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HOUSE BILL NO. 77

Offered January 10, 2018

Prefiled December 6, 2017

A BILL to amend and reenact §§ 16.1-69.8, 16.1-69.31, 16.1-69.46, 17.1-515.1, 19.2-45, and 19.2-244 of the Code of Virginia and to repeal § 16.1-69.13, Chapter 5 (§§ 16.1-70 through 16.1-75) of Title 16.1, and § 17.1-515.2 of the Code of Virginia, Chapter 117 of the Acts of Assembly of 1946, and Chapter 199 of the Acts of Assembly of 1960, relating to venue in criminal cases; concurrent jurisdiction; obsolete provisions.

Patron—Habeeb

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.8, 16.1-69.31, 16.1-69.46, 17.1-515.1, 19.2-45, and 19.2-244 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.8. Existing courts continued and redesignated; exception.

The present system of courts not of record is continued as follows on and after July 1, 1973:

(a) The county court in each county shall continue as the general district court of such county with the same powers and with territorial jurisdiction over such county and over any city within the county for which a municipal court with general civil or criminal jurisdiction or separate general district court has not been established.

(b) The municipal court or courts in each city, excluding ~~courts of limited jurisdiction established pursuant to Chapter 5 (§ 16.1-70 et seq.) of this title and~~ juvenile and domestic relations courts, shall continue as the general district court of the city with the same powers and territorial jurisdiction over such city; provided that in the case of more than one such municipal court in operation in any city, all such courts shall be merged on July 1, 1973, and their powers and territorial jurisdiction merged in the general district court.

(c) The juvenile and domestic relations court of each county and city shall continue as the juvenile and domestic relations district court of the county or city with the same powers and territorial jurisdiction as heretofore provided.

(d) The municipal court of any town and/or other court of any town having general civil and criminal jurisdiction however called shall be abolished and all jurisdiction and power conferred upon any such court shall pass to and be exercised by the district courts having jurisdiction over the county wherein the town is located.

§ 16.1-69.31. The duties of the Judicial Council.

The duties of the Judicial Council with respect to the district court system shall include those set forth in §§ 16.1-69.6 through ~~16.1-69.13~~ 16.1-69.12, and such other duties as may be assigned to the Council by law.

§ 16.1-69.46. How salaries payable.

All salaries determined according to the provisions of §§ 16.1-69.44 and 16.1-69.45 and any salary payment required by ~~§ 16.1-69.13 or~~ 16.1-69.37 shall be payable by the Commonwealth, except any supplements paid to district court employees. All annual salaries shall be paid in semimonthly installments within the limits fixed by the Committee.

§ 17.1-515.1. Territorial jurisdiction of the Circuit Court for the City of Lynchburg.

The territorial jurisdiction of the Circuit Court for the City of Lynchburg ~~shall be the same with that of the Corporation Court for the city and~~ shall extend to the corporate limits of the city and to a space of one mile without and around the city limits, except that the same shall not extend further into the County of Amherst than the corporate limits. Any judgment, order, or decree of the Circuit Court for the City of Lynchburg heretofore made in any case in which the court would have had jurisdiction had this section then been in operation shall have the same effect as if it had been at that time in force.

§ 19.2-45. Powers enumerated.

A magistrate shall have the following powers only:

- (1) To issue process of arrest in accord with the provisions of §§ 19.2-71 to 19.2-82 of the Code;
- (2) To issue search warrants in accord with the provisions of §§ 19.2-52 to 19.2-60 of the Code;
- (3) To admit to bail or commit to jail all persons charged with offenses subject to the limitations of and in accord with general laws on bail;
- (4) The same power to issue warrants and subpoenas as is conferred upon district courts and as limited by the provisions of §§ 19.2-71 through 19.2-82. A copy of all felony warrants issued at the

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59 request of a citizen shall be promptly delivered to the attorney for the Commonwealth for the county or
60 city in which the warrant is returnable. Upon the request of the attorney for the Commonwealth, a copy
61 of any misdemeanor warrant issued at the request of a citizen shall be delivered to the attorney for the
62 Commonwealth for such county or city. All attachments, warrants and subpoenas shall be returnable
63 before a district court ~~or any court of limited jurisdiction continued in operation pursuant to § 16.1-70.1;~~

64 (5) To issue civil warrants directed to the sheriff or constable of the county or city wherein the
65 defendant resides, together with a copy thereof, requiring him to summon the person against whom the
66 claim is, to appear before a district court on a certain day, not exceeding 30 days from the date thereof
67 to answer such claim. If there be two or more defendants and any defendant resides outside the
68 jurisdiction in which the warrant is issued, the summons for such defendant residing outside the
69 jurisdiction may be directed to the sheriff of the county or city of his residence, and such warrant may
70 be served and returned as provided in § 16.1-80;

71 (6) To administer oaths and take acknowledgments;

72 (7) To act as conservators of the peace;

73 (8), (9) [Repealed.]

74 (10) To perform such other acts or functions specifically authorized by law.

75 **§ 19.2-244. Venue in general.**

76 A. Except as otherwise provided by law, the prosecution of a criminal case shall be had in the
77 county or city in which the offense was committed. Except as to motions for a change of venue, all
78 other questions of venue must be raised before verdict in cases tried by a jury and before the finding of
79 guilty in cases tried by the court without a jury.

80 B. If an offense has been committed within the Commonwealth and it cannot readily be determined
81 within which county or city the offense was committed, venue for the prosecution of the offense may be
82 had in the county or city (i) in which the defendant resides; (ii) if the defendant is not a resident of the
83 Commonwealth, in which the defendant is apprehended; or (iii) if the defendant is not a resident of the
84 Commonwealth and is not apprehended in the Commonwealth, in which any related offense was
85 committed.

86 C. *The courts of a locality shall have concurrent jurisdiction with the courts of any other locality*
87 *adjoining such locality over criminal offenses committed in or upon the premises, buildings, rooms, or*
88 *offices owned or occupied by such locality or any officer, agency, or department thereof that are located*
89 *in the adjoining locality.*

90 2. That § 16.1-69.13, Chapter 5 (§§ 16.1-70 through 16.1-75) of Title 16.1, and § 17.1-515.2 of the
91 Code of Virginia are repealed.

92 3. That Chapter 117 of the Acts of Assembly of 1946 and Chapter 199 of the Acts of Assembly of
93 1960 are repealed.