

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-511, 8.01-36, 8.01-267.8, 8.01-383.1, 8.01-555, 8.01-626, 8.01-670,*
 3 *8.01-671, 8.01-675.3, 8.01-676.1, 9.1-909, 15.2-1627, 15.2-1643, 15.2-2139, 15.2-2140, 15.2-2656,*
 4 *15.2-3104, 15.2-3217, 15.2-3221, 15.2-3222, 15.2-3227, 15.2-3244, 15.2-3308, 15.2-3528, 15.2-3605,*
 5 *15.2-3809, 15.2-3909, 15.2-4108, 15.2-4120, 15.2-5218, 15.2-5367, 15.2-6606, 15.2-6632, 15.2-7406,*
 6 *16.1-279.1, 17.1-309, 17.1-400 through 17.1-403, 17.1-405 through 17.1-408, 17.1-410, 17.1-413,*
 7 *17.1-503, 17.1-513, 18.2-308.08, 18.2-384, 19.2-152.10, 19.2-165, 19.2-321.1, 19.2-321.2, 19.2-322.1,*
 8 *19.2-386.13, 19.2-402, 19.2-403, 19.2-404, 22.1-97, 22.1-289.024, as it shall become effective,*
 9 *24.2-237, 24.2-422, 24.2-433, 25.1-239, 32.1-48.010, 32.1-48.013, 33.2-928, 33.2-2917, 37.2-920,*
 10 *45.1-161.322, 55.1-1833, 55.1-1966, 55.1-2211, 57-2.02, 58.1-527, 58.1-1828, 58.1-2282, 58.1-3147,*
 11 *58.1-3992, and 63.2-1710 of the Code of Virginia; to amend the Code of Virginia by adding in*
 12 *Chapter 26.1 of Title 8.01 sections numbered 8.01-675.5 and 8.01-675.6; and to repeal §§ 8.01-670.1*
 13 *and 8.01-672 of the Code of Virginia, relating to the Court of Appeals; jurisdiction; number of*
 14 *judges.*

[S 1261]

Approved

17 **Be it enacted by the General Assembly of Virginia:**
 18 **1. That §§ 2.2-511, 8.01-36, 8.01-267.8, 8.01-383.1, 8.01-555, 8.01-626, 8.01-670, 8.01-671, 8.01-675.3,**
 19 **8.01-676.1, 9.1-909, 15.2-1627, 15.2-1643, 15.2-2139, 15.2-2140, 15.2-2656, 15.2-3104, 15.2-3217,**
 20 **15.2-3221, 15.2-3222, 15.2-3227, 15.2-3244, 15.2-3308, 15.2-3528, 15.2-3605, 15.2-3809, 15.2-3909,**
 21 **15.2-4108, 15.2-4120, 15.2-5218, 15.2-5367, 15.2-6606, 15.2-6632, 15.2-7406, 16.1-279.1, 17.1-309,**
 22 **17.1-400 through 17.1-403, 17.1-405 through 17.1-408, 17.1-410, 17.1-413, 17.1-503, 17.1-513,**
 23 **18.2-308.08, 18.2-384, 19.2-152.10, 19.2-165, 19.2-321.1, 19.2-321.2, 19.2-322.1, 19.2-386.13, 19.2-402,**
 24 **19.2-403, 19.2-404, 22.1-97, 22.1-289.024, as it shall become effective, 24.2-237, 24.2-422, 24.2-433,**
 25 **25.1-239, 32.1-48.010, 32.1-48.013, 33.2-928, 33.2-2917, 37.2-920, 45.1-161.322, 55.1-1833, 55.1-1966,**
 26 **55.1-2211, 57-2.02, 58.1-527, 58.1-1828, 58.1-2282, 58.1-3147, 58.1-3992, and 63.2-1710 of the Code**
 27 **of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in**
 28 **Chapter 26.1 of Title 8.01 sections numbered 8.01-675.5 and 8.01-675.6 as follows:**

29 **§ 2.2-511. Criminal cases.**
 30 A. Unless specifically requested by the Governor to do so, the Attorney General shall have no
 31 authority to institute or conduct criminal prosecutions in the circuit courts of the Commonwealth except
 32 in cases involving (i) violations of the Alcoholic Beverage Control Act (§ 4.1-100 et seq.), (ii) violation
 33 of laws relating to elections and the electoral process as provided in § 24.2-104, (iii) violation of laws
 34 relating to motor vehicles and their operation, (iv) the handling of funds by a state bureau, institution,
 35 commission or department, (v) the theft of state property, (vi) violation of the criminal laws involving
 36 child pornography and sexually explicit visual material involving children, (vii) the practice of law
 37 without being duly authorized or licensed or the illegal practice of law, (viii) violations of § 3.2-4212 or
 38 58.1-1008.2, (ix) with the concurrence of the local attorney for the Commonwealth, violations of the
 39 Virginia Computer Crimes Act (§ 18.2-152.1 et seq.), (x) with the concurrence of the local attorney for
 40 the Commonwealth, violations of the Air Pollution Control Law (§ 10.1-1300 et seq.), the Virginia
 41 Waste Management Act (§ 10.1-1400 et seq.), and the State Water Control Law (§ 62.1-44.2 et seq.),
 42 (xi) with the concurrence of the local attorney for the Commonwealth, violations of Chapters 2
 43 (§ 18.2-18 et seq.), 3 (§ 18.2-22 et seq.), and 10 (§ 18.2-434 et seq.) of Title 18.2, if such crimes relate
 44 to violations of law listed in clause (x) of this subsection, (xii) with the concurrence of the local
 45 attorney for the Commonwealth, criminal violations by Medicaid providers or their employees in the
 46 course of doing business, or violations of Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, in which cases
 47 the Attorney General may leave the prosecution to the local attorney for the Commonwealth, or he may
 48 institute proceedings by information, presentment or indictment, as appropriate, and conduct the same,
 49 (xiii) with the concurrence of the local attorney for the Commonwealth, violations of Article 9
 50 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2, (xiv) with the concurrence of the local attorney for the
 51 Commonwealth, assisting in the prosecution of violations of §§ 18.2-186.3 and 18.2-186.4, (xv) with the
 52 concurrence of the local attorney for the Commonwealth, assisting in the prosecution of violations of
 53 § 18.2-46.2, 18.2-46.3, or 18.2-46.5 when such violations are committed on the grounds of a state
 54 correctional facility, and (xvi) with the concurrence of the local attorney for the Commonwealth,
 55 assisting in the prosecution of violations of Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 of Title 18.2.
 56 In all other criminal cases in the circuit courts, except where the law provides otherwise, the

57 authority of the Attorney General to appear or participate in the proceedings shall not attach unless and
 58 until a ~~petition for notice of appeal has been granted by~~ *filed with the clerk of the circuit court noting*
 59 *an appeal to the Court of Appeals or a writ of error has been granted by the Supreme Court.* In all
 60 criminal cases before the Court of Appeals or the Supreme Court in which the Commonwealth is a party
 61 or is directly interested, the Attorney General shall appear and represent the Commonwealth. ~~In any~~
 62 ~~criminal case in which a petition for appeal has been granted by the Court of Appeals, the Attorney~~
 63 ~~General shall continue to represent the Commonwealth in any further appeal of a case from the Court of~~
 64 ~~Appeals to the Supreme Court, unless, and with the consent of the Attorney General, the attorney for the~~
 65 ~~Commonwealth who prosecuted the underlying criminal case files a notice of appearance to represent~~
 66 ~~the Commonwealth in any such appeal.~~

