

1997 SESSION

INTRODUCED

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SENATE BILL NO. 998

Offered January 17, 1997

A *BILL to amend and reenact §§ 17-116.08 and 19.2-317 of the Code of Virginia, relating to the Commonwealth's right of appeal.*

Patrons—Stolle, Bolling, Earley, Edwards, Howell, Lucas, Martin, Newman, Norment, Potts, Quayle, Saslaw, Schrock and Williams; Delegates: Bryant, Drake, Dudley, Katzen, McClure, McDonnell, Purkey, Ruff, Tata and Wardrup

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 17-116.08 and 19.2-317 of the Code of Virginia are amended and reenacted as follows:

§ 17-116.08. Review by the Supreme Court.

Except where the decision of the Court of Appeals is made final under § 17-116.07 or § 19.2-408, any party aggrieved by a final decision of the Court of Appeals, *including the Commonwealth*, may petition the Supreme Court for an appeal. The Commonwealth, or any county, city, or town, may also petition the Supreme Court for review pursuant to § 19.2-317. The granting of such petitions shall be in the discretion of the Supreme Court.

§ 19.2-317. When writ of error lies in criminal case for accused; when for Commonwealth; when for county, city or town.

A. A writ of error shall lie in a criminal case to the judgment of a circuit court or the judge thereof, from the Court of Appeals as provided in § 17-116.05:1. It shall lie in any such case for the accused and if the case is for the violation of any law relating to the state revenue, it shall lie also for the Commonwealth.

B. A writ of error shall also lie for any county, city or town from the Supreme Court to the judgment of any circuit court declaring an ordinance of such county, city or town to be unconstitutional or otherwise invalid, except when the violation of any such ordinance is made a misdemeanor by state statute.

C. *In a criminal case, except where the decision of the Court of Appeals is made final under § 17-116.07 or § 19.2-408, a writ of error shall also lie for the Commonwealth from the Supreme Court to a judgment of the Court of Appeals.*

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