Court in that proceeding, and shall set forth the specific facts establishing the said error,
 1612 neglect, or fault. If the error, neglect, or fault is alleged to be that of an attorney representing the
 1613 appellant, the motion shall be accompanied by the affidavit of the attorney whose error, neglect, or fault
 1614 is alleged, verifying the specific facts alleged in the motion, and certifying that the appellant is not
 1615 personally responsible, in whole or in part, for the error, neglect, or fault causing loss of the original
 1616 opportunity for appeal.

1617 B. Service, response, and disposition. Such motion shall be served on the attorney for the
 1618 Commonwealth or, if a petition for appeal was granted in the Court of Appeals or in the Supreme Court
 1619 in the original attempt to appeal, upon and the Attorney General, in accordance with Rule 5:4 of the
 1620 Supreme Court. If the Commonwealth disputes the facts alleged in the motion, or contends that those
 1621 facts do not entitle the appellant to a delayed appeal under this section, the motion shall be denied
 1622 without prejudice to the appellant's right to seek a delayed appeal by means of petition for a writ of
 1623 habeas corpus. Otherwise, the Supreme Court shall, if the motion meets the requirements of this section,
 1624 grant appellant leave to initiate or re-initiate pursuit of the appeal from the Court of Appeals to the
 1625 Supreme Court.

1626 C. Time limits when motion granted. If the motion is granted, all computations of time under the
 1627 Rules of Supreme Court shall run from the date of the order of the Supreme Court granting the motion,
 1628 or if the appellant has been determined to be indigent, from the date of the order by the circuit court
 1629 appointing counsel to represent the appellant in the delayed appeal, whichever is later.

1630 D. Applicability. The provisions of this section shall not apply to cases in which the appellant is
 1631 responsible, in whole or in part, for the error, neglect, or fault causing loss of the original opportunity
 1632 for appeal, nor shall it apply in cases where the claim of error, neglect, or fault has already been alleged
 1633 and rejected in a prior judicial proceeding, nor shall it apply in cases in which a sentence of death has
 1634 been imposed.

1635 **§ 19.2-322.1. Suspension of execution of judgment on appeal.**

1636 Execution of a judgment from which an appeal to the Court of Appeals or the Supreme Court is
 1637 sought may be suspended during an appeal provided the appeal is timely prosecuted and an appeal bond
 1638 is filed as provided in ~~§ 8.01-676.1~~.

1639 **§ 19.2-386.13. Writ of error and supersedeas.**

1640 For the purpose of review on a writ of error or supersedeas, a final judgment or order in the cause
 1641 shall be deemed a final judgment or order within the meaning of subsection A of ~~§ 8.01-670~~ and may
 1642 be appealed to the Court of Appeals.

1643 **§ 19.2-402. Petition for appeal; brief in opposition; time for filing.**

1644 A. When a notice of appeal has been filed pursuant to § 19.2-400, the Commonwealth may petition
 1645 the Court of Appeals for an appeal pursuant to § 19.2-398. The Commonwealth shall be represented by
 1646 the Attorney General if he filed a notice of appearance pursuant to § 2.2-511 or the attorney for the
 1647 Commonwealth prosecuting the case.

1648 B. The provisions of this subsection apply only to pretrial appeals. The petition for a pretrial appeal
 1649 shall be filed with the clerk of the Court of Appeals not more than 14 days after the notice of transcript
 1650 or written statement of facts required by § 19.2-405 is filed or, if there are objections thereto, within 14
 1651 days after the judge signs the transcript or written statement of facts. The accused may file a brief in
 1652 opposition with the clerk of the Court of Appeals within 14 days after the filing of the petition for
 1653 pretrial appeal. If the accused has filed a notice of cross appeal, he shall file a petition for cross appeal
 1654 to be consolidated with, and filed within the same time period as, his brief in opposition. The
 1655 Commonwealth may file a brief in opposition to any petition for cross appeal within 10 days after the
 1656 petition for cross appeal is filed. Except as specifically provided in this section, all other requirements
 1657 for the petition for pretrial appeal and brief in opposition shall conform as nearly as practicable to Part

1658 Five A of the Rules of the Supreme Court of Virginia.

1659 **§ 19.2-403. Procedures on petition for pretrial appeal.**

1660 The procedures on a pretrial appeal to the Court of Appeals by the Commonwealth pursuant to
 1661 *subsections A and E of § 19.2-398*, and on a cross appeal of a pretrial appeal by the accused pursuant to
 1662 § 19.2-401, shall be governed by the provisions of subsections C and D of § 17.1-407. The Court of
 1663 Appeals, however, shall grant or deny the petition for a pretrial appeal, and the petition for cross appeal,
 1664 if any, not later than 30 days after the brief in opposition is timely filed or the time for such filing has
 1665 expired.

1666 No petition for rehearing may be filed in any pretrial appeal pursuant to this chapter. If the petition
 1667 for a pretrial appeal pursuant to this chapter is denied, the Court's mandate shall immediately issue and
 1668 the clerk of the Court of Appeals shall return the record forthwith to the clerk of the trial court.

1669 **§ 19.2-404. Procedures on awarded pretrial appeal.**

1670 This section applies only to pretrial appeals. If the Court of Appeals grants the Commonwealth's
 1671 petition for a pretrial appeal, the Attorney General shall ~~thereafter~~ represent the Commonwealth during
 1672 that appeal *if he has filed a notice of appearance pursuant to § 2.2-511 or by the attorney for the*
 1673 *Commonwealth prosecuting the case.*

1674 The Commonwealth shall file its opening brief in the office of the clerk of the Court of Appeals
 1675 within 25 days after the date of the certificate awarding the appeal. The brief of the appellee shall be
 1676 filed in the office of the clerk of the Court of Appeals within 25 days after the filing of the
 1677 Commonwealth's opening brief. The Commonwealth may then file a reply brief, including its response
 1678 to any cross appeal, in the office of the clerk of the Court of Appeals within 15 days after the filing of
 1679 the brief of the accused. With the permission of a judge of the Court of Appeals, the time for filing any
 1680 brief may be extended for good cause shown. Four copies of each brief shall be filed and three copies
 1681 shall be mailed or delivered to opposing counsel on or before the date of filing. Except as specifically
 1682 provided in this section, all other requirements of the brief shall conform as nearly as practicable to Part
 1683 Five A of the Rules of the Supreme Court of Virginia. The Court of Appeals shall accelerate the appeal
 1684 on its docket and render its decision not later than 60 days after the filing of the appellee's brief or after
 1685 the time for filing such brief has expired.

1686 When the opinion is rendered by the Court of Appeals, the mandate shall immediately issue and the
 1687 clerk of the Court of Appeals shall return the record forthwith to the clerk of the trial court. No petition
 1688 for rehearing may be filed.

1689 **§ 22.1-97. Calculation and reporting of required local expenditures; procedure if locality fails to**
 1690 **appropriate sufficient educational funds.**

1691 A. The Department of Education shall collect annually the data necessary to make calculations and
 1692 reports required by this subsection.

1693 At the beginning of each school year, the Department shall make calculations to ensure that each
 1694 school division has appropriated sufficient funds to support its estimated required local expenditure for
 1695 providing an educational program meeting the prescribed Standards of Quality, required by Article VIII
 1696 of the Constitution of Virginia and Chapter 13.2 (§ 22.1-253.13:1 et seq.) of this title. At the conclusion
 1697 of the school year, the Department shall make calculations to verify whether the locality has provided
 1698 the required expenditure, based on average daily membership as of March 31 of the relevant school
 1699 year.

1700 The Department shall report annually to the House Committees on Education and Appropriations and
 1701 the Senate Committees on Finance and Education and Health the results of such calculations and the
 1702 degree to which each school division has met, failed to meet, or surpassed its required expenditure.

1703 The Joint Legislative Audit and Review Commission shall report annually to the House Committees
 1704 on Education and Appropriations and the Senate Committees on Finance and Education and Health the
 1705 state expenditure provided each locality for an educational program meeting the Standards of Quality.

1706 The Department and the Joint Legislative Audit and Review Commission shall coordinate to ensure
 1707 that their respective reports are based upon comparable data and are delivered together, or as closely
 1708 following one another as practicable, to the appropriate standing committees.

1709 B. Whenever such calculations indicate that the governing body of a county, city or town fails or
 1710 refuses to appropriate funds sufficient to provide that portion of the cost apportioned to such county,
 1711 city or town by law for maintaining an educational program meeting the Standards of Quality, the Board
 1712 of Education shall notify the Attorney General of such failure or refusal in writing signed by the
 1713 president of the Board. Upon receipt of such notification, it shall be the duty of the Attorney General to
 1714 file in the circuit court for the county, city or town a petition for a writ of mandamus directing and
 1715 requiring such governing body to make forthwith such appropriation as is required by law.

1716 The petition shall be in the name of the Board of Education, and the governing body shall be made a
 1717 party defendant thereto. The court may, in its discretion, cause such other officers or persons to be made
 1718 parties defendant as it may deem proper. The court may make such order as may be appropriate
 1719 respecting the employment and compensation of an attorney or attorneys for any party defendant not

1720 otherwise represented by counsel. The petition shall be given first priority on the docket of such court
 1721 and shall be heard expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644
 1722 et seq.) of Chapter 25 of Title 8.01 and the writ of mandamus shall be awarded or denied according to
 1723 the law and facts of the case and with or without costs, as the court may determine. The order of the
 1724 court shall be final upon entry. Any appeal therefrom shall be heard and disposed of promptly by the
 1725 ~~Supreme Court next after habeas corpus cases already on the docket~~ *Court of Appeals*.

1726 **§ 22.1-289.024. (Effective July 1, 2021) Appeal from refusal, denial of renewal, or revocation of**
 1727 **license.**

1728 A. Whenever the Superintendent refuses to issue a license or to renew a license or revokes a license
 1729 for a child day program or family day system operated by an agency of the Commonwealth, the
 1730 provisions of § 22.1-289.025 shall apply. Whenever the Superintendent refuses to issue a license or to
 1731 renew a license or revokes a license for any child day program or family day system other than a child
 1732 day program or family day system operated by an agency of the Commonwealth, the provisions of the
 1733 Administrative Process Act (§ 2.2-4000 et seq.) shall apply, except that all appeals from notice of the
 1734 Superintendent's intent to refuse to issue or renew, or revoke a license shall be received in writing from
 1735 the child day program or family day system operator within 15 days of the date of receipt of the notice.
 1736 Judicial review of a final review agency decision shall be in accordance with the provisions of the
 1737 Administrative Process Act. No stay may be granted upon appeal to the ~~Virginia~~ *Supreme Court or the*
 1738 *Court of Appeals*.

