

1997 SESSION

HOUSE SUBSTITUTE

979068351

HOUSE BILL NO. 1648

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 2, 1997)

(Patrons Prior to Substitute—Delegates McEachin, Davies [HB 1692], and Forbes
[HB 2502])

A BILL to amend and reenact §§ 8.01-293 of the Code of Virginia, relating to limitations on use of private process servers.

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-293 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-293. Who to serve process.

A. The following persons are authorized to serve process:

1. The sheriff within such territorial bounds as described in § 8.01-295; or

2. Any person of age eighteen years or older and who is not a party or otherwise interested in the subject matter in controversy.

Whenever in this Code the term "officer" or "sheriff" is used to refer to persons authorized to make, return or do any other act relating to service of process, such term shall be deemed to refer to any person authorized by this section to serve process

B. Notwithstanding any other provision of law, only a sheriff may (i) levy on property; (ii) execute an order or writ of possession for personal, real or mixed property, including an order or writ of possession, arising out of an action in unlawful entry and detainer or ejectment; or (iii) serve any capias or criminal show cause order.

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