67 B. The Attorney General shall, upon request of a person who was the victim of a crime and subject
 68 to such reasonable procedures as the Attorney General may require, ensure that such person is given
 69 notice of the filing, of the date, time and place and of the disposition of any appeal or habeas corpus
 70 proceeding involving the cases in which such person was a victim. For the purposes of this section, a
 71 victim is an individual who has suffered physical, psychological or economic harm as a direct result of
 72 the commission of a crime; a spouse, child, parent or legal guardian of a minor or incapacitated victim;
 73 or a spouse, child, parent or legal guardian of a victim of a homicide. Nothing in this subsection shall
 74 confer upon any person a right to appeal or modify any decision in a criminal, appellate or habeas
 75 corpus proceeding; abridge any right guaranteed by law; or create any cause of action for damages
 76 against the Commonwealth or any of its political subdivisions, the Attorney General or any of his
 77 employees or agents, any other officer, employee or agent of the Commonwealth or any of its political
 78 subdivisions, or any officer of the court.

79 **§ 8.01-36. Joinder of action of tort to infant with action for recovery of expenses incurred**
 80 **thereby and claim for recovery of expenses by infant.**

81 A. Where there is pending any action by an infant plaintiff against a tort-feasor for a personal injury,
 82 where the cause of action accrued prior to July 1, 2013, any parent or guardian of such infant, who is
 83 entitled to recover from the same tort-feasor the expenses of curing or attempting to cure such infant
 84 from the result of such personal injury, may bring an action against such tort-feasor for such expenses,
 85 in the same court where such infant's case is pending, either in the action filed in behalf of the infant or
 86 in a separate action. If the claim for expenses be by separate action, upon motion of any party to either
 87 case, made to the court at least one week before the trial, both cases shall be tried together at the same
 88 time as parts of the same transaction. But separate verdicts when there is a jury trial shall be rendered,
 89 and the judgment shall distinctly separate the decision and judgment in the separate causes of action.

90 In the event of the cases being carried to the ~~Supreme Court of Appeals~~, which may be done if there
 91 be the jurisdictional amount in either case, they shall both be carried together as one case and record,
 92 but the ~~Supreme Court of Appeals~~ shall clearly specify the decision in each case, separating them in the
 93 decision to the extent necessary to do justice among the parties. *If an appeal is taken from the judgment*
 94 *of the Court of Appeals, the Supreme Court, in matters in which it grants the petition for appeal, shall*
 95 *clearly specify the decision in each case, separating them in the decision to the extent necessary to do*
 96 *justice among the parties.*

97 B. For causes of action that accrue on or after July 1, 2013, the past and future expenses of curing
 98 or attempting to cure an infant of personal injuries proximately caused by a tort-feasor are damages
 99 recoverable by an infant in a cause of action against the tort-feasor and, if applicable to the infant's
 100 cause of action, are subject to the limitation on damages in § 8.01-581.15. Any parent or guardian of
 101 such infant who has paid for or is personally obligated to pay for past or future expenses to cure or
 102 attempt to cure the infant shall have a lien and right of reimbursement against any recovery by the
 103 infant up to the amount the parent or guardian has actually paid or is personally obligated to pay. The
 104 right to reimbursement of any parent or guardian shall accrue upon the first tender of funds of any
 105 recovery from a tort-feasor to the infant. Court approval of the infant settlement shall release party
 106 defendants from all claims for past or future expenses of curing or attempting to cure the infant.

107 Nothing in this section shall relieve a parent of the obligation to pay for the medical expenses of
 108 curing or attempting to cure the infant as such obligation exists under current law.

109 **§ 8.01-267.8. Interlocutory appeal.**

110 A. The ~~Supreme Court or the Court of Appeals~~, in its discretion, may permit an appeal to be taken
 111 from an order of a circuit court although the order is not a final order where the circuit court has
 112 ordered a consolidated trial of claims joined or consolidated pursuant to this chapter.

113 B. The ~~Supreme Court or the Court of Appeals~~, in its discretion, may permit an appeal to be taken
 114 from any other order of a circuit court in an action combined pursuant to this chapter although the order
 115 is not a final order provided the written order of the circuit court states that the order involves a
 116 controlling question of law as to which there is substantial ground for difference of opinion and that an
 117 immediate appeal from the order may materially advance the ultimate termination of the litigation.

118 C. Application for an appeal pursuant to this section shall be made within ~~ten~~ 10 days after the entry
119 of the order and shall not stay proceedings in the circuit court unless the circuit court or the appellate
120 court shall so order.

121 **§ 8.01-383.1. Appeal when verdict reduced and accepted under protest; new trial for inadequate**
122 **damages.**

123 A. In any action at law in which the trial court ~~shall require~~ *requires* a plaintiff to remit a part of his
124 recovery, as ascertained by the verdict of a jury, or else submit to a new trial, such plaintiff may remit
125 and accept judgment of the court thereon for the reduced sum under protest, but, notwithstanding such
126 remittitur and acceptance, if under protest, *may appeal* the judgment of the court in requiring him to
127 remit ~~may be reviewed by the Supreme Court upon an appeal awarded the plaintiff as in other actions at~~
128 ~~law; and in any such case in which an appeal is awarded the~~ *to the Court of Appeals. The defendant,*
129 *may appeal* the judgment of the court in requiring such remittitur ~~may be the subject of review by the~~
130 ~~Supreme Court to the Court of Appeals,~~ regardless of the amount. *If an appeal is taken from the*
131 *judgment of the Court of Appeals, the Supreme Court, in matters in which it grants the petition for*
132 *appeal, shall review the judgment, regardless of amount.*

133 B. In any action at law when the court finds as a matter of law that the damages awarded by the
134 jury are inadequate, the trial court may (i) award a new trial or (ii) require the defendant to pay an
135 amount in excess of the recovery of the plaintiff found in the verdict. If either the plaintiff or the
136 defendant declines to accept such additional award, the trial court shall award a new trial.

137 If additur pursuant to this subsection is accepted by either party under protest, it may be reviewed on
138 appeal.

139 **§ 8.01-555. When appeal bond given property to be delivered to owner.**

140 When judgment in favor of the plaintiff is rendered by a general district court in any case in which
141 an attachment is issued and on appeal therefrom to a circuit court an appeal bond is given, with
142 condition to prosecute the appeal with effect or pay the debt, interest, costs and damages, as well as the
143 costs of the appeal, the officer, in whose custody any attached property is, shall deliver the same to the
144 owner thereof. When an appeal is from a circuit court to the ~~Supreme Court of Appeals~~ and an appeal
145 bond is given pursuant to § 8.01-676.1, the officer having custody shall proceed in like manner.

