

11104578D

HOUSE BILL NO. 1973

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 31, 2011)

(Patron Prior to Substitute—Delegate Robinson)

A BILL to amend and reenact §§ 8.01-353.1, 19.2-310, and 38.2-2419 of the Code of Virginia, relating to efficiency of court clerks' offices.

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-353.1, 19.2-310, and 38.2-2419 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-353.1. Jurors to provide identification.

At the time of assembly for the purpose of juror selection, ~~the clerk of court shall ensure that the~~ identity of each member of the jury venire ~~is shall be~~ verified as provided in this section. Prior to being selected from the jury venire, a potential juror shall verify his identity by presenting to the ~~clerk of court upon request~~ *person taking jury attendance* any of the following forms of identification: his Commonwealth of Virginia voter registration card; his social security card; his valid Virginia driver's license or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the juror and issued by an employer of the juror in the ordinary course of the employer's business. If the juror is unable to present one of these forms of identification, he shall sign a statement affirming, under penalty of perjury, that he is the named juror.

§ 19.2-310. Transfer of prisoners to custody of Director of Department of Corrections.

Every person sentenced by a court to the Department of Corrections upon conviction of a felony shall be conveyed to an appropriate receiving unit operated by the Department in the manner hereinafter provided. The clerk of the court in which the person is sentenced shall forthwith transmit to the Central Criminal Records Exchange the report of dispositions required by § 19.2-390. The clerk of the court within ~~thirty~~ 30 days from the date of the judgment shall forthwith transmit to the Director of the Department a certified copy or copies of the order of trial and a certified copy of the complete final order, and if he fails to do so shall forfeit \$50. *The clerk of the court may transmit or make available a copy or copies of such orders electronically.* Such copy or copies shall contain, as nearly as ascertainable, the birth date of the person sentenced. The sheriff shall certify to the Director of the Department any jail credits to which the person to be confined is entitled at such time as that person is transferred to the custody of the Director of the Department.

Following receipt of the order of trial and a certified copy of the complete final order, the Director or his designee shall dispatch a correctional officer to the county or city with a warrant directed to the sheriff authorizing him to deliver the prisoner to the correctional officer whose duty it shall be to take charge of the person and convey him to an appropriate receiving unit designated by the Director or his designee. The Director or his designee shall allocate space available in the receiving unit or units by giving first priority to the transportation, as the transportation facilities of the Department may permit, of those persons held in jails who in the opinion of the Director or his designee except as required by § 53.1-20 require immediate transportation to a receiving unit. In making such a determination of priority, the Director shall give due regard to the capacity of local as well as state correctional facilities and, to the extent feasible, shall seek to balance between local and state correctional facilities the excess of prisoners requiring detention.

§ 38.2-2419. Marginal notation of revocation; indexing.

When the power of attorney has been revoked in accordance with § 38.2-2417, the clerk in whose office the power of attorney is recorded shall note its revocation on the margin of the page of the deed book where the power of attorney is recorded, together with a reference to the book and page where the instrument of revocation is recorded. *The clerk may require that a revocation of a power of attorney be prepared as a separate instrument setting forth the necessary information, and such instrument shall be recorded and indexed according to law.* The clerk shall index the instrument of revocation both in the name of the fidelity and surety insurer and of its attorney-in-fact.