1739 B. In every appeal to a court of record, the Superintendent shall be named defendant.

1740 C. An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for
 1741 operation without a license.

1742 D. When issuance or renewal of a license for a child day program or family day system has been
 1743 refused by the Superintendent, the applicant shall not thereafter for a period of six months apply again
 1744 for such license unless the Superintendent in his sole discretion believes that there has been such a
 1745 change in the conditions on account of which he refused the prior application as to justify considering
 1746 the new application. When an appeal is taken by the applicant pursuant to subsection A, the six-month
 1747 period shall be extended until a final decision has been rendered on appeal.

1748 **§ 24.2-237. Who to represent Commonwealth; trial by jury; appeal.**

1749 The attorney for the Commonwealth shall represent the Commonwealth in any trial under this article.
 1750 If the proceeding is against the attorney for the Commonwealth, the court shall appoint an attorney to
 1751 represent the Commonwealth. Any officer proceeded against shall have the right to demand a trial by
 1752 jury. The Commonwealth and the defendant shall each have the right to ~~apply appeal~~ *to the Supreme*
 1753 *Court for a writ of error and supersedeas Court of Appeals* upon the record made in the trial court and
 1754 the ~~Supreme Court of Appeals~~ *may hear and determine such cases.*

1755 **§ 24.2-422. Appeal of person denied registration.**

1756 A. Within five days after the denial of an application to register, the general registrar shall notify the
 1757 applicant of the denial. Notice shall be given in writing and by email or telephone if such information
 1758 was provided by the applicant.

1759 The general registrar shall send a new application for registration to the applicant with the form
 1760 prescribed in subsection B. If the applicant provided his email address on the application for registration,
 1761 the general registrar may send information to that email address regarding online voter registration. The
 1762 general registrar shall advise the applicant that he may complete and submit the new application, in lieu
 1763 of filing an appeal, if the reason stated for denial is that the applicant has failed to sign the application
 1764 or failed to provide a required item of information on the application. If the general registrar is able to
 1765 reach the applicant by telephone, corrections may be made by the applicant by telephone. Any applicant
 1766 who returns a second application and whose second application is denied shall have the right to appeal
 1767 provided in subsection B.

1768 B. A person denied registration shall have the right to appeal, without payment of writ tax or giving
 1769 security for costs, to the circuit court of the county or city in which he offers to register by filing with
 1770 the clerk of the court, within 10 days of being notified of the denial, a petition in writing to have his
 1771 right to register determined.

1772 The petitioner may file his petition by completing and filing a form which shall be prescribed by the
 1773 State Board and which shall be used by the general registrar to notify an applicant of the denial of his
 1774 application to register and of the reasons for the denial. The form shall (i) state that an applicant denied
 1775 registration has the right to appeal to the circuit court of the county or city in which he offers to
 1776 register, (ii) give the name and address of the clerk of the circuit court for such county or city (to be
 1777 supplied by the general registrar), (iii) state that a filing fee of \$10 must be paid when filing the
 1778 petition, (iv) contain a statement by which the applicant may indicate his desire to petition the court to
 1779 have his right to register determined, and (v) provide space for the applicant to state the facts in support
 1780 of his right to register.

1781 On the filing of a petition to have the right to register determined, the clerk of the court shall
 1782 immediately bring the matter to the attention of the chief judge of the court for the scheduling of a
 1783 hearing on the petition. The matter shall be heard and determined on the face of the petition, the answer
 1784 made in writing by the general registrar, and any evidence introduced as part of the proceedings. The
 1785 proceedings shall take precedence over all other business of the court and shall be heard as soon as
 1786 possible.

1787 On the filing of the petition, the clerk of the court shall immediately give notice to the attorney for
 1788 the Commonwealth for his county or city, who shall appear and defend against the petition on behalf of
 1789 the Commonwealth.

1790 Judgment in favor of the petitioner shall entitle him to registration. From a judgment rendered
 1791 against the petitioner, an appeal shall lie to the ~~Supreme Court of Virginia~~ *Appeals*.

1792 C. The provisions of § 24.2-416, pertaining to the closing of registration records in advance of an
 1793 election, shall apply to any application submitted pursuant to subsection A or B following a denial of
 1794 registration.

1795 **§ 24.2-433. Appeal from decision of court.**

1796 From the judgment of the court, an appeal shall lie, as a matter of right, to the ~~Supreme Court of~~
 1797 *Virginia Appeals*. The appeal shall be placed on the privileged docket and be heard ~~at~~ *by* the next
 1798 ~~ensuing session~~ *available panel* of the court.

1799 **§ 25.1-239. Finality of order confirming, altering or modifying report; appeal.**

1800 A. The order confirming, altering or modifying the report of just compensation shall be final.

1801 B. Any party aggrieved thereby may ~~apply for an~~ appeal to the ~~Supreme Court of Appeals~~ and a
 1802 supersedeas may be granted in the same manner as is now provided by law and the Rules of Court
 1803 applicable to civil cases. An order setting aside the report and awarding a new trial of the issue of just
 1804 compensation shall not be a final order for the purposes of appeal.

1805 C. *Any party aggrieved by a judgment of the Court of Appeals rendered pursuant to subsection B*
 1806 *may apply for an appeal to the Supreme Court and a supersedeas may be granted in the same manner*
 1807 *as is now provided by law and the Rules of Court applicable to civil cases. An order setting aside the*
 1808 *report and awarding a new trial of the issue of just compensation shall not be a final order for the*
 1809 *purposes of appeal.*

1810 **§ 32.1-48.010. Appeal of any order of quarantine.**

1811 A. Any person or persons subject to an order of quarantine or a court-ordered extension of any such
 1812 order pursuant to this article may file an appeal of the order of quarantine as such order applies to such
 1813 person or persons in the circuit court for the city or county in which the subject or subjects of the order
 1814 reside or are located or the circuit court for the jurisdiction or jurisdictions for any affected area. Any
 1815 petition for appeal shall be in writing, shall set forth the grounds on which the order of quarantine is
 1816 being challenged vis-a-vis the subject person or persons or affected area, and shall be served upon the
 1817 State Health Commissioner or his legal representative.

1818 B. A hearing on the appeal of the order of quarantine shall be held within 48 hours of the filing of
 1819 the petition for appeal or, if the 48-hour period terminates on a Saturday, Sunday, legal holiday or day
 1820 on which the court is lawfully closed, the hearing shall be held on the next day that is not a Saturday,
 1821 Sunday, legal holiday or day on which the court is lawfully closed.

1822 In extraordinary circumstances, for good cause shown, the Commissioner may request a continuance
 1823 of the hearing, which the court shall only grant after giving due regard to the rights of the affected
 1824 individuals, the protection of the public health and safety, the severity of the emergency, and the
 1825 availability of witnesses and evidence.

1826 C. Any person appealing an order of quarantine shall have the burden of proving that he is not
 1827 properly the subject of the order of quarantine.

1828 D. The filing of an appeal shall not stay any order of quarantine.

1829 E. Upon receiving multiple appeals of an order of quarantine that applies to a group of persons or an
 1830 affected area, the court may, on the motion of any party or on the court's own motion, consolidate the
 1831 cases in a single proceeding for all appeals when (i) there are common questions of law or fact relating
 1832 to the individual claims or rights to be determined; (ii) the claims of the consolidated cases are
 1833 substantially similar; and (iii) all parties to the appeals will be adequately represented in the
 1834 consolidation.

1835 F. The circuit court shall not conduct a de novo review of the order of quarantine; however, the
 1836 court shall consider the existing record and such supplemental evidence as the court shall consider
 1837 relevant. The court shall conduct the hearing on an appeal of an order of quarantine in a manner that
 1838 will protect the health and safety of court personnel, counsels, witnesses, and the general public and in
 1839 accordance with rules of the Supreme Court of Virginia pursuant to subsection C of § 17.1-503. The
 1840 court may, for good cause shown, hold all or any portion of the hearings in camera upon motion of any
 1841 party or upon the court's own motion.

1842 G. Upon completion of the hearing, the court may (i) vacate or modify the order of quarantine as

1843 such order applies to any person who filed the appeal and who is not, according to the record and the
 1844 supplemental evidence, appropriately subject to the order of quarantine; (ii) vacate or modify the order
 1845 of quarantine as such order applies to all persons who filed an appeal and who are not, according to the
 1846 record and the supplemental evidence, appropriately subject to the order of quarantine; (iii) confirm the
 1847 order of quarantine as it applies to any person or all appealing parties upon a finding that such person
 1848 or persons are appropriately subject to the order of quarantine and that quarantine is being implemented
 1849 in the least restrictive environment to address the public health threat effectively, given the reasonably
 1850 available information on effective control measures and the nature of the communicable disease of
 1851 public health threat; or (iv) confirm the order of quarantine as it applies to all persons subject to the
 1852 order upon finding that all such persons are appropriately subject to the order of quarantine and that
 1853 quarantine is being implemented in the least restrictive environment to address the public health threat
 1854 effectively, given the reasonably available information on effective control measures and the nature of
 1855 the communicable disease of public health threat.

1856 In any case in which the court shall vacate the order of quarantine as it applies to any person who
 1857 has filed a request for review of such order and who is subject to such order or as it applies to all
 1858 persons seeking judicial review who are subject to such order, the person or persons shall be
 1859 immediately released from quarantine unless such order to vacate the quarantine shall be stayed by the
 1860 filing of an appeal to the Supreme Court of Virginia or the Court of Appeals. Any party to the case
 1861 may file an appeal of the circuit court decisions to the Supreme Court of Virginia Appeals. Parties to the
 1862 case shall include any person who is subject to an order of quarantine and has filed an appeal of such
 1863 order with the circuit court and the State Health Commissioner.

1864 H. Appeals of any final order of any circuit court regarding the State Health Commissioner's petition
 1865 for review and confirmation or extension of an order of quarantine or any appeal of an order of
 1866 quarantine by a person or persons who are subject to such order shall be appealable directly to the
 1867 Supreme Court of Virginia Appeals, with an expedited review in accordance with the rules of the court
 1868 pursuant to subsection C of § 17.1-503.

1869 I. Appeals of any circuit court order relating to an order of quarantine shall not stay any order of
 1870 quarantine.