146 **§ 8.01-626. Review of injunction by Court of Appeals.**

147 Wherein a circuit court (i) grants an injunction or (ii) refuses an injunction or (iii) having granted an
148 injunction, dissolves or refuses to enlarge it, an aggrieved party may, ~~within 15 days of the court's order,~~
149 ~~present a petition for review to a justice of the Supreme Court; however, if the issue concerning the~~
150 ~~injunction arose in a case over which the Court of Appeals would have appellate jurisdiction under~~
151 ~~§ 17.1-405 or 17.1-406, the petition for review shall be initially presented to a judge of~~ *file a petition*
152 *for review with the clerk of the Court of Appeals within 15 days of the circuit court's order. The clerk*
153 *shall assign the petition to a three-judge panel of the Court of Appeals.* The aggrieved party shall serve
154 a copy of the petition for review on the counsel for the opposing party, which may file a response
155 within seven days from the date of service unless the court determines a shorter time frame. The petition
156 for review shall be accompanied by a copy of the proceedings, including the original papers and the
157 court's order respecting the injunction. The ~~justice or judge court~~ may take such action thereon as ~~he~~ *it*
158 considers appropriate under the circumstances of the case.

159 When a ~~judge of~~ the Court of Appeals has initially acted upon a petition for review of an order of a
160 circuit court respecting an injunction, a party aggrieved by such action of ~~the judge of~~ the Court of
161 Appeals may, within 15 days of the order of ~~the judge of~~ the Court of Appeals, present a petition for
162 review of such order to a ~~justice~~ *the clerk* of the Supreme Court if ~~the case would otherwise be~~
163 ~~appealable to the Supreme Court in accordance with § 17.1-410. The clerk shall assign the petition to a~~
164 ~~three-justice panel of the Supreme Court.~~ The aggrieved party shall serve a copy of the petition for
165 review on the counsel for the opposing party, which may file a response within seven days from the
166 date of service unless the court determines a shorter time frame. The petition for review shall be
167 accompanied by a copy of the proceedings before the circuit court, including the original papers and the
168 circuit court's order respecting the injunction, and a copy of the order of ~~the judge of~~ the Court of
169 Appeals from which review is sought. The ~~justice~~ *Supreme Court* may take such action thereon as ~~he~~ *it*
170 considers appropriate under the circumstances of the case.

171 *Nothing in this section shall be construed to prevent the Court of Appeals or the Supreme Court*
172 *from resolving a petition for review by an order joined by more than one judge or justice. An order*
173 *issued by a justice of the Supreme Court does not become a judgment of the court except on the*
174 *concurrence of at least three justices, as provided in § 17.1-308.*

175 **§ 8.01-670. In what cases awarded.**

176 A. Except as provided by ~~§ 17.1-405,~~ any person may present a petition for an appeal to the
177 Supreme Court if he believes himself aggrieved:

- 178 1. By any judgment in a controversy concerning:

- 179 a. The title to or boundaries of land,
 180 b. The condemnation of property,
 181 c. The probate of a will,
 182 d. The appointment or qualification of a personal representative, guardian, conservator, committee, or
 183 curator,
 184 e. A mill, roadway, ferry, wharf, or landing,
 185 f. The right of the Commonwealth, or a county, or municipal corporation to levy tolls or taxes; or
 186 g. The construction of any statute, ordinance, or county proceeding imposing taxes; or
 187 2. By the order of a court refusing a writ of quo warranto or by the final judgment on any such writ;
 188 or
 189 3. By a final judgment in any other civil case.

190 B. Except as provided by § 17.1-405, any party may present a petition for an appeal to the Supreme
 191 Court in any case on an equitable claim wherein there is an interlocutory decree or order:

- 192 1. Granting, dissolving or denying an injunction; or
 193 2. Requiring money to be paid or the possession or title of property to be changed; or
 194 3. Adjudicating the principles of a cause.

195 C. Except in cases where appeal from a final judgment lies in the Court of Appeals, as provided in
 196 § 17.1-405, any party may present a petition pursuant to § 8.01-670.1 for appeal to the Supreme Court.

197 *A party aggrieved by a final decision of the Court of Appeals may petition the Supreme Court for an*
 198 *appeal in accordance with § 17.1-411.*

199 **§ 8.01-671. Time within which petition must be presented.**

200 A. In cases where an appeal is permitted from the trial court to the Supreme Court, no petition shall
 201 be presented for an appeal to the Supreme Court from any final judgment, whether the Commonwealth
 202 be a party or not, ~~(i) which shall have been that was~~ rendered more than 90 days before the petition is
 203 presented, provided that a ~~30-day~~ *an* extension may be granted, in the discretion of the ~~court~~ *Supreme*
 204 *Court*, in order to attain the ends of justice; or ~~(ii) if it be an appeal from a final decree refusing a bill~~
 205 ~~of review to a decree rendered more than 120 days prior thereto, unless the petition is presented within~~
 206 ~~90 days from the date of such decree.~~

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

209 C. No appeal to the Supreme Court from a decision of the Court of Appeals shall be granted unless
 210 a petition for appeal is filed within 30 days after the date of the decision appealed from. *However, an*
 211 *extension may be granted, in the discretion of the court, in order to attain the ends of justice.*

212 **§ 8.01-675.3. Time within which appeal must be taken; notice.**

213 Except as provided in § 19.2-400 for pretrial appeals by the Commonwealth in criminal cases and in
 214 § 19.2-401 for cross appeals by the defendant in such pretrial appeals, a notice of appeal to the Court of
 215 Appeals in any case within the jurisdiction of the court shall be filed within 30 days from the date of
 216 any final judgment order, decree, or conviction. When an appeal from an interlocutory decree or order is
 217 permitted, the *notice of* appeal shall be filed within 30 days from the date of such decree or order,
 218 except for pretrial appeals pursuant to § 19.2-398. *However, an extension may be granted, in the*
 219 *discretion of the Court of Appeals, in order to attain the ends of justice.*

220 For purposes of this section, § 17.1-408, and an appeal pursuant to § 19.2-398, a petition for appeal
 221 in a criminal case or a notice of appeal to the Court of Appeals, shall be deemed to be timely filed if (i)
 222 it is mailed postage prepaid by registered or certified mail and (ii) the official postal receipt, showing
 223 mailing within the prescribed time limits, is exhibited upon demand of the clerk or any party.

