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HOUSE BILL NO. 1114

Offered January 26, 1998

A *BILL to amend and reenact §§ 2.1-20.2, 2.1-38, 2.1-68, 2.1-180, 12.1-12, 22.1-32, 22.1-296, and 37.1-39 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 2.1 of Title 2.1 sections numbered 2.1-20.5 through 2.1-20.12; by adding sections numbered 2.1-38.3, 2.1-71.2, 8.01-609.1, 8.01-618.1, 9-178.1, and 9-178.2; by adding in Chapter 27 of Title 9 an article numbered 2.2, consisting of sections numbered 9-183.13 through 9-183.21; by adding in Chapter 14 of Title 15.2 an article numbered 1.1, consisting of sections numbered 15.2-1414.1 through 15.2-1414.7; by adding sections numbered 15.2-1508.1 through 15.2-1508.4, 15.2-1537.1, and 15.2-1605.1; by adding in Article 2 of Chapter 16 of Title 15.2 sections numbered 15.2-1608.1 and 15.2-1608.2; by adding sections numbered 15.2-1609.1 through 15.2-1609.9, 15.2-1612.1, 15.2-1614.1, 15.2-1615.1, 15.2-1627.1, 15.2-1627.2, and 15.2-1627.3; by adding in Article 5 of Chapter 16 of Title 15.2 a section numbered 15.2-1635.1; by adding in Chapter 16 of Title 15.2 an article numbered 6.1, consisting of sections numbered 15.2-1636.1 through 15.2-1636.19; by adding sections numbered 16.1-69.48:1, 16.1-69.48:2, 16.1-69.48:3; by adding a title numbered 17.1, containing chapters numbered 1 through 8, consisting of sections numbered 17.1-100 through 17.1-806; by adding sections numbered 19.2-46.1, 19.2-46.2, 19.2-47.1, and 30-14.01; by adding in Title 30 a chapter numbered 1.1, consisting of sections numbered 30-19.11 through 30-19.20; by adding a section numbered 37.1-42.3; and to repeal Title 14.1 (§§ 14.1-1 through 14.1-201) and Title 17 (§§ 17-1 through 17-238) of the Code of Virginia; and to repeal Chapter 71 of the 1966 Acts of Assembly (carried by reference as § 17-117.1), and Chapter 83 of the 1954 Acts of Assembly (carried by reference as § 17-118.1) as amended by Chapter 346 of the 1956 Acts of Assembly, relating to revising and recodifying the laws pertaining to costs, fees, salaries and allowances and the collection of those by certain officials; courts of record.*

Patrons—DeBoer and Murphy; Senators: Gartlan and Reasor

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-20.2, 2.1-38, 2.1-68, 2.1-180, 12.1-12, 22.1-32, 22.1-296, and 37.1-39 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding in Chapter 2.1 of Title 2.1 sections numbered 2.1-20.5 through 2.1-20.12; by adding sections numbered 2.1-38.3, 2.1-71.2, 8.01-609.1, 8.01-618.1, 9-178.1, and 9-178.2; by adding in Chapter 27 of Title 9 an article numbered 2.2, consisting of sections numbered 9-183.13 through 9-183.21; by adding in Chapter 14 of Title 15.2 an article numbered 1.1, consisting of sections numbered 15.2-1414.1 through 15.2-1414.7; by adding sections numbered 15.2-1508.1 through 15.2-1508.4, 15.2-1537.1, and 15.2-1605.1; by adding in Article 2 of Chapter 16 of Title 15.2 sections numbered 15.2-1608.1 and 15.2-1608.2; by adding sections numbered 15.2-1609.1 through 15.2-1609.9, 15.2-1612.1, 15.2-1614.1, 15.2-1615.1, 15.2-1627.1, 15.2-1627.2, and 15.2-1627.3; by adding in Article 5 of Chapter 16 of Title 15.2 a section numbered 15.2-1635.1; by adding in Chapter 16 of Title 15.2 an article numbered 6.1, consisting of sections numbered 15.2-1636.1 through 15.2-1636.19; by adding sections numbered 16.1-69.48:1, 16.1-69.48:2, 16.1-69.48:3; by adding a title numbered 17.1, containing chapters numbered 1 through 8, consisting of sections numbered 17.1-100 through 17.1-806; and by adding sections numbered 19.2-46.1, 19.2-46.2, 19.2-47.1, and 30-14.01; by adding in Title 30 a chapter numbered 1.1, consisting of sections numbered 30-19.11 through 30-19.20; by adding a section numbered 37.1-42.3; as follows:

CHAPTER 2.1.**SALARIES, COMPENSATION AND EXPENSES.****§ 2.1-20.2. Definitions.**

As used in this article:

1. "Compensation" means any amount paid in addition to reimbursement for expenses.
2. "Expenses" means all reasonable and necessary expenses incurred in the performance of duties.
3. "Salary" means a fixed compensation for services, paid to part-time and full-time employees on a regular basis.

§ 2.1-20.5. How salaries, expenses and other allowances paid; time of payment.

The salaries, expenses and other allowances, including mileage, mentioned in this chapter, Chapter 5 (§ 2.1-38 et seq.) of this title and Chapter 1.1 (§ 30-19.11 et seq.) of Title 30 shall, except where otherwise specifically provided, be paid out of the state treasury after being duly audited, and the

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60 *Comptroller shall draw his warrants on the State Treasurer for the payment thereof. Salaries shall be*
61 *paid every two weeks, semimonthly or monthly, at the discretion of the Comptroller, upon such dates as*
62 *the Comptroller may prescribe. Expenses shall be paid when they shall have been incurred, and the*
63 *other allowances shall be paid when the services shall have been rendered or the travel shall have been*
64 *performed; but members of the General Assembly and others traveling to the seat of government who*
65 *would be entitled to mileage for traveling home may receive such mileage before going home.*

66 *§ 2.1-20.6. Increase in salaries.*

67 *The salary of no state officer or employee payable by the Commonwealth and not specifically fixed*
68 *by law shall be hereafter increased, or authorized to be increased, without the written consent of the*
69 *Governor.*

70 *The salary of no officer or employee of any state institution, board, commission or agency payable*
71 *by the Commonwealth and not specifically fixed by law, shall be hereafter increased, or authorized to*
72 *be increased, without prior written authorization of such board or commission and the written consent*
73 *of the Governor.*

74 *Any violation of this section shall constitute misfeasance in office. Nothing herein shall apply to*
75 *teachers in the elementary and high schools of the Commonwealth or to employees receiving*
76 *compensation not in excess of \$100 per month.*

77 *§ 2.1-20.7. Liability of salary of officer for debt he owes Commonwealth; how enforced; when*
78 *officer's right to file petition barred.*

79 *A. Whenever any officer, other than one whose office is created by the Constitution of this*
80 *Commonwealth, is indebted to the Commonwealth for money collected by him or improperly drawn by*
81 *him or upon his order from the state treasury during his term of office and, after payment of such*
82 *indebtedness is demanded by the Comptroller, such officer continues in default, the Comptroller shall*
83 *not issue his warrant for, nor shall the State Treasurer pay, any part of the salary due, or to become*
84 *due, to such officer until he shall have made good his default. He may, however, file his petition in the*
85 *Circuit Court of the City of Richmond against the Comptroller, asserting his claim to his salary, and*
86 *praying for payment thereof. The Comptroller shall answer the petition, and thereupon the proceedings*
87 *shall be according to the provisions of Article 18 (§ 8.01-192 et seq.) of Chapter 3 of Title 8.01 and*
88 *§ 8.01-255. If it be found that the petitioner is indebted as aforesaid, the Commonwealth shall be*
89 *credited on his salary then due with the amount of such indebtedness and if, after such credit is thus*
90 *given, there is a balance in his favor, judgment therefor shall be rendered in his behalf. If the*
91 *indebtedness exceeds his salary then due, judgment for the excess shall be rendered against him and the*
92 *amount thereof, unless sooner paid, shall be credited to the Commonwealth on his salary thereafter*
93 *becoming due. The Comptroller shall issue his warrant on the State Treasurer for the payment of any*
94 *judgment thus rendered in behalf of the petitioner. In the proceeding by petition the Attorney General*
95 *shall represent the Commonwealth, unless he be interested; and if he be interested, the Comptroller*
96 *shall employ other counsel to represent the Commonwealth in the case.*

97 *B. If such officer fails to file a petition under this section within twelve months after payment of any*
98 *installment of his salary is withheld as aforesaid, his right to file the same shall be barred; and in such*
99 *case the Comptroller shall credit the Commonwealth on the officer's salary with the amount of his*
100 *indebtedness, and make that fact appear on the books of his office.*

101 *§ 2.1-20.8. Traveling expenses on state business; public or private transportation.*

102 *Pursuant to § 2.1-20.10, any person traveling on state business shall be entitled to reimbursement for*
103 *certain actual expenses as are necessary and ordinarily incidental to such travel. If transportation is by*
104 *public means, reimbursement shall be at the actual cost thereof. If transportation is by private means,*
105 *reimbursement shall be at the rate as specified in the current general appropriation act of the*
106 *Commonwealth.*

107 *§ 2.1-20.9. Monitoring travel expenses while on state business.*

108 *It shall be the duty of the head of each state agency, commission, or board, or his designee, or any*
109 *other official granted supervisory control for the expending of state funds to scrutinize all applications*
110 *for the reimbursement of personal funds expended by any employee of such agency, commission, or*
111 *board for travel while conducting official business for state government. All such expenditures shall be*
112 *necessary and reasonable for the efficient and effective operation of the agency, commission or board.*

113 *§ 2.1-20.10. Reimbursement for certain travel expenditures; restrictions on reimbursement.*

114 *Persons conducting official business of the Commonwealth shall be reimbursed for their reasonable*
115 *and necessary travel expenditures which shall include transportation as provided in § 2.1-20.8, parking,*
116 *and lodging. Receipts for lodging and transportation, if by other than privately owned automobile or*
117 *state-owned vehicle, shall be submitted with any travel expense account presented to the Comptroller for*
118 *payment. Transportation by common carrier shall be limited to the cost for travel by the most direct and*
119 *practical route, and in amounts not exceeding those for tourist or coach class accommodations, if such*
120 *accommodations are available. Travel shall be over the most direct and practical route. Reimbursement*
121 *for the cost of transportation shall not be certified to the Comptroller for payment by state agencies in*

excess of the reimbursement allowed in § 2.1-20.8 except in an emergency or, when in the interest of the Commonwealth, a greater expense is justified, the facts in each such instance to be stated in the expense account. Persons conducting official business of the Commonwealth shall be reimbursed for the reasonable and necessary actual costs of meals, gratuities, and other incidental expenses. At the discretion of the governing authority, a per diem payment may be made in lieu of this reimbursement for meals, gratuities, and other incidental expenses. The Comptroller shall establish policies on travel expenses for all agencies in the executive branch of government. Policies on travel expenses for the legislative branch, judicial branch, and independent agencies shall be established by the appropriate governing authority.

§ 2.1-20.11. Travel expense accounts; review by Comptroller.

All travel expense account shall be submitted on forms prescribed or approved by the Comptroller. Review shall be made by the Comptroller of such accounts subject to provisions of § 2.1-227. If accounts do not conform to the provisions of § 2.1-20.10, the Comptroller shall return those accounts not in conformity to the agency or commission with an explanation of why they do not conform. The agency or commission may correct the accounts and resubmit them to the Comptroller.

§ 2.1-20.12. What included in mileage under §§ 2.1-20.8 and 30-19.15.

Mileage allowed under §§ 2.1-20.8 and 30-19.15 shall be construed to include all costs incident to the maintenance and operation of private transportation except storage and parking fees, turnpike, tunnel, ferry and bridge tolls.

§ 2.1-38. Salaries of Governor and other officers; administrative assistants.

A. The Governor and all officers of the Commonwealth shall receive annually for their services such salaries as shall be fixed by law.

B. The Governor may employ such administrative assistants, one of which may be a chief of staff, as may be necessary and may fix their salaries within the limitation of funds appropriated for executive control of the Commonwealth. Any chief of staff appointed by the Governor shall be confirmed by a majority of the members in each house of the General Assembly. The Governor may employ such staff as may be required to perform such services as may be necessary in the operation of the Executive Mansion.

§ 2.1-38.3. Clerical forces and office expenses of Governor.

The Governor may appoint such clerical force as may be deemed necessary to the efficiency of his office, but the aggregate amount paid such clerks shall not exceed the sum provided by law; and he may expend for the contingent expenses of his office such sums as may be provided by law.

§ 2.1-68. Keeper of seals of Commonwealth; duties generally.

He The Secretary of the Commonwealth shall be keeper of the seals of the Commonwealth; keep a record of all executive acts, arrange and preserve all records and papers belonging to the executive department; be charged with the clerical duties of that department, and render to the Governor, in the dispatch of executive business, such services as he requires. He The Secretary of the Commonwealth shall record or register all papers or documents required by law to be registered or recorded in his office, and when required furnish a copy of any record in his office under the seal of the Commonwealth.

He The Secretary of the Commonwealth is authorized to authenticate records of any court of the Commonwealth and of any department of the government. He shall keep a register of all city, incorporated town, county, and district officers, and when required give a certificate of the election and qualification of any such officer.

He The Secretary of the Commonwealth shall make an annual report to the Governor, embracing (a) the boards of visitors of all public institutions, and other boards appointed by the Governor; (b) all commissions issued under appointments made by the Governor, except commissions to notaries public; (c) and such matters as the Governor requires. The reports shall be transmitted by the Governor to the General Assembly, printed as other such annual reports are printed, bound in a separate volume, and disposed of according to law.

The Secretary of the Commonwealth shall collect all fees mentioned in § 2.1-71.2, and all other fees of office and commissions accruing and pay them into the state treasury.

§ 2.1-71.2. Secretary of Commonwealth.

The Secretary of the Commonwealth shall charge for services rendered in his office the following fees, to be paid by the person for whom the service is rendered at the time it is done:

For a testimonial, including seal tax	\$10.00
For a copy of any paper, if on one sheet	1.00
And for each sheet after the first75
For issuing a commission to a commissioner in another state	7.00
For power of attorney for nonresident insurers, contractors	3.00
For service of process on parties, each defendant	15.00

183 *For service of process on reciprocal insurers 7.00*
 184 *For registration of name, badge and insignia 7.50*
 185 *For affixing the Seal of the Commonwealth 2.00*
 186 *For issuing a commission to a notary for the Commonwealth at large,*
 187 *including seal tax 25.00*

188 *And for filing in his office any paper required by law to be filed, the same fee as is allowed by law*
 189 *for recording similar papers.*

190 § 2.1-180. Payment of state funds into state treasury; deposits in state depositories; credit of fund not
 191 paid into general fund; exceptions as to endowments and gifts to institutions; appropriations by federal
 192 government.

193 Every state department, division, officer, board, commission, institution or other agency owned or
 194 controlled by the Commonwealth, whether at the seat of government or not, collecting or receiving
 195 public funds, or moneys from any source, belonging to or for the use of the Commonwealth, or for the
 196 use of any state agency, shall hereafter pay the same promptly into the state treasury, without any
 197 deductions on account of salaries, fees, costs, charges, expenses, refunds, or claims. *All fees of office*
 198 *and commissions accruing to the State Treasurer shall be paid into the state treasury.*

199 Any state department, division, officer, board, commission, institution or other agency at the seat of
 200 government shall deposit such moneys to the credit of the State Treasurer upon communicating with him
 201 and receiving instructions from him as to what state depository may be used for the purpose. In every
 202 such case the depositor shall retain a deposit receipt or a certificate of the deposit certified by the bank
 203 receiving the deposit for every such deposit to the State Treasurer and send to the Comptroller a copy of
 204 the deposit receipt, certificate, or other documentation supporting the deposit, as prescribed by the
 205 Comptroller.

206 Any state department, division, officer, board, commission, institution or other agency not at the seat
 207 of government, other than county and city treasurers and clerks of courts, depositing such moneys to its
 208 or his credit in local banks shall deposit such moneys to the credit of the State Treasurer in a ~~local~~ state
 209 depository duly designated in pursuance of this chapter as such, and in every such case such depositor
 210 shall retain a deposit receipt or a certificate of the deposit certified by the bank receiving the deposit for
 211 every such deposit to the State Treasurer and send to the Comptroller a copy of the deposit receipt,
 212 certificate, or other documentation supporting the deposit, as prescribed by the Comptroller. Moneys
 213 deposited into such ~~local~~ state depositories shall be transferred to a concentration bank as prescribed by
 214 the State Treasurer.

215 ~~But in no case shall a state depository receive a larger sum to the credit of the State Treasurer than~~
 216 ~~the amount covered by surety bond and securities held by the State Treasurer to protect state funds on~~
 217 ~~deposit in such depository.~~ Moneys paid into the state treasury which are not now payable into the
 218 general fund of the state treasury shall be placed to the credit of the respective accounts which are
 219 required by law to be kept on the books of the Comptroller or to the credit of new accounts to be
 220 opened on the books of the Comptroller with such agencies so paying such moneys into the state
 221 treasury, respectively.

222 This chapter shall not apply to the endowment funds or gifts to institutions owned or controlled by
 223 the Commonwealth, or to the income from such endowment funds or gifts, or to private funds belonging
 224 to the students or inmates of state institutions. The cash as well as the notes of student loan funds shall
 225 be held by the respective institutions.

226 Appropriations made by the government of the United States to or for the benefit of any state
 227 institution or agency, however, shall be paid into the state treasury and used for the purposes for which
 228 such appropriations were made.

229 § 8.01-609.1. Commissioners in chancery.

230 A commissioner in chancery may, for services rendered by virtue of his office, charge the following
 231 fees, to wit:

232 *For services which might be performed by notaries, the fees for such services and for any other*
 233 *service such fees as the court by which the commissioner is appointed may from time to time prescribe.*

234 A commissioner shall not be compelled to make out or return a report until his fees therefor are
 235 paid or security given him to pay so much as may be adjudged appropriate by the court to which the
 236 report is to be returned or by the judge thereof in vacation, unless the court finds cause to order it to
 237 be made out and returned without such payment or security.

238 § 8.01-618.1. Fees of special receivers and commissioners for reports.

239 Special receivers and commissioners may charge, for the reports made under § 8.01-617, the same
 240 fees allowed by law to commissioners in chancery for other reports, to be paid out of the fund in court,
 241 and charged to the respective cases therein, in such proportions as the court deems appropriate.

242 § 9-178.1. Intensified Drug Enforcement Jurisdictions Fund.

243 There is hereby created a special nonreverting fund to be administered by the Department of
 244 Criminal Justice Services, known as the Intensified Drug Enforcement Jurisdictions Fund. This Fund

shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund.

§ 9-178.2. Regional Criminal Justice Academy Training Fund.

There is hereby created a special nonreverting fund to be administered by the Department of Criminal Justice Services, known as the Regional Criminal Justice Academy Training Fund. This Fund shall be established on the books of the Comptroller and any funds remaining in such Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. The Fund shall consist of moneys forwarded to the State Treasurer for deposit in the Fund as provided in § 17.1-275 and § 16.1-69.48:1, which sums shall be deposited in the state treasury to the credit of this Fund. Money in the Fund shall be used to provide financial support for regional criminal justice training academies, and shall be distributed as directed by the Department of Criminal Justice Services.

Article 2.2.

Law-Enforcement Expenditures.

§ 9-183.13. Local governments to receive state funds for law enforcement.

The Department of Treasury shall disburse funds to cities, towns and counties, to aid in the law-enforcement expenditures of those local governments, pursuant to the terms of this article.

§ 9-183.14. Definitions.

For the purposes of this article, the following definitions shall be applicable:

A. "The Department" means the Department of Criminal Justice Services.

B. "Base year" means the most recent fiscal year for which comparable data are available for: (i) population estimates by the Center for Public Service or the United States Bureau of the Census, adjusted for annexation as determined by the Department, (ii) actual state expenditures for salaries and expenses of sheriffs as reported by the Compensation Board, (iii) number of persons eligible for Temporary Assistance to Needy Families as defined in § 63.1-86.1, (iv) number of persons in foster care, as defined in § 63.1-195, and (v) the number of persons receiving maintenance payments in a general relief program as defined in § 63.1-87.

C. "Eligible county" means any county which operates a police department.

D. "Average crime rate" for a city or eligible county means the annual average number of violent and property index crimes per 100,000 persons, as reported by the Superintendent of State Police, for the base year and the fiscal year immediately preceding, and the fiscal year immediately following, the base year. If the data are not available for the fiscal year immediately following the base year, the average shall be based on the base year and the two immediately preceding fiscal years.

E. "Population served by sheriffs only" means the total base year population of those counties without a police department, less the latest available estimate from the United States Bureau of the Census of the total population of towns, or portions of towns, having police departments, located in such counties.

F. "Population served by police departments" means the total base year population of the Commonwealth less the population served by sheriffs only.

G. "State aid to sheriff-only localities" means the estimated total amount for salaries and expenses to be paid by the Commonwealth, pursuant to Article 3 (§ 15.2-1609 et seq.) of Chapter 16 of Title 15.2, to sheriffs' offices in those counties without a police department, based on the actual percentage of total state expenditures in the base year distributed to those counties without police departments.

H. "State aid to localities with police" means that amount which bears the same relationship to the population served by police departments as state aid to sheriff-only localities bears to the population served by sheriffs only.

I. "Distribution formula" means that linear equation derived biennially by the Department, using standard statistical procedures, which best predicts average crime rates in all cities and eligible counties in the Commonwealth on the basis of the following factors in their simplest form:

1. The total base year number of (i) persons enrolled in Temporary Assistance to Needy Families, (ii) persons in foster care, and (iii) persons receiving maintenance payments in a general relief program, per 100,000 base year population; and

2. The local population density, based on the base year population estimates of the Center for Public Service, adjusted for annexation as determined by the Department, and the land area in square miles of the city or eligible county as reported by the United States Census Bureau, adjusted for annexation as determined by the Department.

J. "Potential crime rate" means the number of crimes per 100,000 persons in the base year population for each city or eligible county, as derived from the distribution formula.

K. "Adjusted crime index" means the potential crime rate for a locality multiplied by the base year population of the locality as estimated by the Center for Public Service.

306 L. "Police department" means that organization established by the local governing body of a county,
307 city, or town, by ordinance, which is responsible for the prevention and detection of crime, the
308 apprehension of criminals, the safeguard of life and property, the preservation of peace and the
309 enforcement of state and local laws, regulations, and ordinances. Such department shall have a chief of
310 police, which in the case of counties may be the sheriff, and such officers, privates, and other personnel
311 as may be provided for in the ordinance, one sworn member of which shall be a full-time employee. All
312 law-enforcement officers serving as members of such police department, whether full-time or part-time,
313 and whether permanently or temporarily employed, shall meet the minimum training standards
314 established pursuant to §§ 9-170 and 9-180, unless such personnel are exempt from the minimum
315 training standards as provided in §§ 9-173 and 9-179. Any police department established subsequent to
316 July 1, 1981, shall also have, at a minimum, one officer on duty at all times for the purposes set forth
317 above. However, notwithstanding any contrary provision of this definition, any locality receiving funds
318 under this article during the 1980-82 biennium shall be considered to have a valid police department
319 eligible for funds as long as such police department continues in operation.

320 Provided further, notwithstanding any contrary provision of this definition, any town receiving funds
321 under this article during the 1986-1988 biennium shall be considered to have a valid police department
322 eligible for funds even though police services for such town may thereafter be provided by the sheriff of
323 the county in which the town is located by agreement made pursuant to § 15.2-1726. Eligibility for
324 funds under this provision shall last as long as such agreement remains in effect. Police services for the
325 town furnished by the sheriff shall be equal to or greater than the police services last furnished by the
326 town's police department.

327 § 9-183.15. Calculation of adjusted crime index; use.

328 By January 1 of each even-numbered year, the Department, using the relevant base year data, shall
329 calculate the adjusted crime index for each city and each eligible county. Such calculation shall be used
330 for the succeeding fiscal biennium adjusted for annexation as determined by the Department.

331 § 9-183.16. Total amount and method of distribution of funds to counties and cities.

332 A. The total amount of funds to be distributed as determined by the Department shall be equal to the
333 amount of state aid to localities with police, as defined in § 9-183.14, minus (i) the salaries and
334 expenses of sheriffs' offices in such cities and counties as estimated pursuant to Article 3 (§ 15.2-1609 et
335 seq.) of Chapter 16 of Title 15.2, and (ii) five percent of the remainder, which shall be placed in a
336 discretionary fund to be administered as specified in § 9-183.18. However, beginning July 1, 1982, the
337 percentage change in the total amount of funds to be distributed for any fiscal year from the preceding
338 fiscal year shall be equal to the anticipated percentage change in total general fund revenue collections
339 for the same time period as stated in the appropriations act.

340 B. Each city and eligible county shall receive a percentage of such total amount to be distributed
341 equal to the percentage of the total adjusted crime index attributable to such city or county. Payments
342 to the cities and eligible counties shall be made in equal quarterly installments by the State Treasurer
343 on warrants issued by the Comptroller. Notwithstanding the foregoing provisions, the General Assembly,
344 through the general appropriations act, may appropriate specific dollar amounts to provide financial
345 assistance to localities with police departments.

346 § 9-183.17. Distribution of funds to towns.

347 A. Towns located in eligible counties and which have police departments shall receive a percentage
348 of the funds distributed to the county in accordance with § 9-183.16, such percentage to be equal to the
349 ratio of the town's population as determined by the Department to the total population of the county.

350 B. Towns located in noneligible counties shall be assigned an adjusted crime index based on their
351 population and the average of the three lowest predicted crime rates for cities. Such towns shall receive
352 funds based on such adjusted crime index in the same manner as cities and eligible counties as provided
353 in § 9-183.16.

354 § 9-183.18. Distribution of discretionary fund.

355 In the case of a city with a population of more than 200,000 receiving per capita aid for law
356 enforcement in accordance with § 9-183.16 of less than sixty-five percent of the average per capita aid
357 to law enforcement received by all other cities with a population of more than 200,000 under such
358 provisions, exclusive of amounts payable by reason of this section, the discretionary fund established by
359 § 9-183.16 shall first be used to pay such city an aggregate sum so as to make its per capita receipts
360 for law enforcement under § 9-183.16 equal to sixty-five percent of the average per capita aid for law
361 enforcement disbursed to all other cities with a population of more than 200,000. The remainder, if any,
362 shall be distributed per capita among (i) cities with populations under 200,000, (ii) eligible counties,
363 and (iii) towns having police departments.

364 § 9-183.19. Eligibility for funds.

365 A. Any city, county, or town establishing a police department shall provide the Department written
366 notice of its intent to seek state funds in accordance with the provisions of this article. Such city, county,
367 or town shall become eligible to receive funds at the beginning of the next fiscal year which commences

not sooner than twelve months after the filing of this notice.

B. No city, county, or town shall receive any funds in accordance with the terms of this article unless it notifies the Department prior to July 1 each year that its law-enforcement personnel, whether full-time or part-time and whether permanently or temporarily employed, have complied with the minimum training standards as provided in §§ 9-170 and 9-180, unless such personnel are exempt from the minimum training standards as provided in §§ 9-173 and 9-179 or that an effort will be made to have its law-enforcement personnel comply with such minimum training standards during the ensuing fiscal year. Any city, county, or town failing to make an effort to comply with the minimum training standards may be declared ineligible for funding in the succeeding fiscal year by the Department.

C. A change in the form of government from city to tier-city shall not preclude the successor tier-city which continues to provide a police department from eligibility for funds.

§ 9-183.20. Law-enforcement expenditures for certain counties.

Any county consolidated under the provisions of Chapter 35 (§ 15.2-3500 et seq.) of Title 15.2 shall be eligible to receive financial assistance for law-enforcement expenditures subject to the provisions of this article. The consolidated county shall be eligible to receive, on behalf of the formerly incorporated towns which became shires, boroughs or special service tax districts within the consolidated county, law-enforcement assistance under the provisions of this article, provided that the consolidation agreement approved pursuant to Chapter 35 of Title 15.2 provides for the additional law-enforcement governmental services previously provided by the police department of such incorporated towns.

§ 9-183.21. Periodic determination of weights and constants.

Prior to the convening of the General Assembly in each even-numbered year, the Department shall cause research to be conducted to determine whether the variables incorporated in the equation used in the distribution formula are statistically acceptable for such computation, and to determine whether any other variables would be better predictors of crime. If, as a result of this research, the Department determines that the variables used in the equation should be changed, it shall recommend to the General Assembly appropriate legislation to accomplish such change.

§ 12.1-12. Powers and duties generally.

Subject to such requirements as may be prescribed by law, the Commission shall be the department of government through which shall be issued all charters, and amendments or extensions thereof, of domestic corporations and all licenses of foreign corporations to do business in this Commonwealth. Except as may be otherwise prescribed by law, the Commission shall be charged with the duty of administering the laws made for the regulation and control of corporations doing business in this Commonwealth. Subject to such criteria and other requirements as may be prescribed by law, the Commission shall have the power and be charged with the duty of regulating the rates, charges, services, and facilities of all public service companies as defined in § 56-1. The Commission shall in proceedings before it insure that the interests of the consumers of the Commonwealth are represented, unless the General Assembly otherwise provides for representation of such interests. The Commission may appoint such clerical force as may be deemed necessary to the efficiency of its office, but the aggregate amount paid such clerks shall not exceed the sum provided by law; and it may expend for the contingent expenses of its office such sums as may be provided by law. The Commission shall have such other powers and duties as may be prescribed by law.

Article 1.1.

Salaries.

§ 15.2-1414.1. Each member to be paid annual salary.

Each member of the board of supervisors of each county shall be allowed and paid out of the county levy an annual salary, to be fixed as herein provided, for his services in attending the meetings of the board and in discharging the duties imposed by law upon him.

§ 15.2-1414.2. Salaries to be fixed by board; limits; reimbursement in addition to salary.

The annual compensation to be allowed each member of the board of supervisors of a county shall be determined by the board of supervisors of such county but such compensation shall not be more than a maximum determined in the following manner. Prior to July 1 of the year in which members of the board of supervisors are to be elected or, if the board is elected for staggered terms, of the year in which at least one-half of the members of the board are to be elected, the current board, by a recorded vote of a majority present, shall set a maximum annual compensation which will become effective as of January 1 of the next year.

Until the board is able to set a maximum compensation as provided above, the maximum compensations for the several counties shall be as authorized on July 1, 1981.

Any board of supervisors may fix a higher salary for the chairman, or the vice-chairman, or both, than for the other members of the board without respect to the limits herein set forth.

A member of the board of supervisors of any county may accept in lieu of salary, reimbursement for actual expenses incurred in maintaining an office and secretarial assistance necessary for the proper

429 performance of his duties. Such reimbursement shall be subtracted from the amount of the salary due
430 such official and the remaining sum shall be paid to him at his option; however, such expense shall not
431 exceed the salary. In addition to the salary, members of each governing body may receive the same
432 fringe benefits which are given to county employees generally, and all prior grants of such benefits are
433 validated.

434 A county may provide a member of its board of supervisors in addition to salary, reimbursement for
435 actual expenses incurred in purchasing, operating, maintaining and using a telephone, including a car
436 telephone or other portable telephone, provided the expenses are attributable directly to the proper
437 performance of the member's official duties.

438 No increase in the salary of a member of the board of supervisors shall take effect during the
439 incumbent supervisor's term in office; however, this restriction shall not apply to boards of supervisors
440 when the supervisors are elected for staggered terms nor to corrections to the above listed
441 compensation.

442 § 15.2-1414.3. Alternative procedure for establishing salaries of boards of supervisors; limits; fringe
443 benefits.

444 In lieu of other provisions of law, the boards of supervisors of the several counties may establish
445 annually, by ordinance, and pay in monthly installments each of their members an annual salary
446 pursuant to the following procedure and schedule:

447 1. On a date determined by the board of supervisors, not earlier than May 1 nor later than June 30
448 each year, the board, after public hearing pursuant to notice in the manner and form provided in
449 §§ 15.2-1426 and 15.2-1427, shall establish by ordinance the salary of its members for the ensuing
450 fiscal year not to exceed the maximums herein set out.

451 2. Counties within the following population brackets shall be allowed to set salaries for board
452 members not to exceed the following amounts:

453 Population Annual Salary

454
455 200,000 and over \$ 15,000

456 105,000 to 199,999 13,000

457 80,000 to 104,999 11,000

458 50,000 to 79,999 9,000

459 25,000 to 49,999 7,000

460 15,000 to 24,999 5,500

461 14,999 and under 4,000

462 The maximum annual salaries herein provided may be adjusted in any year or years, by ordinance
463 as above provided, by an inflation factor not to exceed five percent.

464 3. Any board of supervisors may fix, by ordinance as above provided, annually an additional sum to
465 be paid as hereinabove provided to the chairman and vice-chairman of the board not to exceed \$1,800
466 and \$1,200, respectively, without regard to the maximum salary limits.

467 4. In addition to and without regard for the salary limits herein set out, any board of supervisors by
468 resolution may grant to its members any or all of the fringe benefits in the manner and form as such
469 benefits are provided for county employees or any of them.

470 § 15.2-1414.4. Article inapplicable to counties having certain forms of government.

471 Nothing in this article shall apply to any county which has adopted or may hereafter adopt the
472 county manager plan of government provided for in Chapter 7 (§ 15.2-700 et seq.) of Title 15.2.

473 § 15.2-1414.5. Each councilman to be paid annual salary; effect of charter.

474 Each member of the council of each city shall be allowed and paid out of the city levy an annual
475 salary in equal monthly installments, to be fixed as herein provided, for his services in attending the
476 meetings of the council and in discharging the duties imposed by law upon him. Any city, however,
477 whose charter imposes no limitation on salaries, may continue to pay its councilmen and mayor
478 pursuant to such charter.

479 § 15.2-1414.6. Permitted salaries; salary increases; reimbursement for expenses.

480 Subject to the exception provided for in § 15.2-1414.5, the annual salary of each member of the
481 council of any city shall be set by its members by ordinance notwithstanding any contrary provision of
482 law, general or special. The setting of such salaries by members of council shall include the salary of
483 the mayor or president of the council whether such official is a member of council or not.

484 Cities within the following population brackets shall be allowed to set salaries for mayors, which
485 include presidents of council, and council members not to exceed the following:

486 Population Annual Salary

487
488 260,000 and over

489 Mayor \$ 30,000

490 Council 28,000

175,000 to 259,999

Mayor 27,000

Council 25,000

75,000 to 174,999

Mayor 25,000

Council 23,000

35,000 to 74,999

Mayor 20,000

Council 18,000

20,000 to 34,999

Mayor 13,000

Council 12,000

15,000 to 19,999

Mayor 12,000

Council 11,500

14,999 and under

Mayor 11,500

Council 11,000

No increase in the salary of a member of council shall take effect until July 1 after the next regularly scheduled general election of council members.

Every proposed increase in the salary of a member of council shall be adopted at least four months prior to the date of the next municipal election except in the case of a newly created consolidated city when the proposed increase shall be adopted at least two months prior to the date of its first municipal election.

Any member of council shall be eligible to be reimbursed for any personal expenses incurred by him for official business. However, all claims for reimbursement shall be for reasonable expenses to the extent permitted by law incurred in the conduct of official city business and shall be itemized and documented by stamped paid receipts to the extent feasible.

In addition to salary, each member of the council of any city may be compensated with such benefits as are provided city employees by the city.

§ 15.2-1414.7. Salaries of town council members and mayors.

Notwithstanding any provision of a charter of a town or any other law, a town council may establish the compensation to be paid to council members and the mayor. No increase in salary of a council member or mayor shall take effect during the incumbent council member's or mayor's term in office; however, this restriction shall not apply to councils or mayors when the council members are elected for staggered terms.

§ 15.2-1508.1. Traveling expenses on business of town, city or county.

Any person traveling on business of any locality except as hereinafter provided, wherein no part of the cost is borne by the Commonwealth may be reimbursed by such locality on a basis established by the governing body of such locality; however, the rate of reimbursement per mile for private transportation shall not exceed the standard rate deductible as a business expense pursuant to the Internal Revenue Code and regulations promulgated thereunder.

§ 15.2-1508.2. Same; where Commonwealth bears portion of expenses.

Any person traveling on business of any locality wherein the Commonwealth is required to bear a portion of the expenses may be reimbursed by any such locality on a basis not in excess of that provided in § 2.1-20.8 but the portion to be borne by the Commonwealth shall be subject to the approval of the State Compensation Board .

§ 15.2-1508.3. Governing bodies of certain cities and counties may supplement salaries and reimburse traveling expenses of employees of state and local health departments.

The Counties of Arlington, Clarke, Loudoun, Prince William, and Fairfax may, in the discretion of their governing bodies, pay to persons employed by the State Department of Health, within such counties, in addition to the salaries as may be paid to such employees by the State Board of Health, such sum or sums of money as they may deem expedient.

In addition to supplementing the salaries of such employees as provided herein such county may reimburse such employees who travel on business of any such county, who are required to bear a portion of such travel expense in excess of the amount allowed by § 2.1-20.8, from the funds of such county, upon such basis and in such manner as its governing body may prescribe.

§ 15.2-1508.4. Certain counties and cities may supplement salaries and reimburse traveling expenses of employees of state mental health clinics.

Any county having a population of more than 4,000 inhabitants per square mile, or any county having a population of over 150,000, according to the 1960 or any subsequent census, and any city

wholly within the boundaries of such counties, and any city having a population of not less than 90,000 nor more than 95,000, according to the 1960 or any subsequent census, may, in the discretion of its governing body, pay to persons employed in state mental health clinics, within such county, in addition to the salaries as may be paid to such employees by the Commonwealth, such sum or sums of money as it may deem expedient.

In addition to supplementing the salaries of such employees as provided herein, such county may reimburse such employees who travel on business of any such county, who are required to bear a portion of such travel expenses in excess of the amount allowed by § 2.1-20.8, from the funds of such county, upon such basis and in such manner as its governing body may prescribe.

§ 15.2-1537.1. Disposition of state funds locally collected.

All state funds collected by the financial officer shall be paid into the state treasury without deductions on account of their compensation or on account of expenses. The Comptroller shall promptly forward to such officers his warrants on the State Treasurer for the compensation due them and the estimated amount allowed them out of such funds for expenses.

§ 15.2-1605.1. Supplementing compensation of certain county and city officers and their employees.

Notwithstanding any other provision of law, the governing body of any county or city, in its discretion, may supplement the compensation of the sheriff, treasurer, commissioner of the revenue, clerk of the circuit court, director of finance, or attorney for the Commonwealth, or any of their deputies or employees, above the salary of any such officer, deputy or employee established in this title, in such amounts as it may deem expedient. Such additional compensation shall be wholly payable from the funds of any such county or city.

§ 15.2-1608.1. Salaries of city treasurers.

The annual salaries of city treasurers or any officers, whether elected or appointed, who hold the combined office of city treasurer and commissioner of the revenue, shall be as prescribed in the general appropriation act, except as otherwise prescribed in § 15.2-1636.12.