1871 J. Persons requesting judicial review of any order of quarantine shall have the right to be represented
 1872 by an attorney in all proceedings. If the person is unable to afford an attorney, counsel shall be
 1873 appointed for the person by the circuit court for the jurisdiction in which the person or persons who are
 1874 subject to the order of quarantine reside or, in the case of an affected area, by the circuit court for the
 1875 jurisdiction or jurisdictions for the affected area. Counsel so appointed shall be paid at a rate established
 1876 by the Supreme Court of Virginia from the Commonwealth's criminal fund.

1877 **§ 32.1-48.013. Appeal of any order of isolation.**

1878 A. Any person or persons subject to an order of isolation or a court-ordered confirmation or
 1879 extension of any such order pursuant to this article may file an appeal of the order of isolation in the
 1880 circuit court for the city or county in which such person or persons reside or are located or, in the case
 1881 of an affected area, in the circuit court for any affected jurisdiction or jurisdictions. Any petition for
 1882 appeal shall be in writing, shall set forth the grounds on which the order of isolation is being challenged
 1883 vis-a-vis the subject person or persons or affected area, and shall be served upon the State Health
 1884 Commissioner or his legal representative.

1885 B. A hearing on the appeal of the order of isolation shall be held within 48 hours of the filing of the
 1886 petition for appeal or, if the 48-hour period terminates on a Saturday, Sunday, legal holiday or day on
 1887 which the court is lawfully closed, the hearing shall be held on the next day that is not a Saturday,
 1888 Sunday, legal holiday or day on which the court is lawfully closed.

1889 In extraordinary circumstances, for good cause shown, the Commissioner may request a continuance
 1890 of the hearing, which the court shall only grant after giving due regard to the rights of the affected
 1891 individuals, the protection of the public health and safety, the severity of the emergency, and the
 1892 availability of witnesses and evidence.

1893 C. Any person appealing an order of isolation shall have the burden of proving that he is not
 1894 properly the subject of the order of isolation.

1895 D. An appeal shall not stay any order of isolation.

1896 E. Upon receiving multiple appeals of an order of isolation, the court may, on the motion of any
 1897 party or on the court's own motion, consolidate the cases in a single proceeding for all appeals when (i)
 1898 there are common questions of law or fact relating to the individual claims or rights to be determined;
 1899 (ii) the claims of the consolidated cases are substantially similar; and (iii) all parties to the appeals will
 1900 be adequately represented in the consolidation.

1901 F. The circuit court shall not conduct a de novo review of the order of isolation; however, the court
 1902 shall consider the existing record and such supplemental evidence as the court shall consider relevant.
 1903 The court shall conduct the hearing on an appeal of an order of isolation in a manner that will protect

1904 the health and safety of court personnel, counsels, witnesses, and the general public and in accordance
 1905 with rules of the Supreme Court of Virginia pursuant to subsection C of § 17.1-503. The court may, for
 1906 good cause shown, hold all or any portion of the hearings in camera upon motion of any party or the
 1907 court's own motion.

1908 G. Upon completion of the hearing, the court may (i) vacate or modify the order of isolation as such
 1909 order applies to any person who filed the appeal and who is not, according to the record and the
 1910 supplemental evidence, appropriately subject to the order of isolation; (ii) vacate or modify the order of
 1911 isolation as such order applies to all persons who filed an appeal and who are not, according to the
 1912 record and the supplemental evidence, appropriately subject to the order of isolation; (iii) confirm the
 1913 order of isolation as it applies to any person or all appealing parties upon a finding that such person or
 1914 persons are appropriately subject to the order of isolation and that isolation is being implemented in the
 1915 least restrictive environment to address the public health threat effectively, given the reasonably
 1916 available information on effective infection control measures and the nature of the communicable disease
 1917 of public health threat; or (iv) confirm the order of isolation as it applies to all persons subject to the
 1918 order upon finding that all such persons are appropriately subject to the order of isolation and that
 1919 isolation is being implemented in the least restrictive environment to address the public health threat
 1920 effectively given the reasonably available information on effective control measures and the nature of
 1921 the communicable disease of public health threat.

1922 In any case in which the court shall vacate the order of isolation as it applies to any person who has
 1923 filed a request for review of such order and who is subject to such order or as it applies to all persons
 1924 seeking judicial review who are subject to such order, the person or persons shall be immediately
 1925 released from isolation unless such order to vacate the isolation shall be stayed by the filing of an
 1926 appeal to the Supreme Court of Virginia Appeals. Any party to the case may file an appeal of the circuit
 1927 court decisions to the Supreme Court of Virginia Appeals. Parties to the case shall include any person
 1928 who is subject to an order of isolation and has filed an appeal of such order with the circuit court and
 1929 the State Health Commissioner.

1930 H. Appeals of any final order of any circuit court regarding the State Health Commissioner's petition
 1931 for review and confirmation or extension of an order of isolation or any appeal of an order of isolation
 1932 by a person or persons who are subject to such order shall be appealable directly to the Supreme Court
 1933 of Virginia Appeals, with an expedited review in accordance with the rules of the court pursuant to
 1934 subsection C of § 17.1-503.

1935 I. Appeals of any circuit court order relating to an order of isolation shall not stay any order of
 1936 isolation.

1937 J. Persons appealing any order of isolation shall have the right to be represented by an attorney in all
 1938 proceedings. If the person is unable to afford an attorney, counsel shall be appointed for the person by
 1939 the circuit court for the jurisdiction in which the person or persons who are subject to the order of
 1940 isolation reside or, in the case of an affected area, by the circuit court for the jurisdiction or jurisdictions
 1941 for the affected area. Counsel so appointed shall be paid at a rate established by the Supreme Court of
 1942 Virginia from the Commonwealth's criminal fund.

1943 **§ 33.2-928. Procedure to secure abandonment of highways to be flooded in connection with**
 1944 **municipal water supply projects.**

1945 A city or town subject to the provisions of this article shall certify to the governing body of the
 1946 county within which the highway, or the greater part thereof, lies a copy of the ordinance adopted by
 1947 the city or town as provided in this article. The governing body of the county, upon receipt, shall within
 1948 30 days (i) consider the reasonableness of the action contemplated by the city or town ordinance, (ii)
 1949 propose and publish an ordinance approving or disapproving the action contemplated by the city or
 1950 town, and (iii) conduct a hearing thereon. In the event that after such hearing the governing body of the
 1951 county disapproves the proposed flooding, discontinuance, and abandonment of the highway, the city or
 1952 town shall have the right to an appeal to the circuit court of the county where the question of the
 1953 reasonableness of the proposed flooding and abandonment shall be heard de novo by the circuit court
 1954 and judgment shall be rendered according to its decision. ~~From the~~ *The judgment a writ of error will lie*
 1955 *in the discretion of the Supreme Court of Virginia of the circuit court may be appealed to the Court of*
 1956 *Appeals.*

1957 **§ 33.2-2917. Miscellaneous.**

1958 A. Any money set aside for the payment of the principal of or interest on any bonds issued by the
 1959 Authority not claimed within two years from the day the principal of such bonds is due by maturity or
 1960 by call for redemption shall be paid into the state treasury. No interest shall accrue on such principal or
 1961 interest from the day the same is due. The Comptroller shall keep an account of all money thus paid
 1962 into the state treasury, and it shall be paid to the individual partnership, association, or corporation
 1963 entitled thereto upon satisfactory proof that such individual, partnership, association, or corporation is so
 1964 entitled to such money. If the claim so presented is rejected by the Comptroller, the claimant may
 1965 proceed against the Comptroller for recovery in the Circuit Court of the City of Richmond. An appeal

1966 from the judgment of the circuit court shall lie to the ~~Supreme~~ Court of ~~Virginia~~ Appeals as in actions
 1967 at law, and all laws and rules relating to practice and procedure in actions at law shall apply to such
 1968 authorized proceedings. No such proceedings shall be filed after 10 years from the day the principal of
 1969 or interest on such bonds is due; however, if the individual having such claim is an infant or insane
 1970 person or is imprisoned at such due date, such proceedings may be filed within five years after the
 1971 removal of such disability, notwithstanding the fact that such 10-year period has expired.

1972 B. The Authority may contract with the City of Richmond, the Counties of Henrico and Chesterfield,
 1973 and the Department of State Police for the policing of any Authority facilities, and the City of
 1974 Richmond, the Counties of Henrico and Chesterfield, and the Department of State Police are hereby
 1975 authorized to enter into contracts with the Authority for such purpose. Police officers providing police
 1976 services pursuant to such contracts shall be under the exclusive control and direction of the authority
 1977 providing such officers and shall be responsible to that authority exclusively for the performance of their
 1978 duties and the exercise of their powers. The Authority shall reimburse the City of Richmond, the County
 1979 of Henrico or Chesterfield, or the Commonwealth in such amounts and at such time as shall be mutually
 1980 agreed upon for providing police service. Such officers shall be responsible for the preservation of the
 1981 public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and
 1982 property, and enforcement of the laws of the Commonwealth and all regulations of the Authority made
 1983 in accordance, and such officers shall have all the rights and duties of police officers as provided by the
 1984 general laws of the Commonwealth. The violation of any such regulation shall be punishable as follows:
 1985 if such a violation would have been a violation of law if committed on any public highway in the City
 1986 of Richmond or the County of Henrico or Chesterfield, it shall be punishable in the same manner as if it
 1987 had been committed on such public highway; otherwise it shall be punishable as a Class 1 misdemeanor.
 1988 All other police officers of the Commonwealth, the City of Richmond, and the Counties of Henrico and
 1989 Chesterfield shall have the same powers and jurisdiction within the areas of operations agreed upon by
 1990 the parties that they have beyond such limits and shall have access to all such areas at any time without
 1991 interference for the purpose of exercising such powers and jurisdiction. For the purpose of enforcing
 1992 such laws and regulations, the court having jurisdiction for the trial of criminal offenses committed in
 1993 the City of Richmond or in the Counties of Henrico and Chesterfield within whose boundaries any
 1994 crime is committed shall have jurisdiction to try any person charged with the violation of any such laws
 1995 and regulations within such boundaries. A copy of the regulations of the Authority, attested by the
 1996 secretary or secretary-treasurer of the Authority, may be admitted as evidence in lieu of the original.
 1997 Any such copy purporting to be sealed and signed by such secretary or secretary-treasurer may be
 1998 admitted as evidence without any proof of the seal or signature or of the official character of the person
 1999 whose name is signed to it.