224 **§ 8.01-675.5. Appeal of interlocutory orders and decrees by permission; immunity.**

225 A. *When, prior to the commencement of trial, the circuit court has entered in any pending civil*
 226 *action an order or decree that is not otherwise appealable, any party may file in the circuit court a*
 227 *motion requesting that the circuit court certify such order or decree for interlocutory appeal.*

228 *The motion shall include a concise analysis of the statutes, rules, or cases believed to be*
 229 *determinative of the issues and request that the court certify in writing that the order or decree involves*
 230 *a question of law as to which (i) there is substantial ground for difference of opinion; (ii) there is no*
 231 *clear, controlling precedent on point in the decisions of the Supreme Court of Virginia or the Court of*
 232 *Appeals of Virginia; (iii) determination of the issues will be dispositive of a material aspect of the*
 233 *proceeding currently pending before the court; and (iv) it is in the parties' best interest to seek an*
 234 *interlocutory appeal. If the request for certification is opposed by any party, the parties may brief the*
 235 *motion in accordance with the Rules of Supreme Court of Virginia.*

236 *Within 15 days of the entry of an order by the circuit court granting such certification, a petition for*
 237 *appeal may be filed with the Court of Appeals. If the Court of Appeals determines that the certification*
 238 *by the circuit court has sufficient merit, it may, in its discretion, permit an appeal to be taken from the*
 239 *interlocutory order or decree and shall notify the certifying circuit court and counsel for the parties of*

240 *its decision.*

241 *The consideration of any petition and appeal by the Court of Appeals shall be in accordance with*
 242 *the applicable provisions of the Rules of the Supreme Court of Virginia and shall not take precedence*
 243 *on the docket unless the court so orders.*

244 *B. When, prior to the commencement of trial, the circuit court has entered in any pending civil*
 245 *action an order granting or denying a plea of sovereign, absolute, or qualified immunity that, if*
 246 *granted, would immunize the movant from compulsory participation in the proceeding, the order is*
 247 *eligible for immediate appellate review. Any person aggrieved by such order may, within 15 days of the*
 248 *entry of such order, file a petition for review with the Court of Appeals in accordance with the*
 249 *procedures set forth in § 8.01-626. If the assigned judge or judges grant the petition for review, the*
 250 *clerk shall refer the appeal to a panel of the court, as the court shall direct, and the parties shall*
 251 *prosecute the appeal in the manner provided for in the Rules of Supreme Court of Virginia.*

252 *C. No petitions or appeals under this section shall stay proceedings in the circuit court unless the*
 253 *circuit court or appellate court orders such a stay upon a finding that (i) the petition or appeal could*
 254 *be dispositive of the entire civil action or (ii) there exists good cause, other than the pending petition or*
 255 *appeal, to stay the proceedings.*

256 *D. The failure of a party to seek interlocutory review under this section shall not preclude review of*
 257 *the issue on appeal from a final order. An order by the Court of Appeals denying interlocutory review*
 258 *under this section shall not preclude review of the issue on appeal from a final order, unless the order*
 259 *denying such interlocutory review provides for such preclusion.*

260 **§ 8.01-675.6. Jurisdictional amount.**

261 *No petition shall be presented for an appeal from any judgment of a circuit court except in cases in*
 262 *which the controversy is for a matter of \$500 or more in value or amount, and except in cases in which*
 263 *it is otherwise expressly provided; nor to a judgment of any circuit court when the controversy is for a*
 264 *matter less in value or amount than \$500, exclusive of costs, unless there be drawn in question a*
 265 *freehold or franchise or the title or bounds of land, or some other matter not merely pecuniary.*

266 **§ 8.01-676.1. Security for appeal.**

267 *A. Security for costs of appeal of right to Court of Appeals in civil cases. A party filing a notice of*
 268 *an appeal of right to the Court of Appeals in a civil case shall simultaneously file an appeal bond or*
 269 *irrevocable letter of credit in the penalty of \$500, or such sum as the trial court may require, subject to*
 270 *subsection E, conditioned upon paying all costs and fees incurred in the Court of Appeals and the*
 271 *Supreme Court if it takes cognizance of the claim. If the appellant wishes suspension of execution in a*
 272 *civil appeal, the security shall also be conditioned and shall be in such sum as the trial court may*
 273 *require as provided in subsection C.*

274 *B. Security for costs on petition for appeal to Court of Appeals or Supreme Court. An appellant*
 275 *whose petition for appeal is granted by the Court of Appeals or the Supreme Court shall (if he has not*
 276 *done so) within 15 days from the date of the Certificate of Appeal file an appeal bond or irrevocable*
 277 *letter of credit in the same penalty as provided in subsection A, conditioned on the payment of all*
 278 *damages, costs, and fees incurred in the Court of Appeals and in the Supreme Court.*

279 *C. Security for suspension of execution. An appellant who wishes execution of the judgment or*
 280 *award from which an appeal is sought to be suspended during the appeal shall, subject to the provisions*
 281 *of subsection J, file a suspending bond or irrevocable letter of credit conditioned upon the performance*
 282 *or satisfaction of the judgment and payment of all damages incurred in consequence of such suspension,*
 283 *and except as provided in subsection D, execution shall be suspended upon the filing of such security*
 284 *and the timely prosecution of such appeal. Such security shall be continuing and additional security shall*
 285 *not be necessary except as to any additional amount which that may be added or to any additional*
 286 *requirement which that may be imposed by the courts.*

287 *D. Suspension of execution in decrees for support and custody; injunctions. The court from which an*
 288 *appeal is sought may refuse to suspend the execution of decrees for support and custody, and may also*
 289 *refuse suspension when a judgment refuses, grants, modifies, or dissolves an injunction.*

290 *E. Increase or decrease in penalty or other modification of security. 1. The trial court or commission*
 291 *may, upon the motion of any party (i) for good cause shown, modify the terms of the security for the*
 292 *appeal or of the security for the suspension of execution of a judgment and (ii) resolve any objection to*
 293 *the form or issuer of a bond or letter of credit at any time until the Court of Appeals or the Supreme*
 294 *Court acts upon any similar motion. Any party aggrieved by the decision of the trial court or*
 295 *commission may request a review of such decision by the appellate court before which the case is*
 296 *pending.*

297 *2. The Court of Appeals or the Supreme Court may order that the penalty or any other terms or*
 298 *requirements of the security for the appeal or of the security for the suspension of execution of a*
 299 *judgment be modified for good cause shown (i) upon the motion of any party or (ii) if such request is*
 300 *made in the brief of any party filed in the Court of Appeals, or in the Petition for Appeal or the*

301 appellee's Brief in Opposition filed in the Supreme Court or the Court of Appeals.

302 3. Affidavits and counter-affidavits may be filed by the parties containing facts pertinent to such
303 request. Any increase or decrease in the amount of or other modification of the security so ordered shall
304 be effected in the clerk's office of the trial court within 15 days of the order of the trial court, the Court
305 of Appeals, or the Supreme Court.

306 4. If an increase so ordered is not effected within 15 days, the appeal shall be dismissed, in the case
307 of the security required under subsection A or B, or the suspension of execution of a judgment shall be
308 discontinued, in the case of the security required under subsection C.

309 F. By whom executed. Each bond filed shall be executed by a party or another on his behalf, and by
310 surety approved by the clerk of the court from which appeal is sought, or by the clerk of the Supreme
311 Court or the clerk of the Court of Appeals if the bond is ordered by such Court. Any letter of credit
312 posted as security for an appeal shall be in a form acceptable to the clerk of the court from which
313 appeal is sought, or by the clerk of the Supreme Court or the Court of Appeals if the security is ordered
314 by such court. The letter of credit shall be from a bank incorporated or authorized to conduct banking
315 business under the laws of this Commonwealth or authorized to do business in this Commonwealth
316 under the banking laws of the United States, or a federally insured savings institution located in this
317 Commonwealth.