Notwithstanding the repeal of §§ 14-8.1, 14-68, 14-68.1, 14-68.2, 14-68.3 and 14-75, effective July 1, 1964, the prior authority of such sections is continued in effect as to any persons holding office on such date.

§ 15.2-1608.2. Salaries of county treasurers.

The annual salaries of county treasurers or any officers, whether elected or appointed, who hold the combined office of county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, shall be as prescribed in the general appropriation act, except as otherwise provided in § 15.2-1636.12.

Notwithstanding the repeal of §§ 14-68.1, 14-69, 14-69.1, 14-69.2, 14-69.3 and 14-75, effective July 1, 1964, the prior authority of such sections is continued in effect as to any person holding office on such date.

§ 15.2-1609.1. Number of deputies.

Except as provided in § 15.2-1603, the respective number of full-time deputies appointed by the sheriff of a county or city shall be fixed by the Compensation Board after receiving such recommendation of the board of supervisors of the county or the council of the city, as the case may be, as the board of supervisors or city council may desire to make. Such recommendation, if any, shall be made to the Compensation Board on or before April 1 of each year. In any county without a police force, upon the request of the board of supervisors of such county, the number of such law-enforcement deputies shall be fixed at not less than one such deputy for each 2,000 population in such county excluding the population served by state educational institution police departments if the sheriff's department does not provide the majority of the law-enforcement activities to such population according to uniform crime reports compiled by the Department of State Police. The Compensation Board shall also consider any agreement the sheriff may have pursuant to § 15.2-1726 and any obligation he may have pursuant to this section to provide law enforcement for towns in fixing the number of deputies. The governing body of any county or city may employ a greater number of law-enforcement deputies than fixed by the Compensation Board, provided that the county or city shall pay the total compensation and all employer costs for such additional deputies.

§ 15.2-1609.2. Sheriffs' salaries; salaries of certain full-time deputies; maximum limits.

A. The sheriffs of the counties and the cities of the Commonwealth and their full-time deputies shall be paid salaries for their services and allowances for the necessary expenses incurred in the performance of their duties, to be determined as hereinafter provided.

B. The annual salaries of the sheriffs of the counties and cities of the Commonwealth shall be as prescribed in the general appropriation act, except as otherwise provided in subsection C.

C. Any sheriff whose salary in the year ending June 30, 1980, included an increase under deleted provisions of former § 14.1-74 shall receive the same amount of such increase for the terms in which he continues in office.

D. The annual salary of each full-time deputy sheriff who is primarily a courtroom security officer, a

correctional officer or a law-enforcement officer shall be determined by the sheriff in whose service he is employed and shall be reported to the Compensation Board by the sheriff at the time he files his report for the allowance of the expenses of his office as provided in § 15.2-1636.7 and at any time thereafter when the sheriff effects a change in the salary or employs a new such deputy sheriff. Such salaries as determined by the respective sheriff shall conform to the requirements set forth in subsection E and shall not in the aggregate exceed the aggregate allowance by the Compensation Board for personal services to the respective sheriffs for such deputy sheriffs.

However, notwithstanding any contrary provisions of this section and of § 15.2-1636.8, the salary of any full-time deputy sheriff who, in addition to having primary duties related to courtroom security, corrections or law enforcement, also supervises other deputy sheriffs, or who is designated an investigator by the sheriff in whose services he is employed, shall be fixed and determined by the Compensation Board. Nothing in this section shall prohibit the Compensation Board from setting salary levels of civil process officers in localities having a population of more than one hundred thousand at a level equal to salary levels of deputy sheriffs who are primarily courtroom security, correctional, or law-enforcement officers.

E. The salary range of any full-time deputy sheriff who is primarily a courtroom security officer, a correctional officer or a law-enforcement officer and, if employed on or after July 1, 1974, also has a high school education or the equivalent thereof, shall be no less than that of a correctional officer within the classification and pay system for state employees and shall be administered in accordance with regulations for that system administered by the Department of Personnel and Training. The Governor shall provide the Compensation Board the salary range and regulations within that system as of July 1, 1980, and as of any subsequent date on which changes in the salary ranges and regulations may be adopted.

F. The salary of any deputy sheriff shall not exceed ninety percent of the salary of the sheriff by whom he is employed.

§ 15.2-1609.3. Fees and mileage allowances.

A. Every sheriff, and every sheriff's deputy, shall collect all fees and mileage allowances provided by law for the services of such officer, other than those he is entitled to receive from the Commonwealth or from the county or city for which he is elected or appointed and fees and mileage allowances provided for services in connection with the prosecution of any criminal matter in the circuit courts. However, no fee shall be charged for serving any public orders, for summoning or impaneling grand juries, or for services in elections except as provided under Title 24.2.

B. All fees and mileage allowances accruing in connection with any civil or criminal matter shall be collected by the clerk of the court in which the case is heard and paid by him into the treasury of the county or city in which the case is heard. All fees collected by or for every sheriff and deputy shall be paid into the treasury of the county or city for which he is elected or appointed, on or before the tenth day of the month next succeeding that in which the same are collected. The treasurer of each county and city shall credit such amounts in excess of such fees received in fiscal year 1994 to the account of the Commonwealth to be remitted to the State Treasurer along with other funds due to the Commonwealth.

C. In any case in which a sheriff makes a levy and advertises property for sale and by reason of a settlement between the parties to the claim or suit he is not permitted to sell under the levy, the sheriff is not entitled to any commissions, but in addition to his fees for making the levy and return, he shall be entitled to recover from the party for whom the services were performed the expenses incurred for advertisement of the proposed sale of the property.

D. When, after distraining or levying on tangible property the officer neither sells nor receives payment and either takes no forthcoming bond or takes one which is not forfeited, he shall, if not in default, have in addition to the sixty cents for a bond, if one was taken, a fee of twelve dollars. If the fee is more than one-half of what his commission would have amounted to if he had received payment, he shall, whether a bond was taken or not, receive a fee of at least one dollar and so much more as is necessary to equal the one-half.

§ 15.2-1609.4. Records of expenses of sheriffs and full-time deputies.

Each sheriff and each full-time deputy shall keep a record of all expenses incurred by him including expenses for traveling, telephone, telegraph, clerical assistance, office facilities and supplies, bond premiums, cook hire, maintenance and repair cost of automobile police radio equipment including radio transmitter system and all accessories thereto, and any other expense incident to his office. Each full-time deputy shall file a monthly report with his principal showing in detail the expenses incurred by him. Each sheriff shall also include in the report the mileage which was incurred for himself and each full-time deputy as a result of patrolling performed at the direction of the sheriff, the mileage to and from the residence of the sheriff or full-time deputy and the place where the sheriff or full-time deputy starts his duty and the mileage shall be an allowable expense of the sheriff's department.

§ 15.2-1609.5. *Submission of statement of expenses.*

Each sheriff shall submit a monthly statement of all traveling expenses incurred by him, and by each of his full-time deputies, to his county or city. The county or city shall pay the expenses to the person or vendor entitled thereto and submit same to the Compensation Board for reimbursement if within the sheriff's annual budget approved by the Board. Payments due counties and cities under this section shall be paid to the county or city within ninety days following the receipt by the Compensation Board of a completed statement of monthly expenses.

§ 15.2-1609.6. *Agreements regarding traveling expenses.*

Notwithstanding the provisions of § 15.2-1609.5, the governing body of any county or city may, with the approval of the Compensation Board, enter into such agreement with the sheriff of such county or city with respect to the traveling expenses, including the use of privately owned vehicles, of such sheriff and his deputies as the governing body may deem proper. With the consent of the Compensation Board, in any county having a regular police force authorized by law and in which the jail of another county or city has been adopted as the jail of such county, the police officers, in place of the sheriff, who transport any persons charged with violation of a state law under order of the judge of the circuit court of such county to the jail so adopted, shall receive the same mileage as the sheriff would have received had he transported such persons. Any such police officer transporting any such person shall make claim for mileage on the same forms the sheriff uses for such claims and in the same manner. When any such mileage is collected by any police officer, he shall pay the same into the county treasury and the payment of such mileage shall be made in the manner provided for the payment of mileage to sheriffs.

§ 15.2-1609.7. *Salaries and expense allowances to be paid by Commonwealth.*

The Commonwealth shall pay the salaries and expense allowances of such sheriffs and their full-time deputies, and of the compensation and expense allowances of their part-time deputies, fixed as provided except that beginning July 1, 1982, such payments to any eligible county or newly formed city under the provisions of Chapter 39 (§15.2-3900 et seq.) or Chapter 35 (§ 15.2-3500 et seq.) of this title, which elects to receive state law-enforcement assistance in accordance with the terms of Article 2.2 (§ 9-183.13 et seq.) of Chapter 27 of Title 9 shall be reduced by an amount equal to the salaries and expense allowances of its law-enforcement deputy sheriffs or the amount of state assistance to be received by the county or newly formed city under the provisions of Chapter 39 (§ 15.2-3900 et seq.) or Chapter 35 (§ 15.2-3500 et seq.) of this title, pursuant to Article 2.2 (§ 9-183.13 et seq.) of Chapter 27 of Title 9, whichever is the lesser. Such salaries shall be paid in equal monthly installments and the expense allowances shall be paid monthly when the amount thereof is established as hereinabove provided, except that the Board may provide advance payments on a monthly pro rata basis to any county or city and adjust subsequent monthly advances based on actual expenditures incurred in the preceding month. Notwithstanding the provisions of this section, the General Assembly, through the general appropriations act, may allow any locality receiving a 100 percent apportionment of law-enforcement assistance to continue to receive such full apportionments.

§ 15.2-1609.8. *Payments to counties having certain optional forms of organization and government.*

The Compensation Board shall, in the manner provided by law, determine the compensation and expense allowances for the sheriff, and his deputies, of each county which has adopted or hereafter adopts any form of county organization and government provided for in Chapter 5 (§ 15.2-500 et seq.), Chapter 6 (§ 15.2-600 et seq.) or Chapter 8 (§ 15.2-800 et seq.) of this title, so long as such county shall continue such form of county organization and government in effect in such county, as if such county had not adopted any such form of government, but the salaries and expense allowances shall be paid into the general fund of the treasury of such county. The actual compensation and expense allowance to be paid the sheriff, and his deputies, of any such county shall be fixed as provided in the form of county organization and government adopted by such county, without regard to the limits provided for in this article, and shall be paid by such county.

The provisions of this section shall also be applicable to any county which adopts and has in effect in such county any other optional form of county organization and government which may be provided by law, if such form of county organization and government shall provide that the entire compensation of the sheriff of such county shall be fixed by authorities of the county and paid by the county.

§ 15.2-1609.9. *Compensation of part-time deputies.*

The part-time deputies of sheriffs shall not receive fixed salaries, but shall be entitled to receive reasonable compensation for their services and allowances for their expenses, to be determined and paid as hereinafter provided. Each such part-time deputy shall keep a record of all services performed by him as such, which shall be reported to the sheriff whose deputy he is. The sheriff shall likewise keep a record of all services performed by each part-time deputy. Each sheriff shall file a monthly report with the board of supervisors or other governing body of the county or city council, as the case may be, on or before the fifth day of the month next succeeding that in which such services are performed, showing in detail all services and hours of service rendered by part-time deputies. The board of supervisors or other governing body or the city council shall recommend to the Compensation Board what in its

judgment is a fair compensation to pay each individual part-time deputy of a sheriff on the basis of such reports, except that the limit for compensation per hour of service shall not exceed the hourly equivalent of the minimum annual salary paid a full-time deputy sheriff who performs like services in the same county or city. In addition, mileage and other expenses for rendering the services shall be paid. If in the judgment of the governing body such limit would work a hardship on a particular part-time deputy sheriff, each sum may be increased with the written approval of the judge of the circuit court of the county or city for which such officer is appointed.

§ 15.2-1612.1. Deputy sheriffs to complete course of instruction established by Department of Criminal Justice Services.

Any full-time deputy sheriff not employed on July 1, 1971, shall successfully complete a course of instruction established by the Department of Criminal Justice Services as provided in clause (i) of subdivision 2 of § 9-170.

§ 15.2-1614.1. Expense of boarding and lodging jurors.

Whenever it is necessary for a sheriff or sergeant to pay for the board and lodging of juries, he shall obtain a receipt for the funds so spent and on or before the fifth day of the month next succeeding he shall present such bill to the board of supervisors or other governing body of the county or to the city council, as the case may be, which shall, if it is found correct, reimburse the sheriff or sergeant for the amount so spent by him for such purpose. The county or city shall be reimbursed by the Commonwealth for all sums so expended on account of any criminal trial involving an offense against the Commonwealth.

§ 15.2-1615.1. Manner of payment of certain items in budgets of sheriffs.

A. Whenever a sheriff purchases office furniture, office equipment, stationery, office supplies, telephone or telegraph service, postage, or repairs to office furniture and equipment in conformity and within the limits of allowances duly made and contained in the then current budget of any such sheriff under the provisions of this chapter, the invoices therefor, after examination as to their correctness, shall be paid by the county or city directly to the vendors, and the Commonwealth shall monthly reimburse the county or city the cost of such items on submission by such sheriff to the Compensation Board of duplicate invoices and such other information or evidence as the Compensation Board may deem necessary. This procedure shall also apply to the payment of the premiums on the official bonds of such sheriffs, their deputies and employees, to the premiums on burglary and other insurance, and for any physical examinations required pursuant to § 15.2-1705 for a sheriff and each of his full-time deputies at a rate specified by the Compensation Board.

B. The Compensation Board may allow as an expense allowance to the sheriff of any county or city the cost of operation, maintenance and repair of a closed circuit television system and all accessories thereto or of leasing electronic security equipment or making repairs to the same, which system and equipment are installed in any jail under his control for the surveillance of prisoners.

§ 15.2-1627.1. Salaries of attorneys for the Commonwealth and assistants.

A. The annual salaries of attorneys for the Commonwealth shall be as prescribed in the general appropriation act, except as otherwise provided in § 15.2-1636.12.

In cities and counties having a population of more than 35,000 inhabitants, the Compensation Board, in determining the salary for the assistants to the attorney for the Commonwealth shall consider the provisions of §§ 15.2-1628 and 15.2-1630 requiring that such attorneys serve on a full-time basis, and shall also consider the amount of the salaries paid to the assistants to the city or county attorney of such city or county.

These same factors shall also be considered in determining the salary for assistants to the attorney for the Commonwealth in cities having a population of more than 17,000 inhabitants, and less than 35,000 inhabitants when the council for such city and the Compensation Board shall concur that the attorney for the Commonwealth and all assistant attorneys for the Commonwealth shall devote full time to their duties, and shall not engage in the private practice of law.

Any city served by a full-time attorney for the Commonwealth on January 1, 1993, under the provisions hereof shall continue to be served by a full-time attorney for the Commonwealth in the event the population of such city shall have fallen below the 17,000 population threshold in the most recent U.S. census and shall be administered in the same manner as cities with populations in excess of 17,000 but of 35,000 or less. In such jurisdictions, the attorney for the Commonwealth and his assistant attorneys and their successors in office shall be subject to the requirements regarding full-time service and part-time private practice as in effect for such positions on January 1, 1993. No further action by the council of the city or the Compensation Board shall be necessary.

B. Each assistant attorney for the Commonwealth, authorized by law, if his services shall be deemed necessary by the Compensation Board, shall receive an annual salary which shall not exceed ninety percent of the salary received by the attorney for the Commonwealth of his county or city. However, after January 1, 1980, in cities having a population of more than 35,000 inhabitants, the Compensation

798 Board shall not provide any compensation for any assistant attorney for the Commonwealth when the
799 attorney for the Commonwealth for any such city does not serve on a full-time basis or engages in the
800 practice of law outside of his duties as attorney for the Commonwealth.

801 § 15.2-1627.2. Disposition of fees of attorneys for the Commonwealth.

802 Every such attorney for the Commonwealth, shall, however, continue to collect all fees which he may
803 be entitled to receive by law, other than from the Commonwealth and any political subdivision, and
804 shall dispose of the same as in this section provided. One-half of all fees to which attorneys for the
805 Commonwealth are entitled for the performance of official duties or functions, shall be paid by them or
806 such official as may collect the same, not later than the tenth day of the month following their receipt,
807 into the treasuries of their respective counties and cities, and the remaining one-half of all such fees
808 shall be paid by such official as may collect the same into the state treasury, not later than the tenth
809 day of the month following their receipt.

810 § 15.2-1627.3. Attorneys for the Commonwealth and city attorneys; in criminal cases; when no costs
811 or fees taxed.

812 The fees of attorneys for the Commonwealth in all felony and misdemeanor cases and the fees of city
813 attorneys in all misdemeanor cases in which there is a conviction and sentence not set aside on appeal
814 or a judgment for costs against the prosecutor, and for expenditures made in the discharge of his duties
815 shall be as follows:

816 For each trial of a felony case in his circuit court, in which only one person is tried at a time, if the
817 punishment prescribed may be death, twenty dollars; if the punishment prescribed is less than death, ten
818 dollars; but where two or more persons are jointly indicted and jointly tried for a felony, in addition to
819 the fees above provided, ten dollars for each person more than one so jointly tried. For each person
820 prosecuted by him at a preliminary hearing upon a charge of felony before any court or judge of his
821 county or city, five dollars.

822 For each person tried for a misdemeanor in his circuit court, five dollars, and for each person
823 prosecuted by him before such court of his county or city for a misdemeanor, which he is required by
824 law to prosecute, or upon an indictment found by a grand jury, five dollars, and in every misdemeanor
825 case so prosecuted the court or judge shall tax in the costs and enter judgment for such misdemeanor
826 fee.

827 No attorney for the Commonwealth or city attorney shall receive a fee for appearing in misdemeanor
828 cases before a district court notwithstanding any provision of law to the contrary.

829 No costs or fees shall be taxed for, or in any way allowed to, an attorney for the Commonwealth of
830 any city or county or a city attorney of any city in any case, unless he in person, or by a duly
831 authorized assistant, actually appears and prosecutes the proceedings before the court.

832 § 15.2-1635.1. Maximum total compensation for clerk of court in certain counties.

833 In Arlington, Loudoun, Fairfax, Fauquier and Rappahannock Counties wherein the clerk of the
834 circuit court serves also as the clerk of the general district court and juvenile and domestic relations
835 district court under the provisions of § 16.1-69.38, such clerk may be paid a sum not to exceed five
836 thousand dollars, by local supplement, for each of the two district courts served.

837 Article 6.1.

838 Compensation Board Generally.

839 § 15.2-1636.1. Salaries of city commissioners of the revenue.

840 The annual salaries of city commissioners of the revenue under this article shall be as prescribed in
841 the general appropriation act, except as otherwise provided in § 15.2-1636.12.

842 Notwithstanding the repeal of §§ 14-8.1, 14-70, 14-70.1, 14-70.2 and 14-75, effective July 1, 1964,
843 the prior authority of such sections is continued in effect as to any person holding office on such date.

844 § 15.2-1636.2. Salaries of county commissioners of the revenue.

845 The annual salaries of county commissioners of the revenue under this article shall be as prescribed
846 in the general appropriation act, except as otherwise provided in § 15.2-1636.12.

847 Notwithstanding the repeal of §§ 14-8.1, 14-71, 14-71.1, 14-71.2, 14-71.3 and 14-75, effective July 1,
848 1964, the prior authority of such sections is continued in effect as to any person holding office on such
849 date.

850 § 15.2-1636.3. Real estate transfer and license fees in counties.

851 The treasurers of the several counties shall hereafter collect the license fees and any other fees of
852 the county commissioners of the revenue and shall pay the county fees into the county treasury and the
853 state fees into the state treasury.

854 § 15.2-1636.4. Real estate transfer and license fees in cities.

855 Such officers as may be authorized by law to collect city licenses shall collect all such license fees
856 and apply them to the credit of their respective city treasuries. The treasurers of the several cities shall
857 hereafter collect all state license fees and apply them to the credit of the Commonwealth.

858 § 15.2-1636.5. Membership; compensation.

859 The Compensation Board shall consist of the Auditor of Public Accounts, the State Tax

Commissioner, as ex officio members, and one member, who may or may not be an officer or employee of the Commonwealth, who shall be appointed and designated as chairman of the Board by the Governor and who shall hold office at the pleasure of the Governor. The ex officio members of the Board shall not receive any compensation for their services as such members. The member designated by the Governor as chairman shall receive such compensation as shall be fixed by law.

§ 15.2-1636.6. Duties of chairman.

The chairman of the Board shall supervise the administrative work of the Board, shall receive, file, collate and classify the reports of the respective officers required to report to the Board, call meetings of the Board whenever any matters arise requiring its consideration or action and have available for and lay before the Board all information necessary for the decision of questions coming before it. He shall conduct all correspondence with the various officers within the jurisdiction of the Board and institute and supervise investigations into the affairs and conduct of all such officers, as and when the Board may direct. He shall preside at all meetings of the Board and cause to be prepared and recorded proper minutes of the action taken at all such meetings, and keep and preserve all papers, books, correspondence and records of the Board.

§ 15.2-1636.6:1. Statement of receipts and expenses of officers.

The State Compensation Board shall as soon as practicable annually furnish the board of supervisors or other governing body of each county and city with the statement showing receipts and expenses of office and of officers making report under this article.

§ 15.2-1636.7. Filing requests for salaries.

At the times hereinafter prescribed, every attorney for the Commonwealth, every city and county treasurer and commissioner of the revenue, or any officer, whether elected or appointed, who holds the combined office of county or city treasurer, and commissioner of the revenue, every sheriff in addition to all such officers serving two or more local governments who were elected pursuant to 15.2-1602 shall file with the chairman of the Board, upon forms prescribed by it, a written request for the expense of his office, stating the amount of salaries requested, and itemizing each item of expense for which allowance is sought, and every such officer shall concurrently file a copy of the request with the governing body of the county or city. Such requests shall be filed on or before February 1 preceding the beginning of the fiscal year for which such requests are made.

The chairman of the Board may, at any time, submit to any officer a written questionnaire concerning the affairs of his office, to ascertain all facts relevant to the determination of the proper allowance to be made with respect to the officer's salaries and the expenses of his office. Every officer shall answer fully and completely all questions so propounded and shall return the questionnaire to the chairman within five days.

The provisions of this section, as amended, shall not affect the powers of any county operating under an optional form of organization and government as provided by Chapter 3 (§ 15.2-300 et seq.) of Title 15.2 to determine the budgets of the aforementioned officers.

§ 15.2-1636.8. (Effective until July 1, 1999) Duties of Board in fixing salaries, expenses, etc.

All salaries of such officers shall be as hereinafter provided. The expenses and other allowances of all such officers shall be fixed and determined on or before May 1 of each year. The Board shall, no later than the fifteenth day following final adjournment of the Virginia General Assembly in each session, provide to such officers and the local governing body of each city and county he represents, an estimate of expenses and other allowances to be fixed by the Board for the next fiscal year. The Board shall, at meetings duly called by the chairman, carefully consider the questionnaires and written requests filed as required by § 15.2-1636.7 and consider the work involved in the discharge of the duties of the respective officers, the extent to which such duties are imposed by actions of the local governing body, the amount expended or proposed to be expended by each for clerks, deputies and other assistants, the efficiency with which the affairs of each such office are conducted, and such other matters as the Board may deem pertinent and material, including the number of local governments served if more than one, including the pay and compensation plan of each political subdivision, if it has one, and the locality's plans for adjustments of salaries and expenses for the ensuing fiscal year, as well as the plan of the Commonwealth for adjustment of state salaries and expenses for such year. The Board shall fix and determine what constitutes a fair and reasonable budget for the participation of the Commonwealth toward the total cost of the office. In its deliberations with respect to any office of an attorney for the Commonwealth, the Board shall not consider whether volunteer assistants are being used in that office. Such budgets, in the aggregate, shall not contemplate state expenditures in excess of the appropriation available to the Board. Prior to holding any such meeting for the fixing of salaries and expenses as provided in this article, ten days' written notice of the time, place and purpose of such meeting shall be given every officer affected and to the mayor or city manager of the city or to the chairman of the governing body and administrator, executive or manager of the county affected.

When the salaries, expenses and other allowances for the several counties and cities have been

921 tentatively fixed by the Board they shall notify the governing body of each city and county of the
922 amounts so fixed. Within thirty days thereafter, but not later, the governing body may file with the
923 Compensation Board any objection it may have to such allowances so fixed. When such objection is
924 filed the Board shall fix a time for a hearing on such objection, of which time the governing body as
925 well as the officer affected shall have at least fifteen days' notice. For the purpose of determining the
926 merits of such protest the governing body may designate two members of such body to serve as
927 additional members of the Compensation Board and such additional members shall each have one vote
928 on the Board.

929 The chairman of the Board shall record the salary of each such officer, his clerks, assistants and
930 deputies, and the allowances made for other items, and shall promptly notify each such officer of the
931 same with respect to his office.

932 In fixing, determining and recording the salaries of the full-time deputy sheriffs mentioned in
933 § 15.2-1609.2, the Board shall act solely with reference to establishing an aggregate allowance for
934 personal services to the respective sheriffs for such deputy sheriffs. The annual salary of each such
935 full-time deputy sheriff shall be fixed and determined as provided by § 15.2-1609.2.

936 This section shall expire July 1, 1999.

937 § 15.2-1636.8. (Effective July 1, 1999) Duties of Board in fixing salaries, expenses, etc.

938 All salaries of such officers shall be as hereinafter provided. The expenses and other allowances of
939 all such officers shall be fixed and determined on or before May 1 of each year. The Board shall, no
940 later than the fifteenth day following final adjournment of the Virginia General Assembly in each
941 session, provide to such officers and the local governing body of each city and county he represents, an
942 estimate of expenses and other allowances to be fixed by the Board for the next fiscal year. The Board
943 shall, at meetings duly called by the chairman, carefully consider the questionnaires and written
944 requests filed as required by § 15.2-1636.7 and consider the work involved in the discharge of the duties
945 of the respective officers, the extent to which such duties are imposed by actions of the local governing
946 body, the amount expended or proposed to be expended by each for clerks, deputies and other
947 assistants, the efficiency with which the affairs of each such office are conducted, and such other
948 matters as the Board may deem pertinent and material, including the number of local governments
949 served if more than one, including the pay and compensation plan of each political subdivision, if it has
950 one, and the locality's plans for adjustments of salaries and expenses for the ensuing fiscal year, as well
951 as the plan of the Commonwealth for adjustment of state salaries and expenses for such year. The
952 Board shall fix and determine what constitutes a fair and reasonable budget for the participation of the
953 Commonwealth toward the total cost of the office. Such budgets, in the aggregate, shall not contemplate
954 state expenditures in excess of the appropriation available to the Board. Prior to holding any such
955 meeting for the fixing of salaries and expenses as provided in this article, ten days' written notice of the
956 time, place and purpose of such meeting shall be given every officer affected and to the mayor or city
957 manager of the city or to the chairman of the governing body and administrator, executive or manager
958 of the county affected.

959 When the salaries, expenses and other allowances for the several counties and cities have been
960 tentatively fixed by the Board they shall notify the governing body of each city and county of the
961 amounts so fixed. Within thirty days thereafter, but not later, the governing body may file with the
962 Compensation Board any objection it may have to such allowances so fixed. When such objection is
963 filed the Board shall fix a time for a hearing on such objection, of which time the governing body as
964 well as the officer affected shall have at least fifteen days' notice. For the purpose of determining the
965 merits of such protest the governing body may designate two members of such body to serve as
966 additional members of the Compensation Board and such additional members shall each have one vote
967 on the Board.

968 The chairman of the Board shall record the salary of each such officer, his clerks, assistants and
969 deputies, and the allowances made for other items, and shall promptly notify each such officer of the
970 same with respect to his office.

971 In fixing, determining and recording the salaries of the full-time deputy sheriffs mentioned in
972 § 15.2-1609.2, the Board shall act solely with reference to establishing an aggregate allowance for
973 personal services to the respective sheriffs for such deputy sheriffs. The annual salary of each such
974 full-time deputy sheriff shall be fixed and determined as provided by § 15.2-1609.2.

975 This section shall be effective on July 1, 1999.

976 § 15.2-1636.9. Appeal from decision of Board.

977 A. Any officer whose budget is affected by a decision of the Board under this article made for the
978 fiscal year pursuant to and at the time designated by §§ 15.2-1636.7 and 15.2-1636.8 and no other, or
979 any county or city affected thereby, or the Attorney General as representative of the Commonwealth,
980 shall have the right to appeal from any such decision of the Board, within forty-five days from the date
981 of such decision. Such appeal shall lie to the circuit court of the county or city wherein the officer
982 making the appeal resides. The court shall be presided over by three judges of circuit courts remote

from that to which the appeal is taken. The three judges shall be chosen by the Chief Justice of the Supreme Court from a panel of fifteen active or retired judges selected to hear such matters by the Supreme Court. Such judges shall remain on the panel for a period of time determined by the Chief Justice of the Supreme Court. No judge may be appointed to hear an appeal involving a jurisdiction in his current or former circuit. Notice of such appeal shall be given within the time above specified by any such officer to the Compensation Board, the county or city affected and the Attorney General. The officer appealing shall, in the appeal, state with specificity what action of the Compensation Board the officer is contesting, the additional services provided to the locality not required by law, and the cost of providing such service. The Compensation Board shall notify the Chief Justice forthwith when all administrative remedies have been exhausted by the appellant and the three-judge court shall be designated upon receipt of the notice by the Chief Justice. The appeal shall be heard within forty-five days from the date such notice is filed by the Board with the Chief Justice. At least fifteen days' notice of the time and place set for the hearing shall be given the officer noting such appeal, the county or city affected, the Compensation Board and the Attorney General. On such appeal all questions involved in said decision shall be heard de novo by the court and its decision on all questions shall be certified by the clerk thereof to the officer affected, to the locality and to the chairman of the Compensation Board.

In making its decision, the court shall give consideration to the amount of funds budgeted and expended by the local government for the constitutional officer which exceeds the amount reimbursed by the Compensation Board, the extent to which the officer provides additional services to the locality not required by law and to what extent, if any, the local government should participate in providing the additional funding requested by the constitutional officer. The court shall also give consideration both to the officer's ability to perform his statutory duties without additional funding and the ability of the Compensation Board and local government to provide additional funding for the officer's functions. The court shall also consider maximum staffing and funding levels set in the general appropriation act and any other statutory provisions which would otherwise prohibit the Compensation Board from granting the officer's request. The burden of proving the necessity of additional funding shall be borne by the officer. After due consideration of Compensation Board and local government statutory authority and the constitutional officer's demonstrated need for additional funding, the court shall determine the extent to which the Compensation Board and local government shall share in the additional funding. Should the court determine that additional funding is necessary for the officer to perform his duties, and that it is the responsibility of the Compensation Board to provide all or part of the additional funds, and that the Compensation Board does not have the ability to provide such additional funding, the Compensation Board shall request the necessary additional funding from the General Assembly at its next occurring regular session.

Should the court determine that additional funding is necessary for the officer to perform his duties and that it is the responsibility of the local government to provide all or part of the additional funds, and that the local government does not have the ability to provide such additional funding, the chief administrative officer of the local government shall include such request in the budget submission to the local governing body.

From the decision of the court there shall be no right of further appeal. The decision of the court shall be within the difference between the amounts originally requested by the appealing officer pursuant to § 15.2-1636.7 and the amounts fixed by the Compensation Board for such fiscal year; however, when the appeal is filed by a county or city such decision shall be within the difference between the prior salaries, expenses and other allowances of such officer and the amounts fixed by the Compensation Board for such fiscal year. In the event an appeal is filed by both the officer affected and the county or city affected, such decision shall be within the difference between the amounts originally requested by the appealing officer pursuant to § 15.2-1636.7 and the prior salaries, expenses and other allowances of such officer.

In pursuing the provisions of this section, constitutional officers may use funds designated by the Compensation Board or appropriated by their local governing body to employ independent counsel, provided that funds have been specifically appropriated for such purpose.

B. Notwithstanding the provisions of subsection A above, no appeal of any decision of the Board shall lie to the circuit court from the date of enactment of this subsection B until July 1, 1993, at which time the circuit court may consider appeals for all fiscal years affected by this moratorium and for subsequent fiscal years.

§ 15.2-1636.10. Appeals from certain decisions affecting expenses, etc., of circuit court clerks.

Any clerk of a circuit court shall have a right to appeal from the annual budget decision of the Board under this article affecting the expenses or allowances of the clerk, or the salary and number of clerk's deputies. In addition, any county or city affected by such decision or the Attorney General as representative of the Commonwealth shall have the right to appeal from the decision. Such appeals shall

1044 *be taken and heard as provided in § 15.2-1636.9.*

1045 *§ 15.2-1636.11. Determination of population.*

1046 *For the purpose of fixing salaries specified in §§ 15.2-1608.1, 15.2-1608.2, 15.2-1609.2, 15.2-1627.1,*
1047 *15.2-1636.1, and 15.2-1636.2, the population of each county and city shall be according to the last*
1048 *preceding United States census. If the area of any city has, since the last preceding United States*
1049 *census, been increased by annexation, the population of such city, for such purposes, shall be the*
1050 *population thereof as shown by the last preceding United States census, plus the increase resulting from*
1051 *such annexation. Whenever it appears to the satisfaction of the Compensation Board that the*
1052 *population of any county or city has, since the last preceding United States census, increased so as to*
1053 *entitle such county or city to be placed in a higher salary bracket, such county or city shall be*
1054 *considered within such higher salary brackets.*

1055 *§ 15.2-1636.12. Increase in salaries in certain cases.*

1056 *Any officer whose salary in the year ending June 30, 1980, included an increase under deleted*
1057 *provisions of former § 14.1-62 shall receive the same amount of such increase for the terms in which he*
1058 *continues in office.*

1059 *§ 15.2-1636.13. Time and manner of payment.*

1060 *A. The salaries fixed in accordance with this article shall be paid in equal monthly installments. The*
1061 *expenses and other allowances of office within the limits fixed by the Board shall be paid monthly on*
1062 *the submission of satisfactory evidence that such expenses and other allowances were actually incurred.*
1063 *All counties and cities shall pay the entire amount of such salaries, expenses and other allowances and,*
1064 *upon notification to the Board, the Commonwealth shall reimburse all such counties and cities for the*
1065 *Commonwealth's proportionate share of such salaries, compensation, benefits under § 51.1-137, and*
1066 *other expense allowances.*

1067 *B. In the event a county or city shall fail to make timely payment of the salaries, expenses or other*
1068 *allowances fixed in accordance with the provisions of law applicable thereto, the Board shall withhold*
1069 *all reimbursements for the office or offices affected thereby until such salaries, expenses or other*
1070 *allowances have been paid, unless such county or city has appealed pursuant to § 15.2-1636.8 or*
1071 *§ 15.2-1636.9.*

1072 *C. The Board may provide advance payments on a monthly pro rata basis to any county or city and*
1073 *adjust subsequent monthly advances based on actual expenditures incurred in the preceding month.*
1074 *Should the Board elect to make such advance payments to any locality, then it shall make such advance*
1075 *payments to all localities which request the same.*

1076 *§ 15.2-1636.14. Proportion borne by Commonwealth and by localities.*

1077 *A. The salaries, expenses and other allowances of attorneys for the Commonwealth in counties and*
1078 *cities as fixed and determined by the Compensation Board shall be paid by the Commonwealth after*
1079 *July 1, 1980.*

1080 *B. The salaries, expenses and other allowances of treasurers and commissioners, or any officers,*
1081 *whether elected or appointed, who hold the combined office of county or city treasurer and*
1082 *commissioner of the revenue in the counties and cities shall be paid in the proportion of one-half by the*
1083 *respective counties and cities and one-half by the Commonwealth, except as hereafter in this section*
1084 *provided.*

1085 *C. The salary, expenses and other allowances of any city treasurer who neither collects nor*
1086 *disburses local taxes or revenues shall be paid entirely by the Commonwealth and the salary, expenses*
1087 *and other allowances of any city treasurer who disburses local revenues but does not collect the same*
1088 *shall be paid in the proportion of one-third by the city and two-thirds by the Commonwealth.*

1089 *D. In no event shall the amount paid by each city and county as its share of the salary of its*
1090 *respective treasurer and commissioner in any fiscal year exceed the actual dollar amount paid by such*
1091 *city and county for such salaries during the fiscal year ending June 30, 1980.*

1092 *E. In the case of each county and city treasurer except a city treasurer who neither collects nor*
1093 *disburses local taxes or revenues, and in the case of each county and city commissioner of the revenue,*
1094 *the cost of such office furniture, office equipment and office appliances as may be specifically authorized*
1095 *by and included in the then current expense allowance made to such officer under the provisions of this*
1096 *article, shall be paid in the proportion of two-thirds by the county or city and one-third by the*
1097 *Commonwealth. The prices paid for such office furniture, office equipment and office appliances shall*
1098 *not be in excess of the prices available to the Commonwealth if such purchases were made through the*
1099 *Department of General Services' Division of Purchases and Supply. The words "office furniture, office*
1100 *equipment and office appliances," as used in this paragraph, mean such items of this character as have*
1101 *a useful life of more than one year; and the word "cost," as used in this paragraph, may include a*
1102 *rental cost, in the discretion of the Compensation Board, in any case in which, in the opinion of the*
1103 *Board, such rental cost, in whole or in part, is properly includible in the expense allowance.*

1104 *F. If any county or city commissioner of the revenue or county or city treasurer uses any forms,*
1105 *sheets or books of any kind for the assessment or collection of state or local taxes or levies, or in*

connection with the assessment or collection of such taxes or levies, in lieu of the standard forms, sheets or books furnished by the Commonwealth, no part of the cost of such forms, sheets or books shall be paid by the Commonwealth, but their entire cost shall be paid out of the treasury of the county or city whose governing body required, authorized or consented to their use. This subsection shall not be construed as enlarging the existing powers of local governing bodies to require, authorize or consent to the use of such forms, sheets or books.

G. The cost of all forms, sheets and books of all kinds used for the assessment or collection of local license and local excise taxes or used in connection with the assessment or collection of local license and local excise taxes, shall be paid entirely out of the local treasury, including the cost of any tags, stamps, stickers, or other devices intended to evidence the payment of any such local license or local excise taxes.

H. The cost of all forms, sheets and books of all kinds used in the ascertainment, billing or collection of charges for utility or other special services rendered by a county or city, or by any district or agency thereof shall be paid entirely by the locality, although it may be the duty of the treasurer or the commissioner of the revenue to ascertain or collect such charges under applicable provisions of law.

The governing body of each county and city shall provide suitable office space for the treasurer and commissioner of the revenue, together with the necessary heat, light, water and janitorial service. The entire cost of providing such office space, heat, light, water and janitorial service shall be paid out of the local treasury.

The provisions of this section, as amended, shall not affect any county operating under an optional form of organization and government as provided by Chapter 3 (§ 15.2-300 et seq.) of Title 15.2.

§ 15.2-1636.15. Manner of payment of certain items contained in budgets of county and city attorneys for the Commonwealth, treasurers and commissioners of the revenue.

