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SENATE BILL NO. 719

Offered January 22, 2010

A BILL to amend and reenact §§ 16.1-103, 16.1-106, and 16.1-122 of the Code of Virginia, relating to appeals from courts not of record.

Patron—Norment

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-103, 16.1-106, and 16.1-122 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-103. Proceedings by interrogatories.

Whenever a fieri facias has been issued upon a judgment rendered in a general district court the judge or clerk of the court may issue the summons provided for in § 8.01-506. In such case the judge of the general district court shall have all of the powers and authority respecting interrogatories conferred by §§ 8.01-506 to 8.01-510 upon any court or judge mentioned therein. The commissioner before whom any person is required to appear by such summons shall have the same powers and authority as if such summons had been issued under § 8.01-506. All interrogatories, answers, reports and other proceedings under such summons, and also all money, evidences of indebtedness and other security in the hands of an officer which are directed by any section of Chapter 18 (§ 8.01-466 et seq.) of Title 8.01 to be returned or delivered to such court or judge, or to the clerk's office of such court, shall, when the summons was issued by a judge of a general district court be returned or delivered in like manner to the court from which the summons issued.

From any order of the judge of the general district court which involves the disposition of any money or property exceeding the sum of ~~fifty dollars~~ \$50 in value, exclusive of interest, there shall be an appeal in the same manner and upon the same conditions as in appeals from judgments rendered in civil matters in general district courts. *Beginning July 1, 2010, the threshold amount shall be annually adjusted by a percentage equal to the annual rate of inflation, as calculated by referring to the Consumer Price Index for all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor. Such threshold amount shall be posted on the website maintained by the Supreme Court of Virginia and on the front door of each courthouse in the Commonwealth.*

§ 16.1-106. Appeals from courts not of record in civil cases.

From any order entered or judgment rendered in a court not of record in a civil case ~~in which the matter in controversy is of greater value than fifty dollars, exclusive of interest, any attorney's fees contracted for in the instrument, and costs, or~~ when the case involves the constitutionality or validity of a statute of the Commonwealth, or of an ordinance or bylaw of a municipal corporation, or of the enforcement of rights and privileges conferred by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or of a protective order pursuant to § 19.2-152.10, there shall be an appeal of right, if taken within ~~ten~~ 10 days after such order or judgment, to a court of record. *From any order entered or judgment rendered in a court not of record in a civil case in which the matter in controversy is of greater value than \$50, exclusive of interest, any attorney fees contracted for in the instrument, and costs, there shall be an appeal of right, if taken within 10 days after such order or judgment, to a court of record. Beginning July 1, 2010, the threshold amount shall be annually adjusted by a percentage equal to the annual rate of inflation, as calculated by referring to the Consumer Price Index for all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor; such threshold amount shall be posted on the website maintained by the Supreme Court of Virginia and on the front door of each courthouse in the Commonwealth.* Such appeal shall be to a court of record having jurisdiction within the territory of the court from which the appeal is taken and shall be heard de novo.

The court from which an appeal is sought may refuse to suspend the execution of a judgment ~~which~~ that refuses, grants, modifies, or dissolves an injunction in a case brought pursuant to § 2.2-3713 of the Virginia Freedom of Information Act. A protective order issued pursuant to § 19.2-152.10 shall remain in effect upon petition for or the pendency of an appeal or writ of error unless ordered suspended by the judge of a circuit court or so directed in a writ of supersedeas by the Court of Appeals or the Supreme Court.

§ 16.1-122. Appeal.

If the property or money claimed in any such proceeding is more than \$50 in value, an appeal of right may be had to the judgment or order of the court as provided in § 16.1-106. *Beginning July 1,*

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60 inflation, as calculated by referring to the Consumer Price Index for all urban consumers (CPI-U), as
61 published by the Bureau of Labor Statistics of the U.S. Department of Labor. Such threshold amount
62 shall be posted on the website maintained by the Supreme Court of Virginia and on the front door of
63 each courthouse in the Commonwealth.