318 G. Appeal from State Corporation Commission; security for costs. When an appeal of right is entered
319 from the State Corporation Commission to the Supreme Court, and no suspension of the order,
320 judgment, or decree appealed from is requested, such appeal bond or letter of credit shall be filed when
321 and in the amount required by the clerk of the Supreme Court, whose action shall be subject to review
322 by the Supreme Court.

323 H. Appeal from State Corporation Commission; suspension. Any judgment, order, or decree of the
324 State Corporation Commission subject to appeal to the Supreme Court may be suspended by the
325 Commission or by the Supreme Court pending decision of the appeal if the Commission or the Supreme
326 Court deems such suspension necessary for the proper administration of justice but only upon the
327 written application of an appellant after reasonable notice to all other parties in interest and the filing of
328 a suspending bond or irrevocable letter of credit with such conditions, in such penalty, and with such
329 surety thereon as the Commission or the Supreme Court may deem sufficient. But no surety shall be
330 required if the appellant is any county, city or town of this Commonwealth, or the Commonwealth.

331 I. Forms of bonds; letters of credit; where filed. The Clerk of the Supreme Court shall prescribe
332 separate forms for bonds, one for costs alone, one for suspension of execution, and one for both and a
333 form for irrevocable letters of credit, to which the bond or bonds or irrevocable letters of credit given
334 shall substantially conform. The forms for each bond and the letter of credit shall be published in the
335 Rules of Court. It shall be sufficient if the bond or letter of credit, when executed as required, is filed
336 with the trial court, clerk of the Virginia Workers' Compensation Commission, or the clerk of the State
337 Corporation Commission, whichever is applicable, and no personal appearance in the trial court, Virginia
338 Workers' Compensation Commission, or State Corporation Commission by the principal, the surety on
339 the bond or the bank issuing the letter of credit shall be required as a condition precedent to its filing.

340 J. In any civil litigation under any legal theory, the amount of the suspending bond or irrevocable
341 letter of credit to be furnished during the pendency of all appeals or discretionary reviews of any
342 judgment granting legal, equitable, or any other form of relief in order to stay the execution thereon
343 during the entire course of appellate review by any courts shall be set in accordance with applicable
344 laws or court rules, and the amount of the suspending bond or irrevocable letter of credit shall include
345 an amount equivalent to one year's interest calculated from the date of the notice of appeal in
346 accordance with § 8.01-682. However, the total suspending bond or irrevocable letter of credit that is
347 required of an appellant and all of its affiliates shall not exceed \$25 million, regardless of the value of
348 the judgment.

349 K. Dissipation of assets. If the appellee proves by a preponderance of the evidence that a party
350 bringing an appeal, for whom the suspending bond or irrevocable letter of credit requirement has been
351 limited or waived, is purposefully dissipating its assets or diverting assets outside the jurisdiction of the
352 United States courts for the purpose of evading the judgment, the limitation or waiver shall be rescinded
353 and a court may require the appellant to post a suspending bond or irrevocable letter of credit in an
354 amount up to the full amount of the judgment. Dissipation of assets shall not include those ongoing
355 expenditures made from assets of the kind that the appellant made in the regular course of business prior
356 to the judgment being appealed, such as the payment of stock dividends and other financial incentives to
357 the shareholders of publicly owned companies, continued participation in charitable and civic activities,
358 and other expenditures consistent with the exercise of good business judgment.

359 L. For good cause shown, a court may otherwise waive the filing of a suspending bond or
360 irrevocable letter of credit as to the damages in excess of, or other than, the compensatory damages.
361 Subject to the provisions of subsection K, the parties may agree to waive the requirement of a

362 suspending bond or irrevocable letter of credit or agree to a suspending bond or irrevocable letter of
 363 credit in an amount less than the compensatory damages.

364 M. Exemption. When an appeal is proper to protect the estate of a decedent or person under
 365 disability, or to protect the interest of the Commonwealth or any county, city, or town of this
 366 Commonwealth, no security for appeal shall be required.

367 N. Indigents. No person who is an indigent shall be required to post security for an appeal bond.

368 O. Virginia Workers' Compensation Commission. No claimant who files an appeal from a final
 369 decision of the Virginia Workers' Compensation Commission with the Court of Appeals shall be
 370 required to post security for costs as provided in subsection A ~~or~~ B if such claimant has not returned to
 371 his employment or by reason of his disability is unemployed. Such claimant shall file an affidavit
 372 describing his disability and employment status with the Court of Appeals together with a motion to
 373 waive the filing of the security under subsection A ~~or~~ B.

374 P. Time for filing security for appeal. The appeal bond or letter of credit prescribed in subsections A
 375 and B is not jurisdictional and the time for filing such security in cases before the Court of Appeals or
 376 the Supreme Court may be extended by a judge or justice of the court before which the case is pending
 377 on motion for good cause shown and to attain the ends of justice. The effect of failing to perfect an
 378 appeal bond shall be governed by the Rules of Supreme Court of Virginia.

379 Q. Consideration of appeal bond, suspending bond, or letter of credit by Court of Appeals or
 380 Supreme Court. A determination on an issue affecting an appeal bond, suspending bond, or letter of
 381 credit in a case before the Court of Appeals or the Supreme Court may be considered by an individual
 382 judge of such court rather than by a panel of judges.

383 R. This section applies to injunction bonds required pursuant to § 8.01-631.

384 S. In accordance with § 1-205, if the party required to post an appeal or suspending bond tenders
 385 such bond together with cash in the full amount required by this section to the clerk specified in this
 386 section, no surety shall be required.

387 **§ 9.1-909. Relief from registration, reregistration, or verification.**

388 A. Upon expiration of three years from the date upon which the duty to register as a Tier III
 389 offender or murderer is imposed, the person required to register may petition the court in which he was
 390 convicted or, if the conviction occurred outside of the Commonwealth, the circuit court in the
 391 jurisdiction where he currently resides, for relief from the requirement to verify his registration
 392 information four times each year at three-month intervals. After five years from the date of his last
 393 conviction for a violation of § 18.2-472.1, a Tier III offender or murderer may petition for relief from
 394 the requirement to verify his registration information every month. A person who is required to register
 395 may similarly petition the circuit court for relief from the requirement to verify his registration twice
 396 each year after five years from the date of his last conviction for a violation of § 18.2-472.1. The court
 397 shall hold a hearing on the petition, on notice to the attorney for the Commonwealth, to determine
 398 whether the person suffers from a mental abnormality or a personality disorder that makes the person a
 399 menace to the health and safety of others or significantly impairs his ability to control his sexual
 400 behavior. Prior to the hearing the court shall order a comprehensive assessment of the applicant by a
 401 panel of three certified sex offender treatment providers as defined in § 54.1-3600. A report of the
 402 assessment shall be filed with the court prior to the hearing. The costs of the assessment shall be taxed
 403 as costs of the proceeding.