A. Whenever a county or city attorney for the Commonwealth, treasurer or commissioner of the revenue purchases office furniture, office equipment, office appliances, tax tickets for state and local taxes collectible by county and city treasurers, stationery, office supplies, postage, data processing services, printing, advertising, telephone or telegraph service, or repairs to office furniture and equipment in conformity with and within the limits of allowances duly made and contained in the then current budget of any such officer under the provisions of this article, the invoices therefor, after examination as to their correctness, shall be paid by the county or city directly to the vendors, and the Commonwealth shall monthly pay the county or city the state's proportionate part of the cost of such items on submission by such officer to the Compensation Board of duplicate invoices and such other information or evidence as the Compensation Board may deem necessary. This section shall also apply to the payment of the premiums on the official bonds of such officers, their deputies and employees, and to the premiums on burglary and other insurance, except the premium on the bond of a treasurer the payment of which is governed by other provisions of law.

B. This section shall not apply to any city treasurer whose city is not required to pay any part of the cost of such items, in which event the Board shall pay the vendor upon receipt of the required invoices and other information.

§ 15.2-1636.16. Appropriations chargeable with Commonwealth's proportion of salaries, etc.

The Commonwealth's proportion of the salaries, expenses and other allowances of the treasurers, commissioners of the revenue, attorneys for the Commonwealth, and sheriffs shall be paid out of the appropriations made for those purposes in the general appropriation act.

The budgets fixed by the Compensation Board may thereafter be amended by the Compensation Board upon the request of the officer or local governing body or when changed circumstances so require. No budget shall be increased if any portion of the increase is payable from local funds without the concurrence of the local governing body.

All provisions of charters of cities and towns inconsistent with the provisions of this article are hereby repealed to the extent of such inconsistency.

§ 15.2-1636.17. Payments to counties which do not have certain officers.

The Compensation Board shall determine the compensation and expense allowances for the attorney for the Commonwealth, the treasurer and the commissioner of the revenue for each county which adopts any form of county organization and government provided for in Chapter 5 (§15.2-500 et seq.) or Chapter 8 (§ 15.2-800 et seq.), in the same manner as if such county had not adopted such form of county organization and government and had continued to have all of such officers. Thereafter, the portion of such compensation and such expense allowances payable by the Commonwealth shall be paid into the general fund of the treasury of the county. The actual compensation and expense allowances to be paid the attorney for the Commonwealth, the treasurer and the commissioner of the revenue, or the officers, agents or employees performing the duties and exercising the powers thereof, of any such county shall be fixed and determined as provided in said Chapter 5 or Chapter 8, without regard to the limits provided for in this article.

§ 15.2-1636.18. *Deputies, office expenses, premiums on bonds, etc.*

The State Compensation Board shall determine (i) how many deputies and assistants, if any, are necessary to the efficient performance of the duties of the office of the officer filing a report required by § 17.1-283, (ii) what should be the compensation of such deputies and assistants, (iii) what allowance, if any, should be made for office expenses and premiums on official bonds, and (iv) the manner in which such compensation should be paid or such allowance made. Each of such officers shall, on or before the first day of November in each year, report to the Board, on official estimate blanks, furnished for such purpose, an estimate in itemized form showing the amount of expenses expected to be incurred in the operation and maintenance of his office for the ensuing year, and all such expenses must be approved in advance by the Board in order to be deductible under § 17.1-284. Nothing in this section shall be construed as prohibiting the State Compensation Board from increasing at any time in the year allowances for such expenses as provided in § 15.2-1636.19. The State Compensation Board shall report annually to the Governor on the expenses of such office.

§ 15.2-1636.19. *Adjustment of questions of division of compensation, expenses, etc.*

The State Compensation Board may adjust equitably all questions of the division of compensation, allowances for deputies and assistants, office expenses and premiums on bonds which may arise due to the change of incumbents in any such offices or from any other cause. All adjustments shall be made as nearly as possible in accordance with the intent of this Code. The Board may, on written application from any clerk of a court of record, and for good cause shown, increase the allowance made to such clerks for deputies and assistants, office expenses and premiums on bonds. The governing body of a county or city may, by resolution adopted and certified, make to the State Compensation Board any recommendation it may desire to make with respect to the expense account of any clerk of a court of record as to increase or decrease of expense.

§ 16.1-69.48:1. *Fees for services performed by judges or clerks of district courts in criminal or traffic cases.*

A. *Fees for services performed by the judges or clerks of district courts in criminal or traffic actions and proceedings shall be as follows and such fees shall be included in the taxed costs:*

1. *For processing a case of a misdemeanor or a traffic violation, including a case in which there has been written appearance and waiver of court hearing, and including swearing witnesses and taxing costs, twenty-eight dollars, and one dollar of the amount collected hereunder shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 9-178.2, to be used for financial support of the regional criminal justice training academies.*

Assessment of this fee shall be based on:

(i) *An appearance for court hearing in which there has been a finding of guilty;*

(ii) *A written appearance with waiver of court hearing and entry of guilty plea;*

(iii) *For a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty.*

In addition to any other fee prescribed by this subsection, a fee of ten dollars shall be taxed as costs whenever a defendant fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the fee provided in this subsection more than once for a single appearance or trial in absence related to that incident. A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence; or

(iv) *An appearance for court hearing in which the court requires that the defendant successfully complete traffic school or a driver improvement clinic, in lieu of a finding of guilty.*

2. *For processing any check tendered in a case of traffic violation that has been returned unpaid by any banking institution, such fee as is determined pursuant to § 19.2-353.3.*

B. *Three dollars of the amount collected hereunder shall be collected for the benefit of and paid to the Virginia Crime Victim-Witness Fund as provided in § 19.2-11.3 and one dollar of the amount collected hereunder shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 9-178.2, to be used for financial support of the regional criminal justice training academies, irrespective of whether the defendant's case was processed as a violation of the Code of Virginia or as a violation of a local ordinance.*

§ 16.1-69.48:2. *Fees for services of district court judges and clerks and magistrates in civil cases.*

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be twelve dollars unless otherwise provided in this section. No such fee shall be collected (i) in any tax case instituted by any county, city or town or (ii) in any case instituted by a school board for

collection of overdue book rental fees.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed one dollar for the first two pages and fifty cents for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

§ 16.1-69.48:3. Fees charged to drug offenders.

In each case in a general district court in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess, in addition to any other fee, a fee of fifty dollars for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251 which shall be included in the taxed costs. The clerk shall pay the fee to the state treasury.

TITLE 17.1. COURTS OF RECORD. CHAPTER 1. GENERAL PROVISIONS.

§ 17.1-100. Reserved.

§ 17.1-101. Time within which a judge may qualify; failure vacates office.

Any judge of this Commonwealth may qualify at any time after receiving his commission and before the expiration of thirty days after the commencement of his term of office. If any judge does not receive his commission until after the commencement of his term of office he may qualify within thirty days from the date of receiving the same. The failure of any judge to qualify within these time limits shall vacate his office.

§ 17.1-102. Justices and judges not permitted to practice law or seek or hold elective or other office.

No justice or judge shall, during his continuance in office, engage in the practice of law within or without the Commonwealth, or seek or accept any nonjudicial elective office, or hold any other office of public trust, or engage in any other incompatible activity.

§ 17.1-103. Residence requirements of judges.

Each judge of a circuit court shall, during his term of office, reside within the circuit to which he was appointed or elected and his removal therefrom shall vacate his office. Where the boundary of the jurisdiction of a court is changed by annexation or otherwise, a judge thereof shall not become disqualified from office or ineligible for reelection if, except for such annexation or change, he would otherwise be qualified.

§ 17.1-104. In election by court, votes to be recorded.

In every appointment or election by a court to fill any office or post, the votes shall be made in writing and recorded in the order or minute book.

§ 17.1-105. Designation of judges to hold courts and assist other judges.

A. If a judge of any court of record is absent, sick or disabled or for any other reason unable to hold any regular or special term of the court, or any part thereof, or to perform or discharge any official duty or function authorized or required by law, a judge or retired judge of any court of record may be obtained by personal request of the disabled judge, or another judge of the circuit to hold the court for the whole or any part of such regular or special term and to discharge during vacation such duty or function, or, if the circumstances require, to perform all the duties and exercise all the powers and jurisdiction as judges of such circuit until the judge is again able to attend his duties. The designation of such judge shall be entered in the common-law order book of the court, and a copy thereof sent to the Chief Justice of the Supreme Court. The Chief Justice shall be notified forthwith at the time any disabled judge is able to return to his duties.

B. If all the judges of any court of record are so situated in respect to any case, civil or criminal, pending in their court as to render it improper, in their opinion, for them to preside at the trial, unless the cause or proceeding is removed, as provided by law, they shall enter the fact of record and the clerk of the court shall at once certify the same to the Chief Justice of the Supreme Court, who shall designate a judge of some other court of record or a retired judge of any such court to preside at the

1290 trial of such case.

1291 C. If a vacancy occurs in the office of a judge of a court of record that fact shall be immediately
1292 certified by the clerk of such court to the Governor, who may, instead of appointing a successor at
1293 once, request the Chief Justice to designate a judge of some other court of record or a retired judge of
1294 any such court to carry out the duties of the office, if there are insufficient judges in the circuit to carry
1295 out the work of the court, until the office has been filled in the mode prescribed by law. If any judge so
1296 designated shall be prevented by the duties of his court, or by sickness, from performing the duties
1297 required, he shall so inform the Chief Justice, who may designate another judge in his place.

1298 D. Due to congestion in the work of any court of record, the Chief Justice may, upon his own
1299 initiative or upon application of the judge desiring assistance, designate a judge or retired judge of any
1300 court of record to assist the judge in the performance of his duties and every judge so designated shall
1301 have the same powers and jurisdiction and be authorized to perform the same duties as the judge whom
1302 he is designated to assist.

1303 E. Any judge or retired judge sitting under any provision of this section or sitting by designation on
1304 any three-judge court shall receive from the state treasury actual expenses for the time he is actually
1305 engaged in holding court, except in those cases where the payment of such expenses is otherwise
1306 specifically provided by law.

1307 F. The powers and duties herein conferred and imposed upon the Chief Justice may be exercised
1308 and performed by any justice, or any committee of justices, of the Court, designated by the Chief Justice
1309 for such purpose.

1310 G. If the chief judge of any circuit is unable to perform the duties required by law, he shall notify
1311 the Chief Justice, who shall designate another judge of the same circuit to perform such duties.

1312 H. If any judge refuses unreasonably to serve as requested under the provisions of this section, the
1313 chief judge may report his refusal to the Judicial Inquiry and Review Commission.

1314 § 17.1-106. Temporary recall of retired judges.

1315 A. The Chief Justice of the Supreme Court may call upon and authorize any justice or judge of a
1316 court of record who is retired under the Judicial Retirement System (§ 51.1-300 et seq.) either to (i)
1317 hear a specific case or cases pursuant to the provisions of §, 17.1-105 such designation to continue in
1318 effect for the duration of the case or cases or (ii) perform for a period of time not to exceed ninety days
1319 at any one time, such judicial duties in any court of record as the Chief Justice shall deem in the public
1320 interest for the expeditious disposition of the business of the courts of record.

1321 B. It shall be the obligation of any retired judge or justice who is recalled to temporary service
1322 under this section and who has not attained age seventy to accept the recall and perform the duties
1323 assigned. It shall be within the discretion of any justice or judge who has attained age seventy to accept
1324 such recall.

1325 C. Any justice or judge recalled to duty under this section shall have all the powers, duties, and
1326 privileges attendant on the position he is recalled to serve.

1327 D. A retired justice of the Supreme Court or judge of the Court of Appeals recalled to active service
1328 shall be furnished an office, office supplies, and stenographer while performing such active service.

1329 § 17.1-107. Designation of judge to assist regular judge holding case under advisement for
1330 unreasonable length of time.

1331 A. Whenever the Chief Justice of the Supreme Court, or any justice designated by him, has
1332 reasonable cause to believe that any judge of a court of record may be holding one or more civil cases
1333 under advisement for an unreasonable length of time, he shall inquire into the cause of such delay, and
1334 if he finds it necessary, in order to expedite the administration of justice, he shall designate a judge or
1335 retired judge of a court of record to assist the regular judge in the performance of his duties.

1336 B. Complaints made hereunder shall be absolutely privileged and the name of the complainant shall
1337 not be disclosed without his consent.

1338 § 17.1-108. (Delayed effective date) Designation of circuit court judges to assist family court judges.

1339 The Chief Justice of the Supreme Court may designate a circuit court judge to assist a family court
1340 judge in the performance of his duties if on account of congestion in the work of any family court there
1341 is in his opinion need therefor. Every judge so designated shall have the same powers and jurisdiction
1342 and be authorized to perform the same duties as the judges of the family court. However, only circuit
1343 court judges who have voluntarily consented and expressed their intent to so serve in accordance with
1344 the provisions of § 16.1-69.35 (8) shall be designated by the Chief Justice. The expenses paid to any
1345 judge designated pursuant to this section shall be in accordance with the provisions of § 17.1-105 E.

1346 § 17.1-109. (Effective until June 1, 1998) Judges pro tempore.

1347 Any cause pending in a circuit court, when the judge of the court is disqualified or unable for any
1348 reason to try the same, may be tried by a judge pro tempore who shall be a citizen of this
1349 Commonwealth and shall be licensed to practice law in this Commonwealth.

1350 § 17.1-109. (Effective June 1, 1998) Judges pro tempore.

1351 Any cause pending in a circuit or family court, when the judge of the court is disqualified or unable

for any reason to try the same, may be tried by a judge pro tempore, who shall be a citizen of this Commonwealth and shall be licensed to practice law in this Commonwealth.

§ 17.1-110. (Effective until June 1, 1998) Their appointment and powers.

When all the parties to any cause pending in a circuit court, or their attorneys of record, shall enter into a written stipulation appointing a judge pro tempore for the trial of the cause and approved by a judge of said court in his discretion, and the person appointed shall take and subscribe an oath faithfully to try and determine the issues joined between the parties, the clerk of the court in which such action or suit is pending shall record the stipulation and oath. The person appointed shall be vested with the same power and authority and shall be charged with the same duties as to the cause in and as to which he is appointed as though he were the regularly elected and qualified judge of such court. However, the parties may, by the terms of their stipulation, limit the power of the judge pro tempore to the trial and determination of any specified issue or issues, either of law or fact and in such cases the oath of the person appointed shall correspond to the terms of the stipulation.

The provisions of this and § 17.1-109 shall be in addition to the provisions of § 17.1-105.

§ 17.1-110. (Effective June 1, 1998) Their appointment and powers.

When all the parties to any cause pending in a circuit court or family court, or their attorneys of record, enter into a written stipulation appointing a judge pro tempore for the trial of the cause and approved by a judge of said court in his discretion, and the person appointed shall take and subscribe an oath faithfully to try and determine the issues joined between the parties, the clerk of the court in which the action or suit is pending shall record the stipulation and oath. The person thereby appointed shall be vested with the same power and authority and shall be charged with the same duties as to the cause in and as to which he is appointed as though he were the regularly elected and qualified judge of such court. However, the parties may, by the terms of their stipulation, limit the power of the judge pro tempore to the trial and determination of any specified issue or issues, either of law or fact and in such cases, the oath of the person appointed shall correspond to the terms of the stipulation.

The provisions of this and § 17.1-109 shall be in addition to the provisions of § 17.1-105.

§ 17.1-111. Compensation.

Judges pro tempore shall serve without compensation from any public treasury, but it shall be lawful for the parties to agree upon and express in their written stipulation any mode or amount of compensation, together with any further agreement as to the taxing of the same as costs.

§ 17.1-112. Sheriff to attend court as its officer.

Neither the Supreme Court nor the Court of Appeals shall be attended by any sheriff in the City of Richmond. In all other cases, the sheriff of the county or city in which any court is held shall attend it and act as its officer.

§ 17.1-113. Places of holding courts; certain orders and decrees entered elsewhere.

Every circuit court for any county or city shall be held at the courthouse of such county or city, except when some other place is prescribed by law or lawfully appointed. However, the judge of the circuit court of any county or city may enter any order or decree at his home or office or elsewhere within his circuit.

§ 17.1-114. When and how changed.

Whenever in the opinion of a circuit court or the judge thereof, the courthouse or other place wherein it is required to hold its session cannot or should not for any reason be occupied by it, or if the same has been destroyed, or is being repaired, renovated, or enlarged, the court may hold its session at such places within the geographical limits of the same judicial circuit as the court may direct by an order to its clerk. The court shall continue to hold its sessions in such other place until the courthouse or its lawful place of session can be occupied, or until another has been built and fitted for the court's occupation, or until such repairs, renovations or additions have been completed, or until some other place is designated by the court. Except as provided in this section or as agreed to by all parties to an action, no session of a circuit court shall be held outside the geographical limits of the county or city of which it is the court.

§ 17.1-115. How order or warrant making change posted.

A copy of every order of court of a judge issued under § 17.1-114 shall, if practicable, be posted by the clerk of the court at the door of his office and at the courthouse door, and also at the place where the court has designated that its session be held.

§ 17.1-116. Change of place or time for holding session of Supreme Court.

Whenever, by reason of the destruction, possession by a public enemy, or infection with contagious disease of any building in which the Supreme Court is to be held, it seems necessary to the Chief Justice, he shall, by proclamation, designate a place at which the Court shall be held, so long as such reason may continue, and when the circumstances require it, may postpone the time for holding the Court. In the case of the destruction of the building, the place designated by the Chief Justice shall be within the same county, city or town as the destroyed building. A copy of such designation shall be sent

1413 to the clerk and to each of the justices of the Court and published in some newspaper at the seat of
1414 government and near the regular place of session of the Court.

1415 § 17.1-117. Certain acts of courts held at improper places confirmed.

1416 When any court has at any time prior to June 13, 1919, been held at a place not authorized by law,
1417 in consequence of the destruction of the courthouse, or other unavoidable cause, the acts and
1418 proceedings of such court shall be as valid as if the court had been held at the proper place.

1419 § 17.1-118. Display of flags in courtrooms.

1420 There shall be displayed inside each courtroom of a court of record in the cities and counties of the
1421 Commonwealth the flag of the United States of America and the flag of the Commonwealth of Virginia.
1422 The governing bodies of the respective counties and cities shall make provision for such display and
1423 may accept gifts or flags for such purpose.

1424 § 17.1-119. Courts may adjourn for a period not exceeding thirty days.

1425 Any court of record may at any term, whether regular or special, adjourn from time to time for a
1426 period not exceeding thirty days until the business before it is dispatched, or until the end of its term.
1427 The judge of the court shall, during the period of such adjournment, have the power and authority to
1428 hold regular or special terms at any other place as if there had been a final adjournment of such term.

1429 § 17.1-120. Adjournment from day to day; effect of failure to sit on day to which adjourned.

1430 After a court is opened it shall, during the term, adjourn from day to day, unless the court shall
1431 order otherwise, and if it fails to sit on any day to which it is adjourned it may nevertheless sit on any
1432 subsequent day of the term.

1433 § 17.1-121. Effect of change of time or place of court or failure to sit generally.

1434 When the place for holding any court or the day for commencing any term is changed or when a
1435 court fails to sit on any day appointed for it or to which it may have adjourned there shall be no
1436 discontinuance, but every notice, recognizance or process given, taken or returnable to the day on which
1437 the failure occurred, or to any day between that day and the next that the court may sit, or to the day
1438 and place as it was before such change, and all matters ready for the court to act upon if it had been
1439 held on any such day shall be in the same condition and have the same effect as if given, taken,
1440 returnable, or continued to the substituted term or place, or to the next day of the same term that the
1441 court may sit, or to the next court in course, as the case may be.

1442 § 17.1-122. Matters not determined to stand continued.

1443 All causes on the docket of any court and all other matters ready for its decision which have not
1444 been determined before the end of a term, whether regular or special, shall, without any order of
1445 continuance, stand continued to the next term.

1446 § 17.1-123. How orders are recorded and signed.

1447 A. All orders that make up each day's proceedings of every circuit court shall be recorded by the
1448 clerk in a book known as the order book. Orders that make up each day's proceedings that have been
1449 recorded in the order book shall be deemed authenticated when (i) the judge's signature is shown in the
1450 order, (ii) the judge's signature is shown in the order book, or (iii) an order is recorded in the order
1451 book on the last day of each term showing the signature of each judge presiding during the term.

1452 B. If a judge dies, retires or resigns before orders recorded in the order book have been
1453 authenticated, the orders shall have the same force and effect and shall be deemed authenticated when
1454 the signature of another judge of the same circuit court or the signature of the judge appointed to fill
1455 the vacancy or to preside over the court until the vacancy is filled is authenticated as provided in
1456 subsection A.

1457 § 17.1-124. Order books.

1458 Except as otherwise provided herein, each circuit court clerk shall keep two order books, to be
1459 known as the common-law order book and the chancery order book. In the common-law order book, all
1460 proceedings, orders and judgments of the court in all matters at common law shall be recorded. In the
1461 chancery order book, all decrees, and decretal orders of such court, in matters of equity and all matters
1462 pertaining to trusts, the appointment and qualification of trustees, committees, administrators, executors,
1463 conservators and guardians shall be recorded, except when the same are appointed by the clerk of
1464 court, in which event the order appointing such administrators or executors, shall be made and entered
1465 in the clerk's order book. In any circuit court, the clerk may, with the approval of the chief judge of the
1466 court, by order entered of record, divide the common-law order book into two sections, to be known as
1467 the civil common-law order book and the criminal common-law order book. All proceedings, orders and
1468 judgments of the court in all matters at civil common law shall be recorded in the civil common-law
1469 order book, and all proceedings, orders and judgments of the court in all matters at criminal law shall
1470 be recorded in the criminal common-law order book. The action of any court which has established a
1471 separate criminal common-law order book prior to July 1, 1973, is hereby validated. In any proceeding
1472 brought for the condemnation of property, all proceedings, orders, judgments and decrees of the court
1473 shall be recorded in the common-law order book of the court. The recordation prior to January 1, 1974,
1474 of all proceedings, orders, judgments and decrees in such cases, whether entered in the common-law

order book or the chancery order book of any court, is hereby declared a valid and proper recordation of the same. Orders in cases appealed from the juvenile and domestic relations district courts shall be maintained as provided in this section and, to the extent inconsistent with this section, § 16.1-302.

§ 17.1-124. (Delayed effective date) Order books.

Except as otherwise provided herein, each circuit court clerk shall keep two order books, to be known as the common-law order book and the chancery order book. In the common-law order book, all proceedings, orders and judgments of the court in all matters at common law shall be recorded. In the chancery order book, all decrees, and decretal orders of such court, in matters of equity and all matters pertaining to trusts, the appointment and qualification of trustees, committees, administrators, executors, conservators and guardians shall be recorded, except when the same are appointed by the clerk of court, in which event the order appointing such administrators or executors, shall be made and entered in the clerk's order book. In any circuit court, the clerk may, with the approval of the chief judge of the court, by order entered of record, divide the common-law order book into two sections, to be known as the civil common-law order book and the criminal common-law order book. All proceedings, orders and judgments of the court in all matters at civil common law shall be recorded in the civil common-law order book, and all proceedings, orders and judgments of the court in all matters at criminal law shall be recorded in the criminal common-law order book. The action of any court which has established a separate criminal common-law order book prior to July 1, 1973, is hereby validated. In any proceeding brought for the condemnation of property, all proceedings, orders, judgments and decrees of the court shall be recorded in the common-law order book of the court. The recordation prior to January 1, 1974, of all proceedings, orders, judgments and decrees in such cases, whether entered in the common-law order book or the chancery order book of any court, is hereby declared a valid and proper recordation of the same. Orders in cases appealed from the family courts shall be maintained as provided in this section and, to the extent inconsistent with this section, § 16.1-302.

§ 17.1-125. Trust fund order book.

There shall be kept in the office of the clerk of every circuit court an order book to be known as the trust fund order book, in which shall be recorded all reports, orders and decrees concerning moneys received or to be received by general receivers pursuant to § 8.01-582 and by clerks pursuant to § 8.01-600. Recording of orders and decrees pursuant to this section shall be in addition to, and not in lieu of, any recording otherwise required by statute.

§ 17.1-126. Adjournments not entered; orders closing terms.

No adjournments of court shall be entered or noted in either of the order books, except when the current term is ordered closed by the judge holding court or the chief judge of the circuit. In the absence of an order, the term shall continue until the last business day before the next term of such court.

The closing of the term of such court shall be noted in each of the order books in the following manner:

"It is ordered that this court does now stand adjourned until the next term thereof, as fixed by law."

The entry shall be made at the end of the entries for the day when such adjournment is ordered or, if the entry is made by the clerk, then upon the last business day before the new term of such court.

§ 17.1-127. Caption for record on opening of term, etc.

The opening of each new term of every circuit court shall be noted in each of the order books maintained by the clerk in the following manner:

"At the circuit court of the county (or city) of the new term of the court begins on (day of the week) the (day of month) day of (month) in the year 19. . . ."

§ 17.1-128. Recording evidence and incidents of trial in certain civil cases and cost thereof; cost of transcripts; preservation of original notes or records; certified transcript prima facie correct.

In all civil cases, the court or judge trying the case may by order entered of record provide for the recording verbatim of the evidence and incidents of trial either by a court reporter or by mechanical or electronic devices approved by the court. The expense of reporting and recording the trial of a civil case shall be paid by the litigants in the manner and in the proportion as the court may in its discretion direct. A transcript of the record, when required by any party, shall be paid for by such party. The court on appeal may provide that such cost may, in civil cases, be reimbursed to the party prevailing. The failure to secure the services of a reporter, or the failure to have the case reported or recorded for any other reason, shall not affect the proceeding or trial. The reporter or other individual designated to report and record the trial shall preserve the original shorthand notes or other original records for not less than five years. The transcript in any case certified by the reporter or other individual designated to report and record the trial shall be deemed prima facie a correct statement of the evidence and incidents of trial.

The administration of this section shall be under the direction of the Supreme Court of Virginia.

§ 17.1-129. Filing date and time to be noted on papers.

Whenever a pleading in any civil action is filed in a circuit court, the clerk or his designee shall stamp or mark the date and time of filing on the face of such pleading.

§ 17.1-130. Execution of judgments and decrees of courts no longer existing.

Every judgment, decree or order entered in a court which has ceased to exist shall be executed by the court in the custody of whose clerk the record of such judgment, decree or order may be. Every judgment, decree or order of the Supreme Court effecting any judgment, decree or order shall be certified by the court and the case shall be proceeded in as if such court had rendered the same.

§ 17.1-131. Jurisdiction to issue writs of mandamus in matters pertaining to action of service district commission.

The circuit court of a county or city having original and general jurisdiction of suits in chancery and civil cases at law, in which county or city is situated the seat of government of a service district, shall have original exclusive jurisdiction to issue writs of mandamus in all matters or proceedings arising from or pertaining to the action of the service district commission.

CHAPTER 2.

CLERKS, CLERKS' OFFICES AND RECORDS.

Article 1.

Clerk of Supreme Court.

§ 17.1-200. Clerk of Supreme Court; appointment; removal.

There shall be a clerk of the Supreme Court, who shall be appointed and shall hold office at the pleasure of the Court. In addition to his regular duties as clerk, he shall perform such other duties and services as the Court may require, without additional compensation.

§ 17.1-201. Appointment of deputies; their duties; how removed, etc.

The Supreme Court, or any four of the justices thereof in vacation concurring in the appointment, may appoint one or more deputy clerks, who may discharge any of the official duties of the clerk during their continuance in office. Any deputy clerk may be removed from office by the Court or by any four of the justices thereof in vacation. Any such appointment or removal in vacation shall be in writing and shall be maintained with the records of the Court.

§ 17.1-202. Clerk, etc., of Supreme Court not to act as counsel.

No clerk, deputy clerk or employee of the Supreme Court shall act as counsel in any case pending in the Court or which may be taken to the Court by appeal or otherwise. Any clerk, deputy clerk or employee violating this section shall be removed from office or employment, as the case may be, in the manner provided in § 17.1-201.

§ 17.1-203. Where clerk's offices to be kept.

The clerk of the Supreme Court shall maintain a clerk's office at Richmond, at such place as the Court shall direct.

§ 17.1-204. Examination of office and accounts of clerk.

The books and accounts of the clerk of the Supreme Court shall be audited annually and at such other times as the Court may deem proper by the Auditor of Public Accounts who shall make reports of his findings to the Governor and file a copy of such report with the Court within thirty days after the completion of any such audit.

§ 17.1-205. Reserved.

Article 2.

Other Clerks and Clerks' Offices.

§ 17.1-206. Where offices to be located.

The clerk's office of every circuit court, or any division thereof, of any county or city shall be kept at the courthouse of such county or city, unless there is a failure by the proper authorities to provide an office there, in which case the clerk's office may be kept at such other place within the county or city as the court may direct. However, nothing in this section shall prohibit the establishment of a clerk's office satellite facility or annex which is not located at the courthouse; provided that recording of all land records, docketing of all monetary judgments, filing of U.C.C. Financing Statements, and filing of matters at law and in equity shall be conducted at the courthouse location. All expenses related to the establishment and operation of a satellite facility or annex shall be the responsibility of the locality.

§ 17.1-207. Days of operation of clerks' offices.

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

1. 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 or judges of the circuit court and filed in the office of the clerk; provided that such general holiday shall have the same force and effect as a legal holiday as set forth in § 1-13.3:1;

2. The judge or judges 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 that the closing of any clerk's office as provided by

this subsection shall have the same force and effect as a legal holiday as set forth in § 1-13.3:1;

3. 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 subsection shall have the same effect as provided in § 1-13.3:1;

4. The judge or judges 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 subsection 3, whenever the authorization of the judge is necessary to close a clerk's office and 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 required by this section to be kept open.

§ 17.1-208. Records, etc., open to inspection; copies.

The records and papers of every court shall be open to inspection by any person and the clerk shall, when required, furnish copies thereof, except in cases in which it is otherwise specially provided. The certificate of the clerk to such copies shall, if the paper copied be recorded in a bound volume, contain the name and number of the volume and the page or folio at which the recordation of the paper begins. No person shall be permitted to use the clerk's office for the purpose of making copies of records in such manner, or to such extent, as will interfere with the business of the office or with its reasonable use by the general public.

§ 17.1-209. Preservation of papers in clerk's office.

All papers lawfully returned to, or filed in, the clerk's office shall be preserved therein until legally delivered out.

§ 17.1-210. Removal of records or papers prohibited; exceptions.

None of the records or papers of a court shall be removed by the clerk nor allowed by him to be removed out of the county or city wherein the clerk's office is kept, except: (i) on the order of the court or judge; (ii) the clerk, court or judge may allow the records and papers of a pending case to be removed by an attorney of record in that case to any location within the Commonwealth unless the court or judge shall enter an order prohibiting the removal of such records or paper; (iii) on an occasion of invasion or insurrection, when, in the opinion of the court, or, in a very sudden case, of the clerk, the same will be endangered, after which they shall be returned as soon as the danger ceases; and (iv) in such other cases as are specially provided for by law.

§ 17.1-211. Maintenance and disposition of certain receipt books, cancelled checks and statements.

The clerk of each court of record shall maintain in his office all official receipt books showing receipt of any funds in his custody or that of the court, all canceled checks showing payments from any such funds, and all statements of bank accounts in which funds of the clerk's office or of the court are deposited. Such books, checks and statements shall be maintained until they have been audited by the Auditor of Public Accounts, and for a further period of three years, in the case of receipt books, canceled checks, and bank statements. Thereafter, the clerk may destroy such records in accordance with retention regulations for records maintained by the clerk established under the Virginia Public Records Act (§ 42.1-76 et seq.).

§ 17.1-212. Copying of records becoming illegible.

The judge or, if so designated by the judge, the clerk of each court of record, when satisfied that the records and papers in the office of the clerk of court are becoming illegible or are wearing out and is of the opinion that the same should be preserved, may order the records and papers copied or photographed or otherwise duplicated at the expense of the county or city in which the clerk's office is located.

The copies of the records and papers shall be examined and compared by the clerk with the originals and when he is satisfied that the copies are exact he shall certify them as true copies. The certified copies shall be kept in the same place in which the originals are kept and the latter shall continue to be carefully preserved.

§ 17.1-213. Disposition of papers in ended cases.

A. All case files for cases ended prior to January 1, 1913, shall be permanently maintained in hardcopy form, either in the locality served by the circuit court where such files originated or in the Archives and Records Division of The Library of Virginia in accordance with the provisions of §§ 42.1-83 and 42.1-86.

1659 *B. The following records for cases ending on or after January 1, 1913, may be destroyed in their*
1660 *entirety at the discretion of the clerk of each circuit court after having been retained for ten years after*
1661 *conclusion:*

- 1662 *1. Conditional sales contracts;*
- 1663 *2. Concealed weapons permit applications;*
- 1664 *3. Minister appointments;*
- 1665 *4. Petitions for appointment of trustee;*
- 1666 *5. Name changes;*
- 1667 *6. Nolle prosequi cases;*
- 1668 *7. Law and chancery matters that are voluntarily dismissed, including nonsuits, cases that are*
1669 *dismissed as settled and agreed, cases that are dismissed with or without prejudice, cases that are*
1670 *discontinued or dismissed under § 8.01-335 and district court appeals dismissed under § 16.1-113 prior*
1671 *to 1988;*
- 1672 *8. Misdemeanor and traffic cases, including those which were commenced on a felony charge but*
1673 *concluded as a misdemeanor;*
- 1674 *9. Suits to enforce a lien;*
- 1675 *10. Garnishments;*
- 1676 *11. Executions except for those covered in § 8.01-484;*
- 1677 *12. Miscellaneous oaths and qualifications, but only if the order or oath or qualification is spread in*
1678 *the appropriate order book; and*
- 1679 *13. Civil cases pertaining to declarations of habitual offender status and full restoration of driving*
1680 *privileges.*

1681 *C. All other records or cases ending on or after January 1, 1913, may be destroyed in their entirety*
1682 *at the discretion of the clerk of each circuit court subject to the following guidelines:*

- 1683 *1. All civil and chancery case files to which subsection D does not pertain may be destroyed after*
1684 *twenty years from the court order date.*
- 1685 *2. All criminal cases dismissed, including those not a true bill, acquittals and not guilty verdicts,*
1686 *may be destroyed after ten years from the court order date.*
- 1687 *3. All criminal case files involving a felony conviction may be destroyed (i) after twenty years from*
1688 *the sentencing date or (ii) when the sentence term ends, whichever comes later.*

1689 *D. Under the provisions of subsections B and C, the entire file of any case deemed by the local clerk*
1690 *of court to have historical value, as defined in § 42.1-77, or genealogical or sensational significance*
1691 *shall be retained permanently as shall all cases in which the title to real estate is established, conveyed*
1692 *or condemned by an order or decree of the court. The final order for all cases in which the title to real*
1693 *estate is so affected shall include an appropriate notification thereof to the clerk.*

1694 *E. Except as provided in subsection A, the clerk of a circuit court may cause (i) any or all ended*
1695 *records, papers, or documents pertaining to law, chancery, and criminal cases which have been ended*
1696 *for a period of three years or longer and (ii) any unexecuted search warrants and affidavits for*
1697 *unexecuted search warrants, provided at least three years have passed since issued, to be destroyed if*
1698 *such records, papers, or documents no longer have administrative, fiscal, historical, or legal value to*
1699 *warrant continued retention, provided such records, papers, or documents have been microfilmed. Such*
1700 *microfilm and microphotographic process and equipment shall meet state archival microfilm standards*
1701 *pursuant to § 42.1-82 and such microfilm shall be placed in conveniently accessible files and provisions*
1702 *made for examining and using same. The clerk shall further provide security negative microfilm copies*
1703 *of such ended cases for storage in the Archives and Records Division of The Library of Virginia.*

1704 *§ 17.1-214. Clerk to deliver or send process to sheriff.*

1705 *The clerk of the circuit court from whose office may be issued any process, original, mesne or final,*
1706 *or any order or decree to be served on any person, shall, unless the party interested, or his attorney,*
1707 *direct otherwise, deliver the same to the sheriff of the county or city for which the court is held, if it is*
1708 *to be executed therein, and if it is to be executed in any other county or city, shall enclose the same to*
1709 *the sheriff thereof, properly addressed, put it in the post office and pay the postage thereon.*

1710 *§ 17.1-215. Process book.*

1711 *The clerk shall keep a process book or file or, in lieu thereof, an automated system, in which the*
1712 *clerk shall enter every such process, order or decree, showing its nature, date, return day and the*
1713 *person to whom, and the time when, it was delivered, or, if it was mailed, the time thereof and the*
1714 *person to whom it was addressed. From any officer, to whom there is such delivery, the clerk shall take*
1715 *a receipt in the process book or file or enter the receipt on the automated system.*

1716 *§ 17.1-216. Handling fee for service of process.*

1717 *The fee for serving such process, order or decree may be delivered to the clerk, who shall transmit it*
1718 *with the papers to be served to the sheriff and the fee paid shall be taxed by the clerk as a part of the*
1719 *costs of the proceeding.*

1720 *§ 17.1-217. Power of clerk to administer oath.*

Any clerk of a court may administer an oath in any case wherein an affidavit is necessary or proper as the foundation of an official act to be performed by him.

§ 17.1-218. Certified lists of county, district, town and city officers, and constitutional officers; vacancies and appointments.

The clerk of the circuit court of each county and city shall annually, by July 1, send to the Secretary of the Commonwealth a list of all county, district, incorporated town and city officers and all constitutional officers of the Commonwealth, serving in and for their respective counties, incorporated towns and cities. When a vacancy occurs in any such office the clerk shall notify the Secretary of the Commonwealth within ten days and shall likewise notify the Secretary of the election or appointment and qualification of any officer to fill such vacancy within ten days after the qualification of such officer. All such lists and notices sent to the Secretary of the Commonwealth shall be certified by the clerk.

§ 17.1-219. Clerk to prepare bonds.

Every clerk shall prepare, in a proper manner, any bond to be taken by, or given before, him or his court or the judge thereof.

§ 17.1-220. Duplicate certificate of allowance prohibited, unless ordered by court.

Upon proof by the oath of a party or otherwise of the loss or destruction of an original certificate of any allowance to be paid out of the state treasury, the court shall order a duplicate which shall show on its face that it is a duplicate issued by order of the court.

§ 17.1-221. Reports by clerks of the business of courts of record.

The clerk of each court of record in this Commonwealth, including the clerk of the Court of Appeals, within fifteen days from the end of each calendar month, shall make to the Supreme Court a report of the business disposed of by his court during the month just ended. The report shall be made upon a form furnished by the Executive Secretary and shall contain such information as the Supreme Court deems proper to enable it to gain a fair knowledge of the business of the several courts of the Commonwealth.

The reports shall be filed in the office of the Executive Secretary and the General Assembly or any other body or officer of this Commonwealth shall have access thereto.

§ 17.1-222. Failure to make report.

