

2017 SESSION

INTRODUCED

17101705D

SENATE BILL NO. 947

Offered January 11, 2017

Prefiled December 30, 2016

A BILL to amend and reenact § 8.01-671 of the Code of Virginia, relating to time within which petition must be presented; extension time.

Patron—Obenshain

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-671 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-671. Time within which petition must be presented.

A. In cases where an appeal is permitted from the trial court to the Supreme Court, no petition shall be presented for an appeal to the Supreme Court from any final judgment whether the Commonwealth be a party or not, (i) which shall have been rendered more than ~~three months~~ 90 days before the petition is presented, provided, that ~~in criminal cases, a thirty-day~~ 30-day extension may be granted, in the discretion of the court, in order to attain the ends of justice, or (ii) if it be an appeal from a final decree refusing a bill of review to a decree rendered more than ~~four months~~ 120 days prior thereto, unless the petition is presented within ~~three months~~ 90 days from the date of such decree.

B. When an appeal from an interlocutory decree or order is permitted, the petition for appeal shall be presented within the appropriate time limitation set forth in subsection A hereof.

C. No appeal to the Supreme Court from a decision of the Court of Appeals shall be granted unless a petition for appeal is filed within ~~thirty~~ 30 days after the date of the decision appealed from.

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