404 If, after consideration of the report and such other evidence as may be presented at the hearing, the
 405 court finds by clear and convincing evidence that the person does not suffer from a mental abnormality
 406 or a personality disorder that makes the person a menace to the health and safety of others or
 407 significantly impairs his ability to control his sexual behavior, the petition shall be granted and the duty
 408 to verify his registration information more frequently than once a year shall be terminated. The court
 409 shall promptly notify the State Police upon entry of an order granting the petition. The person shall,
 410 however, be under a continuing duty to register annually for life. If the petition is denied, the duty to
 411 verify his registration information with the same frequency as before shall continue. ~~An appeal from the~~
 412 ~~A denial of a petition shall lie to the Supreme Court be appealable pursuant to § 17.1-405.~~

413 A petition for relief pursuant to this subsection may not be filed within three years from the date on
 414 which any previous petition for such relief was denied.

415 B. The duly appointed guardian of a person convicted of an offense requiring registration,
 416 reregistration, or verification of his registration information as either a Tier I, Tier II, or Tier III
 417 offender or murderer, who due to a physical condition is incapable of (i) reoffending and (ii)
 418 reregistering or verifying his registration information, may petition the court in which the person was
 419 convicted for relief from the requirement to reregister or verify his registration information. The court
 420 shall hold a hearing on the petition, on notice to the attorney for the Commonwealth, to determine
 421 whether the person suffers from a physical condition that makes the person (i) no longer a menace to
 422 the health and safety of others and (ii) incapable of reregistering or verifying his registration

423 information. Prior to the hearing the court shall order a comprehensive assessment of the applicant by at
 424 least two licensed physicians other than the person's primary care physician. A report of the assessment
 425 shall be filed with the court prior to the hearing. The costs of the assessment shall be taxed as costs of
 426 the proceeding.

427 If, after consideration of the report and such other evidence as may be presented at the hearing, the
 428 court finds by clear and convincing evidence that due to his physical condition the person (i) no longer
 429 poses a menace to the health and safety of others and (ii) is incapable of reregistering or verifying his
 430 registration information, the petition shall be granted and the duty to reregister or verify his registration
 431 information shall be terminated. However, for a person whose duty to reregister or verify his registration
 432 information was terminated under this subsection, the Department of State Police shall, annually for Tier
 433 I or Tier II offenders and quarterly for persons convicted of Tier III offenses and murder, verify and
 434 report to the attorney for the Commonwealth in the jurisdiction in which the person resides that the
 435 person continues to suffer from the physical condition that resulted in such termination.

436 The court shall promptly notify the State Police upon entry of an order granting the petition to
 437 terminate the duty to reregister.

438 If the petition is denied, the duty to reregister shall continue. An appeal from the denial of a petition
 439 shall be to the ~~Virginia Supreme Court~~ *Virginia Supreme Court of Appeals*.

440 A petition for relief pursuant to this subsection may not be filed within three years from the date on
 441 which any previous petition for such relief was denied.

442 If, at any time, the person's physical condition changes so that he is capable of reoffending,
 443 reregistering, or verifying his registration information, the attorney for the Commonwealth shall file a
 444 petition with the circuit court in the jurisdiction where the person resides and the court shall hold a
 445 hearing on the petition, with notice to the person and his guardian, to determine whether the person still
 446 suffers from a physical condition that makes the person (i) no longer a menace to the health and safety
 447 of others and (ii) incapable of reregistering or verifying his registration information. If the petition is
 448 granted, the duty to reregister shall commence from the date of the court's order. An appeal from the
 449 denial or granting of a petition shall be to the ~~Virginia Supreme Court~~ *Virginia Supreme Court of Appeals*. Prior to the hearing
 450 the court shall order a comprehensive assessment of the applicant by at least two licensed physicians
 451 other than the person's primary care physician. A report of the assessment shall be filed with the court
 452 prior to the hearing. The costs of the assessment shall be taxed as costs of the proceeding.

453 **§ 15.2-1627. Duties of attorneys for the Commonwealth and their assistants.**

454 A. No attorney for the Commonwealth, or assistant attorney for the Commonwealth, shall be required
 455 to carry out any duties as a part of his office in civil matters of advising the governing body and all
 456 boards, departments, agencies, officials and employees of his county or city; of drafting or preparing
 457 county or city ordinances; of defending or bringing actions in which the county or city, or any of its
 458 boards, departments or agencies, or officials and employees thereof, shall be a party; or in any other
 459 manner of advising or representing the county or city, its boards, departments, agencies, officials and
 460 employees, except in matters involving the enforcement of the criminal law within the county or city.

461 B. The attorney for the Commonwealth and assistant attorney for the Commonwealth shall be a part
 462 of the department of law enforcement of the county or city in which he is elected or appointed, and
 463 shall have the duties and powers imposed upon him by general law, including the duty of prosecuting
 464 all warrants, indictments or informations charging a felony, and he may in his discretion, prosecute
 465 Class 1, 2 and 3 misdemeanors, or any other violation, the conviction of which carries a penalty of
 466 confinement in jail, or a fine of \$500 or more, or both such confinement and fine. He shall enforce all
 467 forfeitures, and carry out all duties imposed upon him by § 2.2-3126. He may enforce the provisions of
 468 § 18.2-250.1, 18.2-268.3, 29.1-738.2, or 46.2-341.26:3. *He may, in his discretion, file a notice of appeal*
 469 *with the circuit court for the appeal of a criminal case for which he was the prosecuting attorney and*
 470 *he may appear and represent the Commonwealth in any criminal case on appeal before the Court of*
 471 *Appeals or the Supreme Court for which he was the prosecuting attorney, provided that the Attorney*
 472 *General consented to such appearance pursuant to § 2.2-511.*

473 *He shall also represent the Commonwealth in an appeal of a civil matter related to the enforcement*
 474 *of a criminal law or a criminal case for which he was the prosecuting attorney, including a petition for*
 475 *expungement of a defendant's criminal record, an action of forfeiture filed in accordance with the*
 476 *provisions of Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2, or any matter which he may enforce*
 477 *pursuant to this section.*

478 **§ 15.2-1643. Circuit courts to order court facilities to be repaired.**

479 A. When it appears to the circuit court for any county or city, from the report of persons appointed
 480 to examine the court facilities, or otherwise, that the court facilities of such county or city are insecure,
 481 out of repair, or otherwise pose a danger to the health, welfare and safety of court employees or the
 482 public, the court shall enter an order, in the name and on behalf of the Commonwealth against the
 483 supervisors of the county, or the members of the council of the city, as the case may be, to show cause

484 why a mandamus should not issue, commanding them to cause the court facilities of such county or city
 485 to be made secure, or put in good repair, or rendered otherwise safe as the case may be, and to proceed
 486 as in other cases of mandamus, to cause the necessary work to be done. The court shall cause a copy of
 487 such order to be served upon each supervisor or member of the council, as the case may be.

488 B. Upon the entry of such order, as provided in subsection A hereof, the chief judge of the circuit
 489 shall forthwith notify the Chief Justice of the Supreme Court of the entry thereof. Upon receipt of the
 490 notice, the Chief Justice shall assign a judge of a circuit remote from the circuit wherein the repairs are
 491 alleged to be necessary to hear and determine whether, after consideration of such matters as set forth in
 492 subdivisions 1 through 4, the court facilities are in fact insecure or out of repair or otherwise pose a
 493 danger to the health, welfare and safety of court employees or the public and the extent to which
 494 repairs, if any, are necessary.