The Executive Secretary, at the direction of the Court, shall report every clerk who fails to make the report mentioned in § 17.1-221 to the chief judge of the clerk's court.

§ 17.1-222.1. Collection of fees, etc., by court clerks in lieu of money.

The clerks of the several courts of the Commonwealth may, in lieu of money, collect or secure all fees, and fines and penalties collected for offenses committed against the Commonwealth or against any county, city or town, and for payment of spousal or child support, by check, draft, credit card or order for the payment of money. Such clerks shall not by virtue of acceptance of any such check, draft, credit card or order be held to be guarantors of the payment thereof, but they shall exercise ordinary care in such acceptance.

Article 3.

Records, Recordation and Indexing Generally.

§ 17.1-223. Duty of clerk to record writings, etc., and make index.

Every writing authorized by law to be recorded, with all certificates, plats, schedules or other papers thereto annexed or thereon endorsed, upon payment of fees for the same and the tax thereon, if any, shall, when admitted to record, be recorded by or under the direction of the clerk on such media as are prescribed by § 17.1-239. However, the clerk may refuse to accept any writing for filing or recordation unless (i) each individual's surname only, where it first appears in the writing, is underscored or written entirely in capital letters, (ii) each page of the instrument or writing is numbered, (iii) the Code section under which any exemption from recordation taxes is claimed is clearly stated on the face of the writing, (iv) the names of all grantors and grantees are listed as required by §§ 55-48 and 55-58, and (v) the first page of the document bears an entry showing the name of either the person or entity who drafted the instrument, except that papers or documents prepared outside of the Commonwealth shall be recorded without such an entry. In addition, no deed shall be accepted for record by the clerk unless it is accompanied by a current business or residence address of the grantee or a designee. However, if the writing or deed is accepted for record and spread on the deed books, it shall be deemed to be validly recorded for all purposes. Such books shall be indexed by him as provided by § 17.1-249 and carefully preserved. Upon admitting any such writing or other paper to record the clerk shall endorse thereon the day and time of day of such recordation. More than one book may be used contemporaneously under the direction of the clerk for the recordation of the writings mentioned in this section whenever it may be necessary to use more than one book for the proper conduct of the business of his office. After being so recorded such writings may be delivered to the party entitled to claim under the same.

§ 17.1-224. Copy of illegible instrument used for making permanent photostat record.

1782 *In offices of clerks of courts of record in which instruments are recorded by any photographic*
1783 *process, the clerk may, in the event any such instrument is in such condition that a perfect and legible*
1784 *record cannot be produced by such process, make and certify a copy of such instrument, for which he*
1785 *shall be entitled to such fees as are prescribed by law for making and certifying copies of instruments,*
1786 *and use such copy for making permanent records of his office by such photographic process. Such*
1787 *original instrument shall be preserved in the clerk's office, in the same manner as is prescribed by law*
1788 *for preserving wills.*

1789 *§ 17.1-225. Remote access to nonconfidential court records.*

1790 *The clerk of the circuit court of any county or city may provide remote access, including Internet*
1791 *access, to all nonconfidential court records maintained by his office. The clerk shall be responsible for*
1792 *insuring that proper security measures are implemented and maintained to prevent remote access users*
1793 *from obtaining any data which is confidential under this Code and to prevent the modification or*
1794 *destruction of any records by remote access users.*

1795 *§ 17.1-226. Remote access to certain agencies from clerk of court.*

1796 *The governing body of any county or city may give the clerk of its circuit court, pursuant to*
1797 *§ 17.1-225, the authority to provide remote access users with information from county, city or local*
1798 *agencies.*

1799 *§ 17.1-227. Documents to be recorded in deed books.*

1800 *All deeds, deeds of trust, deeds of release, certificates of satisfaction or certificates of partial*
1801 *satisfaction, quitclaim deeds, homestead deeds, grants, transfers and mortgages of real estate, releases*
1802 *of such mortgages, powers of attorney to convey real estate, leases of real estate, notices of lis pendens*
1803 *and all contracts in reference to real estate, which have been acknowledged as required by law, and*
1804 *certified copies of final judgments or decrees of partition affecting the title or possession of real estate,*
1805 *any part of which is situated in the county or city in which it is sought to be recorded, and all other*
1806 *writings relating to or affecting real estate which are authorized to be recorded, shall, unless otherwise*
1807 *provided, be recorded in a book to be known as the deed book. All deeds, deeds of trust, deeds of*
1808 *release, quitclaim deeds, grants, transfers, and mortgages of real estate or any addendum or*
1809 *memorandum relating to any of these instruments submitted for recordation in the deed books of the*
1810 *appropriate office of the clerk of court shall be prepared according to the requirements for deeds as set*
1811 *forth in §§ 55-48 and 55-58 and shall include the names of all grantors and grantees in the first clause*
1812 *of each such instrument. Each instrument shall be indexed under all such names in accordance with the*
1813 *provisions of § 17.1-249.*

1814 *§ 17.1-228. Recording releases of deeds of trust, partial releases of deeds of trust, court ordered*
1815 *releases, or other liens or assignments in cities and counties using microfilm.*

1816 *Notwithstanding any other provision of law, whenever the writings required by law to be recorded in*
1817 *the deed book in the office of the clerk of the circuit court of any city or county are recorded by a*
1818 *microphotographic process or by any other method or process which renders impractical or impossible*
1819 *the subsequent entering of marginal notations upon a recorded instrument, an appropriate certificate,*
1820 *certificate of satisfaction, certificate of partial satisfaction, certified copy of order, or other separate*
1821 *instrument setting forth the necessary information shall be recorded and indexed according to law.*

1822 *When existing deed books in the office of the clerk of the circuit court of any county or city are to*
1823 *be microfilmed for security purposes, the clerk may provide that marginal notations to accomplish the*
1824 *release of deeds of trust or other liens shall not be made in such deed book so microfilmed.*

1825 *§ 17.1-229. Additional documents to be recorded in deed book.*

1826 *All deeds, homestead deeds and leases of personal property, bills of sale, and all other contracts or*
1827 *liens as to personal property, which are by law required or permitted to be recorded, all mechanics'*
1828 *liens, all other liens not directed to be recorded elsewhere and all other writings relating to or affecting*
1829 *personal property which are authorized to be recorded shall, unless otherwise provided, be recorded in*
1830 *the deed book and shall be indexed in the general index book.*

1831 *§ 17.1-230. Documents to be recorded in bond book.*

1832 *All bonds taken of officers, executors, administrators, trustees or other fiduciaries and all bonds of*
1833 *commissioners and receivers, and all suspending bonds, appeal bonds, injunction bonds, attachment*
1834 *bonds, cost bonds, and all other bonds required to be recorded, shall be recorded in a book known as*
1835 *the bond book.*

1836 *§ 17.1-231. Documents to be recorded in will book.*

1837 *All wills, inventories, appraisements, lists of sales and settlements of accounts of executors,*
1838 *administrators, curators, trustees or other fiduciaries shall be recorded in a book to be known as the*
1839 *will book. Provided, that the judges of the several courts of the Commonwealth before whom fiduciaries*
1840 *qualify may, by order, prescribe that inventories, appraisements, accounts of sale and settlement of*
1841 *accounts of fiduciaries, together with all reports and decrees or orders, or portions thereof, proper to be*
1842 *recorded therewith, shall be recorded either in the current will book or in a book to be kept by the*
1843 *clerk for that purpose. Such courts may prescribe that the settlements of accounts of fiduciaries be*

recorded in the mode prescribed by § 26-35.

§ 17.1-232. What to be recorded in judgment docket.

Abstracts of all judgments authorized or required by law to be docketed or recorded and abstracts of all executions issued on any judgment shall be recorded in a book to be known as the judgment docket.

§ 17.1-233. What to be recorded in marriage register.

All marriage licenses and all matters relating to marriages required or authorized to be recorded under § 20-20 shall be recorded in a book to be known as the marriage register.

§ 17.1-234. Documents to be recorded in "writings partially proved".

All deeds and other instruments which have been only partially proved shall be recorded in a separate book to be known as "writings partially proved."

§ 17.1-235. Recordation of federal farm loan mortgages.

The clerks of the circuit courts shall keep a separate book, which shall be known as the federal farm loan mortgage book, in which shall be recorded mortgages executed to secure the payment of loans made by federal land banks under authority of the act of Congress, approved July 17, 1916, known as the Federal Farm Loan Act, which mortgages, when so recorded in such book shall be indexed in the proper general index book, as well as in the index to such farm loan mortgage book; provided that any such clerk instead of providing such separate book may immediately spread upon the book in which deeds are recorded in his office any and all proper mortgages or deeds of trust executed to secure such loans and all of such mortgages and deeds of trust shall be immediately spread upon such records when received, so that the original thereof may be returned to the federal land bank as soon as possible.

§ 17.1-236. Recordation of plats and maps.

All plats and maps may in the discretion of the clerks of the several circuit courts be recorded in a book to be known as the plat book. And in case of such recordation of any plat or map which is attached to or made a part of any deed, deed of trust or writing which is recorded in the deed book, an appropriate note shall be made on the deed book where such deed, deed of trust or other writing is recorded, referring to the plat book and page where the plat or map is recorded and the clerk shall endorse on the plat and plat book the date of the recordation and a reference by book and page to the recorded instrument of which it is a part and shall sign the certificate. In those courts where deeds and other writings are recorded by a procedural microfilm recording system, all plats shall be recorded with the deeds and other writings and indexed in the general index to deeds. Wherever plats are maintained singly, as in a cabinet or on microfilm aperture cards, they shall be cross-referenced with the deed books in the same manner as prescribed herein when plats are recorded in a separate plat book. All plats submitted for recordation shall meet the standards for plats as adopted under § 42.1-82 of the Virginia Public Records Act (§ 42.1-76 et seq.).

§ 17.1-237. Validation of recordations in certain plat books.

All books in which prior to June 24, 1944, plats were recorded separately from the deed books in all the clerks' offices of this Commonwealth are hereby validated and made parts of the official records of the offices.

§ 17.1-238. State highway plat book.

A loose-leaf book known as "state highway plat book," which shall be provided by the Department of Transportation, shall be installed in the circuit court clerk's office of each county of this Commonwealth and in the clerk's office of the circuit court of any city wherein the Department of Transportation has acquired any interest in land, and all highway plats pertaining to the primary and secondary highway systems, and all plats in connection therewith, shall be filed therein by the clerk. The clerk shall note on each recorded deed relating to such plats and on the margin of the page of the deed book, wherein such deed is recorded, the numbers of the state highway plat book and page wherein such plats are filed. The clerk so filing the plats and so noting the same shall receive a fee of five dollars. All plats filed prior to July 1, 1950, in such state highway plat book be and the same are hereby validated.

§ 17.1-239. Character of books used for recording; standards for microfilm, etc.

All books used in the clerk's office for the permanent recordation of deeds, wills and other instruments shall either be made of high quality record paper, strictly number one rag stock, or permanent-durable, acid-free paper composed of strong, well-purified chemical wood fibers as prescribed by regulations pursuant to subdivision 2 of § 42.1-82, or, if microfilm, microfiche, or microphotographic process is used in the clerk's office, the deeds, wills or other instruments shall be processed in accordance with standards established pursuant to § 42.1-82. All books are to be substantially bound, with a durable cloth or plastic cover over all.

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

A procedural microphotographic process, digital reproduction, or any other micrographic process which stores images of documents in reduced size or in electronic format, may be used to accomplish the recording of writings otherwise required by any provision of law to be spread in a book or retained in the circuit court clerk's office, including, but not limited to, the Common Law Order Book, the

1905 *Chancery Order Book, the Clerk's Order Books, the Will Book and/or Fiduciary Account Book, the*
1906 *Juvenile Order Book, the Adoption Order Book, the Trust Fund Order Book, the Deed Book, the Plat*
1907 *Book, the Land Book, the Judgment Docket Book, the Partnership or Assumed Name Certificate Book,*
1908 *marriage records, and financing statements. Any such micrographic, microphotographic or electronic*
1909 *recording process shall meet archival standards as recommended by the Archives Division of the*
1910 *Library of Virginia.*

1911 § 17.1-241. Clerks to procure books for record.

1912 *Every clerk shall procure appropriate books for records as the business of his office requires. But*
1913 *orders for the same shall first be obtained by the clerks from the governing bodies of their respective*
1914 *counties or cities.*

1915 § 17.1-242. Custody of books, records, etc.

1916 *The clerks shall have custody of and shall keep all books, records, maps and papers deposited in*
1917 *their offices.*

1918 § 17.1-243. Courts to have land books bound.

1919 *The circuit courts shall bind, in volumes of convenient size, all books in their respective clerks'*
1920 *offices not currently bound showing the assessments of lands since the year 1850, and shall bind in like*
1921 *volumes such books hereafter filed in their clerks' offices at intervals of not more than five years.*

1922 § 17.1-244. Books, etc., in clerks' offices rebound, transcribed, microfilmed or digitally reproduced;
1923 *credit given to transcripts, etc.*

1924 *Any court of record or, if so designated by the judge, the clerk thereof may cause any of the books*
1925 *or records in the clerk's office which may be in need thereof to be rebound, transcribed, microfilmed or*
1926 *digitally reproduced. The same faith and credit shall be given to such transcript or reproductions from*
1927 *the microfilm as the book or record transcribed would have been entitled to.*

1928 § 17.1-245. Books may be taken from clerk's office to be rebound, etc.

1929 *The court or, if so designated by the judge, the clerk directing any book or books to be bound,*
1930 *rebound, microfilmed or digitally reproduced may allow the same to be taken from the clerk's office in*
1931 *which such book or books may be on file, but shall take all necessary and proper precautions, by*
1932 *requiring bonds or otherwise, to insure the preservation and return and to prevent the mutilation*
1933 *thereof.*

1934 § 17.1-246. How costs thereof certified and paid.

1935 *The cost incurred shall be certified by the court or, if so designated by the judge, the clerk, to the*
1936 *governing body of the county or city in whose clerk's office the books or records so bound, rebound,*
1937 *microfilmed, transcribed or digitally reproduced are on file, to be paid by such county or city.*

1938 § 17.1-247. When and how clerk to verify his record.

1939 *The clerk of every court of record shall verify the accuracy of the records made by him, by a careful*
1940 *examination and comparison with the original papers recorded, within thirty days after such record is*
1941 *made, and shall note such verification and the date thereof upon the margin of the record.*

1942 § 17.1-248. Clerk to make index to each of his books.

1943 *The clerk of every court shall have an index to each book he is required to keep, except those for*
1944 *which general indexes are required or permitted, and kept, making convenient reference to every order,*
1945 *record or entry therein. Every execution and every judgment or decree for money shall be indexed, in*
1946 *the name of the person against whom and in the name of the person in whose favor the judgment or*
1947 *decree was rendered.*

1948 § 17.1-249. General indexes for clerks' offices; daily index.

1949 A. *There shall be kept in every clerk's office modern, family name or ledgerized alphabetical*
1950 *key-table general indexes to all deed books, miscellaneous liens, will books, judgment dockets and court*
1951 *order books. The clerk shall enter daily either in such general indexes or in the daily index to*
1952 *instruments admitted to record every deed, corrected or amended deed, deed of release, deed of trust,*
1953 *contract of sale, or any addendum or memorandum relating to any of these instruments, indexing each*
1954 *instrument in the names of all parties listed in the first clause of each instrument as required by*
1955 *§§ 55-48 and 55-58. Any clerk, deputy clerk, or employee of any clerk who so indexes any such*
1956 *instrument shall index any name appearing in the first clause of the original instrument.*

1957 B. *A deed made to one or more trustees to secure the payment of an indebtedness shall be*
1958 *sufficiently indexed if the clerk enters in the appropriate places in the general index to deeds provided*
1959 *for in subsection A the names of the grantor and the name of the beneficiary or, in lieu of the name of*
1960 *the beneficiary, the first listed trustee as grantee. The beneficiary need not be named in the first clause*
1961 *of the deed as a condition of recordation.*

1962 C. *A deed made by a person in a representative capacity, or by devisees or coparceners, shall be*
1963 *indexed in the names of the grantors and grantees and the name of the former record title owner listed*
1964 *in the first clause of the instrument.*

1965 D. *The general indexes of law and chancery causes shall be sufficiently kept if the clerk indexes such*
1966 *causes under the short style or title thereof, except that in multiple suits brought under § 58.1-3968, the*

names of all of the defendants disclosed by the pleadings shall be entered in the general index or book.

E. Every deed of conveyance of real estate in which a vendor's lien is reserved shall be double indexed so as to show not only the conveyance from the grantor to the grantee in the instrument, but also the reservation of the lien as if it were a grant of the same from the grantee to the grantor by a separate instrument and the fact of the lien shall be noted in the index.

F. All deed books, miscellaneous liens, will books, judgment dockets, and court order books shall be numbered or otherwise adequately designated and the clerk upon the delivery of any writing to him for record required by law to be recorded shall duly index it upon the general index in the manner hereinbefore required. When the writing has been actually transcribed on the book, the clerk shall add to the general index the number of the book in which, and the page on which, the writing is recorded.

G. The clerk on receipt of any such writing for record may immediately index it in a book to be known as the "daily index of instruments admitted to record" and within ninety days after its admission to record the clerk shall index all such writings indexed in the daily index in the appropriate general index as hereinbefore provided. The daily index book shall, at all times, be kept in the office of the clerk and conveniently available for examination by the public. During the period permitted for transfer from the daily index to the general index, indexing in the daily index shall be a sufficient compliance with the requirements of this section as to indexing.

H. The judge of any circuit court may make such orders as he deems advisable as to the time and method of indexing the order books in the clerk's office of the court and may dispense with a general index for order books of the court.

I. The clerk may maintain his indexes on computer, word processor, microfilm, microfiche, or other micrographic medium.

§ 17.1-250. Correction of indexes.

No clerk or deputy clerk of any court in which deeds are recorded shall correct any indexing mistake by insertion, or alter or reprint the page, unless, at the time of such insertion, alteration or reprinting, he (i) notes the date and nature of the change in the margin of the index and places his name or initials upon same or (ii) by any other means capable of maintaining a permanent record of the change together with the original recording, indicates the date and nature of the change and the name of the person who made it.

§ 17.1-251. Indexing of certain subdivision plats or maps.

When any plat or map of a subdivision which contains fifteen lots or more is recorded in the general index, the clerk shall, in addition to complying with the requirements set forth in §17.1-249, add the magisterial district wherein the subdivision is located. Such plat or map shall also show the source of title of the immediate grantor.

§ 17.1-252. Indexing by tax map reference number.

The Clerks of the Circuit Courts of Arlington, Chesterfield, Fairfax, Fauquier, Henrico, Loudoun, Montgomery, Prince William, Roanoke, Spotsylvania and Wise Counties and the Cities of Alexandria, Fairfax, Falls Church, Norton and Virginia Beach may require that any deed or other instrument conveying or relating to an interest in real property bear in the left margin of the first page of the deed or other instrument the tax map reference number or numbers, or the parcel identification number (PIN) or numbers, of the affected parcel or parcels. Upon admitting the deed or other instrument to record, the clerk may, in addition to any other indexing required by law, index the deed or other instrument by the tax map reference number or numbers or by the parcel identification number or numbers.

§ 17.1-253. Committee to inquire into necessity of general index; report; plan adopted; locality to cover cost.

A. Whenever the circuit court, or the judge thereof, finds that there is need of an improved system of general indexing to any of the records kept by the clerk of court, it shall be the duty of the court or judge, in its or his discretion, to appoint a committee to inquire into the necessity for such indexing, and make a report to the court, or the judge thereof.

B. If the committee reports that the work is needed, the court or judge shall authorize and direct the committee to make a written contract with some responsible and experienced person or persons, but such contract shall be approved by the court or judge before it becomes effective.

C. When such index is installed in any clerk's office the same plan of index to current records shall be adopted and used by the clerk of such court.

D. The governing body of the county or city wherein such indexing shall be directed by the court or judge to be done shall, if necessary, provide a sufficient sum to pay for such indexing and materials.

§ 17.1-254. Validation of judgment records in office of clerk of Circuit Court of Norfolk.

The "General Index to Judgment Lien Docket and Execution Books" designated "A-D," "E-K," "L-R" and "S-Z," respectively, in the office of the clerk of the Circuit Court of the City of Norfolk is hereby validated, and is and shall be for all purposes whatever the legal record of judgments docketed as provided by law in the office of such clerk for the period beginning January 2, 1917.

Article 4.

Electronic Filing.

§ 17.1-255. (Effective until July 1, 1998) Definition.

As used in this article, "electronic filing of documents" means the filing of data transmitted to a circuit court clerk by the communication of information originally displayed in written form, in the form of digital electronic signals transformed by computer and stored on microfilm, magnetic tape, optical disks, or CD ROM.

§ 17.1-256. (Effective until July 1, 1998) Electronic filing of documents authorized.

If a circuit court clerk of a county having an urban county executive form of government has established a system for receiving electronically transmitted information from an electronic copying device, federal, state, and local governmental entities, or political subdivisions thereof, and quasi-governmental agencies, corporations, and authorities, including but not limited to Fannie Mae, Freddie Mac, and VHDA, may electronically file land records, instruments, judgments, and UCC financing statements. The place of filing is the receiving station designated by the circuit court clerk to which electronic information is transmitted.

§ 17.1-257. (Effective until July 1, 1998) Completion of electronic filing; transmission and distribution of data.

A. To complete an electronic filing:

1. The person filing an instrument with the circuit court clerk must transmit the instrument electronically;

2. The receiving station must transmit acknowledgment to the sending party by encoding electronic receipt of the transmission;

3. The sending station must encode validation of the encoded receipt as correct; and

4. The receiving station must respond by encoded transcription into the computer system that validation has occurred and that the electronic transmission has been completed.

B. Upon completion of an electronic filing, a receiving station shall transmit data to the appropriate court as required and distribute data as required by statute or rule. Data must be distributed or transmitted from or through the medium of direct computer transmission, microfilm, magnetic tape, or optical disks, or CD ROM.

§ 17.1-258. (Effective until July 1, 1998) Signature; when effective as originals.

If the sender of an electronically filed document files an affidavit of authenticity along with the electronic filing and the electronic transmission bears a facsimile or printing of the required signature, any statutory requirement for an original signature shall be deemed to be satisfied. Any reproduction of the electronically filed document must bear a copy of the signature. The electronically reproduced document shall be accepted as the signature document for all court-related purposes unless the original with the original signature affixed is requested by motion of one or more parties to a pending action or is otherwise required by law. If the court grants the motion of a party, the order shall provide that the original be filed with the court.

Article 5.

Master and Incorporating Deeds of Trust.

§ 17.1-259. Recordation of master deed of trust; form and requisites.

A. Any person may record in any clerk's office in the Commonwealth where deeds are recorded a form of a deed of trust, hereinafter referred to as a "master deed."

B. The master deed shall bear the caption "Master Deed of Trust," and may contain any provisions not in conflict with law. The provisions shall be numbered or lettered, clearly distinguishable one from the other, and susceptible of exact reference.

§ 17.1-260. Recordation, effect and requisites of incorporating deed.

Any person may record a deed of trust hereinafter referred to as an "incorporating deed," which incorporates by reference any one or more of the provisions of a master deed recorded in the same clerk's office. The provisions incorporated by reference shall be of the same force and effect and shall be as binding upon the parties to the incorporating deed and their successors in title as if fully set forth in the incorporating deed. No incorporating deed shall refer to more than one master deed.

Article 6.

Names, Discharges, etc., of War Service Men.

§ 17.1-261. Recordation of names of men who served during World War I.

The clerk of the circuit court of each county or city shall preserve the book or books in which have been recorded the lists of the residents of such counties or cities, who became members of the military forces of the United States during World War I.

Any person who has joined either the naval or military forces of the United States or its allies, may have his name spread upon such record, upon application and proof of such service, or some person may make such application for him, and when done his name shall be placed upon the record.

The clerks shall be entitled to the fees allowed by law for copying in similar cases.

§ 17.1-262. Recordation of discharges of those who served in World War I.

Whenever the honorable discharge of any person who served in the military or naval forces of the United States or its associates during World War I, and who at the time of entering such service was a resident of Virginia shall be delivered to the clerk of any circuit court in this Commonwealth, the clerk shall record the same in the book hereinafter provided for. Copies of honorable discharges certified by the clerk shall be received as evidence of the facts therein stated.

§ 17.1-263. World War I Memorial Record.

Each circuit court clerk shall maintain a loose-leaf binder suitable for permanent record purposes of such standard form as was prescribed by the Virginia World War I History Commission, and sufficient loose leaves printed in such blank form as was prescribed by such commission, known as the "World War I Memorial Record," which shall be a public record book of the clerk's office. The clerk shall record therein the honorable discharges.

If the clerk has recorded the honorable discharges in any other book prior to receipt of the special books, such prior recordations are hereby validated and approved. Recordations and certified copies thereof heretofore or hereafter furnished shall have the same force and effect as those provided by § 17.1-262 and whenever the World War I History Commission shall have approved the form of the record book so previously in use, it shall be optional with the clerk to continue the use of such record book.

§ 17.1-264. Recording information on discharges of World War II servicemen.

A. When the honorable or dishonorable discharge of any person who served in the armed forces of the United States, or its associates, during World War II and who was a resident of the county or city at the time of his induction is presented, the clerk shall record the information contained therein in the proper spaces provided for such purpose in the book known as "Induction and Discharge Record, World War II." If the induction record of the veteran presenting a discharge for recordation is not already recorded, the clerk shall ascertain this information and record it along with the discharge.

B. Such record book shall be kept in the clerk's office as a public record and shall be paid for by the county or city, as other public record books are paid for. It shall be standard loose-leaf construction, suitable for permanent record purposes, and shall consist of a binder with canvas jacket, an index and a quantity of sheets printed to provide space for (i) the induction record, (ii) the service record and (iii) the discharge. Under subdivision (i) suitable headings and space for recording the induction information obtained from the draft boards shall be provided and under subdivisions (ii) and (iii) suitable headings and space for recording the information contained in the discharge papers shall be provided.

§ 17.1-265. Recordation of evidence of discharge generally.

The clerk of the circuit court of the county or city wherein a person discharged from the armed forces of the United States resides shall record, upon presentation, free of charge, the original or a properly authenticated copy of either the discharge certificate or the report of separation from active duty (Department of Defense Document DD-214), or both.

Article 7.

Fees.

§ 17.1-266. Services rendered in Commonwealth's cases.

No clerk, sheriff or other officer shall receive payment out of the state treasury for any services rendered in cases of the Commonwealth, except as allowed by statute.

§ 17.1-267. Services for which clerks may not charge.

A. No clerk shall charge for taking bond from, administering oath to, or making or copying orders as to the appointment or qualification of any judge, magistrate, sheriff, treasurer, commissioner of the revenue, or of a deputy of any of them, or of any escheator, supervisor, or of a guardian or conservator, when his bond is in a penalty not exceeding \$1,000.00, or for making or copying orders as to county allowances, or grand juries, and administering the necessary oaths.

B. No clerk shall charge for copying or making for or furnishing to the Department of Corrections or a federal probation officer a certified copy of a criminal judgment order or criminal sentencing order.

C. No clerk shall charge a fee for (i) executing any order of publication under § 17.1-626; (ii) keeping, preserving, and holding available for public inspection judgment records, and making entries in and indexing such judgments, or discharging, or marking satisfied, a lien under §§ 15.2-2604, 15.2-2605 and 15.2-2120; (iii) docketing judgment on forfeited recognizance or bond under § 19.2-147; (iv) making out reports to the Central Criminal Records Exchange under § 19.2-390; (v) recording a lien in the miscellaneous lien book under § 43-42 or § 43-43; or (vi) filing an appraiser's report under § 56-436.

D. No clerk shall charge a fee for (i) recording the reports of special receivers and commissioners as required by § 8.01-617; (ii) copying in the Induction and Discharge Record information obtained

2151 from draft boards or recording the discharge papers, or certified copy of such, of a person who has
2152 served in the armed forces of the United States; or (iii) receiving any mark of designation under
2153 § 59.1-103.

2154 § 17.1-268. Fee for effort to serve when person cannot be found.

2155 Whenever a sheriff is required to serve a declaration in ejectment or an order, notice, summons or
2156 other process in a pending civil case and make return thereon and shall after due effort and without
2157 fault be unable to locate such person or make service of such process in some method provided by law,
2158 the sheriff shall be paid the same fee provided by law for serving an order, notice or other process and
2159 making return thereof, to be taxed as other costs. When service is required in a proceeding not pending
2160 in a court then the service shall be paid for by the party at whose instance it is had. But no fee shall be
2161 paid unless the sheriff returns such paper unexecuted and makes and files therewith an affidavit setting
2162 forth the fact that he has made diligent effort to execute such paper and without avail.

2163 § 17.1-269. To whom fees charged.

2164 Unless otherwise provided, the fees mentioned in this article shall be chargeable to the party at
2165 whose instance the service is performed, except that fees for entering and certifying the attendance of
2166 witnesses and the proceedings to compel payment for such attendance shall be charged to the party for
2167 whom the witness attended.

2168 § 17.1-270. Officer to state fees, etc., on affidavit, deposition or report.

2169 A notary or other officer returning affidavits or depositions of witnesses and a commissioner
2170 returning a report shall state at the foot thereof the fees therefor, to whom charged and, if paid, by
2171 whom.

2172 § 17.1-271. Deposit of money in bank.

2173 Whenever any clerk of a court receives or collects any money for or on account of the
2174 Commonwealth or any county, city, town or person, he shall, within a reasonable time, deposit the same
2175 in such bank or banks selected by him to the credit of an official account, and in the event of the failure
2176 or insolvency of such bank, the clerk shall not be responsible for any loss of funds resulting from such
2177 failure or insolvency.

2178 Any such officer who deposits any such money in his personal account, knowingly intermingles any
2179 of the same with his personal funds, or otherwise violates any of the provisions of this section shall be
2180 deemed guilty of a misdemeanor. However, prosecution hereunder shall not preclude criminal
2181 prosecution under any other section of this Code.

2182 § 17.1-272. Process and service fees generally.

2183 The fee for process and service in the following instances shall be twelve dollars:

2184 (1) Service on any person, firm or corporation, a declaration in ejectment, order, notice, summons or
2185 any other civil process, except as herein otherwise provided, and for service on any person, firm, or
2186 corporation any process when the body is not taken and making a return thereof, except that no fee
2187 shall be charged for service pursuant to § 9-6.14:13.

2188 (2) Summoning a witness or garnishee on an attachment.

2189 (3) Service on any person of an attachment or other process under which the body is taken and
2190 making a return thereon.

2191 (4) Service of any order of court not otherwise provided for, except that no fees shall be charged
2192 for protective orders issued pursuant to Chapter 11 (§ 16.1-226 et seq.) of Title 16.1.

2193 (5) Service of a writ of possession.

2194 (6) Levying an execution or distress warrant or an attachment.

2195 (7) Making a return of a writ of fieri facias where no levy is made or forthcoming bond is taken.

2196 (8) Levying upon current money, bank notes, goods or chattels of a judgment debtor pursuant to
2197 § 8.01-478.

2198 The process and service fee for serving any papers returnable out of state shall be fifty dollars.

2199 The fees set out in this section shall be allowable for services provided by such officers in the circuit
2200 and district courts.

2201 § 17.1-273: Establishment and disposition of fees collected by certain high constable.

2202 Notwithstanding any provision of law to the contrary, including a general or special act, any city
2203 having a population in excess of 265,000 as reported in the U.S. Census of 1980 and having an office
2204 of the high constable, may, by duly adopted local ordinance, establish fees for the service of process by
2205 such office. The office of the high constable in such city shall publish a schedule of such fees by
2206 January 1 of each year. Copies of the schedule shall be forwarded to the Clerk of the Supreme Court of
2207 Virginia. Only in cities having a population in excess of 265,000 as reported in the U.S. Census of
2208 1980, shall high constables execute all processes, warrants, summonses and notices in civil cases before
2209 the general district court of the city to the exclusion of the sheriff of the city. Any fees, collected by the
2210 office of the high constable for such process, shall be deposited in the treasury of the city wherein such
2211 office is situated for use in the general operation of city government.

2212 § 17.1-274. Commission on forthcoming bond.

A. The commission to be included in a forthcoming bond, when one is taken, shall be five percent. Such commission shall not be received unless the bond is forfeited or paid, including the commission, to the plaintiffs. Of whatever interest accrues on such bond, or the execution of judgment thereon, the officer shall be entitled to his proportionable share, on account of his fees included in such bond.

B. In cities of a population of 100,000 and more, however, the commission to be included in a forthcoming bond, when one is taken, shall be ten percent on the first \$100 of the money for which the distress or levy is and two percent on the residue. Such commission shall not be received unless the bond is forfeited or paid, including the commission, to the plaintiffs. Of whatever interest may accrue on such bonds, or the execution of judgment thereon, the officer shall be entitled to his proportionate share, on account of his fees included in the sale. An officer in any such city receiving payment in money or selling goods shall receive the like commission of ten percent on the first \$100 of the money paid or proceeding from the sale and two percent on the residue; except that when such payment or sale is on an execution on a forthcoming bond, his commission shall only be half what it would be if the execution were not on such bond.

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

(1) When a writing is admitted to record under Chapter 2 (§ 17.1-200 et seq.) of this title, or Chapter 5 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it, except the recording in the proper book; for receiving proof of acknowledgments, entering orders, endorsing clerk's certificate, and when required, embracing it in a list for the commissioner of the revenue, one dollar.

(2) For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of one dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages, and for recording plats too large to be recorded in the deed books, and for each sheet thereof, thirteen dollars. This fee shall be in addition to the fee for recording a deed or other instrument recorded in conjunction with such plat sheet or sheets including the fee of one dollar set forth in subdivision (1). Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. In addition, a fee of one dollar shall be charged for indexing any document for each name indexed exceeding a total of ten in number. One dollar of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

(3) For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

(4) For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, ten dollars.

(5) For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, ten dollars.

(6) For making out any bond, other than those under § 17.1-267 or subdivision (4) of this section, administering all necessary oaths and writing proper affidavits, three dollars.

(7) For issuing any execution, and recording the return thereof, \$1.50 and for all services rendered by the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases not exceeding \$500 and twenty-five dollars in all other cases.

(8) For making out a copy of any paper or record to go out of the office, which is not otherwise specifically provided for, a fee of fifty cents for each page. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

(9) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge two dollars and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional fifty cents.

(10a) Upon conviction in felony cases or when a felony defendant's suspension of sentence and probation is revoked pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall charge the defendant thirty-six dollars in each case, one dollar of which shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 9-178.2, to be used for financial support of the regional criminal justice training academies.

(10b) In addition, in each case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of \$100 for each

2274 felony conviction and each felony disposition under § 18.2-251 and (ii) a fee of \$100 per case for any
2275 forensic laboratory analysis performed for use in prosecution of such violation. Such fees shall be taxed
2276 as costs to the defendant and shall be paid into the general fund of the state treasury.

2277 (10c) In addition, in all felony cases, including the revocation of suspension of sentence and
2278 probation held pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the
2279 clerk shall collect and tax as costs (i) the expense of reporting or recording the trial or hearing in an
2280 amount equal to the per diem charges of the reporter or reasonable charge attributable to the cost of
2281 operating the mechanical or electronic devices in accordance with § 19.2-165, (ii) a fee of two dollars
2282 and fifty cents per charge, (iii) the fees of the attorney for the Commonwealth as provided for in
2283 § 15.2-1627.3, (iv) the compensation of court-appointed counsel as provided in § 19.2-163, (v) the fees
2284 of the public defenders as provided for in § 19.2-163.2, (vi) the additional costs per charge imposed
2285 under § 19.2-368.18 to be deposited into the Criminal Injuries Compensation Fund, and (vii) in any
2286 court of record in which electronic devices are used for the purpose of recording testimony, a sum not
2287 to exceed twenty dollars for each day or part of a day of the trial to be paid by the clerk into a special
2288 fund to be used for the purpose of repairing, replacing or supplementing such electronic devices, or if a
2289 sufficient amount is available, to pay the purchase price of such devices in whole or in part. For the
2290 purpose of this subdivision, repairing shall include maintenance or service contracts.

2291 (10d) In addition, a fee of twelve dollars shall be charged to a defendant found guilty in a criminal
2292 case in the circuit court as costs for (i) serving a warrant or summons other than on a witness when no
2293 arrest is made or (ii) making an arrest on a felony or misdemeanor charge, when such services are
2294 provided by the sheriff.

2295 (11a) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-six dollars
2296 in each case. Sums shall be collected for and paid to the benefit of the Virginia Crime Victim-Witness
2297 Fund as provided for in § 19.2-11.3 and one dollar of the amount collected hereunder shall be
2298 forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund
2299 as provided in § 9-178.2, to be used for financial support of the regional criminal justice training
2300 academies, irrespective of whether the defendant was convicted of a misdemeanor chargeable under the
2301 Code of Virginia or pursuant to a local ordinance.

2302 (11b) In addition, in each case in which a person is convicted of a violation of any provision of
2303 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of fifty dollars
2304 for each misdemeanor conviction and (ii) a fee of \$100 per case for any forensic laboratory analysis
2305 performed for use in prosecution of such violation. Such fees shall be taxed as costs to the defendant
2306 and shall be paid into the general fund of the state treasury.

2307 (11c) In addition, for each misdemeanor case the clerk shall collect and tax as costs (i) the fees of
2308 the attorneys for the Commonwealth as provided for in § 15.2-1627.3, (ii) the compensation of
2309 court-appointed counsel as provided in § 19.2-163, (iii) the fees of the public defenders as provided for
2310 in § 19.2-163.2, (iv) the additional costs imposed under § 19.2-368.18 to be deposited into the Criminal
2311 Injuries Compensation Fund, and (v) in any court in which electronic devices are used for the purpose
2312 of recording testimony, a sum not to exceed five dollars for each day or part of a day of the trial to be
2313 paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing
2314 such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices
2315 in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service
2316 contracts.

2317 (11d) In addition, a fee of twelve dollars shall be charged to a defendant found guilty in a criminal
2318 case in the circuit court as costs for (i) serving a warrant or summons other than on a witness when no
2319 arrest is made or (ii) making an arrest on a felony or misdemeanor charge, when such services are
2320 provided by the sheriff.

2321 (12) Upon the defendant's being required to successfully complete traffic school or a driver
2322 improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as
2323 if he had been convicted.

2324 (13) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifty dollars in cases not
2325 exceeding \$50,000, \$100 in cases not exceeding \$100,000, and \$150 in cases exceeding \$100,000; and
2326 in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting
2327 the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a
2328 cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be
2329 charged upon the filing of a counterclaim. The fees prescribed above shall be collected upon the filing
2330 of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed
2331 in the Supreme Court of Virginia.

2332 (14) In addition to the fees chargeable for actions at law, for the costs of proceedings for judgments
2333 by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered
2334 or certified mail, (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the
2335 amount of the confessed judgment, (iii) for the sheriff for serving each copy of the order entering

judgment, twelve dollars, and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision (17) of this section.