2000 C. All actions at law and suits in equity and other proceedings, actions, and suits against the
 2001 Authority, or any other person, firm, or corporation, growing out of the construction, maintenance,
 2002 repair, operation, and use of any Authority facility, or growing out of any other circumstances, events,
 2003 or causes in connection therewith, unless otherwise provided in this section, shall be brought and
 2004 conducted in the court having jurisdiction of such actions, suits, and proceedings in the City of
 2005 Richmond or the County of Henrico or Chesterfield within whose boundaries the causes of such actions,
 2006 suits, and proceedings arise, and jurisdiction is hereby conferred on such court for that purpose. All such
 2007 actions, suits, and proceedings on behalf of the Authority shall be brought and conducted in the Circuit
 2008 Court of the City of Richmond, except as otherwise provided in this section, and exclusive jurisdiction
 2009 is hereby conferred on such court for the purpose. Eminent domain proceedings instituted and conducted
 2010 by the Authority shall be brought and conducted in the court having jurisdiction of such proceedings in
 2011 the City of Richmond or the County of Henrico or Chesterfield within whose boundaries the land or
 2012 other property to be so acquired or the major portion thereof is situated, and jurisdiction is hereby
 2013 conferred on such court for such purpose.

2014 D. On or before September 30 of each year, the Authority shall prepare a report of its activities for
 2015 the 12-month period ending the preceding July 1 of such year and shall file a copy thereof with the
 2016 Commonwealth Transportation Board, the City of Richmond, and the Counties of Henrico and
 2017 Chesterfield. Each such report shall set forth an operating and financial statement covering the
 2018 Authority's operations during the 12-month period covered by the report. The Authority shall cause an
 2019 audit of its books and accounts to be made at least once in each year by certified public accountants to
 2020 be selected by the Authority, and the cost of such audit shall be treated as a part of the cost of
 2021 construction and operation of a project.

2022 E. The records, books, and accounts of the Authority shall be subject to examination and inspection
 2023 by duly authorized representatives of the Commonwealth Transportation Board, the governing bodies of
 2024 the City of Richmond and the Counties of Henrico and Chesterfield, and any bondholder at any
 2025 reasonable time, provided the business of the Authority is not unduly interrupted or interfered with
 2026 thereby.

2027 F. Any member, agent, or employee of the Authority who contracts with the Authority or is
 2028 interested in contracting with the Authority or in the sale of any property, either real or personal, to the
 2029 Authority shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000 or
 2030 imprisonment in jail for not more than one year, either or both. Exclusive jurisdiction for the trial of
 2031 such misdemeanors is hereby conferred upon the Circuit Court of the City of Richmond, provided that
 2032 the term "contract," as used in this chapter, shall not be held to include the depositing of funds in, the
 2033 borrowing of funds from, or the serving as agent or trustee by any bank in which any member, agent, or
 2034 employee of the Authority may be a director, officer, or employee or have a security interest, nor shall
 2035 such term include contracts or agreements with the Commonwealth Transportation Board or the purchase
 2036 of services from, or other transactions in the ordinary course of business with, public service
 2037 corporations.

2038 **§ 37.2-920. Appeal by Attorney General; emergency custody order.**

2039 In any case in which the Attorney General successfully appeals the trial court's denial of probable
 2040 cause, denial of civil commitment or conditional release, or discharge or placement on conditional
 2041 release after an annual review hearing, upon the issuance of the mandate by the ~~Supreme~~ Court of
 2042 ~~Virginia~~ *Appeals*, the trial court shall immediately issue an emergency custody order to any local
 2043 law-enforcement official to have the person taken into custody and held in the local correctional facility,
 2044 pending further appropriate proceedings.

2045 **§ 45.1-161.322. Restoration of property to owner or operator.**

2046 A. Whenever the owner or operator of the business of mining, production and marketing coal, whose
 2047 property has been acquired by the Commission, shall notify the Commission in writing, stating that he is
 2048 in position to, and can and will resume operation and render normal service, and shall satisfy the
 2049 Commission of the correctness of such statement or whenever in the judgment of the Governor the
 2050 emergency declared by him no longer exists, the Commission shall restore the possession of the property
 2051 so acquired by them to the owner or operator upon his request. In the event the Commission refuses
 2052 such restoration of possession, the owner or operator shall have the right to have a rule issued requiring
 2053 the Commission to show cause why such possession should not be restored and the court shall
 2054 determine the matter as in this section provided.

2055 B. Any such owner or operator shall be entitled to receive reasonable, proper and lawful
 2056 compensation for the use of the properties so acquired by the Commonwealth and paid the same out of
 2057 the state treasury. In the event the Commission has acquired such property by purchase, the owners
 2058 upon reacquisition shall repay the purchase price less fair compensation for use of such property. In the
 2059 event the Commission and the owner or operator are unable to agree upon the amount of such
 2060 compensation either party in interest may file a petition in the circuit court for the county or city in
 2061 which the property is located for the purpose of having the same judicially determined. The court shall,
 2062 without a jury, hear such evidence and argument of counsel as may be deemed appropriate and render
 2063 judgment thereon or may refer to a commissioner such questions as are considered proper and act upon
 2064 the commissioner's report as in other equity proceedings. An appeal shall lie to the ~~Supreme~~ Court of
 2065 *Appeals* from any final judgment of the court rendered upon the provisions of this chapter.

2066 **§ 55.1-1833. Lien for assessments.**

2067 A. The association shall have a lien, once perfected, on every lot for unpaid assessments levied
 2068 against that lot in accordance with the provisions of this chapter and all lawful provisions of the
 2069 declaration. The lien, once perfected, shall be prior to all other subsequent liens and encumbrances
 2070 except (i) real estate tax liens on that lot, (ii) liens and encumbrances recorded prior to the recordation
 2071 of the declaration, and (iii) sums unpaid on and owing under any mortgage or deed of trust recorded
 2072 prior to the perfection of such lien. The provisions of this subsection shall not affect the priority of
 2073 mechanics' and materialmen's liens. Notice of a memorandum of lien to a holder of a credit line deed of
 2074 trust under § 55.1-318 shall be given in the same fashion as if the association's lien were a judgment.

2075 B. The association, in order to perfect the lien given by this section, shall file, before the expiration
 2076 of 12 months from the time the first such assessment became due and payable in the clerk's office of the
 2077 circuit court in the county or city in which such development is situated, a memorandum, verified by the
 2078 oath of the principal officer of the association or such other officer or officers as the declaration may
 2079 specify, which contains the following:

- 2080 1. The name of the development;
- 2081 2. A description of the lot;
- 2082 3. The name or names of the persons constituting the owners of that lot;
- 2083 4. The amount of unpaid assessments currently due or past due relative to such lot together with the
 2084 date when each fell due;
- 2085 5. The date of issuance of the memorandum;
- 2086 6. The name of the association and the name and current address of the person to contact to arrange
 2087 for payment or release of the lien; and
- 2088 7. A statement that the association is obtaining a lien in accordance with the provisions of the

2089 Property Owners' Association Act as set forth in Chapter 18 (§ 55.1-1800 et seq.) of Title 55.1.

2090 It shall be the duty of the clerk in whose office such memorandum is filed as provided in this
 2091 section to record and index the same as provided in subsection D, in the names of the persons identified
 2092 in such memorandum as well as in the name of the association. The cost of recording and releasing the
 2093 memorandum shall be taxed against the person found liable in any judgment or order enforcing such
 2094 lien.

2095 C. Prior to filing a memorandum of lien, a written notice shall be sent to the property owner by
 2096 certified mail, at the property owner's last known address, informing the property owner that a
 2097 memorandum of lien will be filed in the circuit court clerk's office of the applicable county or city. The
 2098 notice shall be sent at least 10 days before the actual filing date of the memorandum of lien.

2099 D. Notwithstanding any other provision of this section or any other provision of law requiring
 2100 documents to be recorded in the miscellaneous lien books or the deed books in the clerk's office of any
 2101 court, on or after July 1, 1989, all memoranda of liens arising under this section shall be recorded in the
 2102 deed books in the clerk's office. Any memorandum shall be indexed in the general index to deeds, and
 2103 the general index shall identify the lien as a lien for lot assessments.

2104 E. No action to enforce any lien perfected under subsection B shall be brought or action to foreclose
 2105 any lien perfected under subsection I shall be initiated after 36 months from the time when the
 2106 memorandum of lien was recorded; however, the filing of a petition to enforce any such lien in any
 2107 action in which the petition may be properly filed shall be regarded as the institution of an action under
 2108 this section. Nothing in this subsection shall extend the time within which any such lien may be
 2109 perfected.

2110 F. The judgment or order in an action brought pursuant to this section shall include reimbursement
 2111 for costs and reasonable attorney fees of the prevailing party. If the association prevails, it may also
 2112 recover interest at the legal rate for the sums secured by the lien from the time each such sum became
 2113 due and payable.

2114 G. When payment or satisfaction is made of a debt secured by the lien perfected by subsection B,
 2115 the lien shall be released in accordance with the provisions of § 55.1-339. Any lien that is not so
 2116 released shall subject the lien creditor to the penalty set forth in subdivision B 1 of § 55.1-339. For the
 2117 purposes of § 55.1-339, the principal officer of the association, or any other officer or officers as the
 2118 declaration may specify, shall be deemed the duly authorized agent of the lien creditor.

2119 H. Nothing in this section shall be construed to prohibit actions at law to recover sums for which
 2120 subsection A creates a lien, maintainable pursuant to § 55.1-1828.

2121 I. At any time after perfecting the lien pursuant to this section, the property owners' association may
 2122 sell the lot at public sale, subject to prior liens. For purposes of this section, the association shall have
 2123 the power both to sell and convey the lot and shall be deemed the lot owner's statutory agent for the
 2124 purpose of transferring title to the lot. A nonjudicial foreclosure sale shall be conducted in compliance
 2125 with the following:

2126 1. The association shall give notice to the lot owner prior to advertisement required by subdivision 4.
 2127 The notice shall specify (i) the debt secured by the perfected lien; (ii) the action required to satisfy the
 2128 debt secured by the perfected lien; (iii) the date, not less than 60 days from the date the notice is given
 2129 to the lot owner, by which the debt secured by the lien must be satisfied; and (iv) that failure to satisfy
 2130 the debt secured by the lien on or before the date specified in the notice may result in the sale of the
 2131 lot. The notice shall further inform the lot owner of the right to bring a court action in the circuit court
 2132 of the county or city where the lot is located to assert the nonexistence of a debt or any other defense of
 2133 the lot owner to the sale.

2134 2. After expiration of the 60-day notice period specified in subdivision 1, the association may appoint
 2135 a trustee to conduct the sale. The appointment of the trustee shall be filed in the clerk's office of the
 2136 circuit court in the county or city in which such development is situated. It shall be the duty of the clerk
 2137 in whose office such appointment is filed to record and index the same as provided in subsection D, in
 2138 the names of the persons identified in such appointment as well as in the name of the association. The
 2139 association, at its option, may from time to time remove the trustee and appoint a successor trustee.

