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HOUSE BILL NO. 506

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 21, 1996)

(Patron Prior to Substitute—Delegate Almand)

A BILL to amend and reenact § 17-41 of the Code of Virginia, relating to the closing of the clerk's office of a court.

Be it enacted by the General Assembly of Virginia:

1. That § 17-41 of the Code of Virginia is amended and reenacted as follows:

§ 17-41. Clerks' offices to be kept open on certain days.

The clerk's office of every court shall be kept open on every day except Sunday, and the days provided for in § 2.1-21, for the transaction of business; provided that:

1. The judge of any circuit court may authorize the clerk to close the office on Saturday at twelve o'clock noon;

2. The judge of the circuit court of any county or city may authorize the clerk to close the office on Saturday, provided the governing body of such county or city approves such action as evidenced by a resolution adopted by such governing body;

3. The judge of any court in any county or city may authorize the clerk of such court to close the office on Saturday, provided the governing body of such county or city approves such action as evidenced by a resolution adopted by such governing body;

4. Notwithstanding the provisions of 2 and 3 hereof, the office of any clerk which has been closed on Saturday, pursuant to law, prior to July 1, 1962, may remain closed on Saturday;

5. The clerk's office of the circuit court of any county or city may be closed on any day which is established as a general holiday for the employees of such county or city by a resolution duly adopted by the governing body of such county or city and approved by the judge of the circuit court and filed in the office of such clerk; provided, however, that such general holiday shall have the same force and effect as a legal holiday as set forth in § 1-13.3:1;

6. The judge of any court in any county or city may authorize the clerk of such court to close the clerk's office on Christmas Eve; provided, however, that the closing of any clerk's office as provided by this section shall have the same force and effect as a legal holiday as set forth in § 1-13.3:1;

7. The chief judge or presiding judge of any circuit court may authorize the clerk of the court to close the clerk's office on any day when the chief judge or presiding judge determines that operation of the clerk's office, under prevailing conditions, would constitute a threat to the health and safety of the clerk's office personnel or the general public. Closing of the clerk's office pursuant to this subdivision shall have the same effect as provided in § 1-13.3:1;

8. *The judge of the circuit court of any county or city may authorize the clerk of such court to close the clerk's office on any day or portion of a day which the Governor declares as a holiday for state employees, or on any day or portion of a day on which the Governor authorizes state offices to be closed; provided, that such closing of any clerk's office shall have the same force and effect as a legal holiday as set forth in § 1-13.3:1.*

Except for closings pursuant to subdivision 7, whenever the authorization of the judge is necessary to close a clerk's office and a clerk is the clerk of more than one court, or a court has more than one judge, the authorization of all such judges shall be necessary.

The judge of the circuit court of any county or city may require the clerk's office to be kept open continuously for the transaction of business during convenient hours on all the days on which it is herein required to be kept open.