(15) For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, ten dollars.

(16) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

(17) For docketing and indexing a judgment from any other court of this Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of five dollars; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of five dollars; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of twenty dollars.

(18) For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge ten dollars, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

(19) For receiving and processing an application for a tax deed, ten dollars.

(20) For all services rendered by the clerk in any condemnation proceeding instituted by the Commonwealth, twenty-five dollars.

(21) For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § 8.01-529, one dollar.

(22) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten dollars.

(23) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an execution creditor, five dollars.

(24) For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, twenty dollars; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

(25) For providing court records or documents on microfilm, per frame, ten cents.

(26) In all chancery causes, the clerk's fee chargeable to the plaintiff shall be fifty dollars to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. However, no fee shall be charged for the filing of a cross-bill in any pending suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.

(27) For the acceptance of credit cards in lieu of money to collect and secure all fees, fines, restitution, forfeiture, penalties and costs in accordance with § 19.2-353.3, the clerk shall collect a service charge of four percent of the amount paid.

(28) For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit card issuer that payment will not be made for any reason, the clerk shall collect, if allowed by the court, a fee of twenty dollars or ten percent of the amount to be paid, whichever is greater, in accordance with § 19.2-353.3.

(29) For all services rendered in an adoption proceeding, a fee of twenty dollars, in addition to the fee imposed under § 63.1-236.1, to be paid by the petitioner or petitioners.

(30) For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same amount as the fee for the original license.

(31) For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of five dollars to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

(32) For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, a fee of twenty dollars.

(33) For issuance of hunting and trapping permits in accordance with § 10.1-1154, twenty-five cents.

(34) For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

(35) For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of one dollar.

(36) For filing power of attorney for service of process, or resignation or revocation thereof, in accordance with § 59.1-71, a fee of twenty-five cents.

(37) For recordation of certificate and registration of names of nonresident owners in accordance

2397 with § 59.1-74, a fee of ten dollars.

2398 (38) For maintaining the information required under the Overhead High Voltage Line Safety Act
2399 (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

2400 (39) For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of two dollars.

2401 (40) For filing a financing statement in accordance with § 8.9-403, the fee shall be as prescribed
2402 under that section.

2403 (41) For filing a termination statement in accordance with § 8.9-404, the fee shall be as prescribed
2404 under that section.

2405 (42) For filing assignment of security interest in accordance with § 8.9-405, the fee shall be as
2406 prescribed under that section.

2407 (43) For filing a petition as provided in §§ 37.1-134.7 and 37.1-134.17, the fee shall be ten dollars.

2408 B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions (7), (10), (11), (13),
2409 (16), (18) if applicable, (20), (22), (24), (26), (29), and (31) to be designated for courthouse
2410 construction, renovation or maintenance.

2411 C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions (7), (13), (16), (18)
2412 if applicable, ((20), (22), (24), (26), (29) and (31) to be designated for services provided for the poor,
2413 without charge, by a nonprofit legal aid program.

2414 D. In accordance with § 9-178.1, the clerk shall collect fees under subdivisions (10 and (11) to be
2415 designated for the Intensified Drug Enforcement Jurisdiction Fund.

2416 E. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions (7), (13), (16), (18) if
2417 applicable, (20), (22), (24), (26), (29) and (31) to be designated for public law libraries.

2418 F. The provisions of this section shall control the fees charged by clerks of circuit courts for the
2419 services above described.

2420 § 17.1-275. (Delayed effective date) Fees collected by clerks of circuit courts; generally.

2421 A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following
2422 fees:

2423 (1) When a writing is admitted to record under Chapter 2 (§ 17.1-200 et seq.) of this title, or
2424 Chapter 5 (§ 55-80 et seq.) or Chapter 6 (§ 55-106 et seq.) of Title 55, for everything relating to it,
2425 except the recording in the proper book; for receiving proof of acknowledgments, entering orders,
2426 endorsing clerk's certificate, and when required, embracing it in a list for the commissioner of the
2427 revenue, one dollar.

2428 (2) For recording and indexing in the proper book any writing and all matters therewith, or for
2429 recording and indexing anything not otherwise provided for, thirteen dollars, including the fee of one
2430 dollar set forth in subdivision (1) for up to four pages and one dollar for each page over four pages,
2431 and for recording plats too large to be recorded in the deed books, and for each sheet thereof, thirteen
2432 dollars. This fee shall be in addition to the fee for recording a deed or other instrument recorded in
2433 conjunction with such plat sheet or sheets including the fee of one dollar set forth in subdivision (1).
2434 Only a single fee as authorized by this subdivision shall be charged for recording a certificate of
2435 satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. In
2436 addition, a fee of one dollar shall be charged for indexing any document for each name indexed
2437 exceeding a total of ten in number. One dollar of the fee collected for recording and indexing shall be
2438 designated for use in preserving the permanent records of the circuit courts. The sum collected for this
2439 purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

2440 (3) For appointing and qualifying any personal representative, committee, trustee, guardian, or other
2441 fiduciary, in addition to any fees for recording allowed by this section, twenty dollars for estates not
2442 exceeding \$50,000, twenty-five dollars for estates not exceeding \$100,000 and thirty dollars for estates
2443 exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

2444 (4) For entering and granting and for issuing any license, other than a marriage license or a
2445 hunting and fishing license, and administering an oath when necessary, ten dollars.

2446 (5) For issuing a marriage license, attaching certificate, administering or receiving all necessary
2447 oaths or affidavits, indexing and recording, ten dollars.

2448 (6) For making out any bond, other than those under § 17.1-267 or subdivision (5) of this section,
2449 administering all necessary oaths and writing proper affidavits, three dollars.

2450 (7) For issuing any execution, and recording the return thereof, \$1.50 and for all services rendered
2451 by the clerk in any garnishment or attachment proceeding the clerk's fee shall be fifteen dollars in cases
2452 not exceeding \$500 and twenty-five dollars in all other cases.

2453 (8) For making out a copy of any paper or record to go out of the office, which is not otherwise
2454 specifically provided for, a fee of fifty cents for each page. However, there shall be no charge to the
2455 recipient of a final order or decree to send an attested copy to such party.

2456 (9) For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying
2457 it, the clerk shall charge two dollars, and for attaching the certificate of the judge, if the clerk is
2458 requested to do so, the clerk shall charge an additional fifty cents.

(10a) Upon conviction in felony cases or when a felony defendant's suspension of sentence and probation is revoked pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall charge the defendant thirty-six dollars in each case, one dollar of which shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 9-178.2, to be used for financial support of the regional criminal justice training academies.

(10b) In addition, in each case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of \$100 for each felony conviction and each felony disposition under § 18.2-251, and (ii) a fee of \$100 per case for any forensic laboratory analysis performed for use in prosecution of such violation. Such fees shall be taxed as costs to the defendant and shall be paid into the general fund of the state treasury.

(10c) In addition, in all felony cases, including the revocation of suspension of sentence and probation held pursuant to § 19.2-306, other than a revocation for failure to pay prior court costs, the clerk shall collect and tax as costs (i) the expense of reporting or recording the trial or hearing in an amount equal to the per diem charges of the reporter or reasonable charge attributable to the cost of operating the mechanical or electronic devices in accordance with § 19.2-165, (ii) a fee of two dollars and fifty cents per charge, (iii) the fees of the attorney for the Commonwealth as provided for in § 15.2-1627.3, (iv) the compensation of court-appointed counsel as provided in § 19.2-163, (v) the fees of the public defenders as provided for in § 19.2-163.2, (vi) the additional costs per charge imposed under § 19.2-368.18 to be deposited into the Criminal Injuries Compensation Fund, and (vii) in any court of record in which electronic devices are used for the purpose of recording testimony, a sum not to exceed twenty dollars for each day or part of a day of the trial to be paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service contracts.

(10d) In addition, a fee of twelve dollars shall be charged to a defendant found guilty in a criminal case in the circuit court as costs for (i) serving a warrant or summons other than on a witness when no arrest is made or (ii) making an arrest on a felony or misdemeanor charge, when such services are provided by the sheriff.

(11a) Upon conviction in misdemeanor cases, the clerk shall charge the defendant twenty-six dollars in each case. Sums shall be collected for the benefit of and paid to the Virginia Crime Victim-Witness Fund as provided for in § 19.2-11.3 and one dollar of the amount collected hereunder shall be forwarded to the State Treasurer for deposit in the Regional Criminal Justice Academy Training Fund as provided in § 9-178.2, to be used for financial support of the regional criminal justice training academies, irrespective of whether the defendant was convicted of a misdemeanor chargeable under the Code of Virginia or pursuant to a local ordinance.

(11b) In addition, in each case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, the clerk shall assess (i) a fee of fifty dollars for each misdemeanor conviction and (ii) a fee of \$100 per case for any forensic laboratory analysis performed for use in prosecution of such violation. Such fees shall be taxed as costs to the defendant and shall be paid into the general fund of the state treasury.

(11c) In addition, for each misdemeanor case the clerk shall collect and tax as costs (i) the fees of the attorneys for the Commonwealth as provided for in § 15.2-1627.3, (ii) the compensation of court-appointed counsel as provided in § 19.2-163, (iii) the fees of the public defenders as provided for in § 19.2-163.2, (iv) the additional costs imposed under § 19.2-368.18 to be deposited into the Criminal Injuries Compensation Fund, and (v) in any court in which electronic devices are used for the purpose of recording testimony, a sum not to exceed five dollars for each day or part of a day of the trial to be paid by the clerk into a special fund to be used for the purpose of repairing, replacing or supplementing such electronic devices, or if a sufficient amount is available, to pay the purchase price of such devices in whole or in part. For the purpose of this subdivision, repairing shall include maintenance or service contracts.

(11d) In addition, a fee of twelve dollars shall be charged to a defendant found guilty in a criminal case in the circuit court as costs for (i) serving a warrant or summons other than on a witness when no arrest is made or (ii) making an arrest on a felony or misdemeanor charge, when such services are provided by the sheriff.

(12) Upon the defendant's being required to successfully complete traffic school or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

(13) In all actions at law the clerk's fee chargeable to the plaintiff shall be fifty dollars in cases not exceeding \$50,000, \$100 in cases not exceeding \$100,000, and \$150 in cases exceeding \$100,000; and in condemnation cases, a fee of twenty-five dollars, to be paid by the plaintiff at the time of instituting

2520 *the action, this fee to be in lieu of any other fees. There shall be no fee charged for the filing of a*
2521 *cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be*
2522 *charged upon the filing of a counterclaim. The fees prescribed above shall be collected upon the filing*
2523 *of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed*
2524 *in the Supreme Court of Virginia.*

2525 *(14) In addition to the fees chargeable in actions at law, for the costs of proceedings for judgments*
2526 *by confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered*
2527 *or certified mail, (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the*
2528 *amount of the confessed judgment, (iii) for the sheriff for serving each copy of the order entering*
2529 *judgment, twelve dollars, and (iv) for docketing the judgment and issuing executions thereon, the same*
2530 *fees as prescribed in subdivision (17) of this section.*

2531 *(15) For qualifying notaries public, including the making out of the bond and any copies thereof,*
2532 *administering the necessary oaths, and entering the order, ten dollars.*

2533 *(16) For each habeas corpus proceeding, the clerk shall receive ten dollars for all services required*
2534 *thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.*

2535 *(17) For docketing and indexing a judgment from any other court of this Commonwealth, for*
2536 *docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of*
2537 *§ 8.01-451, but not when incident to a divorce, for noting and filing the assignment of a judgment*
2538 *pursuant to § 8.01-452, a fee of five dollars; and for issuing an abstract of any recorded judgment,*
2539 *when proper to do so, a fee of five dollars; and for filing, docketing, indexing and mailing notice of a*
2540 *foreign judgment, a fee of twenty dollars.*

2541 *(18) For all services rendered by the clerk in any court proceeding for which no specific fee is*
2542 *provided by law, the clerk shall charge ten dollars, to be paid by the party filing said papers at the time*
2543 *of filing.*

2544 *(19) For receiving and processing an application for a tax deed, ten dollars.*

2545 *(20) For all services rendered by the clerk in any condemnation proceeding instituted by the*
2546 *Commonwealth, twenty-five dollars.*

2547 *(21) For making the endorsements on a forthcoming bond and recording the matters relating to*
2548 *such bond pursuant to the provisions of § 8.01-529, one dollar.*

2549 *(22) For all services rendered by the clerk in any proceeding pursuant to § 57-8 or § 57-15, ten*
2550 *dollars.*

2551 *(23) For preparation and issuance of a subpoena duces tecum or a summons for interrogation by an*
2552 *execution creditor, five dollars.*

2553 *(24) For all services rendered by the clerk in matters filed in circuit court under § 8.01-217 relating*
2554 *to change of name, twenty dollars; however, this subdivision shall not be applicable in cases where the*
2555 *change of name is incident to a divorce.*

2556 *(25) For providing court records or documents on microfilm, per frame, ten cents.*

2557 *(26) In all chancery cases, the clerk's fee chargeable to the plaintiff shall be fifty dollars to be paid*
2558 *by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified*
2559 *copy of the final decree. However, no fee shall be charged for the filing of a cross-bill in any pending*
2560 *suit. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree*
2561 *of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of*
2562 *both such decrees.*

2563 *(27) For the acceptance of credit cards in lieu of money to collect and secure all fees, fines,*
2564 *restitution, forfeiture, penalties and costs in accordance with § 19.2-353.3, the clerk shall collect a*
2565 *service charge of four percent of the amount paid.*

2566 *(28) For the return of any check unpaid by the financial institution on which it was drawn or notice*
2567 *is received from the credit card issuer that payment will not be made for any reason, the clerk shall*
2568 *collect, if allowed by the court, a fee of twenty dollars or ten percent of the amount to be paid,*
2569 *whichever is greater, in accordance with § 19.2-353.3.*

2570 *(29) For all services rendered in an adoption proceeding, a fee of twenty dollars, in addition to the*
2571 *fee imposed under § 63.1-236.1, to be paid by the petitioner or petitioners.*

2572 *(30) For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the*
2573 *same amount as the fee for the original license.*

2574 *(31) For the filing of any petition as provided in §§ 33.1-124, 33.1-125 and 33.1-129, a fee of five*
2575 *dollars to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided*
2576 *for in § 33.1-122, as well as for any order of the court relating thereto, the clerk shall charge the same*
2577 *fee as for recording a deed as provided for in this section, to be paid by the party upon whose request*
2578 *such certificate is recorded or order is entered.*

2579 *(32) For making up, certifying and transmitting original record pursuant to the Rules of the Supreme*
2580 *Court, including all papers necessary to be copied and other services rendered, a fee of twenty dollars.*

2581 *(33) For issuance of hunting and trapping permits in accordance with § 10.1-1154, twenty-five cents.*

(34) For filings, etc., under the Uniform Federal Lien Registration Act (§ 55-142.1 et seq.), the fees shall be as prescribed in that Act.

(35) For filing the appointment of a resident agent for a nonresident property owner in accordance with § 55-218.1, a fee of one dollar.

(36) For filing power of attorney for service of process, or resignation or revocation thereof, in accordance with § 59.1-71, a fee of twenty-five cents.

(37) For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of ten dollars.

(38) For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

(39) For lodging, indexing and preserving a will in accordance with § 64.1-56, a fee of two dollars.

(40) For filing a financing statement in accordance with § 8.9-403, the fee shall be as prescribed under that section.

(41) For filing a termination statement in accordance with § 8.9-404, the fee shall be as prescribed under that section.

(42) For filing assignment of security interest in accordance with § 8.9-405, the fee shall be as prescribed under that section.

(43) For filing a petition as provided in §§ 37.1-134.7 and 37.1-134.17, the fee shall be ten dollars.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions (7), (10), (11), (13), (16), (18) if applicable, (20), (22), (24), (26), (29), and (31) to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions (7), (13), (16), (18) if applicable, (20), (22), (24), (26), (29), and (31) to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 9-178.1, the clerk shall collect fees under subdivisions ((10) and (11) to be designated for the Intensified Drug Enforcement Jurisdiction Fund.

E. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions (7), (13), (16), (18) if applicable, (20), (22), (24), (26), (29), and (31) to be designated for public law libraries.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

§ 17.1-276. Fee allowed for providing remote access to certain records.

Any clerk who provides remote access, including Internet access, to nonconfidential court records or other records pursuant to §§ 17.1-225 and 17.1-226 shall charge a fee established by the agency of the county, city or town providing computer support in order to cover the operational expenses of such computer support, including, but not limited to, maintenance, enhancements, upgrades and future replacement. Such fee may be assessed for each inquiry or upon actual connect time. Such fee shall be charged each user and paid to the clerk's office. Furthermore, the clerk may charge a clerk's fee not to exceed twenty-five dollars per month.

§ 17.1-277. Fees in traffic infraction cases.

Notwithstanding any other provisions of law, fees for services of clerks of courts, law-enforcement and court officers, city attorneys, and attorneys for the Commonwealth in cases involving traffic infractions shall be allowed and paid as provided for misdemeanor cases.

§ 17.1-278. Additional fees in certain courts; use by Virginia State Bar.

In addition to the fees prescribed by §§ 17.1-275 (13) and 16.1-69.48:2 to be collected by the clerk of the circuit or general district court upon the filing of papers for the commencement of civil actions in such courts, the following additional fees shall be collected in all cities and counties in which civil legal representation is provided for the poor, without charge, by a nonprofit legal aid program organized under the auspices of the Virginia State Bar: (i) upon commencement of an action whether at law or in chancery in such circuit court, an additional fee of two dollars, and (ii) upon commencement of a civil action in such general district court, an additional fee of two dollars.

The additional fees prescribed by this action shall be collected by the clerk at the time of the filing. The amounts so collected shall be paid by the clerk to the state treasury and credited to a special fund within the State Bar fund to be designated the Legal Aid Services Fund. Such amounts shall be disbursed by the Virginia State Bar by check from the State Treasurer upon a warrant of the Comptroller to nonprofit legal aid programs organized under the auspices of the Virginia State Bar through the Legal Services Corporation of Virginia to assist in defraying the costs of such programs. However, the additional fees prescribed by this section shall not be collected in actions initiated by any local government or by the Commonwealth.

§ 17.1-279. (Effective until July 1, 1998) Additional fee to be assessed by circuit court clerks for information technology.

A. In addition to the fees otherwise authorized by this chapter, the clerk of each circuit court shall

2643 assess a three-dollar fee, known as the "Technology Trust Fund Fee," in each law and chancery action,
2644 upon each instrument to be recorded in the deed books, and upon each judgment to be docketed in the
2645 judgment lien docket book. Such fee shall be deposited by the State Treasurer into a trust fund. The
2646 State Treasurer shall maintain a record of such deposits.

2647 B. Two dollars of every three-dollar fee shall be allocated by the Compensation Board from the trust
2648 fund for the purposes of: (i) obtaining office automation and information technology equipment,
2649 including software and conversion services; (ii) preserving, maintaining and enhancing court records,
2650 including, but not limited to, the costs of repairs, maintenance, service contracts and system upgrades
2651 which may include, but not necessarily be limited to, a digital imaging system; and (iii) improving
2652 public access to court records. The Compensation Board in consultation with the circuit court clerks
2653 shall develop policies governing the allocation of funds for these purposes. In allocating funds, the
2654 Compensation Board may consider the current automation of the clerks' offices and the
2655 recommendations made in the 1996 report by the Joint Legislative Audit and Review Commission
2656 ("JLARC") regarding automation of the circuit court clerks' offices. Except for improvements as
2657 provided in subsection E, such policies shall require a clerk to submit to the Compensation Board a
2658 written certification from the Council on Information Management that the clerk's proposed technology
2659 improvements will be compatible with a system to provide statewide remote access to land records in
2660 accordance with the recommendations of JLARC and the Task Force on Land Records Management (the
2661 "Task Force") established by the Council on Information Management.

2662 The annual budget submitted by each circuit court clerk pursuant to § 15.2-1636.7 may include a
2663 request for technology improvements in the upcoming fiscal year to be allocated by the Compensation
2664 Board from the trust fund. Such request shall not exceed the deposits into the trust fund credited to that
2665 locality. The Compensation Board shall allocate the funds requested by the clerks in an amount not to
2666 exceed the deposits into the trust fund credited to their respective localities.

2667 C. The remaining one dollar of each such fee may be allocated by the Compensation Board from the
2668 trust fund for the purposes of (i) funding studies by the Task Force; (ii) funding studies by the
2669 Department of Information Technology or other public or private organizations to develop individual
2670 land-records automation plans for individual circuit court clerks' offices; and (iii) implementing the plan
2671 to modernize land records in individual circuit court clerk's offices and provide remote access to land
2672 records throughout the Commonwealth.

2673 D. Such fee shall not be assessed to any instrument to be recorded in the deed books nor any
2674 judgment to be docketed in the judgment lien docket books tendered by any federal, state or local
2675 government.

2676 E. Notwithstanding any other provisions of this chapter, each circuit court clerk may apply to the
2677 Compensation Board for an allocation from the Technology Trust Fund for automation and technology
2678 improvements for any one or more of the following: (i) equipment and services to convert paper,
2679 microfilm, or similar documents to a digital image format, (ii) the conversion of information into a
2680 format which will accommodate remote access, and (iii) the law and chancery division of his office.
2681 However, allocations for (iii) above shall not exceed the pro rata share of the collections of the
2682 three-dollar fee relative to the chancery and law actions filed in the jurisdiction as provided in this
2683 section.

2684 F. Information regarding the technology programs adopted by the circuit court clerks shall be shared
2685 with the Department of Information Technology, the Library of Virginia, and the Office of the Executive
2686 Secretary of the Supreme Court.

2687 G. Nothing in this section shall be construed to diminish the duty of local governing bodies to
2688 furnish supplies and equipment to the clerks of the circuit courts pursuant to § 15.2-1656. Revenue
2689 raised as a result of this section shall in no way supplant current funding to circuit court clerks' offices
2690 by local governing bodies.

2691 § 17.1-280. What costs chargeable against prosecutor.

2692 If any warrant of arrest for a misdemeanor or felony, or any search warrant, is issued or procured
2693 at the instance of a prosecutor, other than a public officer charged with the enforcement of the laws,
2694 and the warrant is dismissed or the accused discharged from the charge or charges, the judge before
2695 whom the proceeding is held may give judgment against the prosecutor in favor of the accused for his
2696 costs. If the judge believes from the evidence that the warrant was procured by the prosecutor through
2697 malice or without reasonable and probable cause, the judge shall grant judgment in favor of the
2698 accused for his costs.

2699 § 17.1-281. Assessment for courthouse construction, renovation or maintenance.

2700 Any county or city, through its governing body, may assess a sum not in excess of two dollars as
2701 part of the costs in (i) each civil action filed in the district or circuit courts located within its
2702 boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is
2703 charged with a violation of any statute or ordinance. The total assessments authorized by any county or
2704 city in a civil action pursuant to this section and § 42.1-70 shall not exceed four dollars. If a town

provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of civil, criminal and traffic cases originating and heard in the town.

The imposition of such assessment shall be by ordinance of the governing body which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city and held by such treasurer subject to disbursements by the governing body for the construction, renovation, or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.

The assessment provided for herein shall be in addition to any other fees prescribed by law.

§ 17.1-282. (Delayed effective date) Fees for services of family court judges and clerks in selected civil cases.

A. Fees in civil cases for services performed by the judges or clerks of family courts shall be as provided in this section:

1. In all suits for divorce and annulment or affirmation of marriage, the fee chargeable to the plaintiff shall be forty dollars to be paid at the time of instituting the suit. No additional fee shall be charged for:

a. The furnishing of a duly certified copy of the final decree. In divorce cases where there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, no fee shall be charged for the furnishing of a duly certified copy of both such decrees.

b. The filing of a cross-bill in any pending suit.

c. The docketing of any judgment, order or decree in the circuit court by order of the family court or as otherwise provided by law. Pursuant to this subsection, the family court clerk shall transmit an abstract of such judgment, order or decree together with the fee provided in § 17.1-275 (17) to the clerk of the circuit court to which criminal cases in that family court may be appealed. The family court clerk, upon request, shall furnish at no cost additional abstracts to a party, who may docket such judgment, order or decree in any other court as otherwise provided by law.

d. The recording of a final decree transferring an interest in real property pursuant to § 20-107.3. The family court clerk shall transmit a certified copy of the decree together with the fees provided in subsections (1) and (2) of § 17.1-275 to the clerk of the circuit court in whose current deed book such decree is to be recorded.

2. In adoption proceedings, the fee chargeable to the petitioner or petitioners shall be twenty dollars.

3. In proceedings to amend a birth certificate pursuant to § 32.1-260, the fee chargeable to the petitioner or petitioners shall be forty dollars.

4. In matters relating to a change of name which are ancillary to any family court case, the fee chargeable to the person or persons seeking a name change shall be twenty dollars. The family court clerk shall transmit a certified copy of the order together with the fees provided in subsections (1) and (2) of § 17.1-275 to the clerk of the circuit court in whose current deed book such order is to be recorded.

B. The fees paid by the family court clerk to the clerk of the circuit court for recording and docketing services pursuant to subsection A shall be paid out of fees collected by the family court clerk pursuant to subsection A.

C. The following additional fees as may be applicable shall be paid at the time of the filing of the above-described proceedings by the person or persons initiating the proceedings:

1. § 17.1-272, for process served by the sheriff.

2. § 17.1-278, for funding legal services to indigents.

3. § 17.1-281, when a courthouse maintenance fee has been imposed by ordinance.

4. § 42.1-70, when a law library fee has been imposed by ordinance.

D. The fees provided for in this section shall be included in the taxed costs and shall not be refunded except in the case of error.

§ 17.1-283. Statements required of clerks of courts of record; exceptions.

A. Every clerk of a court of record, except the Clerks of the Supreme Court and the Court of Appeals, shall file monthly with the State Compensation Board a full and accurate statement showing all such fees, allowances, commissions, salaries or other compensation or emolument of office, derived from the Commonwealth or any political subdivision thereof, or from any other source whatever, collected or received by him. The statements shall include the date of collection and sources from which the collections were made, and shall be verified by a procedure agreed upon by the Compensation Board and the Auditor of Public Accounts. The statements shall be open to public inspection at all times.

B. The statements shall show in detail all sums actually paid for necessary office expenses, premiums on official bond of the principal and deputies, name and amount of compensation to each deputy or assistant, and a detailed statement of every other expense in connection with the administration of the

2766 office actually paid out.

2767 § 17.1-284. How excess payable into state or local treasury determined.

2768 In determining the excess, if any, to be paid into the state treasury by the clerks, all fees,
2769 allowances, commissions, salary or other compensation or emolument of office derived from the
2770 Commonwealth or any political subdivision thereof, or from any source whatever, shall be included and
2771 enter into the determination of the excess to be paid.

2772 § 17.1-285. Payment of excess.

2773 A. The Commonwealth shall be entitled to one-third of the excess fees collected by clerks as required
2774 to be reported under § 17.1-283 and the governing body of the county or city shall be entitled to
2775 two-thirds of the excess fees collected unless otherwise provided by law. The Compensation Board shall
2776 determine on an annual basis by June 30 of each year the methods by which excess fees shall be
2777 disbursed.

2778 B. All of the excess paid into the state treasury by the clerks of the Supreme Court of Virginia and
2779 the Court of Appeals shall be retained therein.

2780 § 17.1-286. Disposition of state funds locally collected.

2781 All state funds collected by clerks of courts shall be paid into the state treasury without deductions
2782 on account of their compensation or on account of expenses. The Comptroller shall promptly forward to
2783 such officers his warrants on the State Treasurer for the compensation due them and the estimated
2784 amount allowed them out of such funds for expenses.

2785 § 17.1-287. Salaries of clerks of circuit courts.

2786 The annual salaries of clerks of circuit courts shall be as prescribed in the general appropriations
2787 act.

2788 § 17.1-288. Compensation and expenses of clerks of circuit courts in Cities of Richmond and
2789 Newport News.

2790 In the City of Richmond and in the City of Newport News, the clerk of the circuit court shall be paid
2791 a salary by the city of not less than the amount which would be allowed to be retained by the respective
2792 clerks under state law. Nothing in this paragraph shall be construed to prevent such clerks from
2793 receiving any future increases that may be allowed clerks of circuit courts from time to time by the
2794 General Assembly.

2795 Such salaries shall be in full compensation for services and shall be in lieu of the retention by such
2796 clerks of any and all official fees, commissions and emoluments of whatever kind or character, and from
2797 whatever source derived; and the city council of each such city shall provide for the payment of such
2798 salaries out of the city treasury in equal biweekly, semimonthly or monthly installments. The expenses of
2799 office of such clerks, including the compensation of all deputies and employees, shall likewise be paid to
2800 each such clerk out of the city treasury on duly authenticated vouchers when and as such expenses are
2801 incurred or may become due and payable or at least monthly. The maximum amount of such expenses
2802 shall be fixed by the State Compensation Board, and the Board shall fix the number and compensation
2803 of the deputies and employees of each such clerk.

2804 All fees, commissions, and emoluments of every kind or character received or collected by such
2805 clerks, and from whatever source derived, shall be paid into the city treasury by such clerks monthly.
2806 All fees, commissions, and emoluments of every kind and character whether payable by the
2807 Commonwealth, the United States, or by private persons, firms or corporations, now or hereafter made
2808 receivable by laws or ordinance by such clerks, shall continue to be paid to and collected by such
2809 clerks and shall be paid into the city treasury monthly, except that the city aforesaid shall not be
2810 required to pay any such clerk any fees or commissions for services performed for such city.

2811 Except as to the Clerk of the Circuit Court of the City of Newport News, nothing in this section shall
2812 be construed to affect or remove any of such clerks, their deputies, or employees from coverage by the
2813 Virginia Retirement System, but they shall remain in such system, and the city shall pay to the Virginia
2814 Retirement System such amount as the Commonwealth would have been required to pay had such clerks,
2815 deputies and employees continued to be compensated under other provisions of former Article 3
2816 (§ 14.1-136 et seq.) of Chapter 2 of Title 14.1, and the city shall deduct from the salaries paid such
2817 clerks, their deputies and employees the employee contribution to the Virginia Retirement System as
2818 provided by law.

2819 § 17.1-289. Commission on certain local collections not otherwise provided for.

2820 The clerk of every circuit court shall be entitled to a commission of five per cent on local collections
2821 received by the clerk on which a commission is not otherwise provided for by law. The commissions
2822 shall be deducted by the clerk before the collections are paid into the county, town or city treasury.

2823 § 17.1-290. Contracts by cities.

2824 Subject to the approval of the State Compensation Board, the council of any city may enter into
2825 contracts with officers providing for salaries for the maximum amount allowed in § 17.1-287 and for the
2826 city's pro rata part of the expense of the office approved by the State Compensation Board, in lieu of
2827 fees and commissions prescribed by law for services performed for the city and such contracts may

relieve the officer from collecting such fees and commissions. In the event such contract is entered into and approved by the State Compensation Board the officer and the city shall not be liable to the Commonwealth for the failure of such officer to collect fees and commissions prescribed by law for services rendered the city. A copy of every such contract, certified by the clerk of the city council, shall be filed with the Comptroller.

§ 17.1-291. Penalty for officers.

Any officer failing to comply with the duties imposed upon him by the provisions of this article shall forfeit to the Commonwealth not less than \$25 nor more than \$500 for each such failure, such forfeiture to be enforced by the attorney for the Commonwealth in the circuit court having criminal jurisdiction in his city or county.

CHAPTER 3. SUPREME COURT.

Article 1.

Composition; jurisdiction, etc.

§ 17.1-300. Composition of Court; quorum; Chief Justice.

The Supreme Court shall consist of seven justices, any four of whom convened shall constitute a quorum. The justice longest in continuous service shall be Chief Justice and if two or more shall have so served for the same period, the justice senior in years of these shall be Chief Justice. An eligible justice may decline to serve as Chief Justice, or a Chief Justice may resign as such, without thereby relinquishing his membership on the Court as a justice thereof. In either event the Chief Justice shall be the justice who would next succeed to the office.

§ 17.1-301. Presiding justice when Chief Justice absent.

In the absence of the Chief Justice, the justice longest in continuous service present shall be the presiding justice. If two or more justices have served for the same period, the justice senior in years of these present shall be the presiding justice.

§ 17.1-302. Senior justice.

A. Any Chief Justice or justice of the Supreme Court of Virginia who is eligible for retirement, other than for disability, with the prior consent of a majority of the members of the Court, may elect to retire and be designated a senior justice.

B. Any Chief Justice or justice who has retired from active service, as provided in subsection A, may be designated and assigned by the Chief Justice of the Supreme Court of Virginia to perform the duties of a justice of the Court.

C. While serving in such status, a senior justice shall be deemed to be serving in a temporary capacity and, in addition to the retirement benefits received by such justice, shall receive as compensation a sum equal to one-fourth of the total compensation of an active justice of the Supreme Court of Virginia for a similar period of service. A retired justice, while performing the duties of a senior justice, shall be furnished office space, a secretary, a telephone, and supplies as are furnished a justice of the Court.

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

E. Only four retired justices shall serve as senior justices at any one time.

F. Nothing in this section shall be construed to increase the number of justices of the Supreme Court provided for in § 2 of Article VI of the Constitution of Virginia and in § 17.1-300.

§ 17.1-303. Election of successor justice before date of vacancy.

Whenever a vacancy occurs or exists in the office of a justice of the Supreme Court while the General Assembly is in session, or whenever the term of office of a justice of the Supreme Court will expire or the office will be vacated at a date certain between the adjournment of the General Assembly and the commencement of the next session of the General Assembly, a successor may be elected at any time during a session preceding the date of such vacancy, by the vote of a majority of the members elected to each house of the General Assembly, for a full term and, upon qualification, the successor shall enter at once upon the discharge of the duties of the office; however, such successor shall not qualify prior to the predecessor leaving office.

§ 17.1-304. Terms and sessions.

The Supreme Court shall hold one term annually, commencing at such time and continuing for such period as it may determine. Sessions shall be held at Richmond commencing at such times and continuing for such periods as the Court from time to time directs.

§ 17.1-305. Special sessions.

The Supreme Court by an order entered of record, may direct a special session to be held at such time as it may deem proper.

2889 A special session may also be held, by order of the Chief Justice in vacation, on the written request
2890 of the Governor to him, or whenever it is proper in the opinion of the Chief Justice. The time of holding
2891 the special session shall be designated in the order, which shall be directed to the clerk, who shall enter
2892 it in his record book and give notice thereof to each justice of the Court.

2893 § 17.1-306. What may be tried at special session; effect of decisions.

2894 At any such special session, the Supreme Court, by consent of the parties or their counsel, may hear
2895 and determine any cause then ready for a hearing, or, without such consent, upon twenty days' previous
2896 notice in writing, given by a party desiring a hearing to the adverse party, of his intention to insist on
2897 the same. The Court, at such special session, shall, after notice to the parties or their counsel from the
2898 clerk of the Court, hear any cause which, in its opinion, the public interest requires to be heard and
2899 determined. Any judgment, decree or order entered or made at such special session shall have the same
2900 effect and may be reviewed and reheard in like manner and subject to the same rules as a judgment,
2901 decree or order entered or made at a regular session.

2902 § 17.1-307. Information and recommendations as to other courts.

2903 The Supreme Court, with the aid of the Executive Secretary, shall obtain the information to be
2904 contained in the reports to be made pursuant to § 17.1-221 and present the same to the next regular
2905 session of the General Assembly, and at each recurring session, together with any recommendation it
2906 sees fit to make, looking to the equalization of the work of the courts of record of this Commonwealth
2907 or any matter pertaining to the conduct of the work of the courts which may enable the General
2908 Assembly to have complete knowledge thereof.

2909 § 17.1-308. Court may sit and render final judgment en banc or in divisions; when decision becomes
2910 judgment of Court; majority must concur in declaring law unconstitutional; rehearings.

2911 The Supreme Court may sit and render final judgment en banc or in divisions, as may be prescribed
2912 by rules of the Court not inconsistent with the provisions of this section. No decision shall become the
2913 judgment of the Court, however, except on the concurrence of at least three justices, and no law shall
2914 be declared unconstitutional under either the Constitution of Virginia or the Constitution of the United
2915 States except on the concurrence of at least a majority of all justices of the Supreme Court. If the
2916 justices composing any division differ as to the judgment to be rendered in any cause or if any justice of
2917 such division, within a time and in a manner to be fixed by the rules of the Court, shall certify that in
2918 his opinion any decision of such division of the Court is in conflict with a prior decision of the Court,
2919 or of one of the divisions thereof, the case shall be reheard and decided by the Court sitting en banc.

2920 § 17.1-309. Jurisdiction of writs of mandamus and prohibition.

2921 The Supreme Court shall have jurisdiction to issue writs of mandamus and prohibition to the circuit
2922 and district courts and to the State Corporation Commission and in all other cases in which such writs,
2923 respectively, would lie according to the principles of the common law. Provided that no writ of
2924 mandamus, prohibition or any other summary process whatever shall issue in any case of the collection
2925 of revenue or attempt to collect the same, or to compel the collecting officers to receive anything in
2926 payment of taxes except such money as is legal tender for the payment of revenue, or in any case
2927 arising out of the collection of revenue in which the applicant for the writ of process has any other
2928 remedy adequate for the protection and enforcement of his individual right, claim and demand, if just.

2929 § 17.1-310. Habeas corpus, appeals, writs of error and supersedeas.

2930 The Supreme Court shall also have jurisdiction to award writs of habeas corpus and of such
2931 appeals, writs of error and supersedeas as may be legally docketed in or transferred to the Court. In
2932 accordance with § 8.01-654, the Court shall have exclusive jurisdiction to award writs of habeas corpus
2933 upon petitions filed by prisoners held under the sentence of death.

2934 § 17.1-311. Where prohibition and mandamus issued and tried.

2935 Writs of prohibition or mandamus from the Supreme Court shall issue and be tried at any place of
2936 session of the Court.

2937 § 17.1-312. Where criminal jurisdiction exercised.

2938 The appellate jurisdiction of the Supreme Court in any criminal case may be exercised at any place
2939 of session, no matter where the court may have been held which rendered the judgment in such case.

2940 § 17.1-313. Review of death sentence.

2941 A. A sentence of death, upon the judgment thereon becoming final in the circuit court, shall be
2942 reviewed on the record by the Supreme Court.

2943 B. The proceeding in the circuit court shall be transcribed as expeditiously as practicable, and the
2944 transcript filed forthwith upon transcription with the clerk of the circuit court, who shall, within ten
2945 days after receipt of the transcript, compile the record as provided in Rule 5:14 and transmit it to the
2946 Supreme Court.

2947 C. In addition to consideration of any errors in the trial enumerated by appeal, the court shall
2948 consider and determine:

2949 1. Whether the sentence of death was imposed under the influence of passion, prejudice or any other
2950 arbitrary factor; and

2. Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant.