495 Before a mandamus is issued, if the concerned governing body elects, or if the pleadings allege that
 496 the court facilities are in fact insecure or out of repair, or otherwise pose a danger to the health, welfare
 497 and safety of court employees or the public, the local governing body shall appoint a five-member
 498 panel, three of whom shall be qualified by training and experience as either an architect or a
 499 professional engineer, not representing the same firms, to review the court facilities in question and
 500 make recommendations to the local governing body and circuit court judge assigned by the Chief Justice
 501 concerning the construction or repairs deemed necessary.

502 In making their recommendations, the panel shall consider matters such as, but not limited to, the
 503 following:

- 504 1. Security provisions to safeguard court personnel, participants and the public;
- 505 2. Efficient layout and circulation patterns to maximize public access, promote efficient operations,
 506 and accommodate the diverse users;
- 507 3. Provision of administrative and service areas, judges' chambers, hearing rooms, conference rooms,
 508 prior holding areas, and public information areas; and
- 509 4. Comfort, safety and obsolescence of the existing facility or any part thereof.

510 The existing facilities shall be considered in relationship to their location and the extent of their use,
 511 and their failure to meet any of these general considerations shall not necessarily be deemed a cause for
 512 determining them inadequate.

513 In making their recommendations, the panel may consult recognized national standard works in the
 514 field.

515 All costs, fees and expenses of the five-member panel, after approval by the local governing body,
 516 shall be paid by the county or city that appointed the panel.

517 C. If, after hearing, the court finds that the court facilities are not insecure or out of repair or
 518 otherwise unsafe, or having been in such condition, that the necessary repairs have been made, the court
 519 shall vacate the order. If the court finds that the court facilities are insecure or out of repair or otherwise
 520 unsafe, it shall issue its mandamus as provided in subsection A.

521 D. Appeals shall be allowed to the ~~Supreme~~ Court of ~~Virginia~~ *Appeals* as appeals from courts of
 522 equity are allowed.

523 E. Nothing in this section shall be construed to authorize a circuit court to require that an additional
 524 or replacement courthouse be constructed.

525 **§ 15.2-2139. Special court; costs.**

526 The costs in the proceedings before the special court shall be paid by the party instituting the
 527 proceedings and shall be the same as in other civil cases; the costs shall also include the per diem and
 528 expenses of the court reporter, if any, and, in the discretion of the court, a reasonable allowance to the
 529 court for secretarial services in connection with the preparation of the written opinion. In the event of an
 530 appeal, the ~~Supreme~~ Court of ~~Virginia~~ *Appeals* shall determine by whom the appellate costs shall be
 531 paid. *If an appeal is taken from the judgment of the Court of Appeals, the Supreme Court, in matters in*
 532 *which it grants the petition for appeal, shall determine by whom the appellate costs shall be paid.*

533 **§ 15.2-2140. Dispute between jurisdictions; appeals.**

534 A. An appeal may be ~~granted by the Supreme Court of Virginia, or any judge thereof, to~~ *filed in the*
 535 *Court of Appeals* by any party from the judgment of the special court, and the appeal shall be heard and
 536 determined without reference to the principles of demurrer to evidence. The special court shall certify
 537 the facts in the case to the ~~Supreme~~ Court of *Appeals*, and the evidence shall be considered as on appeal
 538 in proceedings under Chapter 2 (§ 25.1-200 et seq.) of Title 25.1. In any case, by consent of all parties
 539 of record, a motion to dismiss may be made at any time before final judgment on appeal.

540 B. If the judgment of the special court is reversed on appeal, or if the judgment is modified, the
 541 ~~Supreme~~ Court of *Appeals* shall enter such order as the special court should have entered, ~~and the order~~
 542 ~~shall be final.~~

543 C. *If an appeal is taken from the judgment of the Court of Appeals, the Supreme Court, in matters in*
 544 *which it grants the petition for appeal, shall consider the appeal consistent with the procedures set forth*

545 *in subsection A and shall enter such order as the special court should have entered.*

546 **§ 15.2-2656. Appeals.**

547 An appeal from the final judgment of the circuit court in a bond validation proceeding may be taken
 548 to the Supreme Court of Virginia Appeals. No appeal shall be allowed unless a notice of appeal is filed
 549 in the circuit court within 15 days after the date on which the final judgment of the court is entered and
 550 unless the appealing party's ~~petition for appeal~~ *opening brief* is filed with the Supreme Court of Virginia
 551 Appeals within 30 days after the date on which the final judgment of the court is entered. When a
 552 notice of appeal is timely and properly filed with the clerk of the circuit court, the clerk shall certify
 553 and transmit the record to the Clerk of the Supreme Court of Virginia Appeals within 30 days after the
 554 date on which the final judgment of the circuit court is entered *and the Court of Appeals shall give the*
 555 *appeal an expedited review.* Failure of the clerk to comply with this requirement shall not affect the
 556 jurisdiction of the Supreme Court of Virginia Appeals to consider the appeal. ~~If the Supreme Court of~~
 557 ~~Virginia grants the petition for appeal, it shall be placed on the privileged docket.~~

558 **§ 15.2-3104. Procedure when commissioners fail to agree.**

559 If the commissioners fail to agree upon the location of the line, they shall so report to the circuit
 560 courts for their respective localities, stating in their reports the points and grounds of disagreement and
 561 describing fully the conflicting lines. Either locality may file a petition in the circuit court for either
 562 locality to have a court, constituted as hereinafter provided, ascertain and establish the true boundary
 563 line in doubt or dispute. Such petition shall describe, with reasonable certainty, the location contended
 564 for and shall state the grounds of such contention. A plat, showing the location contended for, filed with
 565 the petition, may serve the purposes of such description. The petitioner shall make the other locality the
 566 party defendant, and the case shall be commenced by serving a copy of the petition upon the county
 567 attorney, if any, or the attorney for the Commonwealth of such county, the city attorney of such city or
 568 the town attorney of such town. No formal plea or answer to the petition shall be necessary, but the
 569 defendant shall state its grounds of defense in writing, describing, with the same degree of certainty
 570 required of the petitioner, the line as contended for by the defendant, and the locality shall be deemed to
 571 be at issue. The issue shall be the true location of the boundary line so in doubt or dispute.