2140 3. If the lot owner meets the conditions specified in this subdivision prior to the date of the
 2141 foreclosure sale, the lot owner shall have the right to have enforcement of the perfected lien
 2142 discontinued prior to the sale of the lot. Those conditions are that the lot owner (i) satisfy the debt
 2143 secured by lien that is the subject of the nonjudicial foreclosure sale and (ii) pay all expenses and costs
 2144 incurred in perfecting and enforcing the lien, including advertising costs and reasonable attorney fees.

2145 4. In addition to the advertisement required by subdivision 5, the association shall give written notice
 2146 of the time, date, and place of any proposed sale in execution of the lien, including the name, address,
 2147 and telephone number of the trustee, by hand delivery or by mail to (i) the present owner of the
 2148 property to be sold at his last known address as such owner and address appear in the records of the
 2149 association, (ii) any lienholder who holds a note against the property secured by a deed of trust recorded

2150 at least 30 days prior to the proposed sale and whose address is recorded with the deed of trust, and (iii)
2151 any assignee of such a note secured by a deed of trust, provided that the assignment and address of the
2152 assignee are likewise recorded at least 30 days prior to the proposed sale. Mailing a copy of the
2153 advertisement or the notice containing the same information to the owner by certified or registered mail
2154 no less than 14 days prior to such sale and to lienholders and their assigns, at the addresses noted in the
2155 memorandum of lien, by United States mail, postage prepaid, no less than 14 days prior to such sale,
2156 shall be a sufficient compliance with the requirement of notice.

2157 5. The advertisement of sale by the association shall be in a newspaper having a general circulation
2158 in the county or city in which the property to be sold, or any portion of such property, is located
2159 pursuant to the following provisions:

2160 a. The association shall advertise once a week for four successive weeks; however, if the property or
2161 some portion of such property is located in a city or in a county immediately contiguous to a city,
2162 publication of the advertisement on five different days, which may be consecutive days, shall be deemed
2163 adequate. The sale shall be held on any day following the day of the last advertisement that is no earlier
2164 than eight days following the first advertisement nor more than 30 days following the last advertisement.

2165 b. Such advertisement shall be placed in that section of the newspaper where legal notices appear or
2166 where the type of property being sold is generally advertised for sale. The advertisement of sale, in
2167 addition to such other matters as the association finds appropriate, shall set forth a description of the
2168 property to be sold, which description need not be as extensive as that contained in the deed of trust but
2169 shall identify the property by street address, if any, or, if none, shall give the general location of the
2170 property with reference to streets, routes, or known landmarks. Where available, tax map identification
2171 may be used but is not required. The advertisement shall also include the date, time, place, and terms of
2172 sale and the name of the association. It shall set forth the name, address, and telephone number of the
2173 representative, agent, or attorney who may be able to respond to inquiries concerning the sale.

2174 c. In addition to the advertisement required by subdivisions a and b, the association may further
2175 advertise as the association finds appropriate.

2176 6. In the event of postponement of sale, which postponement shall be at the discretion of the
2177 association, advertisement of such postponed sale shall be in the same manner as the original
2178 advertisement of sale.

2179 7. Failure to comply with the requirements for advertisement contained in this section shall, upon
2180 petition, render a sale of the property voidable by the court.

2181 8. The association shall have the following powers and duties upon a sale:

2182 a. Written one-price bids may be made and shall be received by the trustee from the association or
2183 any person for entry by announcement at the sale. Any person other than the trustee may bid at the
2184 foreclosure sale, including a person who has submitted a written one-price bid. Upon request to the
2185 trustee, any other bidder in attendance at a foreclosure sale shall be permitted to inspect written bids.
2186 Unless otherwise provided in the declaration, the association may bid to purchase the lot at a foreclosure
2187 sale. The association may own, lease, encumber, exchange, sell, or convey the lot. Whenever the written
2188 bid of the association is the highest bid submitted at the sale, such written bid shall be filed by the
2189 trustee with his account of sale required under subdivision I 10 and § 64.2-1309. The written bid
2190 submitted pursuant to this subsection may be prepared by the association, its agent, or its attorney.

2191 b. The association may require any bidder at any sale to post a cash deposit of as much as 10
2192 percent of the sale price before his bid is received, which shall be refunded to him if the property is not
2193 sold to him. The deposit of the successful bidder shall be applied to his credit at settlement, or, if such
2194 bidder fails to complete his purchase promptly, the deposit shall be applied to pay the costs and
2195 expenses of the sale, and the balance, if any, shall be retained by the association in connection with that
2196 sale.

2197 c. The property owners' association shall receive and receipt for the proceeds of sale, no purchaser
2198 being required to see to the application of the proceeds, and apply the same in the following order: first,
2199 to the reasonable expenses of sale, including attorney fees; second, to the satisfaction of all taxes, levies,
2200 and assessments, with costs and interest; third, to the satisfaction of the lien for the owners' assessments;
2201 fourth, to the satisfaction in the order of priority of any remaining inferior claims of record; and fifth, to
2202 pay the residue of the proceeds to the owner or his assigns, provided, however, that, as to the payment
2203 of such residue, the association shall not be bound by any inheritance, devise, conveyance, assignment,
2204 or lien of or upon the owner's equity, without actual notice thereof prior to distribution.

2205 9. The trustee shall deliver to the purchaser a trustee's deed conveying the lot with special warranty
2206 of title. The trustee shall not be required to take possession of the property prior to the sale of such
2207 property or to deliver possession of the lot to the purchaser at the sale.

2208 10. The trustee shall file an accounting of the sale with the commissioner of accounts pursuant to
2209 § 64.2-1309, and every account of a sale shall be recorded pursuant to § 64.2-1310. In addition, the
2210 accounting shall be made available for inspection and copying pursuant to § 55.1-1815 upon the written
2211 request of the prior lot owner, the current lot owner, or any holder of a recorded lien against the lot at

2212 the time of the sale. The association shall maintain a copy of the accounting for at least 12 months
2213 following the foreclosure sale.

2214 11. If the sale of a lot is made pursuant to subsection I and the accounting is made by the trustee,
2215 the title of the purchaser at such sale shall not be disturbed unless within 12 months from the
2216 confirmation of the accounting by the commissioner of accounts the sale is set aside by the court or an
2217 appeal is allowed by filed in the Court of Appeals or granted by the Supreme Court of Virginia and an
2218 order is entered requiring such sale to be set aside.

2219 **§ 55.1-1966. Lien for assessments.**

2220 A. The unit owners' association shall have a lien on each condominium unit for unpaid assessments
2221 levied against that condominium unit in accordance with the provisions of this chapter and all lawful
2222 provisions of the condominium instruments. The lien, once perfected, shall be prior to all other liens and
2223 encumbrances except (i) real estate tax liens on that condominium unit, (ii) liens and encumbrances
2224 recorded prior to the recordation of the declaration, and (iii) sums unpaid on any first mortgages or first
2225 deeds of trust recorded prior to the perfection of such lien for assessments and securing institutional
2226 lenders. The provisions of this subsection shall not affect the priority of mechanics' and materialmen's
2227 liens.

2228 B. Notwithstanding any other provision of this section, or any other provision of law requiring
2229 documents to be recorded in the miscellaneous lien books or the deed books in the clerk's office of any
2230 court, on or after July 1, 1974, all memoranda of liens arising under this section shall, in the discretion
2231 of the clerk, be recorded in the miscellaneous lien books or the deed books in such clerk's office. Any
2232 such memorandum shall be indexed in the general index to deeds, and such general index shall identify
2233 the lien as a lien for condominium assessments.

2234 C. In order to perfect the lien given by this section, the unit owners' association shall file a
2235 memorandum verified by the oath of the principal officer of the unit owners' association, or such other
2236 officer as the condominium instruments may specify, before the expiration of 90 days from the time the
2237 first such assessment became due and payable. The memorandum shall be filed in the clerk's office of
2238 the circuit court in the county or city in which such condominium is situated. The memorandum shall
2239 contain the following:

- 2240 1. A description of the condominium unit in accordance with the provisions of § 55.1-1909.
- 2241 2. The name or names of the persons constituting the unit owners of that condominium unit.
- 2242 3. The amount of unpaid assessments currently due or past due together with the date when each fell
2243 due.
- 2244 4. The date of issuance of the memorandum.

2245 The clerk in whose office such memorandum is filed shall record and index the memorandum as
2246 provided in subsection B, in the names of the persons identified in such memorandum as well as in the
2247 name of the unit owners' association. The cost of recording such memorandum shall be taxed against the
2248 person found liable in any judgment enforcing such lien.

2249 D. No action to enforce any lien perfected under subsection C shall be brought or action to foreclose
2250 any lien perfected under subsection I shall be initiated after 36 months from the time when the
2251 memorandum of lien was recorded; however, the filing of a petition to enforce any such lien in any
2252 action in which such petition may be properly filed shall be regarded as the institution of an action
2253 under this section. Nothing in this subsection shall extend the time within which any such lien may be
2254 perfected.

2255 E. The judgment in an action brought pursuant to this section shall include reimbursement for costs
2256 and attorney fees of the prevailing party. If the association prevails, it may also recover interest at the
2257 legal rate for the sums secured by the lien from the time each such sum became due and payable.

2258 F. When payment or satisfaction is made of a debt secured by the lien perfected by subsection C,
2259 such lien shall be released in accordance with the provisions of § 55.1-339. Any lien that is not so
2260 released shall subject the lien creditor to the penalty set forth in subdivision B 1 of § 55.1-339. For the
2261 purposes of that section, the principal officer of the unit owners' association, or such other officer as the
2262 condominium instruments may specify, shall be deemed the duly authorized agent of the lien creditor.

2263 G. Nothing in this section shall be construed to prohibit actions at law to recover sums for which
2264 subsection A creates a lien, maintainable pursuant to § 55.1-1915.

2265 H. Any unit owner or purchaser of a condominium unit, having executed a contract for the
2266 disposition of such condominium unit, shall be entitled upon request to a recordable statement setting
2267 forth the amount of unpaid assessments currently levied against that unit. Such request shall be in
2268 writing, directed to the principal officer of the unit owners' association or to such other officer as the
2269 condominium instruments may specify. Failure to furnish or make available such a statement within 10
2270 days of the receipt of such request shall extinguish the lien created by subsection A as to the
2271 condominium unit involved. Such statement shall be binding on the unit owners' association, the
2272 executive board, and every unit owner. Payment of a fee not exceeding \$10 may be required as a

2273 prerequisite to the issuance of such a statement if the condominium instruments so provide.