D. In addition to the review and correction of errors in the trial of the case, with respect to review of the sentence of death, the court may:

1. Affirm the sentence of death;

2. Commute the sentence of death to imprisonment for life; or

3. Remand to the trial court for a new sentencing proceeding.

E. The Supreme Court may accumulate the records of all capital felony cases tried within such period of time as the court may determine. The court shall consider such records as are available as a guide in determining whether the sentence imposed in the case under review is excessive. Such records as are accumulated shall be made available to the circuit courts.

F. Sentence review shall be in addition to appeals, if taken, and review and appeal may be consolidated. The defendant and the Commonwealth shall have the right to submit briefs within time limits imposed by the court, either by rule or order, and to present oral argument.

G. The Supreme Court shall, in setting its docket, give priority to the review of cases in which the sentence of death has been imposed over other cases pending in the Court. In setting its docket, the Court shall also give priority to the consideration and disposition of petitions for writs of habeas corpus filed by prisoners held under sentence of death.

§ 17.1-314. Executive Secretary.

The Office of Executive Secretary to the Supreme Court, to be filled by a person having the qualifications required of a judge of a court of record, is hereby created to be the court administrator for the Commonwealth. He shall be appointed by the Supreme Court, shall hold office at the pleasure of the Court, and during his term of office shall not engage in the private practice of law. He shall receive such compensation as may be fixed by the Court. He may, with the approval of the Court, employ such persons as are necessary for the performance of the duties of his office, whose compensation shall be fixed by the Court within the limits of the amounts appropriated by law.

§ 17.1-315. Duties of Executive Secretary.

The Executive Secretary to the Supreme Court shall have the following duties:

1. He shall be the Secretary of the Judicial Council;

2. He shall be the Secretary of the Judicial Conference;

3. He shall assist the Chief Justice and the Supreme Court in the administration of the judicial branch of the government to the end that litigation may be expedited and the administration of justice improved in the courts of the Commonwealth; and

4. He shall have such other duties as may be required of him by the Chief Justice or by the Supreme Court in the performance of the administrative functions of that Court.

§ 17.1-316. Printing and binding reports of Supreme Court.

When notified by the reporter of the Supreme Court that he has sufficient copy to issue a volume of the Virginia Reports, or a substantial part thereof, the Executive Secretary of the Supreme Court of Virginia shall order the printing of such copy. The Executive Secretary of the Supreme Court of Virginia shall order sufficient copies for distribution as set forth in § 17.1-319 and for sale to the public.

All reports sold by authority of this section shall be sold at a price per volume fixed by the Executive Secretary, said price to be reasonable and sufficient to cover the cost of printing, binding, mailing and handling. The receipts from such sales shall be paid into the state treasury and credited as revenue to a special fund for use by the Supreme Court. The Executive Secretary may arrange for quantity, volume sales to book dealers or publishers for resale and on such quantity sales he may allow a reasonable discount; but the Executive Secretary may limit such sales whenever such sales would reduce the stock below a reasonable number of volumes to be held for sale to individuals for their own use.

§ 17.1-317. Printing and distribution of advance sheets of such reports.

A. In addition to the copies authorized to be printed and bound under § 17.1-316, the Executive Secretary of the Supreme Court of Virginia may have printed, for sale as advance sheets, a number of copies of each such report sufficient to fill orders received for advance sheets. He shall fix the price for advance sheets in an amount to cover the cost of printing, mailing and handling. All the funds collected from the sale of advance sheets shall be paid into the state treasury and reported to the Comptroller for credit to the general fund of the Commonwealth.

B. The Executive Secretary of the Supreme Court of Virginia may also have printed as advance sheets a number of copies of each such report sufficient to furnish one copy of each such report to the following for their use and the use of their successors in office:

1. The Clerk of the Supreme Court;

2. The reporter of the Supreme Court;

3. The judges of each court of record of this Commonwealth;

3012 4. *The Division of Legislative Services;*
 3013 5. *The Secretary of the Virginia State Bar;*
 3014 6. *Each justice of the Supreme Court;*
 3015 7. *The members of the State Corporation Commission;*
 3016 8. *Each judge of a general district court and each judge of a juvenile and domestic relations district*
 3017 *court and such district courts as shall be designated by the Executive Secretary of the Supreme Court of*
 3018 *Virginia not to exceed 250 copies;*
 3019 9. *The Attorney General, his deputies and assistants upon written application to the Executive*
 3020 *Secretary of the Supreme Court of Virginia; and*
 3021 10. *Any member of the General Assembly upon written application to the Executive Secretary of the*
 3022 *Supreme Court of Virginia.*
 3023 § 17.1-317. (Delayed effective date) *Printing and distribution of advance sheets of such reports.*
 3024 A. *In addition to the copies authorized to be printed and bound under § 17.1-316, the Executive*
 3025 *Secretary of the Supreme Court of Virginia may have printed, for sale as advance sheets, a number of*
 3026 *copies of each such report sufficient to fill orders received for advance sheets. He shall fix the price for*
 3027 *advance sheets in an amount to cover the cost of printing, mailing and handling. All the funds collected*
 3028 *from the sale of advance sheets shall be paid into the state treasury and reported to the Comptroller for*
 3029 *credit to the general fund of the Commonwealth.*
 3030 B. *The Executive Secretary of the Supreme Court of Virginia may also have printed as advance*
 3031 *sheets a number of copies of each such report sufficient to furnish one copy of each such report to the*
 3032 *following for their use and the use of their successors in office:*
 3033 1. *The Clerk of the Supreme Court;*
 3034 2. *The reporter of the Supreme Court;*
 3035 3. *The judges of each court of record of this Commonwealth;*
 3036 4. *The Division of Legislative Services;*
 3037 5. *The Secretary of the Virginia State Bar;*
 3038 6. *Each justice of the Supreme Court;*
 3039 7. *The members of the State Corporation Commission;*
 3040 8. *Each judge of a general district court and each judge of a family court and such district courts as*
 3041 *shall be designated by the Executive Secretary of the Supreme Court of Virginia not to exceed 250*
 3042 *copies;*
 3043 9. *The Attorney General, his deputies and assistants upon written application to the Executive*
 3044 *Secretary of the Supreme Court of Virginia; and*
 3045 10. *Any member of the General Assembly upon written application to the Executive Secretary of the*
 3046 *Supreme Court of Virginia.*
 3047 § 17.1-318. *Printing and distribution of Rules of the Supreme Court.*
 3048 A. *The Executive Secretary of the Supreme Court of Virginia shall have printed sufficient copies of*
 3049 *the Rules of the Supreme Court and amendments thereto, adopted from time to time pursuant to*
 3050 *subsection A of § 8.01-3 for delivery pursuant to this section.*
 3051 *The Executive Secretary shall deliver:*
 3052 1. *One copy of such rules and amendments thereto to the following:*
 3053 a. *Each justice of the Supreme Court,*
 3054 b. *The Clerk of the Supreme Court,*
 3055 c. *The judges of each court of this Commonwealth,*
 3056 d. *The clerk of each court of this Commonwealth,*
 3057 e. *The Secretary of the Virginia State Bar,*
 3058 f. *The Clerk of the House of Delegates,*
 3059 g. *The Clerk of the Senate,*
 3060 h. *The Division of Legislative Services,*
 3061 i. *Each member of the General Assembly,*
 3062 j. *The clerk of each of the district courts of the United States held in this Commonwealth,*
 3063 k. *The Library of Virginia, and*
 3064 l. *The State Law Library;*
 3065 2. *Six copies of such rules and amendments to each of the following:*
 3066 a. *The Attorney General,*
 3067 b. *The State Corporation Commission, and*
 3068 c. *The Virginia Workers' Compensation Commission;*
 3069 3. *Annually on the request of the respective deans of the accredited schools of law in this*
 3070 *Commonwealth, such number of copies of the rules and the amendments unincorporated therein, from*
 3071 *time to time, as each such dean shall certify to him is needed for instructional purposes; and*
 3072 4. *To the Secretary of the Virginia State Bar, from time to time, such number of copies as the*
 3073 *Secretary shall from time to time request. The Secretary shall distribute such rules and amendments*

from time to time to the members of the Virginia State Bar, and to others whom he deems interested in and affected by the same.

B. The Executive Secretary of the Supreme Court of Virginia shall fix the price for each copy of the rules and amendments distributed in an amount to cover the cost of printing, mailing, and handling, and shall collect such costs from the distributees set forth in subdivisions A3 and A4 of this section and pay all such funds collected into the state treasury.

§ 17.1-319. Custody and distribution of reports of Supreme Court; Court of Appeals.

A. The Executive Secretary of the Supreme Court of Virginia shall be charged with the custody, disposal and sale of the published reports of the decisions of the Supreme Court and the Court of Appeals. One copy of each volume of the reports hereafter published shall be furnished to each of the following for their use and the use of their successors in office:

1. The Clerk and the Executive Secretary of the Supreme Court;
2. The reporter of the Supreme Court;
3. The judges and retired judges of each circuit court of this Commonwealth;
4. The clerk of each such court;
5. Each judge of a general district court and each judge of a juvenile and domestic relations district court, and such district courts as shall be designated by the Executive Secretary of the Supreme Court of Virginia not to exceed 250 copies;

6. The Clerk of the House of Delegates;

7. The Clerk of the Senate;

8. The Division of Legislative Services;

9. The Virginia Workers' Compensation Commission;

10. The Secretary of the Virginia State Bar;

11. The clerk of each of the district courts of the United States held in this Commonwealth for the use of the courts and the members of the bar practicing therein;

12. The attorney for the Commonwealth in counties and cities, and the county attorney in those counties which created the office of the county attorney;

13. The Attorney General, his deputies and assistants upon written application to the Executive Secretary of the Supreme Court of Virginia.

B. Two copies of each volume of the reports hereafter published shall be furnished to each of the justices of the Supreme Court, to each of the judges of the Court of Appeals and to each of the members of the State Corporation Commission for their use and for the use of their successors in office, except that each justice, judge or member shall be entitled to retain for personal use one copy of each volume in which appear any opinions authored by him. Eight copies of each volume of the reports hereafter published shall be furnished to each university and college in the Commonwealth in which a law school approved by the American Bar Association is established. Fifteen copies of each such volume shall be placed in the State Law Library at Richmond.

C. He shall place in the Law Library at Richmond such additional copies of all of the decisions of the Supreme Court as are available, so as to make up fifteen complete sets of the Virginia Reports for the justices' private offices, conference rooms and the Law Library.

§ 17.1-319. (Delayed effective date) Custody and distribution of reports of Supreme Court; Court of Appeals.

A. The Executive Secretary of the Supreme Court of Virginia shall be charged with the custody, disposal and sale of the published reports of the decisions of the Supreme Court and the Court of Appeals. One copy of each volume of the reports hereafter published shall be furnished to each of the following for their use and the use of their successors in office:

1. The Clerk and the Executive Secretary of the Supreme Court;
2. The reporter of the Supreme Court;
3. The judges and retired judges of each circuit court of this Commonwealth;
4. The clerk of each such court;
5. Each judge of a general district court and each judge of a family court, and such district courts as shall be designated by the Executive Secretary of the Supreme Court of Virginia not to exceed 250 copies;

6. The Clerk of the House of Delegates;

7. The Clerk of the Senate;

8. The Division of Legislative Services;

9. The Virginia Workers' Compensation Commission;

10. The Secretary of the Virginia State Bar;

11. The clerk of each of the district courts of the United States held in this Commonwealth for the use of the courts and the members of the bar practicing therein;

12. The attorney for the Commonwealth in counties and cities, and the county attorney in those

3135 *counties which created the office of the county attorney;*

3136 *13. The Attorney General, his deputies and assistants upon written application to the Executive*
3137 *Secretary of the Supreme Court of Virginia.*

3138 *B. Two copies of each volume of the reports hereafter published shall be furnished to each of the*
3139 *justices of the Supreme Court, to each of the judges of the Court of Appeals and to each of the members*
3140 *of the State Corporation Commission for their use and for the use of their successors in office, except*
3141 *that each justice, judge or member shall be entitled to retain for personal use one copy of each volume*
3142 *in which appear any opinions authored by him. Eight copies of each volume of the reports hereafter*
3143 *published shall be furnished to each university and college in the Commonwealth in which a law school*
3144 *approved by the American Bar Association is established. Fifteen copies of each such volume shall be*
3145 *placed in the State Law Library at Richmond.*

3146 *C. He shall place in the Law Library at Richmond such additional copies of all of the decisions of*
3147 *the Supreme Court as are available, so as to make up fifteen complete sets of the Virginia Reports for*
3148 *the justices' private offices, conference rooms and the Law Library.*

3149 *§ 17.1-320. Furnishing reports to law libraries destroyed by fire.*

3150 *The Executive Secretary of the Supreme Court of Virginia is authorized and directed to furnish to the*
3151 *law school of any university or incorporated college in the Commonwealth whose law library has been*
3152 *destroyed by fire, out of any surplus copies on hand and available for such distribution, eight copies of*
3153 *each volume of the Virginia Reports, or so many thereof as may be necessary to replace copies of such*
3154 *volumes which have been destroyed by such fire.*

3155 *Nothing in this section shall be construed to require the Executive Secretary of the Supreme Court of*
3156 *Virginia to purchase any such copies for distribution hereunder.*

3157 *§ 17.1-321. Reporter of Court; his appointment and salary.*

3158 *The Supreme Court shall have authority to contract with some suitable person to report such of its*
3159 *decisions as the Court shall direct, at such compensation as may be appropriated by law for the*
3160 *purpose, payable in monthly installments.*

3161 *The Court may at any time put an end to such contract and contract with another person for*
3162 *performing the service, upon the same terms.*

3163 *§ 17.1-322. Duties.*

3164 *The Reporter shall prepare and deliver from time to time to such printer as the Comptroller may*
3165 *direct manuscript reports of such decisions of the Court as the judges thereof shall direct, with an*
3166 *abstract of the points decided in each case and an index to the contents of the volume, a table of cases*
3167 *reported, a table of cases cited and a table of Virginia statutes cited and construed in the volume. The*
3168 *Reporter shall examine and correct the proof sheets thereof as they shall be furnished him by the*
3169 *printer.*

3170 *§ 17.1-323. Clerk to deliver opinions to Reporter.*

3171 *In those cases which the Reporter is directed to report, copies of the reasons stated in writing, under*
3172 *Article VI, Section 6 of the Constitution of Virginia, shall be delivered by the clerk of the Court to the*
3173 *Reporter.*

3174 *Article 2.*

3175 *Compensation and expenses; fees.*

3176 *§ 17.1-324. Justices of Supreme Court.*

3177 *The justices of the Supreme Court shall receive such salaries as shall be fixed from time to time in*
3178 *the general appropriation acts.*

3179 *§ 17.1-325. Clerk and deputy clerks of Supreme Court.*

3180 *The Clerk of the Supreme Court and the deputy clerks of the Court shall each receive an annual*
3181 *salary, as fixed by the Court. The salaries prescribed in this section for the Clerk and deputy clerks of*
3182 *the Supreme Court shall be the entire compensation for all services rendered by them, respectively, and*
3183 *shall be in lieu of any and all fees and other emoluments of their offices, prescribed by any other*
3184 *statutes or acts. A reasonable sum as approved by the Court, shall be allowed for the necessary*
3185 *expenses of maintaining the offices of the Clerk.*

3186 *Nothing herein contained, however, shall be construed to lessen or eliminate the authority of the*
3187 *General Assembly to fix and determine such salaries.*

3188 *§ 17.1-326. Reporter of Supreme Court.*

3189 *The reporter of the Supreme Court shall receive an annual salary as fixed by the Court.*

3190 *Nothing herein contained, however, shall be construed to lessen or eliminate the authority of the*
3191 *General Assembly to fix and determine such salary.*

3192 *§ 17.1-327. Payment for services of retired judges; members of the State Corporation Commission*
3193 *and Virginia Workers' Compensation Commission.*

3194 *Any justice, judge, member of the State Corporation Commission, or member of the Virginia*
3195 *Workers' Compensation Commission who is retired under the Judicial Retirement System (§ 51.1-300 et*
3196 *seq.) and who is temporarily recalled to service shall be reimbursed for actual expenses incurred during*

such service and shall be paid a per diem of \$150 for each day he actually sits, exclusive of travel time.

§ 17.1-328. Fees charged by Clerk of Supreme Court.

The Clerk of the Supreme Court shall charge the following fees:

In every case in which a petition is presented, twenty-five dollars, which shall be collected at the time such petition is presented.

For making and certifying a copy of any record or document in the clerk's office, ten cents per 100 words or twenty-five cents per page.

For verifying and certifying any record or document not actually copied by the clerk, one-half of the fee for copying and certifying, which shall not, however, be applied to the certification of a copy of the record in this court which has already been printed.

For authentication of any record, document or paper under the seal of the court, fifty cents.

For copying and certifying any document or paper of less than 250 words, twenty-five cents.

For administering an oath and entering an order qualifying an attorney to practice in the court, two dollars and a half.

For certificate of such qualification under seal of the court, one dollar plus the cost of engrossing.

For entering an order and licensing an attorney from another state, under the reciprocity statute, \$500.

For a law license certificate under seal of the court and a certificate of qualification under seal of the court, one dollar plus the cost of engrossing.

For all other services not specifically mentioned above, the same fee would be charged by a clerk of a circuit court in similar cases.

§ 17.1-329. Disposition of fees of Clerk of Supreme Court.

The Clerk of the Supreme Court shall keep an accurate account of all fees and costs collected by him and shall make monthly deposits thereof in a depository, or depositories, approved by the State Treasurer, to the credit of the Commonwealth of Virginia. A report of each deposit shall be promptly submitted to the State Treasurer, and detailed reports thereof shall be made monthly to the State Comptroller. All such fees and costs shall be credited by the Comptroller to the general fund of the state treasury.

CHAPTER 4.

THE COURT OF APPEALS.

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

A. The Court of Appeals of Virginia is hereby established effective January 1, 1985. It shall consist of ten judges who shall be elected for terms of eight years by the majority of the members elected to each house of the General Assembly. Before entering upon the duties of the office, a judge of the Court of Appeals shall take the oath of office required by law. The oath shall be taken before a justice of the Supreme Court of Virginia or before any officer authorized by law to administer an oath. When any vacancy exists while the General Assembly is not in session, the Governor may appoint a successor to serve until thirty days after the commencement of the next regular session of the General Assembly. Whenever a vacancy occurs or exists in the office of a judge of the Court of Appeals while the General Assembly is in session, or when the term of office of a judge of the Court of Appeals will expire or the office will be vacated at a date certain between the adjournment of the General Assembly and the commencement of the next session of the General Assembly, a successor may be elected at any time during a session preceding the date of such vacancy by the vote of a majority of the members elected to each house of the General Assembly for a full term and, upon qualification, the successor shall enter at once upon the discharge of the duties of the office; however, such successor shall not qualify prior to the predecessor leaving office. All judges of the Court of Appeals shall be residents of the Commonwealth and shall, at least five years prior to the appointment or election, have been licensed to practice law in the Commonwealth. No judge of the Court of Appeals, during his continuance in office, shall engage in the practice of law within or without the Commonwealth or seek or accept any nonjudicial elective office, or hold any other office of public trust, or engage in any other incompatible activity.

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

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

3258 *his duties. The chief judge of the Court of Appeals shall be notified forthwith at the time any absent or*
3259 *disabled judge is able to return to his duties.*

3260 *D. The chief judge of the Court of Appeals may, upon his own initiative, designate a (i) retired chief*
3261 *justice or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge of the*
3262 *Court of Appeals of Virginia, or (iii) retired or active judge of a circuit court of Virginia, with the prior*
3263 *consent of such justice or judge, to perform or discharge the official duties or functions of a judge of*
3264 *the Court of Appeals if there is a need to do so due to congestion in the work of the court. Nothing in*
3265 *this subsection shall be construed to increase the number of judges of the Court of Appeals provided for*
3266 *in subsection A of this section.*

3267 *E. Any retired chief justice, retired justice, retired chief judge or active or retired judge sitting on*
3268 *the Court of Appeals pursuant to subsection C or D shall receive from the state treasury actual*
3269 *expenses for the time he or she is actually engaged in holding court.*

3270 *F. The powers and duties herein conferred or empowered upon the chief judge of the Court of*
3271 *Appeals may be exercised and performed by any judge or any committee of judges of the court*
3272 *designated by the chief judge for such purpose.*

3273 *§ 17.1-401. Senior judge.*

3274 *A. Any chief judge or judge of the Court of Appeals who is eligible for retirement, other than for*
3275 *disability, with the consent of a majority of the members of the court first obtained, may elect to retire*
3276 *and be known and designated as a senior judge.*

3277 *B. Any chief judge or judge who has retired from active service, as provided in subsection A, may be*
3278 *designated and assigned by the Chief Judge of the Court of Appeals to perform the duties of a judge of*
3279 *the court.*

3280 *C. While serving in such status, a senior judge shall be deemed to be serving in a temporary*
3281 *capacity and, in addition to the retirement benefits received by such judge, shall receive as*
3282 *compensation a sum equal to one-fourth of the total compensation of an active judge of the Court of*
3283 *Appeals for a similar period of service. A retired judge, while performing the duties of a senior judge,*
3284 *shall be furnished office space, a secretary, a telephone, and supplies as are furnished a judge of the*
3285 *court.*

3286 *D. A judge may terminate his status as a senior judge, or such status may be terminated by a*
3287 *majority of the members of the court. Each judge designated a senior judge shall serve a one-year term*
3288 *unless the court, by order or otherwise, extends the term for an additional year. There shall be no limit*
3289 *on the number of terms a senior judge may so serve.*

3290 *E. Only three retired judges shall serve as senior judges at any one time.*

3291 *F. Nothing in this section shall be construed to increase the number of judges of the Court of*
3292 *Appeals provided for in § 17.1-400.*

3293 *§ 17.1-402. Sessions; panels; quorum; presiding judges; hearings en banc.*

3294 *A. The Court of Appeals shall sit at such locations within the Commonwealth as the chief judge,*
3295 *upon consultation with the other judges of the court, shall designate so as to provide, insofar as*
3296 *feasible, convenient access to the various geographic areas of the Commonwealth. The chief judge shall*
3297 *schedule sessions of the court as required to discharge expeditiously the business of the court.*

3298 *B. The Court of Appeals shall sit in panels of at least three judges each. The presence of all judges*
3299 *in the panel shall be necessary to constitute a quorum. The chief judge shall assign the members to*
3300 *panels and, insofar as practicable, rotate the membership of the panels. The chief judge shall preside*
3301 *over any panel of which he is a member and shall designate the presiding judges of the other panels.*

3302 *C. Each panel shall hear and determine, independently of the others, the petitions for appeal and*
3303 *appeals granted in criminal cases and the other cases assigned to that panel.*

3304 *D. The Court of Appeals shall sit en banc (i) when there is a dissent in the panel to which the case*
3305 *was originally assigned and an aggrieved party requests an en banc hearing and at least two other*
3306 *judges of the court vote in favor of such a hearing, or (ii) when any judge of any panel shall certify*
3307 *that in his opinion a decision of such panel of the court is in conflict with a prior decision of the court*
3308 *or of any panel thereof and two other judges of the court concur in that view. The court may sit en*
3309 *banc upon its own motion at any time, in any case in which a majority of the court determines it is*
3310 *appropriate to do so. The court sitting en banc shall consider and decide the case and may overrule*
3311 *any previous decision by any panel or of the full court.*

3312 *E. The court may sit en banc with fewer than ten but not fewer than eight judges. In all cases*
3313 *decided by the court en banc, the concurrence of at least a majority of the judges sitting shall be*
3314 *required to reverse a judgment, in whole or in part.*

3315 *§ 17.1-403. Rules of practice, procedure, and internal processes; promulgation by Supreme Court;*
3316 *amendments; summary disposition of appeals without merit.*

3317 *The Supreme Court shall prescribe and publish the initial rules governing practice, procedure, and*
3318 *internal processes for the Court of Appeals designed to achieve the just, speedy, and inexpensive*
3319 *disposition of all litigation in that court consistent with the ends of justice and to maintain uniformity in*

the law of the Commonwealth. Before amending the rules thereafter, the Supreme Court shall receive and consider recommendations from the Court of Appeals. The rules shall prescribe procedures governing the summary disposition of appeals which are determined to be without merit.

§ 17.1-404. Original jurisdiction in matters of contempt and injunctions, writs of mandamus, prohibition and habeas corpus.

The Court of Appeals shall have authority to punish for contempt. A judge of the Court of Appeals shall exercise initially the authority concerning injunctions vested in a justice of the Supreme Court by § 8.01-626 in any case over which the court would have appellate jurisdiction as provided in §§ 17.1-405 and 17.1-406. In addition, in such cases over which the court would have appellate jurisdiction, the court shall have original jurisdiction to issue writs of mandamus, prohibition and habeas corpus.

§ 17.1-405. Appellate jurisdiction - Administrative agency, Virginia Workers' Compensation Commission, and domestic relations appeals.

Any aggrieved party may appeal to the Court of Appeals from:

1. Any final decision of a circuit court on appeal from a decision of an administrative agency;

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

3. Any final judgment, order, or decree of a circuit court involving:

a. Affirmance or annulment of a marriage;

b. Divorce;

c. Custody;

d. Spousal or child support;

e. The control or disposition of a child;

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

g. Adoption under Chapter 11 (§ 63.1-220 et seq.) of Title 63.1;

4. Any interlocutory decree or order entered in any of the cases listed in this section (i) granting, dissolving, or denying an injunction or (ii) adjudicating the principles of a cause.

§ 17.1-405. (Delayed effective date) Appellate jurisdiction - Administrative agency, Virginia Workers' Compensation Commission, and domestic relations appeals.

Any aggrieved party may appeal to the Court of Appeals from:

1. Any final decision of a circuit court on appeal from a decision of an administrative agency;

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

3. Any final judgment, order, or decree of a circuit or family court involving:

a. Affirmance or annulment of a marriage;

b. Divorce;

c. Custody;

d. Spousal or child support;

e. The control or disposition of a child;

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

g. Adoption under Chapter 11 (§ 63.1-220 et seq.) of Title 63.1;

h. Judicial review of school board actions pursuant to § 22.1-87 and of hearing officer decisions pursuant to §§ 22.1-214 and 22.1-214.1; or

i. Records of birth pursuant to § 32.1-260.

4. Any interlocutory decree or order entered in any of the cases listed in this section (i) granting, dissolving, or denying an injunction or (ii) adjudicating the principles of a cause.

§ 17.1-406. Petitions for appeal; cases over which Court of Appeals does not have jurisdiction.

A. Any aggrieved party may present a petition for appeal to the Court of Appeals from (i) any final conviction in a circuit court of a traffic infraction or a crime, except where a sentence of death has been imposed, (ii) any final decision of a circuit court on an application for a concealed weapons permit pursuant to subsection D of § 18.2-308 or (iii) any final order of a circuit court involving involuntary treatment of prisoners pursuant to § 53.1-40.1. The Commonwealth or any county, city or town may petition the Court of Appeals for an appeal pursuant to this subsection in any case in which such party previously could have petitioned the Supreme Court for a writ of error under § 19.2-317. The Commonwealth may also petition the Court of Appeals for an appeal in a criminal case pursuant to § 19.2-398.

B. In accordance with other applicable provisions of law, appeals lie directly to the Supreme Court from a conviction in which a sentence of death is imposed, from a final decision, judgment or order of a circuit court involving a petition for a writ of habeas corpus, from any final finding, decision, order, or judgment of the State Corporation Commission, and from proceedings under §§ 54.1-3935 and 54.1-3937. Complaints of the Judicial Inquiry and Review Commission shall be filed with the Supreme Court of Virginia. The Court of Appeals shall not have jurisdiction over any cases or proceedings described in this subsection.

3381 § 17.1-407. *Procedures on appeal.*

3382 A. The notice of appeal in all cases within the jurisdiction of the court shall be filed with the clerk
3383 of the trial court or the clerk of the Virginia Workers' Compensation Commission, as appropriate, and a
3384 copy of such notice shall be mailed or delivered to all opposing counsel and parties not represented by
3385 counsel, and to the clerk of the Court of Appeals. The clerk shall endorse thereon the day and year he
3386 received it.

3387 B. Appeals pursuant to § 17.1-405 are appeals of right. The clerk of the Court of Appeals shall refer
3388 each case for which a notice of appeal has been filed, other than appeals in criminal cases, to a panel
3389 of the court as the court may direct.

3390 C. Each petition for appeal in a criminal case shall be referred to one or more judges of the Court
3391 of Appeals as the court shall direct. A judge to whom the petition is referred may grant the petition on
3392 the basis of the record without the necessity of oral argument. The clerk shall refer each appeal for
3393 which a petition has been granted to a panel of the court as the court shall direct.

3394 D. If the judge to whom a petition is initially referred does not grant the appeal, counsel for the
3395 petitioner shall be entitled to state orally before a panel of the court the reasons why his appeal should
3396 be granted. If all of the judges of the panel to whom the petition is referred are of the opinion that the
3397 petition ought not be granted, the order denying the appeal shall state the reasons for the denial.
3398 Thereafter, no other petition in the matter shall be entertained in the Court of Appeals.

3399 § 17.1-408. *Time for filing; notice; petition.*

3400 The notice of appeal to the Court of Appeals shall be filed in every case within the court's appellate
3401 jurisdiction as provided in § 8.01-675.3. The petition for appeal in a criminal case shall be filed not
3402 more than forty days after the filing of the record with the Court of Appeals. However, a thirty-day
3403 extension may be granted in the discretion of the court in order to attain the ends of justice. When an
3404 appeal from an interlocutory decree or order is permitted in a criminal case, the petition for appeal
3405 shall be presented within the forty-day time limitation provided in this section.

3406 § 17.1-409. *Certification to the Supreme Court.*

3407 A. In any case in which an appeal has been taken to or filed with the Court of Appeals, the Supreme
3408 Court in its discretion, on motion of the Court of Appeals, or on its own motion, may certify the case
3409 for review by the Supreme Court before it has been determined by the Court of Appeals. The effect of
3410 such certification shall be to transfer jurisdiction over the case to the Supreme Court for all purposes.

3411 B. Such certification may be made only when, in its discretion, the Supreme Court determines that:

3412 1. The case is of such imperative public importance as to justify the deviation from normal appellate
3413 practice and to require prompt decision in the Supreme Court, or

3414 2. The docket or the status of the work of the Court of Appeals is such that the sound or expeditious
3415 administration of justice requires that jurisdiction over the case be transferred to the Supreme Court.

3416 § 17.1-410. *Disposition of appeals; finality of decisions.*

3417 A. Each appeal of right taken to the Court of Appeals and each appeal for which a petition for
3418 appeal has been granted shall be considered by a panel of the court.

3419 When the Court of Appeals has (i) rejected a petition for appeal, (ii) dismissed an appeal in any
3420 case in accordance with the Rules of Court, or (iii) decided an appeal, its decision shall be final,
3421 without appeal to the Supreme Court, in:

3422 1. Traffic infraction and misdemeanor cases where no incarceration is imposed;

3423 2. Cases originating before any administrative agency or the Virginia Workers' Compensation
3424 Commission;

3425 3. Cases involving the affirmance or annulment of a marriage, divorce, custody, spousal or child
3426 support or the control or disposition of a juvenile and other domestic relations cases arising under Title
3427 16.1 or Title 20, or involving adoption under Chapter 11 (§ 63.1-220 et seq.) of Title 63.1;

3428 4. Appeals in criminal cases pursuant to §§ 19.2-398 and 19.2-401. Such finality of the Court of
3429 Appeals' decision shall not preclude a defendant, if he is convicted, from requesting the Court of
3430 Appeals or Supreme Court on direct appeal to reconsider an issue which was the subject of the pretrial
3431 appeal; and

3432 5. Appeals involving involuntary treatment of prisoners pursuant to § 53.1-40.1.

3433 B. Notwithstanding the provisions of subsection A, in any case other than an appeal pursuant to
3434 § 19.2-398, in which the Supreme Court determines on a petition for review that the decision of the
3435 Court of Appeals involves a substantial constitutional question as a determinative issue or matters of
3436 significant precedential value, review may be had in the Supreme Court in accordance with the
3437 provisions of § 17.1-411.

3438 § 17.1-411. *Review by the Supreme Court.*

3439 Except where the decision of the Court of Appeals is made final under § 17.1-410 or § 19.2-408, any
3440 party aggrieved by a final decision of the Court of Appeals, including the Commonwealth, may petition
3441 the Supreme Court for an appeal. The Commonwealth, or any county, city, or town, may also petition
3442 the Supreme Court for review pursuant to § 19.2-317. The granting of such petitions shall be in the

discretion of the Supreme Court.

§ 17.1-412. Affirmance, reversal, or modification of judgment; petition for appeal to Supreme Court upon award of new trial.

A judgment, order, conviction, or decree of a circuit court or award of the Virginia Workers' Compensation Commission may be affirmed, or it may be reversed, modified, or set aside by the Court of Appeals for errors appearing in the record. If the decision of the Court of Appeals is to reverse and remand the case for a new trial, any party aggrieved by the granting of the new trial may accept the remand or proceed to petition for appeal in the Supreme Court pursuant to § 17.1-411.

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

A. The Court of Appeals shall state in writing the reasons for its decision (i) rejecting a petition for appeal or (ii) deciding a case after hearing. Subject to rules promulgated under § 17.1-403 the Court in its discretion may render its decision by order or memorandum opinion. All orders and opinions of the Court of Appeals shall be preserved with the record of the case. Opinions designated by the Court of Appeals as having precedential value or as otherwise having significance for the law or legal system shall be expeditiously reported in separate Court of Appeals Reports in the same manner as the decisions and opinions of the Supreme Court. The clerk of the Court of Appeals shall retain in the clerk's office a list and brief summary of the case for all unpublished decisions and opinions of the Court of Appeals. The list of cases and summary shall be made available to any person upon request.

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

§ 17.1-414. Facilities and supplies.

A. The Court of Appeals shall be housed in the City of Richmond and, if practicable, in the same building occupied by the Supreme Court. When facilities are required for the convening of panels in other areas of the Commonwealth, the chief judge of the Court of Appeals shall provide for such physical facilities as are available for the operation of the Court of Appeals. The Court of Appeals may use any public property of, or any property leased or rented to, the Commonwealth or any of its political subdivisions for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities. The Court of Appeals may use any federal courtroom or other facility for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities. Any expense incurred for use of such facilities may be paid from the funds appropriated by the General Assembly to the Court of Appeals.

B. The Court of Appeals shall purchase such books, pamphlets, publications, supplies, furnishings, and equipment as necessary for the efficient operation of the Court, and the cost thereof shall be paid by the clerk from the appropriation for the operation of the Court of Appeals.

C. The Court of Appeals shall utilize the State Law Library provided by § 42.1-60.

§ 17.1-415. Compensation for judges; travel expenses.

The judges of the Court of Appeals shall receive from the Commonwealth an annual salary which shall be fixed in the general appropriations act and set at an amount equal to ninety-five percent of the annual salary fixed by law for justices of the Supreme Court. The Chief Judge of the Court of Appeals shall receive \$1,000 per year in addition to the amount received by the other judges of the Court of Appeals. Each judge shall receive such amount as shall be fixed in the general appropriations act in lieu of travel, lodging and all other expenses incurred incident to the conduct of the business of the court.

§ 17.1-416. Clerk; seal; deputies and other employees; clerk's fees.

There shall be a clerk of the Court of Appeals, who shall be appointed by and serve at the pleasure of the Court of Appeals. The clerk shall adopt a separate seal of office for the Court of Appeals as approved by the Court of Appeals. The number and salaries of the deputies and other employees necessary to perform the duties of the Court of Appeals shall be fixed by the Court of Appeals. The Supreme Court by rule of court may promulgate uniform fees for services rendered by the clerk.

§ 17.1-417. Research assistants and secretaries.

Each judge of the Court of Appeals shall be entitled to the services of one research assistant, who shall be a graduate of an accredited law school. Each judge shall also be entitled to the services of a secretary. The salaries of the research assistants and secretaries shall be fixed by the Court of Appeals and shall be paid from the appropriation to the Court of Appeals.

§ 17.1-418. Fees charged by clerk of the Court of Appeals.

3504 *The Clerk of the Court of Appeals shall charge the following fees:*

3505 *1. For filing a notice of appeal or initiating any matter under the original jurisdiction of the court,*
3506 *twenty-five dollars payable by check or money order to the Clerk of the Court of Appeals.*

3507 *2. For making and certifying a copy of any record or document in the Clerk's office, ten cents per*
3508 *100 words or twenty-five cents per page.*

3509 *3. For verifying and certifying any record or document not actually copied by the Clerk, one-half of*
3510 *the fee for copying and certifying, which shall not, however, be applied to the certification of a copy of*
3511 *the record in the Court which has already been printed.*

3512 *4. For authentication of any record, document or paper under the seal of the Court, fifty cents.*

3513 *5. For copying and certifying any document or paper of less than 250 words, twenty-five cents.*

3514 *6. For all other services not specifically mentioned above, the same fee that would be charged by a*
3515 *clerk of a circuit court in similar cases.*

3516 CHAPTER 5.

3517 CIRCUIT COURTS.

3518 Article 1.

3519 Establishment; jurisdiction; etc.

3520 *§ 17.1-500. Establishment of circuit courts.*

3521 *For the City of Williamsburg and James City County, and every other county in the Commonwealth,*
3522 *and the Cities of Alexandria, Bristol, Buena Vista, Charlottesville, Chesapeake, Clifton Forge, Colonial*
3523 *Heights, Danville, Fredericksburg, Hampton, Hopewell, Lynchburg, Martinsville, Newport News,*
3524 *Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, Salem, Staunton, Suffolk, Virginia*
3525 *Beach, Waynesboro and Winchester, there shall be a circuit court, which shall be called the circuit*
3526 *court of such county or city, or county and city, as the case may be. Each city circuit court shall be the*
3527 *sole court of record for the city and have jurisdiction over each suit, motion, prosecution or thing now*
3528 *or heretofore properly pending in the former courts of record of the city and over the records of such*
3529 *courts,. Any reference in this Code or in any act of the General Assembly to a corporation, hustings,*
3530 *law and chancery, law and equity, chancery or other court of record of a city shall apply to the circuit*
3531 *court thereof, mutatis mutandis.*

3532 *§ 17.1-501. Judges of circuit courts; selection, powers and duties of chief judges; exercise of*
3533 *appointive powers.*

3534 *A. There shall be as many judges of the circuit courts as may be fixed by the General Assembly. The*
3535 *judges of each circuit shall select from their number by majority vote a chief judge of the circuit, who*
3536 *shall serve for the term of two years. In the event such judges cannot agree as to who shall be chief*
3537 *judge, the Chief Justice of the Supreme Court shall act as tie breaker.*

3538 *B. The chief judge of the circuit shall ensure that the system of justice in his circuit operates*
3539 *smoothly and efficiently. He shall have authority to assign the work of the circuit among the judges, and*
3540 *in doing so he may consider the nature and categories of the cases to be assigned.*

3541 *C. Unless otherwise provided by law, powers of appointment within a circuit shall be exercised by a*
3542 *majority of the judges of the circuit. In case of a tie, the Chief Justice of the Supreme Court shall*
3543 *appoint a circuit judge from another circuit who shall act as tie breaker. Where the power of*
3544 *appointment is to be exercised by a majority of the judges of the Second Judicial Circuit and such*
3545 *appointment is to a local post, board or commission in Accomack or Northampton County, the resident*
3546 *judge or judges of the County of Accomack or Northampton shall exercise such appointment power as if*
3547 *he or they comprise the majority of the judges of the circuit.*

3548 *§ 17.1-502. Administrator of circuit court system.*

3549 *The Executive Secretary of the Supreme Court shall be the administrator of the circuit court system.*
3550 *He shall assist the chief judges in the performance of their administrative duties. He may employ such*
3551 *staff and other assistants, from state funds appropriated to him for the purpose, as may be necessary to*
3552 *carry out his duties, and may secure such office space as may be requisite, to be located in an*
3553 *appropriate place to be selected by the Executive Secretary.*

3554 *§ 17.1-503. Rules of practice and procedure; rules not to preclude judges from hearing certain cases.*

3555 *The Supreme Court may formulate rules of practice and procedure for the circuit courts following*
3556 *consultation with the chairmen of the House and Senate Courts of Justice Committees and the executive*
3557 *committee of the Judicial Conference of Virginia for courts of record. Such rules, subject to the strict*
3558 *construction of the provisions of § 8.01-4, which shall be the only rules of practice and procedure in the*
3559 *circuit courts of the Commonwealth, shall be included in the Code of Virginia as provided in § 8.01-3,*
3560 *subject to revision by the General Assembly.*

3561 *No rule shall hereafter be promulgated under the limitations of § 8.01-4, or otherwise which would*
3562 *avoid or preclude the judge before whom an accused is arraigned in criminal cases from hearing all*
3563 *aspects of the case on its merits, or to avoid or preclude any judge in any case who has heard any part*
3564 *of the case on its merits, from hearing the case to its conclusion. However, another judge may hear*
3565 *portions of a case where a judge is required to disqualify himself, in cases in which a mistrial is*

3566 declared, or in cases which have been reversed on appeal, or in the event of sickness, disability or
 3567 vacation of the judge. The parties to any suit, action, cause or prosecution may waive the provisions of
 3568 this section. Such waiver shall be entered of record.

