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## SENATE BILL NO. 408

Offered January 8, 2020

Prefiled January 7, 2020

A BILL to amend and reenact § 16.1-112 of the Code of Virginia, relating to appeal from district court; civil cases; notice of docketing.

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Patron—Hashmi

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Referred to Committee on the Judiciary**Be it enacted by the General Assembly of Virginia:****1. That § 16.1-112 of the Code of Virginia is amended and reenacted as follows:****§ 16.1-112. All papers transmitted to appellate court; further proceedings.**

The judge or clerk of any court from which an appeal is taken under this article shall promptly transmit to the clerk of the appellate court the case papers, which shall include the original warrant or warrants or other notices or pleadings with the judgment endorsed thereon, together with all pleadings, exhibits, and other papers filed in the trial of the case. The required bond, and, if applicable, the money deposited to secure such bond and the writ tax and costs paid pursuant to § 16.1-107 shall also be submitted, along with the fees for service of process of the notice of appeal in the circuit court. Upon receipt of the foregoing by the clerk of the appellate court, the case shall then be docketed, except that an appeal from an order of protection issued pursuant to § 19.2-152.10 shall be assigned a case number within two business days upon receipt of such appeal.

When such case has been docketed, the clerk of such appellate court shall ~~by writing to be served, as provided in §§ 8.01-288, 8.01-293, 8.01-296, and 8.01-325, or by certified mail, with certified delivery receipt requested, notify (i) the appellee, or by regular mail to his attorney by certified mail, with certified delivery receipt requested, and (ii) counsel of record for both parties of the case being appealed by regular mail, that such an appeal has been docketed in his office; provided that upon affidavit by the appellant or his agent in conformity with § 8.01-316 being filed with the clerk, the clerk shall post such notice at the front door of his courtroom and shall mail a copy thereof to the appellee at his last known address or place of abode or to his attorney, and he shall file a certificate of such posting and mailing with the papers in the case. The appellee shall be served with notice that such an appeal has been docketed in the clerk's office in conformity with §§ 8.01-286.1 and 8.01-296.~~ No such appeal shall be heard unless it appears that the appellee or his attorney has had such notice, or that such certificate has been filed, 10 days before the date fixed for trial, or has in person or by attorney waived such notice.

INTRODUCED

SB408