2274 I. At any time after perfecting the lien pursuant to this section, the unit owners' association may sell
2275 the unit at public sale, subject to prior liens. For purposes of this section, the unit owners' association
2276 shall have the power both to sell and convey the unit and shall be deemed the unit owner's statutory
2277 agent for the purpose of transferring title to the unit. A nonjudicial foreclosure sale shall be conducted
2278 in compliance with the following:

2279 1. The unit owners' association shall give notice to the unit owner prior to advertisement required by
2280 subdivision 4. The notice shall specify (i) the debt secured by the perfected lien; (ii) the action required
2281 to satisfy the debt secured by the perfected lien; (iii) the date, not less than 60 days from the date the
2282 notice is given to the unit owner, by which the debt secured by the lien must be satisfied; and (iv) that
2283 failure to satisfy the debt secured by the lien on or before the date specified in the notice may result in
2284 the sale of the unit. The notice shall further inform the unit owner of the right to bring a court action in
2285 the circuit court of the county or city where the condominium is located to assert the nonexistence of a
2286 debt or any other defense of the unit owner to the sale.

2287 2. After expiration of the 60-day notice period provided in subdivision 1, the unit owners' association
2288 may appoint a trustee to conduct the sale. The appointment of the trustee shall be filed in the clerk's
2289 office of the circuit court in the county or city in which the condominium is located. The clerk in whose
2290 office such appointment is filed shall record and index the appointment as provided in subsection C, in
2291 the names of the persons identified therein as well as in the name of the unit owners' association. The
2292 unit owners' association, at its option, may from time to time remove the trustee and appoint a successor
2293 trustee.

2294 3. If the unit owner meets the conditions specified in this subdivision prior to the date of the
2295 foreclosure sale, the unit owner shall have the right to have enforcement of the perfected lien
2296 discontinued prior to the sale of the unit. Those conditions are that the unit owner (a) satisfy the debt
2297 secured by lien that is the subject of the nonjudicial foreclosure sale and (b) pays all expenses and costs
2298 incurred in perfecting and enforcing the lien, including advertising costs and reasonable attorney fees.

2299 4. In addition to the advertisement required by subdivision 5, the unit owners' association shall give
2300 written notice of the time, date, and place of any proposed sale in execution of the lien, and shall
2301 include the name, address, and telephone number of the trustee, by personal delivery or by mail to (i)
2302 the present owner of the condominium unit to be sold at his last known address as such owner and
2303 address appear in the records of the unit owners' association, (ii) any lienholder who holds a note
2304 against the condominium unit secured by a deed of trust recorded at least 30 days prior to the proposed
2305 sale and whose address is recorded with the deed of trust, and (iii) any assignee of such a note secured
2306 by a deed of trust provided the assignment and address of the assignee are likewise recorded at least 30
2307 days prior to the proposed sale. Mailing a copy of the advertisement or the notice containing the same
2308 information to the owner by certified or registered mail no less than 14 days prior to such sale and to
2309 the lienholders and their assigns, at the addresses noted in the memorandum of lien, by ordinary mail no
2310 less than 14 days prior to such sale shall be a sufficient compliance with the requirement of notice.

2311 5. The advertisement of sale by the unit owners' association shall be in a newspaper having a general
2312 circulation in the locality in which the condominium unit to be sold, or any portion of such unit, is
2313 located pursuant to the following provisions:

2314 a. The unit owners' association shall advertise once a week for four successive weeks; however, if
2315 the condominium unit or some portion of such unit is located in a city or in a county immediately
2316 contiguous to a city, publication of the advertisement five different days, which may be consecutive
2317 days, shall be deemed adequate. The sale shall be held on any day following the day of the last
2318 advertisement that is no earlier than eight days following the first advertisement nor more than 30 days
2319 following the last advertisement.

2320 b. Such advertisement shall be placed in that section of the newspaper where legal notices appear or
2321 where the type of property being sold is generally advertised for sale. The advertisement of sale, in
2322 addition to such other matters as the unit owners' association finds appropriate, shall set forth a
2323 description of the condominium unit to be sold, which description need not be as extensive as that
2324 contained in the deed of trust but shall identify the condominium unit by street address, if any, or, if
2325 none, shall give the general location of the condominium unit with reference to streets, routes, or known
2326 landmarks. Where available, tax map identification may be used but is not required. The advertisement
2327 shall also include the date, time, place, and terms of sale and the name of the unit owners' association.
2328 The advertisement shall set forth the name, address, and telephone number of the representative, agent,
2329 or attorney who may be able to respond to inquiries concerning the sale.

2330 c. In addition to the advertisement required by subdivisions a and b, the unit owners' association may
2331 give such other further and different advertisement as the association finds appropriate.

2332 6. In the event of postponement of a sale, which postponement shall be at the discretion of the unit
2333 owners' association, advertisement of such postponed sale shall be in the same manner as the original
2334 advertisement of sale.

2335 7. Failure to comply with the requirements for advertisement contained in this section shall, upon
2336 petition, render a sale of the condominium unit voidable by the court.

2337 8. In the event of a sale, the unit owners' association shall have the following powers and duties:

2338 a. Written one-price bids may be made and shall be received by the trustee from the unit owners'
2339 association or any person for entry by announcement at the sale. Any person other than the trustee may
2340 bid at the foreclosure sale, including a person who has submitted a written one-price bid. Upon request
2341 to the trustee, any other bidder in attendance at a foreclosure sale shall be permitted to inspect written
2342 bids. Unless otherwise provided in the condominium instruments, the unit owners' association may bid
2343 to purchase the unit at a foreclosure sale. The unit owners' association may own, lease, encumber,
2344 exchange, sell, or convey the unit. Whenever the written bid of the unit owners' association is the
2345 highest bid submitted at the sale, such written bid shall be filed by the trustee with his account of sale
2346 required under subdivision 10 of this subsection and § 64.2-1309. The written bid submitted pursuant to
2347 this subsection may be prepared by the unit owners' association or its agent or attorney.

2348 b. The unit owners' association may require of any bidder at any sale a cash deposit of as much as
2349 10 percent of the sale price before his bid is received, which shall be refunded to him if the
2350 condominium unit is not sold to him. The deposit of the successful bidder shall be applied to his credit
2351 at settlement, or if such bidder fails to complete his purchase promptly, the deposit shall be applied to
2352 pay the costs and expenses of the sale, and the balance, if any, shall be retained by the unit owners'
2353 association in connection with that sale.

2354 c. The unit owners' association shall receive and receipt for the proceeds of sale, no purchaser being
2355 required to see to the application of the proceeds, and apply the same in the following order: first, to the
2356 reasonable expenses of sale, including reasonable attorney fees; second, to the satisfaction of all taxes,
2357 levies, and assessments, with costs and interest; third, to the satisfaction of the lien for the unit owners'
2358 assessments; fourth, to the satisfaction in the order of priority of any remaining inferior claims of record;
2359 and fifth, to pay the residue of the proceeds to the unit owner or his assigns, provided, however, that the
2360 association as to such residue shall not be bound by any inheritance, devise, conveyance, assignment, or
2361 lien of or upon the unit owner's equity, without actual notice of such encumbrance prior to distribution.

2362 9. The trustee shall deliver to the purchaser a trustee's deed conveying the unit with special warranty
2363 of title. The trustee shall not be required to take possession of the condominium unit prior to the sale or
2364 to deliver possession of the unit to the purchaser at the sale.

2365 10. The trustee shall file an accounting of the sale with the commissioner of accounts pursuant to
2366 § 64.2-1309 and every account of a sale shall be recorded pursuant to § 64.2-1310. In addition, the
2367 accounting shall be made available for inspection and copying pursuant to § 55.1-1945 upon the written
2368 request of the prior unit owner, current unit owner, or any holder of a recorded lien against the unit at
2369 the time of the sale. The unit owners' association shall maintain a copy of the accounting for at least 12
2370 months following the foreclosure sale.

2371 11. If the sale of a unit is made pursuant to this subsection and the accounting is made by the
2372 trustee, the title of the purchaser at such sale shall not be disturbed unless within 12 months from the
2373 confirmation of the accounting by the commissioner of accounts, the sale is set aside by the court or an
2374 appeal is allowed by filed in the Court of Appeals or granted by the Supreme Court of Virginia and an
2375 order is entered requiring such sale to be set aside.

2376 **§ 55.1-2211. Time-share estate owners' association control liens.**

2377 A. The board of directors of the association shall have the authority to adopt regular annual
2378 assessments and to levy periodic special assessments against each of the time-share estate unit owners
2379 and to collect the same from such owners according to law if the purpose in so doing is determined by
2380 the board of directors to be in the best interest of the time-share project or time-share program and the
2381 proceeds are used to either pay common expenses or fund a reserve. In addition, the board of directors
2382 of the association shall have the authority to collect, on behalf of the developer or on its own account,
2383 the maintenance fee imposed by the developer pursuant to § 55.1-2210. The authority hereby granted
2384 and conferred upon the association shall exist notwithstanding any covenants and restrictions of record
2385 applicable to the project stated to the contrary, and any such covenants and restrictions are hereby
2386 declared void.

2387 B. The developer may provide that it not be obligated to pay all or a portion of any assessment,
2388 dues, or other charges of the association, however denominated, passed, or adopted, pursuant to
2389 subsection A, if such developer so provides, in bold type, in the time-share instrument for the time-share
2390 estate project. If no such provision exists, the developer shall be responsible to pay the same assessment,
2391 dues, or other charges that a time-share estate owner is obligated to pay for each of its unsold
2392 time-shares existing at the end of the fiscal year of the association and no more if the board of directors
2393 of the association so determines. In no event shall either a time-share expense or the dues, assessment,
2394 or charges of the association discriminate against the developer.

2395 C. The association shall have a lien on every time-share estate within its project for unpaid and past

2396 due regular or special assessments levied against that estate in accordance with the provisions of this
2397 chapter and for all unpaid and past due maintenance fees. The exemption created by § 34-4 shall not be
2398 claimed against the debt or lien of the association created by this section.

