

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 17-116.08 and 19.2-317 of the Code of Virginia, relating to the*
3 *Commonwealth's right of appeal.*

4 [S 998]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 17-116.08 and 19.2-317 of the Code of Virginia are amended and reenacted as follows:**

8 § 17-116.08. Review by the Supreme Court.

9 Except where the decision of the Court of Appeals is made final under § 17-116.07 or § 19.2-408,
10 any party aggrieved by a final decision of the Court of Appeals, *including the Commonwealth*, may
11 petition the Supreme Court for an appeal. The Commonwealth, or any county, city, or town, may also
12 petition the Supreme Court for review pursuant to § 19.2-317. The granting of such petitions shall be in
13 the discretion of the Supreme Court.

14 § 19.2-317. When writ of error lies in criminal case for accused; when for Commonwealth; when for
15 county, city or town.

16 A. A writ of error shall lie in a criminal case to the judgment of a circuit court or the judge thereof,
17 from the Court of Appeals as provided in § 17-116.05:1. It shall lie in any such case for the accused
18 and if the case is for the violation of any law relating to the state revenue, it shall lie also for the
19 Commonwealth.

20 B. A writ of error shall also lie for any county, city or town from the Supreme Court to the
21 judgment of any circuit court declaring an ordinance of such county, city or town to be unconstitutional
22 or otherwise invalid, except when the violation of any such ordinance is made a misdemeanor by state
23 statute.

24 C. A writ of error shall also lie for the Commonwealth from the Supreme Court to a judgment of the
25 Court of Appeals in a criminal case, except where the decision of the Court of Appeals is made final
26 under § 17-116.07 or § 19.2-408.

ENROLLED

SB998ER