3569 § 17.1-504. Reserved.

3570 § 17.1-505. Circuit court of county to constitute circuit court of certain cities.

3571 The circuit court of any county, within which is situated any city which has undergone transition
 3572 from a city of the second class to a city of the first class since the Constitution of 1902, went into effect,
 3573 shall have concurrent jurisdiction with the circuit court of such city in all proceedings at law or in
 3574 equity, except criminal prosecutions; and the circuit court of such county shall constitute the circuit
 3575 court of such city. This section shall not apply to the Cities of Bristol, Colonial Heights, Fredericksburg,
 3576 Martinsville, Salem and Suffolk for which separate circuit courts have heretofore been established and
 3577 which are continued.

3578 § 17.1-506. Judicial circuits.

3579 1. The City of Chesapeake shall constitute the first circuit.

3580 2. The City of Virginia Beach and the Counties of Accomack and Northampton shall constitute the
 3581 second circuit.

3582 3. The City of Portsmouth shall constitute the third circuit.

3583 4. The City of Norfolk shall constitute the fourth circuit.

3584 5. The Cities of Franklin and Suffolk and the Counties of Isle of Wight and Southampton shall
 3585 constitute the fifth circuit.

3586 6. The Cities of Emporia and Hopewell and the Counties of Prince George, Surry, Sussex,
 3587 Greenville and Brunswick shall constitute the sixth circuit.

3588 7. The City of Newport News shall constitute the seventh circuit.

3589 8. The City of Hampton shall constitute the eighth circuit.

3590 9. The Cities of Williamsburg and Poquoson and the Counties of York, James City, Charles City,
 3591 New Kent, Gloucester, Mathews, Middlesex, King William, and King and Queen shall constitute the
 3592 ninth circuit.

3593 10. The City of South Boston and the Counties of Cumberland, Buckingham, Appomattox, Prince
 3594 Edward, Charlotte, Lunenburg, Mecklenburg and Halifax shall constitute the tenth circuit.

3595 11. The City of Petersburg and the Counties of Dinwiddie, Nottoway, Amelia and Powhatan shall
 3596 constitute the eleventh circuit.

3597 12. The City of Colonial Heights and the County of Chesterfield shall constitute the twelfth circuit.

3598 13. The City of Richmond shall constitute the thirteenth circuit.

3599 14. The County of Henrico shall constitute the fourteenth circuit.

3600 15. The City of Fredericksburg and the Counties of King George, Stafford, Spotsylvania, Caroline,
 3601 Hanover, Lancaster, Northumberland, Westmoreland, Richmond and Essex shall constitute the fifteenth
 3602 circuit.

3603 16. The City of Charlottesville and the Counties of Madison, Greene, Albemarle, Fluvanna,
 3604 Goochland, Louisa, Orange and Culpeper shall constitute the sixteenth circuit.

3605 17. The County of Arlington and the City of Falls Church shall constitute the seventeenth circuit.

3606 18. The City of Alexandria shall constitute the eighteenth circuit.

3607 19. The City of Fairfax, and the County of Fairfax shall constitute the nineteenth circuit.

3608 20. The Counties of Loudoun, Fauquier and Rappahannock shall constitute the twentieth circuit.

3609 21. The City of Martinsville and the Counties of Patrick and Henry shall constitute the twenty-first
 3610 circuit.

3611 22. The City of Danville and the Counties of Pittsylvania and Franklin shall constitute the
 3612 twenty-second circuit.

3613 23. The Cities of Roanoke and Salem and the County of Roanoke shall constitute the twenty-third
 3614 circuit.

3615 24. The Cities of Lynchburg and Bedford and the Counties of Nelson, Amherst, Campbell and
 3616 Bedford shall constitute the twenty-fourth circuit.

3617 25. The Cities of Covington, Lexington, Staunton, Buena Vista, Clifton Forge and Waynesboro and
 3618 the Counties of Highland, Augusta, Rockbridge, Bath, Alleghany, Botetourt and Craig shall constitute
 3619 the twenty-fifth circuit.

3620 26. The Cities of Harrisonburg and Winchester and the Counties of Frederick, Clarke, Warren,
 3621 Shenandoah, Page and Rockingham shall constitute the twenty-sixth circuit.

3622 27. The Cities of Galax and Radford and the Counties of Pulaski, Wythe, Carroll, Montgomery,
 3623 Floyd, Giles, Bland and Grayson shall constitute the twenty-seventh circuit.

3624 28. The City of Bristol and the Counties of Smyth and Washington shall constitute the twenty-eighth
 3625 circuit.

3626 29. The Counties of Tazewell, Buchanan, Russell and Dickenson shall constitute the twenty-ninth

3627 circuit.

3628 30. The City of Norton and the Counties of Wise, Scott and Lee shall constitute the thirtieth circuit.

3629 31. The Cities of Manassas and Manassas Park and the County of Prince William shall constitute
3630 the thirty-first circuit.

3631 § 17.1-507. Number of judges; residence requirement; compensation; powers; etc.

3632 A. For the several judicial circuits there shall be judges, the number as hereinafter set forth, who
3633 shall during their service reside within their respective circuits and whose compensation and powers
3634 shall be the same as now and hereafter prescribed for circuit judges.

3635 The number of judges of the circuits shall be as follows:

3636 First - 4

3637 Second - 10

3638 Third - 4

3639 Fourth - 9

3640 Fifth - 3

3641 Sixth - 2

3642 Seventh - 4

3643 Eighth - 4

3644 Ninth - 4

3645 Tenth - 3

3646 Eleventh - 3

3647 Twelfth - 4

3648 Thirteenth - 8

3649 Fourteenth - 4

3650 Fifteenth - 6

3651 Sixteenth - 5

3652 Seventeenth - 4

3653 Eighteenth - 3

3654 Nineteenth - 15

3655 Twentieth - 3

3656 Twenty-first - 3

3657 Twenty-second - 3

3658 Twenty-third - 6

3659 Twenty-fourth - 5

3660 Twenty-fifth - 4

3661 Twenty-sixth - 5

3662 Twenty-seventh - 4

3663 Twenty-eighth - 2

3664 Twenty-ninth - 3

3665 Thirtieth - 3

3666 Thirty-first - 5

3667 B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the
3668 Judicial Council has made a study of the need for such additional circuit court judge and has reported
3669 its findings and recommendations to the Courts of Justice Committees of the House of Delegates and
3670 Senate. In its study, the Judicial Council shall consider, and report its findings regarding, the reduced
3671 case load that will occur if family court judgeships are authorized in accordance with the provisions of
3672 Chapter 4.1, Article 2 (§ 16.1-69.6:1 et seq.) of Title 16.1. Nor shall the boundary of any judicial circuit
3673 be changed until a study has been made by the Judicial Council and a report of its findings and
3674 recommendations made to said Committees.

3675 C. If the Judicial Council finds the need for an additional circuit court judge after a study is made
3676 pursuant to subsection B, the study shall be made available to the State Compensation Board and the
3677 Courts of Justice Committees of the House of Delegates and Senate. The State Compensation Board
3678 shall make a study of the need to provide additional courtroom security and deputy court clerk staffing.
3679 This study shall be reported to the Courts of Justice Committees of the House of Delegates and the
3680 Senate, and to the Department of Planning and Budget.

3681 § 17.1-508. Judges in new or changed circuits; ratifying, validating and confirming certain actions.

3682 In any case heretofore or hereafter arising in which a judge has been judge of a circuit created
3683 under § 17.1-506 as amended, and the counties and cities, or one or more of them, have been
3684 transferred to and constituted as part of a new judicial circuit and the remaining counties and cities
3685 constituted as a circuit, the judges of the respective circuits are hereby declared to be judges of said
3686 circuits in which they reside and their actions are hereby ratified, validated and confirmed.

3687 § 17.1-509. Vacancies in office of judge.

3688 Whenever a vacancy occurs in the office of judge, a successor, who shall be a resident of the same

circuit, shall be elected for a full term of eight years and upon qualification shall enter at once upon the discharge of the duties of his office. But, subject to the provisions of §§ 17.1-511 and 17.1-512, the Governor shall have the power during the recess of the General Assembly to fill pro tempore vacancies in such office. Such appointment to every vacancy shall be by commission to expire at the end of thirty days after the commencement of the next regular session of the General Assembly.

§ 17.1-510. Election of judge of new circuit; how court held meanwhile.

If a new or additional circuit is created, a judge or judges shall be elected or appointed thereto in the same manner as provided by law for the filling of vacancies or newly created judgeships in existing circuits.

During any vacancy from the creation of the new circuit until a judge has been elected or appointed to fill the vacancy and has qualified, terms of the court shall be held by a judge or by judges designated as provided by law in cases of vacancies.

§ 17.1-511. Investigation and certification of necessity before vacancies filled.

When a vacancy occurs in the office of judge of any court of record, the vacancy shall not be filled until, after investigation, the Supreme Court certifies that the filling of the vacancy is or is not necessary. If the court certifies that the filling of the vacancy is not necessary, it shall recommend to the General Assembly the manner of distributing the work of the judge; and the Governor shall not fill the vacancy.

§ 17.1-512. Election of successor judge before date of vacancy.

Whenever a vacancy occurs or exists in the office of a judge of a circuit while the General Assembly is in session, or whenever the term of office of a judge of a circuit court will expire or the office will be vacated at a date certain between the adjournment of the General Assembly and the commencement of the next session of the General Assembly, a successor judge may be elected at any time during a session preceding the date of such vacancy, by the vote of a majority of the members elected to each house of the General Assembly, for a term of eight years and upon qualification, the successor judge shall enter at once upon the discharge of the duties of his office. However, such successor judge shall not enter upon the discharge of his duties prior to the commencement of his term of office.

§ 17.1-513. Jurisdiction of circuit courts.

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

They shall have original and general jurisdiction of all cases in chancery and civil cases at law, except cases at law to recover personal property or money not of greater value than \$100, exclusive of interest, and except such cases as are assigned to some other tribunal; also in all cases for the recovery of fees in excess of \$100; penalties or cases involving the right to levy and collect toll or taxes or the validity of an ordinance or bylaw of any corporation; and also, of all cases, civil or criminal, in which an appeal may be had to the Supreme Court. They shall also have original jurisdiction of all indictments for felonies and of presentments, informations and indictments for misdemeanors.

They shall have appellate jurisdiction of all cases, civil and criminal, in which an appeal, writ of error or supersedeas may, as provided by law, be taken to or allowed by such courts, or the judges thereof, from or to the judgment or proceedings of any inferior tribunal. They shall also have jurisdiction of all other matters, civil and criminal, made cognizable therein by law and when a motion to recover money is allowed in such tribunals, they may hear and determine the same, although it is to recover less than \$100.

§ 17.1-514. When plaintiff entitled to less than \$100; judgment for defendant.

In any personal action in a circuit court, wherein it is ascertained that less than \$100, exclusive of interest, is due to the plaintiff, judgment shall be for the defendant, unless the court enter of record that the matter in controversy was of greater value than \$100, exclusive of interest, in which case it may render judgment for the plaintiff for what is ascertained to be due him, with or without costs, in the court's discretion.

§ 17.1-515. Jurisdiction formerly in county courts.

The jurisdiction and powers which were vested in the county courts and the judges and officers thereof, respectively, on January 31, 1904, by the laws of this Commonwealth or under any will or other instrument of writing shall be vested in, exercised by and imposed upon the circuit courts and the judges and officers thereof, except when otherwise specially provided.

3750 All such acts and proceedings of the circuit courts, judges and officers thereof, respectively, whether
3751 *de jure* or *de facto* officers, done or had since January 31, 1904, as may hereafter be done under this
3752 section, are hereby ratified and made valid.

3753 § 17.1-516. Jurisdiction of courts over certain waters.

3754 Where any river, watercourse, or bay lies between any counties or any cities, or any county and city
3755 in this Commonwealth, the circuit courts for the counties and the cities, on each side, respectively, shall
3756 have concurrent territorial jurisdiction over so much thereof as shall be opposite to such counties and
3757 cities. And the circuit courts for counties and cities lying on the waters bounding the Commonwealth
3758 shall have concurrent territorial jurisdiction respectively over such waters opposite such counties and
3759 cities, as far as the jurisdiction of this Commonwealth extends. This section shall not apply to the Cities
3760 of Richmond and Norfolk.

3761 § 17.1-517. Number of terms; how fixed.

3762 The chief judge of each circuit shall fix the terms of each of the courts within his circuit; provided,
3763 that there shall be at least four terms of court each year, and the dockets for criminal and civil cases
3764 may be called on the same or different days in any courtroom of the circuit. Such terms shall be fixed
3765 by order, which shall be entered in the common-law order book in each court. The order fixing, or
3766 changing the terms of court shall be entered on or before January 1, to become effective July 1, and a
3767 copy of the order shall be forwarded to the Executive Secretary of the Supreme Court, who shall cause
3768 an abstract thereof to be published in the Code of Virginia, as a part of the Rules of Court.

3769 § 17.1-518. Special terms; when, how and by whom appointed.

3770 If any term of a circuit court is to end, or has ended, without the dispatch of all its business or if
3771 there be a failure to hold any term or it is expedient in the opinion of the judge of the court to hold a
3772 special term for the trial of any cause pending in such court or of issues made up in any cause by
3773 consent of parties, or if the situation of a person confined in jail for trial in such circuit court makes it
3774 proper that his case should be disposed of before the next regular term thereof, or necessity in the
3775 judge's opinion requires it, the judge of such circuit court or, if he is dead or is unable from any cause
3776 to hold his court, the judge of any other circuit court who has been designated to hold such terms, may,
3777 by order entered in such court or by a warrant directed to the clerk, appoint a special term thereof and
3778 prescribe in such order or warrant whether any venire is to be summoned to attend the term. The clerk
3779 shall inform the attorney for the Commonwealth and the sheriff of such appointment, post a copy of the
3780 warrant or order at the front door of the courthouse and issue all proper process to such special term
3781 and the sheriff shall execute the process.

3782 § 17.1-519. Adjournment thereof to a future day.

3783 Whenever any judge of a circuit court has appointed a special term of any circuit court, by
3784 adjournment or warrant in the manner directed by § 17.1-518, and shall afterward ascertain that he
3785 cannot hold the special term on the day appointed for it, he may, by warrant, directed to the clerk of
3786 the court, adjourn it to such other day as he deems proper. The warrant shall be transmitted to the
3787 clerk, who shall immediately enter it in the order book of the court and, as to the special term
3788 thereafter to be held under the continuance, proceed in all other respects in the manner directed by
3789 § 17.1-518.

3790 § 17.1-520. What tried at a special term.

3791 At any such special term:

3792 1. Any civil case may be tried which could lawfully have been but was not tried at the last preceding
3793 term that was or should have been held;

3794 2. Any motion for a judgment or other motion cognizable by such court may be heard and
3795 determined, whether it was pending at the preceding term or not;

3796 3. Any criminal case may be tried at such special term as if it were a regular term, although at the
3797 preceding regular term the same may not have been pending in the court or may have been continued;
3798 and

3799 4. Any cause or matter of controversy, at law or in chancery, then ready for hearing or which may
3800 be made ready by consent of parties, may, with the consent of the parties to such cause or controversy,
3801 be heard and determined, although it could not lawfully have been heard at the preceding term that was
3802 or should have been held.

3803 § 17.1-521. Who to hold special term; powers.

3804 Every such special term may be held by the judge of the circuit court or, if he is dead or absent or
3805 is so situated in respect to any cause pending in the court as in his opinion to make it improper for him
3806 to try it, by such other circuit or city judge as may be selected or designated in the manner prescribed
3807 by law. The judge so selected or designated shall hold the special term and part of its session may be
3808 held by one judge and part of it by another. A judge selected or designated to hold a special term shall
3809 have all the powers and is authorized to discharge all the duties of the judge of such circuit court.

3810 § 17.1-522. Adjournment of special term.

3811 A special term may be adjourned from time to time during intervals between the regular terms, as

necessary, for the dispatch of the business of the court.

§ 17.1-523. Salaries of judges of circuit courts.

The judges of the circuit courts shall each receive such salary as shall be fixed from time to time in the general appropriation acts. Such salary shall be the total compensation for circuit court judges. However, any county or city which has, prior to March 1, 1976, maintained any program of supplemental retirement or insurance for the benefit of such judges, may continue the same in effect as to judges theretofore covered thereby. The whole of such salaries shall be paid out of the state treasury.

§ 17.1-524. Traveling expenses of circuit judges.

In determining the reimbursement to which circuit judges are entitled under § 2.1-20.8, judges who do not reside in the county seats of the counties in which they reside shall be reimbursed for travel between their residences and such county seats.

CHAPTER 6.

COSTS GENERALLY.

§ 17.1-600. Laws of costs not penal; discretion of courts of equity.

The laws of costs shall not be interpreted as penal laws; nor shall anything in this chapter take away or abridge the discretion of a court of equity over the subject of costs, except as provided in § 17.1-604.

§ 17.1-601. General rule as to recovery of costs on final judgment.

Except when it is otherwise provided, the party for whom final judgment is given in an action or motion shall recover his costs against the opposite party. When the action is against two or more and there is a judgment for, or discontinuance as to, some, but not all of the defendants, unless the court enter of record that there was reasonable cause for making defendants those for whom there is such judgment, or as to whom there is such discontinuance and shall order otherwise, they shall recover their costs.

§ 17.1-602. When successful plaintiff not to recover costs.

In any personal action not on contract, if a verdict is returned for the plaintiff, on an issue or otherwise, for less damages than ten dollars, he shall not recover in respect to such verdict any costs, unless the court enter of record that the object of the action was to try a right, besides the mere right to recover damages for the trespass or grievance in respect to which the action was brought, or that the trespass or grievance was willful or malicious.

§ 17.1-603. Costs when suit is in name of one person for another.

When a suit is in the name of one person for the benefit of any other, if judgment is entered for the defendant's costs, it shall be against such other.

§ 17.1-604. Costs in appellate courts.

In every case in the Supreme Court or the Court of Appeals, costs shall be recovered in such court by the party substantially prevailing.

§ 17.1-605. Same; printing or otherwise reproducing brief and appendix.

Any party in whose favor costs are allowed in the Supreme Court shall have taxed as part of the costs the actual cost incurred by him in printing or otherwise any brief filed with the Court, not to exceed \$200 for all briefs filed and the actual cost incurred by him in printing or otherwise reproducing the appendix containing parts of the record filed with the Court, except that the Court for good cause may direct that such party shall recover less than the entire cost incurred by him in printing or otherwise reproducing (i) briefs filed by him (even though less than \$200) or (ii) the appendix.

§ 17.1-606. Persons allowed services without fees or costs.

Any person, who is a resident of this Commonwealth, and on account of his poverty is unable to pay fees or costs may be allowed by a court to sue or defend a suit therein, without paying fees or costs; whereupon he shall have, from any counsel whom the court may assign him, and from all officers, all needful services and process, without any fees, except what may be included in the costs recovered from the opposite party.

§ 17.1-607. Security for costs upon suit by nonresident.

In any suit or action, except when an indigent is plaintiff, there may be a suggestion on the record in court, or, if the case be at rules, on the rule docket, by a defendant, or any officer of the court, that the plaintiff is not a resident of this Commonwealth and the security is required of him. After sixty days from such suggestion, the suit or action shall, by order of the court, be dismissed, unless, before the dismissal, it is proven that plaintiff is a resident of the Commonwealth or security be given before the court, or its clerk, for the payment of the costs and damages in the court in which the suit or action is instituted which may be awarded to the defendant, and of the fees due, or to become due, in such suit or action to the officers of the court. The security shall be by bond, payable to the Commonwealth, but there need only be one obligor therein, if he be sufficient and a resident of the Commonwealth. The court before whom, or before whose clerk, such bond is given, may, on motion by a defendant or officer, give judgment for so much as he is entitled to by virtue of such bond.

3873 §17.1-608. *How obligor in such bond may obtain indemnity.*

3874 *On the motion of an obligor in such bond, after reasonable notice to the plaintiff, his attorney-at-law*
3875 *or agent, the court may order bond to be given, with sufficient surety, in a penalty equal to the penalty*
3876 *of the former bond, payable to the applicant and with condition to indemnify and save harmless the*
3877 *applicant against all loss or damage, in consequence of executing the former bond. If the bond required*
3878 *under this section is not given within such time as the court may prescribe, it may order the suit to be*
3879 *dismissed.*

3880 § 17.1-609. *Costs on certain motions and interlocutory orders.*

3881 *Upon any motion, other than for a judgment for money, or upon any interlocutory order or*
3882 *proceeding, the court may give or refuse costs, at its discretion, unless otherwise provided. It may, when*
3883 *a demurrer is sustained to a plea in abatement, give judgment for the plaintiff for his full costs, to the*
3884 *time of sustaining it, an attorney's fee only excepted; and when any other part of the pleading is*
3885 *adjudged insufficient, order all costs occasioned by such insufficient pleading to be paid by him who*
3886 *committed the fault.*

3887 § 17.1-610. *Payment of costs when new trial granted.*

3888 *The party to whom a new trial is granted shall, prior to such new trial, pay the costs of the former*
3889 *trial, unless the court enter that the new trial is granted for misconduct of the opposite party, who, in*
3890 *such case, may be ordered to pay any costs which seem to the court reasonable. Such costs shall*
3891 *include the allowances to witnesses as provided in § 17.1-712. If the party who is to pay the costs of the*
3892 *former trial fails to pay the same at or before the next term after the new trial is granted, the court*
3893 *may, on the motion of the opposite party, set aside the order granting it, and proceed to judgment on*
3894 *the verdict or award execution for the costs, whichever seems best.*

3895 §17.1-611. *Allowances to witnesses for Commonwealth.*

3896 *All witnesses summoned for the Commonwealth shall be entitled to receive for each day's attendance*
3897 *all necessary tolls, and such reimbursement for his daily mileage as prescribed in § 2.1-20.8. All*
3898 *allowances to witnesses summoned on behalf of the Commonwealth shall be paid by the treasurer of the*
3899 *county or corporation in which the trial is held or in which the grand jury is summoned and the amount*
3900 *so paid by such treasurer shall be refunded to him out of the state treasury, on a certificate of the clerk*
3901 *of the court in which the trial was held or before which the grand jury was summoned.*

3902 § 17.1-612. *Allowances to other witnesses.*

3903 *A person attending as a witness under a summons not covered by § 17.1-611, whether he is a*
3904 *witness from within or without the Commonwealth, shall be reimbursed for his daily mileage as*
3905 *prescribed in § 2.1-20.8, and expenses for the tolls. On his oath an entry of the sum he is entitled to*
3906 *and for what and by what party it is to be paid shall be made: (i) by the clerk of either house or a*
3907 *committee of the General Assembly when the attendance is before such house or committee and (ii) in*
3908 *other cases by the clerk of the court in which the case is or the person before whom the witness*
3909 *attended. When the attendance was on behalf of the Commonwealth before a court, the entry shall be*
3910 *made upon the minutes of the court in which the case is docketed. A witness from outside the*
3911 *Commonwealth in any civil action may be allowed the same mileage and attendance fee as any other*
3912 *witness in any such action. However, no sums for attendance and mileage shall be allowed a witness*
3913 *from outside the Commonwealth, in any civil action, unless the judge of the court determines and*
3914 *certifies that the witness is a material witness in the matter for which he appeared. The court may allow*
3915 *such mileage and attendance fee or any portion thereof as the court may determine to be reasonable*
3916 *under the circumstances of the case. A witness summoned to attend in several cases may have the entry*
3917 *made against either of the parties by whom he is summoned, but no witness shall be allowed*
3918 *reimbursement for his attendance in more than one case at the same time. Every witness who qualifies*
3919 *as an expert witness, when compelled to attend and testify, shall be allowed such compensation and*
3920 *mileage as the court may, if requested in its discretion, order without regard to any limitation described*
3921 *above, but the same shall be paid by the party in whose behalf he shall testify.*

3922 § 17.1-613. *By whom and upon what certificate allowances to witnesses paid.*

3923 *The sum to which a witness is entitled shall be paid out of the state treasury in any case of*
3924 *attendance before either house or a committee of the General Assembly and in any other case in which*
3925 *the attendance is for the Commonwealth except when it is otherwise specially provided. In all other*
3926 *cases it shall be paid by the party for whom the summons issued. The payment shall be on a certificate*
3927 *of the person required by § 17.1-612 to make the entry or the clerk of the court in whose minutes the*
3928 *entry is made. The certificate shall express by letters and not by figures the separate amount to which*
3929 *the witness is entitled for his attendance, traveling, and tolls which he may have to pay and the*
3930 *aggregate thereof. No clerk or other person authorized to make such entry or give such certificate shall*
3931 *become interested by purchase in any claim payable out of the state treasury which by law he is*
3932 *authorized to certify.*

3933 § 17.1-614. *List of entries made on behalf of witnesses.*

3934 *The clerk shall, immediately after the adjournment of any court, make out two lists of all entries*

made on behalf of witnesses attending for the Commonwealth, and certify one to the Supreme Court and the other to the county or city treasurer, to which lists shall be attached a certificate to the correctness of the allowances therein and the aggregate amount thereof signed by the judge of the court and by the clerk. Any dispute before or after issuing the certificate between the witness and the party against whom his claim is made as to its justice or amount may, when the case is in a court, be determined by such court. The Comptroller shall not issue a warrant for any claim allowed by a court to a witness unless it appears upon the list certified as herein provided, and, upon the payment of any such claim, the date of approval by the Supreme Court shall be noted on such list.

§ 17.1-615. Time within which witnesses may be paid out of state treasury.

No payment out of the state treasury shall be made to witnesses unless their claims are presented within two years from the time of rendering the service.

§ 17.1-616. Restriction of costs for witnesses generally; when entry for witness not allowed.

The court may restrict the taxation in the costs for witnesses to so many as may be deemed just. No entry for a witness shall be made against a party recovering costs, after execution has issued for such party. In no case shall there be an entry of a witness for attendance at a term, after sixty days from the end of such term.

§ 17.1-617. Number of witnesses paid fees in criminal cases.

Not more than the maximum number of witnesses provided for herein shall be paid out of the state treasury in criminal cases.

The maximum number that may be (i) caused to be summoned by an attorney for the Commonwealth in any one case to go before a grand jury - five; (ii) used before a court not of record in the trial of any criminal case - five; and (iii) caused to be summoned by an attorney for the Commonwealth for the trial of any criminal case - ten.

Nothing herein shall be construed to limit (i) the number of witnesses that may be authorized by any court or the judge thereof to be used when the necessity for additional witnesses appears to the court or judge and the consent of the court or judge is first obtained, or (ii) the number of witnesses that a grand jury may of its own motion summon.

§ 17.1-618. Allowances for jurors; expenses of keeping jury together; fees of jury commissioners and commissioner in chancery for drawing of juries.

Every person summoned as a juror in a civil or criminal case shall be entitled to thirty dollars for each day of attendance upon the court for expenses of travel incident to jury service and other necessary and reasonable costs as the court may direct. Jurors summoned from another political subdivision pursuant to § 8.01-363 may be allowed by the court, in addition to the above allowance, their actual expenses. When kept together overnight under the supervision of the court, the jurors and the sheriff or his deputies keeping the jury shall be furnished suitable board and lodging. Reimbursement for board and lodging shall be set by the judge in an amount not to exceed the amount authorized by travel regulations promulgated pursuant to § 2.1-20.8. Allowances and other costs will be allowed a juror in only one case the same day.

Every person serving as a jury commissioner and every person serving as a commissioner in chancery for the drawing of juries for a circuit court of this Commonwealth may be allowed, by the court appointing him, a fee not exceeding thirty dollars per day for the time actually engaged in such work and such other necessary and reasonable costs as the court may direct.

§ 17.1-619. How jurors paid.

A. The compensation and allowances of persons attending the court as jurors in all felony cases shall be paid by the Commonwealth. Jurors in misdemeanor cases shall be paid by the Commonwealth unless the charge is written on a local warrant or summons, in which case the jurors shall be paid by the political subdivision in which the summons is issued. Jurors in all civil cases shall be paid by the political subdivision in which the summons is issued. Payment in all cases shall be by negotiable check, or warrant, upon the Commonwealth, or the political subdivision, as the case may be.

When, during the same day any juror is entitled to compensation from both the Commonwealth and from the political subdivision in which he has served, the court shall divide the pay for such day between the Commonwealth and the political subdivision;. It shall be the duty of the sheriff at the term of the court during which an allowance is made or has been made under this section, to furnish the clerk of the court with a statement showing the number and names of the jurors in attendance upon the court.

B. A county or city may provide by local ordinance that a juror may direct in writing that compensation due him be paid to the court service unit or to any other agency, authority or organization which is ancillary to and provides services to the courts of the county or city.

§ 17.1-620. When juror not entitled to compensation.

No person shall be entitled to receive any compensation for service as a juror if he departs without the leave of the court, or, being summoned as a witness for the Commonwealth, charges for his

3996 attendance as such.

3997 § 17.1-621. Clerk to make entry on minutes stating amount due and by whom payable.

3998 The clerk of any court in which juries are impaneled shall, before its final adjournment at each term,
3999 and under the direction of the court, make an entry upon its minutes stating the amount to which each
4000 juror is entitled for his services or attendance during the term, and specifying how much is payable by
4001 the Commonwealth, and how much by the political subdivision.

4002 § 17.1-622. Clerk to transmit orders making allowances to Supreme Court, treasurer and jurors.

4003 Such clerk shall immediately, after the adjournment of the court, transmit to the Supreme Court a list
4004 of all orders under § 17.1-621 making allowances against the Commonwealth, and to the treasurer of
4005 the political subdivision a list of all such orders making allowances against the political subdivision,
4006 with a certificate to the correctness of the list and the aggregate amount thereof annexed thereto and
4007 signed by the judge of the court and himself, and such clerk shall also deliver to each juror copies of
4008 any orders making an allowance to him, whether the same be payable by the Commonwealth or by the
4009 political subdivision.

4010 § 17.1-623. Payment of allowances.

4011 The treasurer of such political subdivision shall upon demand pay to such juror the amount allowed
4012 him by negotiable check, which shall be repaid to such treasurer out of the public treasury or out of the
4013 political subdivision levy, as the case may be, upon the production of satisfactory proof that the same
4014 has been actually paid by him. But such treasurer shall not be repaid any allowance made against the
4015 Commonwealth unless it appear on the list directed to be sent to the Supreme Court. No such allowance
4016 shall be paid unless presented within two years from the time of rendering the service.

4017 § 17.1-624. Who to tax costs; what included for attorney's fee.

4018 The clerk of the court wherein any party recovers costs shall tax the same. He shall include therein
4019 for the fee of such party's attorney, if he has one:

4020 1. In a case of the Commonwealth, if no higher fee is allowed\$ 5.00

4021 2. In a chancery cause other than a motion, when the matter in
4022 controversy exceeds \$100 in amount or value 15.00

4023 3. In the Court of Appeals 50.00

4024 4. In the Supreme Court 50.00

4025 In no case shall more than one fee be taxed against the same party, unless the court otherwise
4026 directs.

4027 § 17.1-625. Fee of one attorney only to be taxed.

4028 Although the party recovering may have had more than one attorney, only the fees of one shall be
4029 taxed in the same court.

4030 § 17.1-626. Other items to be taxed in costs.

4031 The clerk shall tax in the costs all taxes on process, and all fees of officers which the party appears
4032 to be chargeable with in the case wherein the recovery is, except that when in any court, on the same
4033 side, more than one copy of anything is obtained or taken out, there shall be taxed only the fee for one
4034 copy of the same thing. He shall also tax the costs of executing any order of publication made in the
4035 case for such party and of any advertisement from him in the case, made in pursuance of law, allowing
4036 the amount charged by the publisher, provided such publisher shall file with his certificate of
4037 publication or account a printed copy of his fixed rates of advertising, and his charge shall not exceed
4038 them, and the allowances to his witnesses, and every further sum which the court may deem reasonable
4039 and direct to be taxed for depositions taken out of the Commonwealth, or for any other matter.

4040 § 17.1-627. Premium on indemnifying bond taxed as costs.

4041 In case of any attachment or any levy pursuant to a judgment, where the attaching or judgment
4042 creditor is required to give bond to indemnify and save harmless the officer executing such attachment
4043 or levy, the clerk shall tax in the costs of the proceeding wherein such attachment is had or judgment is
4044 entered the reasonable cost of such bond, such costs to be recovered as provided in § 17.1-601.

4045 § 17.1-628. Judgment or decree for costs on behalf of Commonwealth; costs to be paid into state
4046 treasury.

4047 In a case wherein there is judgment or decree on behalf of the Commonwealth for costs, there shall
4048 be taxed in the costs the charge actually incurred to give any notice, although it be more than fifty
4049 cents; and the fees of attorneys and other officers for services, and allowances for attendance, as if such
4050 fees and allowances were payable out of the state treasury. What is so taxed for fees of, or allowance
4051 to, any person, shall be paid by the sheriff or officer who may receive such costs into the state treasury.

4052 § 17.1-629. No judgment for costs against Commonwealth; exception.

4053 In no case, civil or criminal, except when otherwise specially provided, shall there be a judgment for
4054 costs against the Commonwealth.

4055 CHAPTER 7.

4056 JUDICIAL POLICY-MAKING BODIES.

4057 Article 1.

Judicial Council.

§ 17.1-700. *Composition of Council; committees.*

The Judicial Council shall be composed of fourteen members consisting of the Chief Justice of the Supreme Court, one judge of the Court of Appeals, six circuit court judges, one general district court judge, one juvenile and domestic relations district court judge, two attorneys qualified to practice in the Supreme Court, and the Chairmen of the Committees for Courts of Justice of the Senate and the House of Delegates. The Council may appoint committees to aid it in the performance of its duties, and members of such committees need not be members of the Council.

§ 17.1-700. (Delayed effective date) *Composition of Council; committees.*

The Judicial Council shall be composed of fourteen members consisting of the Chief Justice of the Supreme Court, one judge of the Court of Appeals, six circuit court judges, one general district court judge, one family court judge, two attorneys qualified to practice in the Supreme Court, and the Chairmen of the Committees for Courts of Justice of the Senate and the House of Delegates. The Council may appoint committees to aid it in the performance of its duties, and members of such committees need not be members of the Council.

§ 17.1-701. *Appointment and terms of members.*

The members of the Council shall be appointed by the Chief Justice of the Supreme Court, to serve for four years, or during his pleasure. No member appointed by the Chief Justice shall be eligible to serve more than two consecutive terms.

§ 17.1-702. *Meetings of Council and committees.*

The Chief Justice, or, in case of his inability to do so, one of the other justices of the Supreme Court, shall summon the Council to meet at Richmond during the month of October in each year, and at such other times and places as the Chief Justice, or such other justice, may designate. If any member, when so summoned, shall for any cause be unable to attend, he shall promptly notify the justice who issued the summons, of such fact, and such justice shall thereupon summon some other person possessing similar qualifications to attend and act in his stead.

Each member or other person, when so summoned, shall attend and remain throughout the proceedings of the Council, unless excused by the presiding officer, and shall advise as to any matters in respect to which, in his opinion, the administration of justice in the courts of this Commonwealth may be improved.

The Chief Justice or, in case of his inability to do so, one of the other justices of the Supreme Court, may summon the chairman or members of any committee to meet at such time and place as the Chief Justice, or such other justice, may designate.

§ 17.1-703. *Presiding officer; study of procedure.*

The Chief Justice of the Supreme Court, or the other justice summoning the Council, shall be its presiding officer.

The Council shall, during each of its meetings, make a continuous study of the organization and the rules and methods of procedure and practice of the judicial system of the Commonwealth, the work accomplished and the results produced by the system and its various parts; and shall make studies of the need, or lack of need, of additional judges or justices of the Supreme Court of Virginia, the Court of Appeals of Virginia, and the circuit courts.

On the request of the presiding officer, the Attorney General shall attend the Council and confer with the members thereof, more particularly on the Commonwealth's business in the courts, and for the purpose of devising methods for the prevention of undue delay in the trial of such cases.

§ 17.1-704. *Expenses; Secretary and assistants; printing.*

Each member of the Council shall serve without compensation, and each member of the Council and of its committees summoned and attending its meetings shall be allowed his actual expenses of travel and also his necessary expenses for subsistence while attending the Council. As provided by § 17.1-315 the Executive Secretary of the Supreme Court shall be the Secretary of the Judicial Council. The Council may engage such consultants or other assistants as it deems necessary for the performance of its duties.

§ 17.1-705. *Report and recommendations.*

A report of the proceedings of the Council shall be made to the General Assembly and to the Supreme Court, with such recommendations as may be agreed upon. However, this authority to make recommendations shall in no event be construed to establish rules for the judicial system of the Commonwealth.