2399 The association, in order to perfect the lien given by this subsection, shall file, before the expiration
2400 of four years from the time such special or regular assessment or maintenance fee became due, in the
2401 clerk's office of the county or city in which the project is situated, a memorandum verified by the oath
2402 of any officer of the association or its managing agent and containing the following information:

2403 1. The name and location of the project;

2404 2. The name and address of each owner of the time-share on which the lien exists and a description
2405 of the unit in which the time-share is situated;

2406 3. The amount of past due special or regular assessments or past due maintenance fees applicable to
2407 the time-share, together with the date when each became due;

2408 4. The amount of any other charges owing occasioned by the failure of the owner to pay the
2409 assessments or maintenance fees, including late charges, interest, postage and handling, attorney fees,
2410 recording costs, and release fees;

2411 5. The name, address, and telephone number of the association's trustee, if known at the time, who
2412 will be called upon by the association to foreclose on the lien upon the owner's failure to pay as
2413 provided in this subsection; and

2414 6. The date of issuance of the memorandum.

2415 Notwithstanding any other provision of this chapter, or any other provision of law requiring
2416 documents to be recorded in the deed books of the clerk's office of any court, from July 1, 1981, all
2417 memoranda of liens arising under this subsection shall be recorded in the deed books in such clerk's
2418 office. Any such memorandum shall be indexed in the general index to deeds, and such general index
2419 shall identify the lien as a lien for time-share estate regular or special assessments or maintenance fees.

2420 The clerk in whose office such memorandum is filed as provided in this subsection shall record and
2421 index such memorandum as provided in this subsection, in the names of the persons identified in such
2422 memorandum as well as in the name of the time-share estates owners' association. The cost of recording
2423 such memorandum shall be taxed against the owner of the time-share on which the lien is placed. The
2424 filing with the clerk of one memorandum on which is listed two or more delinquent time-share estate
2425 unit owners is permitted in order to perfect the lien hereby allowed, and the cost of filing in this event
2426 shall be the clerk's fee as prescribed in subdivision A 2 of § 17.1-275.

2427 D. At any time after perfecting the lien pursuant to this section, the association may sell the
2428 time-share estate at a public sale, subject to prior liens. For purposes of this section, the association shall
2429 have the power both to sell and convey the time-share estate and shall be deemed the time-share estate
2430 owner's statutory agent for the purpose of transferring title to the time-share estate. A nonjudicial
2431 foreclosure sale shall be conducted by a trustee and in accordance with the following:

2432 1. The association shall give notice to the time-share estate owner, prior to advertisement, as required
2433 by subdivision 4. The notice shall specify (i) the debt secured by the perfected lien; (ii) the action
2434 required to satisfy the debt secured by the perfected lien; (iii) the date, not less than 60 days from the
2435 date the notice is given to the time-share estate owner, by which the debt secured by the lien shall be
2436 satisfied; and (iv) that failure to satisfy the debt secured by the lien on or before the date specified in
2437 the notice may result in the sale of the time-share estate. The notice shall further inform the time-share
2438 estate owner of the right to bring a court action in the circuit court of the county or city where the
2439 time-share project is located to assert the nonexistence of a debt or any other defenses of the time-share
2440 estate owner to the sale.

2441 2. After expiration of the 60-day notice period provided in subdivision 1, the association may appoint
2442 a trustee to conduct the sale. The appointment of the trustee shall be filed in the clerk's office of the
2443 circuit court in the county or city in which the time-share project is located. It shall be the duty of the
2444 clerk in whose office such appointment is filed to record and index the same, as provided in this
2445 subsection, in the names of the persons identified therein as well as in the name of the association. The
2446 association, at its option, may from time to time remove the trustee and appoint a successor trustee.

2447 3. If, prior to the date of the foreclosure sale, the time-share estate owner (i) satisfies the debt
2448 secured by lien that is the subject of the nonjudicial foreclosure sale and (ii) pays all expenses and costs
2449 incurred in perfecting and enforcing the lien, including advertising costs and reasonable attorney fees,
2450 the time-share estate owner shall have the right to have enforcement of the perfected lien discontinued
2451 prior to the sale of the time-share estate.

2452 4. In addition to the advertisement required by subdivision 5, the association shall give written notice
2453 of the time, date, and place of any proposed sale in execution of the lien, including the name, address,
2454 and telephone number of the trustee, by personal delivery or by mail to (i) the present owner of the
2455 time-share estate to be sold at his last known address as such owner and address appear in the records
2456 of the association, (ii) any lienholder that holds a note against the time-share estate secured by a deed of
2457 trust recorded at least 30 days prior to the proposed sale and whose address is recorded with the deed of

2458 trust, and (iii) any assignee of such a note secured by a deed of trust, provided that the assignment and
 2459 address of the assignee are likewise recorded at least 30 days prior to the proposed sale. Mailing a copy
 2460 of the advertisement or the notice containing the same information to the owner by certified or
 2461 registered mail no less than 14 days prior to such sale and to the lienholders and their assigns, at the
 2462 addresses noted in the memorandum of lien, by regular mail no less than 14 days prior to such sale
 2463 shall be a sufficient compliance with the requirement of notice.

2464 5. The advertisement of sale by the association shall be in a newspaper having a general circulation
 2465 in the county or city wherein the time-share estate to be sold and the time-share project, or any portion
 2466 of such project, lies pursuant to the following provisions:

2467 a. The association shall advertise once a week for four successive weeks; however, if the time-share
 2468 estate and the time-share project or some portion of such project is located in a city or in a county
 2469 immediately contiguous to a city, publication of the advertisement five different days, which may be
 2470 consecutive days, shall be deemed adequate. The sale shall be held on any day following the day of the
 2471 last advertisement that is no earlier than eight days following the first advertisement nor more than 30
 2472 days following the last advertisement.

2473 b. Such advertisement shall be placed in that section of the newspaper where legal notices appear or
 2474 where the type of time-share estate being sold is generally advertised for sale. The advertisement of sale,
 2475 in addition to such other matters as the association finds appropriate, shall set forth:

2476 (1) A description of the time-share estate to be sold, which description need not be as extensive as
 2477 that contained in the deed of trust, but shall identify the time-share project by street address, if any, or,
 2478 if none, shall give the general location of such time-share project with reference to streets, routes, or
 2479 known landmarks with further identification of the time-share estate to be sold. Where available, tax
 2480 map identification may be used. The advertisement shall also include the date, time, place, and terms of
 2481 sale and the name of the association. It shall set forth the name, address, and telephone number of the
 2482 representative, agent, or attorney who is authorized to respond to inquiries concerning the sale; or

2483 (2) In lieu of the requirements of subdivision (1), the advertisement shall set forth the date, time,
 2484 place, and terms of sale and the name of the association; the street address of the time-share estate to be
 2485 sold, if any, or, if none, the general location of the time-share project; and the name, address, and
 2486 telephone number of the representative, agent, or attorney who is authorized to respond to inquiries and
 2487 give additional information concerning the time-share estate to be sold, including providing in hard copy
 2488 or electronic form a description of the time-share estate to be sold by street address, if any, or, if none,
 2489 by the general location of the time-share project with reference to streets, routes, or known landmarks,
 2490 and, where available, tax map identification. The advertisement under this subdivision (2) shall also
 2491 include a website address where the information contained in subdivision (1) is displayed for the
 2492 time-share estate to be sold.

2493 c. In addition to the advertisement required by subdivisions 5 a and b, the association may give such
 2494 other further and different advertisement as the association finds appropriate.

2495 6. In the event of postponement of the sale, which postponement shall be at the discretion of the
 2496 association, advertisement of the postponed sale shall be in the same manner as the original
 2497 advertisement of sale.

2498 7. Failure to comply with the requirements for advertisement contained in this section shall, upon
 2499 petition, render a sale of the property voidable by the court. Such petition shall be filed within 60 days
 2500 of the sale or the right to do so shall lapse.

2501 8. In the event of a sale, the association shall have the following powers and duties:

2502 a. The association may sell two or more time-share estates at the sale. Written one-price bids may be
 2503 made and shall be received by the trustee from the association or any person for entry by announcement
 2504 at the sale. Any person other than the trustee may bid at the foreclosure sale, including a person that has
 2505 submitted a written one-price bid. Upon request to the trustee, any other bidder in attendance at a
 2506 foreclosure sale shall be permitted to inspect written bids. Unless otherwise provided in the time-share
 2507 instrument, the association may bid to purchase the time-share estate at a foreclosure sale. The
 2508 association may own, lease, encumber, exchange, sell, or convey the time-share estate. Whenever the
 2509 written bid of the association is the highest bid submitted at the sale, such written bid shall be filed by
 2510 the trustee with his account of sale required under subdivision 10 of this subsection and § 64.2-1309.
 2511 The written bid submitted pursuant to this subsection may be prepared by the association, its agent, or
 2512 its attorney.

2513 b. The association may require of any bidder at any sale a cash deposit of as much as one-third of
 2514 the sale price before his bid is received, which shall be refunded to him if the time-share estate is not
 2515 sold to him through action of the trustee. The deposit of the successful bidder shall be applied to his
 2516 credit at settlement; if such bidder fails to complete his purchase promptly, the deposit shall be applied
 2517 to pay the costs and expenses of the sale, and the balance, if any, shall be retained by the association in
 2518 connection with that sale.

2519 c. The association shall receive and receipt for the proceeds of sale, no purchaser being required to
 2520 see to the application of the proceeds, and shall apply such proceeds in the following order: first, to the
 2521 reasonable expenses of sale, including reasonable attorney fees; second, to the satisfaction of all taxes,
 2522 levies, and assessments, with costs and interest; third, to the satisfaction of the lien for the time-share
 2523 estate owners' assessments; fourth, to the satisfaction in the order of priority of any remaining inferior
 2524 claims of record; and fifth, to pay the residue of the proceeds to the time-share estate owner or his
 2525 assigns, provided, however, that the association as to such residue shall not be bound by any inheritance,
 2526 devise, conveyance, assignment, or lien of or upon the unit owner's equity, without actual notice thereof
 2527 prior to distribution.

2528 9. The trustee shall deliver to the purchaser a trustee's deed conveying the time-share estate with
 2529 special warranty of title. The trustee shall not be required to take possession of the time-share estate
 2530 prior to the sale of such estate or deliver possession of the time-share estate to the purchaser at the sale.

2531 10. If the sale of a time-share estate is made pursuant to this subsection and the accounting is made
 2532 by the trustee, the title of the purchaser at such sale shall not be disturbed unless, within six months
 2533 from the date of foreclosure, the sale is set aside by the court or an appeal is ~~allowed by~~ *filed in the*
 2534 *Court of Appeals or granted by* the Supreme Court of ~~Virginia~~ and an order is entered requiring such
 2535 sale to be set aside.

2536 When payment or satisfaction is made of a debt secured by the lien perfected by this subsection,
 2537 such lien shall be released in accordance with the provisions of § 55.1-339. For the purposes of
 2538 § 55.1-339, any officer of the time-share estate owners' association or its managing agent shall be
 2539 deemed the duly authorized agent of the lien creditor.

2540 E. The commissioner of accounts to whom an account of sale is returned in connection with the
 2541 foreclosure of either a lien under subsection C or a purchase money deed of trust taken back by the
 2542 developer in the sale of a time-share in order to satisfy § 64.2-1309 shall be entitled to a fee, not to
 2543 exceed \$70, on each foreclosure of a lien under subsection C and not to exceed \$125 on each
 2544 foreclosure of a purchase money deed of trust taken back by the developer.

2545 F. Any time-share owner within the project having executed a contract for the disposition of the
 2546 time-share shall be entitled, upon request, to a recordable statement setting forth the amount of unpaid
 2547 regular or special assessments or maintenance fees currently levied against that time-share. Such request
 2548 shall be in writing, directed to the president of the time-share estate owners' association, and delivered to
 2549 the principal office of the association. Failure of the association to furnish or make available such
 2550 statement within 20 days from the actual receipt of such written request shall extinguish the lien created
 2551 by subsection C as to the time-share involved. Payment of a fee reflecting the reasonable cost of
 2552 materials and labor, not to exceed the actual cost of such materials and labor, may be required as a
 2553 prerequisite to the issuance of such a statement.

2554 **§ 57-2.02. Religious freedom preserved; definitions; applicability; construction; remedies.**

2555 A. As used in this section:

2556 "Demonstrates" means meets the burdens of going forward with the evidence and of persuasion under
 2557 the standard of clear and convincing evidence.

2558 "Exercise of religion" means the exercise of religion under Article I, Section 16 of the Constitution
 2559 of Virginia, the Virginia Act for Religious Freedom (§ 57-1 et seq.), and the First Amendment to the
 2560 United States Constitution.

2561 "Government entity" means any branch, department, agency, or instrumentality of state government,
 2562 or any official or other person acting under color of state law, or any political subdivision of the
 2563 Commonwealth and does not include the Department of Corrections, the Department of Juvenile Justice,
 2564 and any facility of the Department of Behavioral Health and Developmental Services that treats civilly
 2565 committed sexually violent predators, or any local, regional or federal correctional facility.

2566 "Prevails" means to obtain "prevailing party" status as defined by courts construing the federal Civil
 2567 Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988.

2568 "Substantially burden" means to inhibit or curtail religiously motivated practice.

2569 B. No government entity shall substantially burden a person's free exercise of religion even if the
 2570 burden results from a rule of general applicability unless it demonstrates that application of the burden
 2571 to the person is (i) essential to further a compelling governmental interest and (ii) the least restrictive
 2572 means of furthering that compelling governmental interest.

2573 C. Nothing in this section shall be construed to (i) authorize any government entity to burden any
 2574 religious belief or (ii) affect, interpret or in any way address those portions of Article 1, Section 16 of
 2575 the Constitution of Virginia, the Virginia Act for Religious Freedom (§ 57-1 et seq.), and the First
 2576 Amendment to the United States Constitution that prohibit laws respecting the establishment of religion.
 2577 Granting government funds, benefits or exemptions, to the extent permissible under clause (ii) of this
 2578 subsection, shall not constitute a violation of this section. As used in this subsection, "granting" used
 2579 with respect to government funding, benefits, or exemptions shall not include the denial of government
 2580 funding, benefits, or exemptions.

2581 D. A person whose religious exercise has been burdened by government in violation of this section
 2582 may assert that violation as a claim or defense in any judicial or administrative proceeding and may
 2583 obtain declaratory and injunctive relief from a circuit court, but shall not obtain monetary damages. A
 2584 person who prevails in any proceeding to enforce this section against a government entity may recover
 2585 his reasonable costs and attorney fees. The provisions of this subsection relating to attorney fees shall
 2586 not apply to criminal prosecutions.

2587 E. Nothing in this section shall prevent any governmental institution or facility from maintaining
 2588 health, safety, security or discipline.

2589 F. The decision of the circuit court to grant or deny declaratory and injunctive relief may be
 2590 appealed by ~~petition~~ to the Court of Appeals of Virginia.

2591 **§ 58.1-527. Appeals from hearings.**

2592 A. Within ~~thirty~~ 30 days after the decision of the claimant agency upon a hearing pursuant to
 2593 § 58.1-526 has become final, the debtor aggrieved thereby may secure judicial review thereof by
 2594 commencing an action in the circuit court of the county or of the city, or if the city has no circuit court,
 2595 then in the circuit court of the county in which such city is geographically located, in which the debtor
 2596 resides or in which the principal office of the claimant agency is geographically located. In such action
 2597 against the claimant agency for review of its decision, the claimant agency shall be named a defendant
 2598 in a petition for judicial review. This section shall not be construed to confer jurisdiction on the circuit
 2599 court to review questions of federal income tax law when the claimant agency is the Internal Revenue
 2600 Service.

2601 B. Such petition shall also state the grounds upon which review is sought and shall be served upon
 2602 the head of the claimant agency or upon such person as the claimant agency may designate. With its
 2603 answer, the claimant agency shall certify and file with the court all documents and papers and a
 2604 transcript of all testimony taken in the matter, together with its findings of fact and decision therein. In
 2605 any judicial proceedings under this article, the findings of the claimant agency as to the facts shall be
 2606 sustained if supported by the evidence. Such actions and the questions so certified shall be heard in a
 2607 summary manner at the earliest possible date. An appeal may be taken from the decision of such court
 2608 to the ~~Supreme Court of Appeals~~ in conformity with the general law governing appeals in equity cases.

2609 C. It shall not be necessary in any proceeding under this section to enter exceptions to the rulings of
 2610 the claimant agency, and no bond shall be required upon an appeal to any court.

2611 D. Notwithstanding the other provisions of this section, if the claimant agency is otherwise subject to
 2612 the Administrative Process Act (§ 2.2-4000 et seq.), appeals of such agency's decision as it relates to
 2613 the debtor shall be held in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process
 2614 Act.

2615 **§ 58.1-1828. Appeal.**

2616 The Tax Commissioner or the taxpayer may take an appeal from any final order of the court to the
 2617 ~~Supreme Court of Appeals~~.

2618 **§ 58.1-2282. Appeal of Commissioner's decisions.**

2619 A. Any person against whom an assessment, order or decision of the Commissioner has been
 2620 adversely rendered, which assessment, order, or decision relates to the collection of unreported,
 2621 incorrectly or fraudulently reported taxes, the granting or canceling of a license, the filing of a bond, an
 2622 increase in the amount of a bond, a change of surety on a bond, the filing of reports, the examination of
 2623 records, or any other matter wherein the findings are in the discretion of the Commissioner, may, within
 2624 ~~thirty~~ 30 days from the date thereof, file a petition of appeal from such assessment, order, or decision,
 2625 in the circuit court in the city or county wherein such person resides, provided that any petition for a
 2626 refund for taxes timely paid shall be filed within one year of the date of payment. A copy of the
 2627 petition shall be sent to the Commissioner at the time of the filing with the court. The original shall
 2628 show, by certificate, the date of mailing such copy to the Commissioner.

2629 B. In any proceeding under this section, the assessments by the Commissioner shall be presumed
 2630 correct. The burden of proof shall be upon the petitioner to show that the assessment was incorrect and
 2631 contrary to law. The circuit court is authorized to enter judgment against such person for the taxes,
 2632 penalty, and interest due. The failure by any such person to appeal under the provisions of this section
 2633 within the time period specified shall render the assessment, order, or decision of the Commissioner
 2634 conclusively valid and binding upon such person. Such person or the Commissioner may ~~petition the~~
 2635 ~~Court of Appeals~~ appeal from the final decision of the circuit court to the Court of Appeals.

2636 **§ 58.1-3147. Appeal.**

2637 An appeal may be ~~allowed~~ taken to the ~~Supreme Court of Appeals~~ from any order entered either
 2638 discharging or declining to discharge any treasurer.

2639 **§ 58.1-3992. Appeal.**

2640 Any locality or taxpayer aggrieved by the action of a court of record under this article may appeal to
 2641 the ~~Supreme Court of Appeals~~.

2642 **§ 63.2-1710. Appeal from refusal, denial of renewal, or revocation of license.**

2643 A. Whenever the Commissioner refuses to issue a license or to renew a license or revokes a license
2644 for an assisted living facility, adult day care center, or child welfare agency operated by an agency of
2645 the Commonwealth, the provisions of § 63.2-1710.2 shall apply. Whenever the Commissioner refuses to
2646 issue a license or to renew a license or revokes a license for an assisted living facility, adult day care
2647 center, or child welfare agency other than an assisted living facility, adult day care center, or child
2648 welfare agency operated by an agency of the Commonwealth, the provisions of the Administrative
2649 Process Act (§ 2.2-4000 et seq.) shall apply, except that all appeals from notice of the Commissioner's
2650 intent to refuse to issue or renew, or revoke a license shall be received in writing from the assisted
2651 living facility, adult day care center or child welfare agency operator within ~~fifteen~~ 15 days of the date
2652 of receipt of the notice. Judicial review of a final review agency decision shall be in accordance with
2653 the provisions of the Administrative Process Act. No stay may be granted upon appeal to the ~~Virginia~~
2654 ~~Supreme Court of Appeals~~.

2655 B. In every appeal to a court of record, the Commissioner shall be named defendant.

2656 C. An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for
2657 operation without a license.

2658 D. When issuance or renewal of a license as an assisted living facility or adult day care center has
2659 been refused by the Commissioner, the applicant shall not thereafter for a period of one year apply
2660 again for such license unless the Commissioner in his sole discretion believes that there has been such a
2661 change in the conditions on account of which he refused the prior application as to justify considering
2662 the new application. When an appeal is taken by the applicant pursuant to subsection A, the one-year
2663 period shall be extended until a final decision has been rendered on appeal.

2664 E. When issuance or renewal of a license for a child welfare agency has been refused by the
2665 Commissioner, the applicant shall not thereafter for a period of six months apply again for such license
2666 unless the Commissioner in his sole discretion believes that there has been such a change in the
2667 conditions on account of which he refused the prior application as to justify considering the new
2668 application. When an appeal is taken by the applicant pursuant to subsection A, the six-month period
2669 shall be extended until a final decision has been rendered on appeal.

2670 **2. That §§ 8.01-670.1 and 8.01-672 of the Code of Virginia are repealed.**

2671 **3. That any case for which a notice of appeal to the Supreme Court has been filed prior to July 1,**
2672 **2021, shall continue in the Supreme Court of Virginia and shall not be affected by the provisions**
2673 **of this act.**