*Article 2.**Judicial Conference of Virginia.*

§ 17.1-706. *Establishment and membership.*

There is hereby established the Judicial Conference of Virginia, which shall have as its active members the Chief Justice and justices of the Supreme Court of Virginia, the chief judge and judges of

4119 *the Court of Appeals, all other judges of the circuit courts of the Commonwealth and all retired justices*
4120 *and judges of such courts. The honorary membership shall consist of the Attorney General of Virginia,*
4121 *the Chairmen of the Courts of Justice Committees of the Senate and House of Delegates, the president*
4122 *and secretary of the Virginia State Bar, the president and secretary of the Virginia State Bar*
4123 *Association, the president and secretary of the Virginia Trial Lawyers Association, the president and*
4124 *secretary of the Virginia Association of Defense Attorneys, the president and secretary of the Old*
4125 *Dominion Bar Association, the president and secretary of the Virginia Association of Commonwealth's*
4126 *Attorneys, the president and secretary of the Virginia Women Attorneys Association, the deans of the*
4127 *law schools of the College of William and Mary, University of Richmond, University of Virginia,*
4128 *Washington and Lee University, and George Mason University, and the two attorneys appointed by the*
4129 *Chief Justice of the Supreme Court as members of the Judicial Council. The honorary members shall*
4130 *not have voting privileges.*

4131 *§ 17.1-707. President; executive committee.*

4132 *The Chief Justice of the Supreme Court shall be the president of the Judicial Conference. The*
4133 *Conference shall be served by an executive committee composed of eight judges. The Chief Justice, or a*
4134 *justice of the Supreme Court designated by him, shall be chairman of the executive committee.*

4135 *§ 17.1-708. Meetings.*

4136 *The Conference shall meet at least once in each calendar year at the call of the president and at*
4137 *such other times as may be designated by him or by the executive committee for the purpose of*
4138 *discussing and considering means and methods of improving the administration of justice in this*
4139 *Commonwealth. If any active member shall for any cause be unable to attend, he shall promptly notify*
4140 *the president. Unless excused from attendance, it shall be the duty of each active member to attend and*
4141 *remain throughout the proceedings of the Conference.*

4142 *§ 17.1-709. Expenses of members.*

4143 *The active members and honorary members shall receive their reasonable expenses while in*
4144 *attendance at the meetings of the Conference, and of the executive committee.*

4145 *CHAPTER 8.*

4146 *VIRGINIA CRIMINAL SENTENCING COMMISSION.*

4147 *§ 17.1-800. Virginia Criminal Sentencing Commission created.*

4148 *There is hereby created within the judicial branch as an agency of the Supreme Court of Virginia,*
4149 *the Virginia Criminal Sentencing Commission, hereinafter referred to in this chapter as the Commission.*

4150 *§ 17.1-801. Purpose.*

4151 *The General Assembly, to ensure the imposition of appropriate and just criminal penalties, and to*
4152 *make the most efficient use of correctional resources, especially for the effective incapacitation of violent*
4153 *criminal offenders, has determined that it is in the best interest of the Commonwealth to develop,*
4154 *implement, and revise discretionary sentencing guidelines. The purposes of the Commission established*
4155 *under this chapter are to assist the judiciary in the imposition of sentences by establishing a system of*
4156 *discretionary guidelines and to establish a discretionary sentencing guidelines system which emphasizes*
4157 *accountability of the offender and of the criminal justice system to the citizens of the Commonwealth.*

4158 *The Commission shall develop discretionary sentencing guidelines to achieve the goals of certainty,*
4159 *consistency, and adequacy of punishment with due regard to the seriousness of the offense, the*
4160 *dangerousness of the offender, deterrence of individuals from committing criminal offenses and the use*
4161 *of alternative sanctions, where appropriate.*

4162 *§ 17.1-802. Membership; compensation.*

4163 *A. The Commission shall be composed of seventeen members as follows:*

4164 *1. Six judges or justices, who may be judges of a circuit court who regularly hear criminal cases or*
4165 *judges or justices of the Supreme Court or the Court of Appeals, to be appointed by the Chief Justice of*
4166 *the Supreme Court of Virginia;*

4167 *2. One person who is not an active member of the judiciary, to be appointed as Chairman by the*
4168 *Chief Justice of the Supreme Court of Virginia subject to confirmation by the General Assembly;*

4169 *3. Three persons to be appointed by the Speaker of the House of Delegates;*

4170 *4. Two persons to be appointed by the Senate Committee on Privileges and Elections;*

4171 *5. Four persons to be appointed by the Governor, at least one of whom shall be a representative of*
4172 *a crime victims' organization or a victim of crime as defined in subsection B of § 19.2-11.01; and*

4173 *6. The Attorney General of Virginia.*

4174 *B. Appointments to the Commission shall be for terms of three years. Members shall not be eligible*
4175 *to serve more than two consecutive full terms except for the Attorney General who shall serve by virtue*
4176 *of his office.*

4177 *C. Members of the Commission shall receive compensation as provided in § 30-19.12, and all*
4178 *members of the Commission shall be paid their necessary expenses incurred in the performance of their*
4179 *duties.*

4180 *§ 17.1-803. Powers and duties.*

The Commission shall:

1. Develop, maintain and modify as may be deemed necessary, a proposed system of statewide discretionary sentencing guidelines for use in all felony cases which will take into account historical data, when available, concerning time actually served for various felony offenses committed prior to January 1, 1995, and sentences imposed for various felony offenses committed on or after January 1, 1995, and such other factors as may be deemed relevant to sentencing.

2. Prepare, periodically update, and distribute sentencing worksheets for the use of sentencing courts which, when used, will produce a recommended sentencing range for a felony offense in accordance with the discretionary sentencing guidelines established pursuant to subdivision 1.

3. Prepare, periodically update, and distribute a form for the use of sentencing courts which will assist such courts in recording the reason or reasons for any sentence imposed in a felony case which is greater or less than the sentence recommended by the discretionary sentencing guidelines.

4. Prepare guidelines for sentencing courts to use in determining appropriate candidates for alternative sanctions which may include, but not be limited to (i) fines and day fines, (ii) boot camp incarceration, (iii) local correctional facility incarceration, (iv) diversion center incarceration, (v) detention center incarceration, (vi) home incarceration/electronic monitoring, (vii) day or evening reporting, (viii) probation supervision, (ix) intensive probation supervision, and (x) performance of community service.

5. Develop an offender risk assessment instrument for use in all felony cases, based on a study of Virginia felons, that will be predictive of the relative risk that a felon will become a threat to public safety.

6. Apply the risk assessment instrument to offenders convicted of any felony that is not specified in (i) subdivision 1, 2 or 3 of subsection A of § 17.1-805 or (ii) subsection C of § 17.1-805 under the discretionary sentencing guidelines, and shall determine, on the basis of such assessment and with due regard for public safety needs, the feasibility of achieving the goal of placing twenty-five percent of such offenders in one of the alternative sanctions listed in subdivision 4. If the Commission so determines that achieving the twenty-five percent or a higher percentage goal is feasible, it shall incorporate such goal into the discretionary sentencing guidelines, to become effective on January 1, 1996. If the Commission so determines that achieving the goal is not feasible, the Commission shall report that determination to the General Assembly, the Governor and the Chief Justice of the Supreme Court of Virginia on or before December 1, 1995, and shall make such recommendations as it deems appropriate.

7. Monitor sentencing practices in felony cases throughout the Commonwealth, including the use of the discretionary sentencing guidelines, and maintain a database containing the information obtained.

8. Monitor felony sentence lengths, crime trends, correctional facility population trends and correctional resources and make recommendations regarding projected correctional facilities capacity requirements and related correctional resource needs.

9. Study felony statutes in the context of judge-sentencing and jury-sentencing patterns as they evolve after January 1, 1995, and make recommendations for the revision of general criminal offense statutes to provide more specific offense definitions and more narrowly prescribed ranges of punishment.

10. Report upon its work and recommendations annually on or before December 1 to the General Assembly, the Governor and the Chief Justice of the Supreme Court of Virginia.

11. Perform such other functions as may be otherwise required by law or as may be necessary to carry out the provisions of this chapter.

§ 17.1-804. Meetings; staff support.

A. Regular meetings of the Commission shall be held on a quarterly basis and at such other times as the Chairman may determine. Nine members of the Commission shall constitute a quorum. The Commission may hold public hearings.

B. The Commission may appoint a director and fix his duties and compensation. The Director may with prior approval of the Commission employ and fix the duties and compensation of such adequate staff as may be requisite to carry out the duties of the Commission. Other professional personnel, consultants and secretarial and clerical employees may be employed or contracted upon such terms and conditions as set forth by the Commission. The salaries, per diem and other expenses necessary to the functions of the Commission shall be payable from funds appropriated to the Commission. Adequate office space shall be provided by the Executive Secretary of the Supreme Court.

C. All agencies of the Commonwealth, their staffs and employees shall provide the Commission with necessary information for the performance of its duties.

§ 17.1-805. Adoption of initial discretionary sentencing guideline midpoints.

A. The Commission shall adopt an initial set of discretionary felony sentencing guidelines which shall become effective on January 1, 1995. The initial recommended sentencing range for each felony offense shall be determined first, by computing the actual time-served distribution for similarly situated

4242 offenders, in terms of their conviction offense and prior criminal history, released from incarceration
4243 during the base period of calendar years 1988 through 1992, increased by 13.4 percent, and second, by
4244 eliminating from this range the upper and lower quartiles. The midpoint of each initial recommended
4245 sentencing range shall be the median time served for the middle two quartiles and subject to the
4246 following additional enhancements:

4247 1. The midpoint of the initial recommended sentencing range for first degree murder, second degree
4248 murder, rape in violation of § 18.2-61, forcible sodomy, object sexual penetration, and aggravated
4249 sexual battery, shall be further increased by (i) 125 percent in cases in which the defendant has no
4250 previous conviction of a violent felony offense, (ii) 300 percent in cases in which the defendant has
4251 previously been convicted of a violent felony offense punishable by a maximum punishment of less than
4252 forty years, or (iii) 500 percent in cases in which the defendant has previously been convicted of a
4253 violent felony offense punishable by a maximum punishment of forty years or more, except that the
4254 recommended sentence for a defendant convicted of first degree murder who has previously been
4255 convicted of a violent felony offense punishable by a maximum term of imprisonment of forty years or
4256 more shall be imprisonment for life;

4257 2. The midpoint of the initial recommended sentencing range for voluntary manslaughter, robbery,
4258 aggravated malicious wounding, malicious wounding, and any burglary of a dwelling house or statutory
4259 burglary of a dwelling house or any burglary committed while armed with a deadly weapon or any
4260 statutory burglary committed while armed with a deadly weapon shall be further increased by (i) 100
4261 percent in cases in which the defendant has no previous conviction of a violent felony offense, (ii) 300
4262 percent in cases in which the defendant has previously been convicted of a violent felony offense
4263 punishable by a maximum term of imprisonment of less than forty years, or (iii) 500 percent in cases in
4264 which the defendant has previously been convicted of a violent felony offense punishable by a maximum
4265 term of imprisonment of forty years or more;

4266 3. The midpoint of the initial recommended sentencing range for manufacturing, selling, giving or
4267 distributing, or possessing with the intent to manufacture, sell, give or distribute a Schedule I or II
4268 controlled substance shall be increased by (i) 200 percent in cases in which the defendant has
4269 previously been convicted of a violent felony offense punishable by a maximum punishment of less than
4270 forty years or (ii) 400 percent in cases in which the defendant has previously been convicted of a
4271 violent felony offense punishable by a maximum term of imprisonment of forty years or more; and

4272 4. The midpoint of the initial recommended sentencing range for felony offenses not specified in
4273 subdivision 1, 2 or 3 shall be increased by 100 percent in cases in which the defendant has previously
4274 been convicted of a violent felony offense punishable by a maximum punishment of less than forty years,
4275 and by 300 percent in cases in which the defendant has previously been convicted of a violent felony
4276 offense punishable by a maximum term of imprisonment of forty years or more.

4277 B. For purposes of this chapter, previous convictions shall include prior adult convictions and
4278 juvenile convictions and adjudications of delinquency based on an offense which would have been at the
4279 time of conviction a felony if committed by an adult under the laws of any state, the District of
4280 Columbia, the United States or its territories. However, for purposes of subdivision A 4 of this section,
4281 only convictions or adjudications (i) occurring within sixteen years prior to the date of the offense upon
4282 which the current conviction or adjudication is based or (ii) resulting in an incarceration from which
4283 the offender was released within sixteen years prior to the date of the offense upon which the current
4284 conviction or adjudication is based, shall be deemed to be "previous convictions."

4285 C. For purposes of this chapter, violent felony offenses shall include any violation of §§ 18.2-31,
4286 18.2-32, 18.2-33, 18.2-35, 18.2-40 or § 18.2-41; any Class 5 felony violation of § 18.2-47; any felony
4287 violation of §§ 18.2-48, 18.2-48.1, or § 18.2-49; any violation of §§ 18.2-51, 18.2-51.1, 18.2-51.2,
4288 18.2-52, 18.2-53, 18.2-53.1, 18.2-54.1, 18.2-54.2 or § 18.2-55, or any felony violation of § 18.2-57.2;
4289 any violation of § 18.2-58 or § 18.2-58.1; any felony violation of § 18.2-60.1 or § 18.2-60.3; any
4290 violation of §§ 18.2-61, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.2:1, 18.2-67.3 or § 18.2-67.5; any Class
4291 4 felony violation of § 18.2-63; any violation of subsection A of § 18.2-77; any Class 3 felony violation
4292 of § 18.2-79; any Class 3 felony violation of § 18.2-80; any violation of §§ 18.2-89, 18.2-90, 18.2-91,
4293 18.2-92 or § 18.2-93; any felony violation of § 18.2-152.7; any Class 4 felony violation of §§ 18.2-153,
4294 18.2-154 or § 18.2-155; any felony violation of § 18.2-162; any violation of § 18.2-279 involving an
4295 occupied dwelling; any violation of subsection B of § 18.2-280; any violation of §§ 18.2-281, 18.2-286.1,
4296 18.2-289 or § 18.2-290; any felony violation of subsection A of § 18.2-282; any violation of subsection
4297 A of § 18.2-300; any felony violation of §§ 18.2-308.1 and 18.2-308.2; any violation of § 18.2-308.2:1,
4298 or subsection M or N of § 18.2-308.2:2; any violation of § 18.2-308.3 or § 18.2-312; any violation of
4299 subdivision (2) or (3) of § 18.2-355; any violation of § 18.2-358; any violation of subsection B of
4300 § 18.2-361; any violation of subsection B of § 18.2-366; any violation of §§ 18.2-368, 18.2-370 or
4301 § 18.2-370.1; any violation of subsection A of § 18.2-371.1; any felony violation of § 18.2-369 resulting
4302 in serious bodily injury or disease; any violation of § 18.2-374.1; any felony violation of § 18.2-374.1:1;
4303 any violation of § 18.2-374.3; any second or subsequent offense under §§ 18.2-379 and 18.2-381; any

felony violation of § 18.2-405 or § 18.2-406; any violation of §§ 18.2-408, 18.2-413, 18.2-414 or § 18.2-433.2; any felony violation of § 18.2-460, 18.2-474.1 or § 18.2-477.1; any violation of §§ 18.2-477, 18.2-478, 18.2-480 or § 18.2-485; any violation of § 53.1-203; or any conspiracy or attempt to commit any offense specified in this subsection, and any substantially similar offense under the laws of any state, the District of Columbia, the United States or its territories.

§ 17.1-806. Sentencing guidelines modifications; effective date.

After adoption of the initial guidelines, any modification to the discretionary sentencing guidelines adopted by the Commission shall be contained in the annual report required under § 17.1-803 and shall, unless otherwise provided by law, become effective on the next following July 1.

§ 19.2-46.1. Salaries to be fixed by Committee on District Courts; limitations; mileage allowance.

Salaries of magistrates and any other personnel in the office of the magistrate shall be fixed by the Committee on District Courts established pursuant to § 16.1-69.33. Such salaries shall be fixed by the Committee at least annually at such time as it deems proper and as soon as practicable thereafter certified to the Comptroller and the Executive Secretary of the Supreme Court.

In addition to the salary authorized by this section, a magistrate may be reimbursed by the county or city for reasonable mileage expenses actually incurred in the performance of his duties.

In determining the salary of any magistrate, the Committee shall consider the work load of and territory and population served by the magistrate and such other factors it deems relevant. It may require of any magistrate or district judge information on the operation of the office of the magistrate.

The governing body of any county or city may add to the fixed compensation of magistrates such amount as the governing body may appropriate with the total amount not to exceed fifty percent of the amount paid by the Commonwealth to magistrates. No additional amount paid by a local governing body shall be chargeable to the Executive Secretary of the Supreme Court, nor shall it remove or supersede any authority, control or supervision of the Executive Secretary or Committee on District Courts.

§ 19.2-46.2. Full-time magistrates; certification for retirement coverage.

The Committee on District Courts shall certify to the director of the Virginia Retirement System the names of those magistrates serving on a regular full-time basis. Certification by the Committee shall qualify a magistrate as a state employee, for purposes of §§ 51.1-124.3 and 51.1-152 of the Virginia Retirement System (§ 51.1-124.1 et seq.), effective on the date given in the certificate as the date on which such magistrate first served on a regular full-time basis on or after January 1, 1974.

§ 19.2-47.1. Disposition of funds.

All funds paid to and collected by or on behalf of a magistrate shall be paid promptly to the appropriate district court clerk, circuit court clerk, commissioner in chancery, department of the Commonwealth, federal agency or as otherwise authorized by statute.

§ 22.1-32. Salary of members.

A. The school board of the following counties may pay each of its members an annual salary not to exceed the limits hereinafter set forth:

Accomack - \$3,000.00;
 Albemarle - \$3,300.00;
 Alleghany - \$1,500.00;
 Amelia - \$1,200.00;
 Amherst - \$2,400.00;
 Appomattox - \$3,000.00;
 Arlington - \$8,000.00;
 Augusta - \$2,400.00;
 Bath - \$3,500.00;
 Bedford - \$2,400.00;
 Bland - \$2,400.00;
 Botetourt - \$3,600.00;
 Brunswick - \$1,800.00;
 Buchanan - \$1,800.00;
 Buckingham - \$3,600.00;
 Campbell - \$2,400.00;
 Caroline - \$2,400.00;
 Carroll - \$2,400.00;
 Charles City - \$2,400.00;
 Charlotte - \$2,400.00;
 Chesterfield - \$7,000.00;
 Clarke - \$1,200.00;
 Craig - \$2,500.00;

4365	Culpeper - \$3,500.00;
4366	Cumberland - \$1,800.00;
4367	Dickenson - \$1,500.00;
4368	Dinwiddie - \$2,700.00;
4369	Essex - \$1,800.00;
4370	Fairfax - \$12,500.00;
4371	Fauquier - \$5,000.00;
4372	Floyd - \$3,000.00;
4373	Fluvanna - \$2,400.00;
4374	Franklin - \$3,600.00;
4375	Frederick - \$2,400.00;
4376	Giles - \$2,400.00;
4377	Gloucester - \$3,000.00;
4378	Goochland - \$2,400.00;
4379	Grayson - \$3,000.00;
4380	Greene - \$3,600.00;
4381	Greensville - \$1,800.00;
4382	Halifax - \$2,400.00;
4383	Hanover - \$4,600.00;
4384	Henrico - \$7,000.00;
4385	Henry - \$2,400.00;
4386	Highland - \$2,000.00;
4387	Isle of Wight - \$4,000.00;
4388	James City - \$3,000.00;
4389	King and Queen - \$2,400.00;
4390	King George - \$3,600.00;
4391	King William - \$2,400.00;
4392	Lancaster - \$3,000.00;
4393	Lee - \$2,400.00;
4394	Loudoun - \$8,000.00;
4395	Louisa - \$3,600.00;
4396	Lunenburg - \$2,400.00;
4397	Madison - \$1,800.00;
4398	Mathews - \$1,240.00;
4399	Mecklenburg - \$1,500.00;
4400	Middlesex - \$1,200.00;
4401	Montgomery - \$3,600.00;
4402	Nelson - \$1,800.00;
4403	New Kent - \$1,200.00;
4404	Northampton - \$1,800.00;
4405	Northumberland - \$2,400.00;
4406	Nottoway - \$2,400.00;
4407	Orange - \$2,500.00;
4408	Page - \$3,600.00;
4409	Patrick - \$1,600.00;
4410	Pittsylvania - \$3,000.00;
4411	Powhatan - \$5,000.00;
4412	Prince Edward - \$2,400.00;
4413	Prince George - \$1,800.00;
4414	Prince William - \$8,000.00;
4415	Pulaski - \$1,800.00;
4416	Rappahannock - \$600.00;
4417	Richmond - \$3,400.00;
4418	Roanoke - \$6,000.00;
4419	Rockbridge - \$1,200.00;
4420	Rockingham - \$3,800.00;
4421	Russell - \$1,800.00;
4422	Scott - \$2,400.00;
4423	Shenandoah - \$2,400.00;
4424	Smyth - \$2,400.00;
4425	Southampton - \$2,400.00;
4426	Spotsylvania - \$7,500.00;

4427 Stafford - \$2,400.00;
 4428 Surry - \$2,400.00;
 4429 Sussex - \$2,100.00;
 4430 Tazewell - \$2,400.00;
 4431 Warren - \$1,500.00;
 4432 Washington - \$6,000.00;
 4433 Westmoreland - \$2,400.00;
 4434 Wise - \$4,800.00;
 4435 Wythe - \$2,400.00;
 4436 York - \$4,000.00.
 4437 B. The school board of the following cities and towns may pay each of its members an annual salary
 4438 not to exceed the limits hereinafter set forth:
 4439 Alexandria - \$5,000.00;
 4440 Bristol - \$1,500.00;
 4441 Charlottesville - \$3,000.00;
 4442 Chesapeake - \$5,000.00;
 4443 Colonial Beach - \$1,500.00
 4444 Covington - \$1,500.00;
 4445 Danville - \$ 600.00;
 4446 Emporia - \$ 240.00;
 4447 Fairfax - \$3,000.00;
 4448 Fredericksburg - \$3,600.00;
 4449 Fries - \$ 240.00;
 4450 Hampton - \$3,000.00;
 4451 Hopewell - \$2,400.00;
 4452 Lexington - \$ 600.00;
 4453 Manassas - \$2,400.00;
 4454 Manassas Park - \$1,800.00;
 4455 Martinsville - \$2,400.00;
 4456 Newport News - \$3,000.00;
 4457 Norfolk - \$3,000.00;
 4458 Norton - \$1,800.00;
 4459 Petersburg - \$2,400.00;
 4460 Poquoson - \$3,000.00;
 4461 Portsmouth - \$2,700.00;
 4462 Radford - \$3,600.00;
 4463 Richmond - \$7,000.00;
 4464 Roanoke - \$3,000.00;
 4465 Salem - \$1,700.00;
 4466 South Boston - \$ 600.00;
 4467 Suffolk - \$3,500.00;
 4468 Virginia Beach - \$3,600.00;
 4469 Waynesboro - \$2,400.00;
 4470 Williamsburg - \$3,000.00.
 4471 C. Any school board may in its discretion, pay the chairman of the school board an additional salary
 4472 not exceeding \$1,100 per year upon passage of an appropriate resolution by (i) the school board whose
 4473 membership is elected in whole or in part, or (ii) the governing body of the appropriate county, city, or
 4474 town whose school board is comprised solely of appointed members.
 4475 D. Any school board may in its discretion pay each of its members mileage for use of a private
 4476 vehicle in attending meetings of the school board and in conducting other official business of the school
 4477 board. *Its members may be reimbursed for private transportation at a rate not to exceed that which is*
 4478 *authorized for persons traveling on state business in accordance with § 2.1-20.10. Whatever rate is paid,*
 4479 *however, shall be the same for school board members and employees of the board.*
 4480 E. Contingent upon finalization of the planned consolidation of the school divisions of Alleghany
 4481 County and the City of Clifton Forge, the members of the newly consolidated school board representing
 4482 the City of Clifton Forge shall be paid an amount equal to that paid the members of the present school
 4483 board of Alleghany County.
 4484 F. No school board shall request the General Assembly's consideration of an increase in its annual
 4485 salary limit as established in this section unless such school board has taken an affirmative vote on the
 4486 requested increase. Further, no school board, whose membership is elected in whole or in part, shall be
 4487 awarded a salary increase, unless, upon an affirmative vote by such school board, a specific salary

4488 increase, within the limit set herein, shall be approved. Every proposed change in the annual salary for
4489 members of local school boards shall be adopted consistent with procedures applicable to salary changes
4490 for the relevant local governing body.

4491 § 22.1-296. Payment of employees; reimbursement for private transportation.

4492 Each school board shall provide for the payment of teachers, principals, assistant principals and other
4493 employees monthly, semi-monthly or biweekly, as may be determined by the school board.

4494 *All school board employees may be reimbursed for private transportation at a rate not to exceed that*
4495 *which is authorized for persons traveling on state business in accordance with § 2.1-20.10. Whatever*
4496 *rate is paid, however, shall be the same for school board members and employees of the board.*

4497 § 30-14.01. Certifying copy of act; fee.

4498 *The Clerk of the House of Delegates shall charge for certifying a copy of an Act of Assembly the*
4499 *sum of five dollars.*

4500 CHAPTER 1.1.

4501 GENERAL ASSEMBLY SALARIES AND EXPENSES.

4502 § 30-19.11. Salaries of Speaker of House of Delegates and members of General Assembly.

4503 *The Speaker of the House of Delegates and other members of the General Assembly shall each*
4504 *receive an annual salary as shall be set forth in the general appropriations act. Such salaries shall be*
4505 *payable not more often than biweekly.*

4506 § 30-19.12. Compensation of members of General Assembly and certain commissions engaged in
4507 legislative services.

4508 *A. Subject to the provisions of subsections B through E hereof, members of legislative committees, all*
4509 *legislative commissions and councils established by the General Assembly and all committees and*
4510 *subcommittees of any of the foregoing shall receive compensation at such rate as shall be set forth in*
4511 *the general appropriations act for the time actually engaged in the discharge of their duty. Any other*
4512 *member of the General Assembly whose attendance, in the opinion of the chairman of such a group, is*
4513 *required at a sitting of such group shall also be entitled to compensation at the same rate.*

4514 *B. Legislative members shall not be entitled to compensation pursuant to this section for any services*
4515 *performed on any day that the General Assembly is in session.*

4516 *C. Full-time employees of the Commonwealth or of any of its political subdivisions shall not be*
4517 *entitled to compensation pursuant to this section.*

4518 *D. No person shall receive pursuant to this section a total of more than one day's compensation for*
4519 *services performed on any one day. Whenever a member attends two or more meetings for which*
4520 *compensation is authorized herein in a single day, such one day's compensation shall be prorated from*
4521 *among the activities served.*

4522 *E. Compensation of members of the General Assembly provided for in this section shall be paid by*
4523 *the offices of the Clerk of the House of Delegates or Clerk of the Senate as appropriate and funds*
4524 *therefor transferred from the appropriate activity.*

4525 § 30-19.13. Additional provisions for expenses of members and presiding officers of General
4526 Assembly.

4527 *Each member of the General Assembly shall, during any regular session of the General Assembly or*
4528 *extension thereof, or during any special session of the General Assembly, receive for each day as*
4529 *allowances for expenses such sum as shall be set forth in the general appropriations act and mileage*
4530 *allowance at the rate provided in § 2.1-20.8 or actual expenses for all official travel. Such mileage or*
4531 *travel reimbursement shall be allowed only for one round trip each week between the City of Richmond*
4532 *and such person's home.*

4533 § 30-19.14. Office expenses.

4534 *Each member of the General Assembly shall receive as reimbursement for office expenses and*
4535 *supplies such sums as shall be set forth in the general appropriations act.*

4536 § 30-19.15. Mileage of members of the General Assembly, legislative committees, etc.

4537 *The members of the General Assembly and officers and employees of each house thereof, and*
4538 *members of legislative committees which may sit during any recess of the General Assembly, each shall*
4539 *receive for their mileage such reimbursement as prescribed in § 2.1-20.8 for every mile of necessary*
4540 *travel to and from the place of meeting, to be computed according to the nearest principal highway*
4541 *route as shown on the Official State Highway Map.*

4542 § 30-19.16. Expenses of members of General Assembly attending certain meetings, etc.

4543 *Whenever a member of the General Assembly is required to travel for official attendance as a*
4544 *representative of the General Assembly at any meeting, conference, seminar, workshop or conclave,*
4545 *which is not conducted by the Commonwealth of Virginia or any of its agencies or instrumentalities,*
4546 *such member shall be entitled to reimbursement from the contingent fund of the General Assembly for*
4547 *expenses incurred by him for common carrier fares and lodging, appropriate mileage allowance for the*
4548 *use of a privately owned motor vehicle, registration fees, a per diem of thirty-five dollars for meals,*
4549 *compensation pursuant to § 30-19.12 and all other expenses incurred which are incidental to such*

4550 travel.

4551 § 30-19.17. Distance between Richmond and the courthouses of counties and certain cities.

4552 For the purpose of this chapter and Chapters 2.1 (§ 2.1-20.5 et seq.) and 5 (2.1-38 et seq.) of Title
4553 2.1 only, the following shall be computed as the number of miles between the City of Richmond and the
4554 respective courthouses of the following counties:

4555 County Distance in Miles

4556	_____
4557	Accomack 160
4558	Albemarle 70
4559	Alleghany 176
4560	Amelia 38
4561	Amherst 101
4562	Appomattox 90
4563	Arlington 105
4564	Augusta 108
4565	Bath 177
4566	Bedford 136
4567	Bland 249
4568	Botetourt 156
4569	Brunswick 72
4570	Buchanan 347
4571	Buckingham 68
4572	Campbell 109
4573	Caroline 41
4574	Carroll 232
4575	Charles City 30
4576	Charlotte 85
4577	Chesterfield 15
4578	Clarke 132
4579	Craig 191
4580	Culpeper 89
4581	Cumberland 49
4582	Dickenson 358
4583	Dinwiddie 40
4584	Essex 45
4585	Fairfax 105
4586	Fauquier 93
4587	Floyd 204
4588	Fluvanna 63
4589	Franklin 162
4590	Frederick 135
4591	Giles 230
4592	Gloucester 59
4593	Goochland 30
4594	Grayson 262
4595	Greene 83
4596	Greensville 64
4597	Halifax 111
4598	Hanover 19
4599	Henry 172
4600	Highland 152
4601	Isle of Wight 77
4602	James City 50
4603	King and Queen 47
4604	King George 60
4605	King William 31
4606	Lancaster 81
4607	Lee 375
4608	Loudoun 130
4609	Louisa 50
4610	Lunenburg 74

4611	Madison 89	
4612	Mathews 72	
4613	Mecklenburg 96	
4614	Middlesex 53	
4615	Montgomery 197	
4616	Nelson 95	
4617	New Kent 29	
4618	Northampton 129	
4619	Northumberland 71	
4620	Nottoway 59	
4621	Orange 73	
4622	Page 124	
4623	Patrick 199	
4624	Pittsylvania 150	
4625	Powhatan 30	
4626	Prince Edward 63	
4627	Prince George 30	
4628	Prince William 95	
4629	Pulaski 223	
4630	Rappahannock 113	
4631	Richmond 52	
4632	Roanoke 170	
4633	Rockbridge 134	
4634	Rockingham 116	
4635	Russell 318	
4636	Scott 339	
4637	Shenandoah 157	
4638	Smyth 267	
4639	Southampton 67	
4640	Spotsylvania 52	
4641	Stafford 67	
4642	Surry 53	
4643	Sussex 51	
4644	Tazewell 303	
4645	Warren 125	
4646	Washington 297	
4647	Westmoreland 64	
4648	Wise 354	
4649	Wythe 242	
4650	York 63	
4651	The following shall be computed as the number of miles between the City of Richmond and the	
4652	respective city halls of the following cities:	
4653	City Distance in Miles	
4654	<hr/>	
4655	Alexandria 103	
4656	Bedford 136	
4657	Bristol 312	
4658	Buena Vista 127	
4659	Charlottesville 70	
4660	Chesapeake 105	
4661	Clifton Forge 165	
4662	Colonial Heights 22	
4663	Covington 176	
4664	Danville 144	
4665	Emporia 64	
4666	Fairfax 105	
4667	Falls Church 106	
4668	Franklin 77	
4669	Fredericksburg 57	
4670	Galax 245	
4671	Hampton 77	
4672	Harrisonburg 116	

4673 Hopewell 22
 4674 Lexington 134
 4675 Lynchburg 112
 4676 Martinsville 172
 4677 Newport News 77
 4678 Norfolk 92
 4679 Norton 348
 4680 Petersburg 23
 4681 Portsmouth 95
 4682 Radford 212
 4683 Roanoke 163
 4684 Salem 170
 4685 South Boston 112
 4686 Staunton 108
 4687 Suffolk 81
 4688 Virginia Beach 105
 4689 Waynesboro 95
 4690 Williamsburg 50
 4691 Winchester 135

4692 § 30-19.18. *How distance ascertained from place other than courthouse.*

4693 *For the purpose of this chapter and Chapters 2.1 (§ 2.1-20.5 et seq.) and 5 (§ 2.1-38 et seq.) of Title*
 4694 *2.1 only, the distance of the City of Richmond from any place in any county or city other than the*
 4695 *courthouse thereof, shall be ascertained by adding to or deducting from the number of miles between*
 4696 *the City of Richmond and such courthouse, as declared by law, so many miles as such place may be*
 4697 *farther from or nearer to the City of Richmond than such courthouse may be.*

4698 § 30-19.19. *Salaries of Clerks of Senate and House of Delegates.*

4699 *The Clerk of the Senate and the Clerk of the House of Delegates shall each receive such salaries as*
 4700 *shall be fixed from time to time by the general appropriation acts.*

4701 § 30-19.20. *Employment and compensation of personnel.*

4702 *The Senate and the House of Delegates and the clerks thereof are authorized to employ such*
 4703 *personnel as may be deemed necessary for the efficient operation of the General Assembly as prescribed*
 4704 *by the rules or resolutions of the respective houses.*

4705 *The Senate and House of Delegates shall by resolution or resolutions set the compensation of the*
 4706 *personnel employed by each house, and the personnel shall be paid from the contingent fund of each*
 4707 *house, respectively.*

4708 § 37.1-39. *Creation and supervision of Department.*

4709 *The Department of Mental Health, Mental Retardation and Substance Abuse Services is hereby*
 4710 *established in the executive department responsible to the Governor. The Department shall be under the*
 4711 *supervision and management of the Commissioner of Mental Health, Mental Retardation and Substance*
 4712 *Abuse Services. The Commissioner shall carry out his management and supervisory responsibilities in*
 4713 *accordance with the policies, rules and regulations of the Board. In addition to his salary he shall*
 4714 *receive his necessary traveling expenses, not to exceed the amount provided by law, while engaged in*
 4715 *the duties of his office.*

4716 § 37.1-42.3. *Salaries of directors and other officers and employees of state facilities.*

4717 *The directors and other officers and employees of the respective hospitals shall each annually receive*
 4718 *such salaries as shall be fixed from time to time in the general appropriation acts, and when they*
 4719 *occupy buildings on the grounds or belonging to the respective institutions, they shall pay therefor such*
 4720 *rental as may be fixed in accordance with law.*

4721 **2. That whenever any of the conditions, requirements, provisions or contents of any section or**
 4722 **chapter of Title 14.1 or Title 17 or any other title of the Code of Virginia as such title existed**
 4723 **prior to October 1, 1998, are transferred in the same or modified form to a new section or**
 4724 **chapter of Title 17.1 or any other title of the Code and whenever any such former section or**
 4725 **chapter is given a new number in Title 17.1 or any other title, all references to any such former**
 4726 **section or chapter of Title 14.1 or Title 17 or other title appearing in this Code shall be construed**
 4727 **to apply to the new or renumbered section or chapter containing such conditions, requirements,**
 4728 **provisions, contents or portions thereof.**

4729 **3. That the repeal of Title 14.1 and the revision of Title 17 as Title 17.1 shall not be construed to**
 4730 **require the reappointment of any officer or any member of a board, council, committee or other**
 4731 **appointed body referred to in Title 14.1 or Title 17.1 and each such officer and member shall**
 4732 **continue to serve for the term for which appointed pursuant to the provisions of Title 14.1 or Title**
 4733 **17.**

4734 4. That the repeal of Title 14.1 and the revision of Title 17 as Title 17.1 shall not be construed to
4735 affect the term of office of any elected officeholder holding office on October 1, 1998.

4736 5. That the provisions of § 9-77.11 of the Code of Virginia shall apply to the codification of Title
4737 17.1 so as to give effect to other laws enacted by the 1998 Session of the General Assembly
4738 notwithstanding the delay in the effective date of this act.

4739 6. That the repeal of Title 14.1 or §§ 17-1 through 17-124 and 17-127.21 through 17-238 effective
4740 October 1, 1998, shall not affect any act or offense done or committed, or any penalty incurred, or
4741 any right established, accrued or accruing on or before such date, or any proceeding, prosecution,
4742 suit or action pending on that day. Except as otherwise provided in this act, neither the repeal of
4743 Title 14.1 or §§ 17-1 through 17-124 and 17-127.21 through 17-238 nor the enactment by this act
4744 of any new section of the Code or of Title 17.1 shall apply to offenses committed prior to October
4745 1, 1998, and prosecution for such offenses shall be governed by the prior law, which is continued
4746 in effect for that purpose. For the purpose of this enactment, an offense was committed prior to
4747 October 1, 1998, if any of essential elements of the offense occurred prior thereto.

4748 7. That any notice given, recognizance taken, or process or writ issued before October 1, 1998,
4749 shall be valid although given, taken or to be returned on a day after such date, in like manner as
4750 if this title had been effective before the same was given, taken or issued.

4751 8. That if any clause, sentence, paragraph, subdivision, section or part of this act shall be
4752 adjudged in any court of competent jurisdiction to be invalid, the judgment shall not affect,
4753 impair or invalidate the remainder thereof, but shall be confined in its operation to the clause,
4754 sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in
4755 which the judgment shall have been rendered, and to this end the provisions of this title are
4756 declared severable.

4757 9. That whenever in this act a section is set out twice, the second version of that section is the
4758 family court version which is contingently effective June 1, 1998.

4759 10. That Title 14.1 (§§ 14.1-1 through 14.1-201) and §§ 17-1 through 17-238 of the Code of
4760 Virginia are repealed.

4761 11. That Chapter 71 of the 1966 Acts of Assembly (carried by reference as § 17-117.1), and
4762 Chapter 83 of the 1954 Acts of Assembly (carried by reference as § 17-118.1) as amended by
4763 Chapter 346 of the 1956 Acts of Assembly are repealed.

4764 12. That the provisions of this act shall become effective on October 1, 1998, provided that
4765 §§ 17.1-255 through 17.1-258, and § 17.1-279 shall become effective on July 1, 1998.