572 The case shall be heard and decided by a court without a jury presided over by three judges as
 573 follows: the judge of the circuit court for the petitioning locality, the judge of the circuit court for the
 574 defendant locality, and a judge of some circuit court in this Commonwealth remote from the localities,
 575 to be designated by the Chief Justice. When the localities are within the same circuit, the Chief Justice
 576 shall designate a third judge from an adjoining circuit. The court shall hear the case upon the evidence
 577 introduced in the manner in which evidence is introduced in common-law cases and shall ascertain and
 578 establish the true boundary line by a majority decision, and shall give judgment accordingly. Costs shall
 579 be awarded as the court shall determine. The judgment of the court shall be recorded in the
 580 common-law order book and in the current deed book of the court and indexed in the names of the
 581 localities, and, unless reversed, shall forever settle, determine, designate and establish the true boundary
 582 line. A copy of any final judgment shall be certified to the Secretary of the Commonwealth. ~~An appeal~~
 583 ~~may be granted by the Supreme Court, or any justice thereof, to either~~ *Either party may appeal* from the
 584 judgment of the court *to the Court of Appeals*, and the cost of such appeal shall be awarded to the party
 585 substantially prevailing. *If an appeal is taken from the judgment of the Court of Appeals, the Supreme*
 586 *Court, in matters in which it grants the petition for appeal, shall render a decision and award the costs*
 587 *of the appeal to the party that substantially prevailed.*

588 **§ 15.2-3217. Court granting annexation to exist for 10 years.**

589 The special court shall not be dissolved after rendering a decision granting any motion or petition for
 590 annexation, but shall remain in existence for a period of ~~ten~~ 10 years from the effective date of any
 591 annexation order entered, or from the date of any decision of the Supreme Court *or the Court of*
 592 *Appeals* affirming such an order. Vacancies occurring in the court during such ~~ten-year~~ 10-year period
 593 shall be filled as provided in § 15.2-3004.

594 The court may be reconvened at any time during the ~~ten-year~~ 10-year period on its own motion, or
 595 on motion of the governing body of the county, or of the city or town, or on petition of not less than
 596 ~~fifty~~ 50 registered voters or property owners in the area annexed; however, if the area annexed contains
 597 fewer than 100 registered voters or property owners, a majority of such registered voters or property
 598 owners may petition for the reconvening of the court.

599 The court shall have power and it shall be its duty, at any time during such period, to enforce the
 600 performance of the terms and conditions under which annexation was granted, and to issue appropriate
 601 process to compel such performance. The court may, in its discretion, award ~~attorneys'~~ attorney fees, and
 602 court and other reasonable costs to the party or parties on whose motion the court is reconvened.

603 Any such action of the court shall be subject to review by the Supreme Court of Appeals in the same
 604 manner as is provided with respect to the original decision of the court.

605 **§ 15.2-3221. Appeals; how heard.**

606 An appeal may be granted by the Supreme Court, or any justice thereof made to the Court of
 607 Appeals. The special court shall certify the facts in the case to the Supreme Court of Appeals, and the
 608 evidence shall be considered as on appeal in proceedings under Chapter 2 (§ 25.1-200 et seq.) of Title
 609 25.1. *If an appeal is taken from the judgment of the Court of Appeals, the Supreme Court, in matters in*
 610 *which it grants the petition for appeal, shall consider the appeal consistent with the procedures set forth*
 611 *herein and shall enter such order as the special court should have entered. In any case, by consent of*
 612 *all parties of record, the motion to annex may be dismissed at any time before final judgment on appeal.*

613 **§ 15.2-3222. What order to be entered by the Supreme Court or the Court of Appeals.**

614 If the judgment of the special court is reversed on appeal, or if the judgment is modified, the
 615 Supreme Court of Appeals shall enter such order as the special court should have entered, *certify a copy*
 616 *of the order to the Secretary of the Commonwealth, and such order shall be final. In the event that the*
 617 *Supreme Court enters such order, a copy of the order shall be certified to the Secretary of the*
 618 *Commonwealth unless appealed to the Supreme Court. If an appeal is taken from the judgment of the*
 619 *Court of Appeals, the Supreme Court, in matters in which it grants the petition for appeal, shall*
 620 *consider the appeal consistent with the procedures set forth in § 15.2-3221, shall enter such order as*
 621 *the special court should have entered, and shall certify the order to the Secretary of the Commonwealth.*

622 **§ 15.2-3227. Annexation proceedings final for 10 years.**

623 Except by mutual agreement of the governing bodies affected, no city or town, having instituted
 624 proceedings to annex territory of a county, shall again seek to annex territory of such county within the
 625 ~~ten~~ 10 years next succeeding the effective date of annexation in any proceeding under this article or
 626 previous acts. In the event annexation is denied, such prohibition shall begin with the date of the final
 627 order of the court denying annexation or, in the case of an appeal to the Supreme Court *or the Court of*
 628 *Appeals*, with the date of the final order of the Supreme Court *or the Court of Appeals*. However, a city
 629 or town moving to dismiss the proceedings before a hearing on its merits may file a new petition five
 630 years after the filing of the petition in the prior suit. No county shall, except with the consent of its
 631 governing body, be made defendant in any annexation proceeding brought by any city within such
 632 ~~ten-year~~ 10-year period.

633 Notwithstanding the foregoing provisions, a city shall have the right to file and maintain an
 634 annexation proceeding against any county against which it has not filed such a proceeding during the
 635 preceding ~~thirteen~~ 13 years.

636 The provisions of this section shall not apply to any petition for annexation brought by a city or
 637 town, within such ~~ten-year~~ 10-year period, if the previous petition was dismissed due to a procedural
 638 defect, lack of jurisdiction, or any defense other than the merits of the case. The provisions of this
 639 section shall not apply to a city or town ~~which~~ *that* institutes an annexation proceeding by filing notice
 640 with the Commission on Local Government but which subsequently fails to petition the court to grant
 641 such annexation. In that event, however, the city or town shall not again institute proceedings for
 642 annexation against the county for at least two years after the date the Commission renders its final
 643 report on the initial proceeding.

644 This section shall also apply to any city ~~which~~ *that* was a town at the time of the filing of such
 645 petition.

646 **§ 15.2-3244. Appeal from such order.**

647 Any one or more of the petitioners, or the defendants, or any inhabitants of the town, who may feel
 648 themselves aggrieved by an order declaring territory to be abandoned as provided by this article, or by
 649 the refusal to enter such order, may, at any time within ~~sixty~~ 60 days from the date of the order, upon
 650 giving bond for costs, the amount thereof to be fixed by the court, ~~apply appeal~~ *to the Supreme Court*
 651 *for a writ of error and supersedeas Court of Appeals* according to the general law. *Any one or more of*
 652 *the petitioners, or the defendants, or any inhabitants of the town, who may feel themselves aggrieved by*
 653 *any decision of the Court of Appeals rendered pursuant to this section, may, at any time within 30 days*
 654 *from the date of the order, upon giving bond for costs, the amount thereof to be fixed by the court,*
 655 *apply to the Supreme Court for a writ of error and supersedeas according to the general law.*

656 **§ 15.2-3308. Partial immunity proceedings final for five years; exceptions.**

657 No county, having instituted proceedings for immunity for part or parts of the county, shall again
 658 seek immunity for substantially the same part or parts of the county within the next five years.

659 Such prohibition shall begin with the date of the final order of the court granting or denying
 660 immunity or, in the case of an appeal to the Supreme Court of Appeals, with the date of the final order
 661 of the ~~Supreme Court of Appeals~~ *Supreme Court* ~~or, in the case of an appeal to the Supreme Court,~~ *with the date of the*
 662 *final order issued by the Supreme Court.* The provisions of this section shall not apply to a petition for
 663 partial immunity if the previous petition was withdrawn, or was dismissed for any reason other than the
 664 merits of the case.

665 The provisions of this section further shall not apply to a county which institutes an immunity
 666 proceeding by filing notice with the Commission on Local Government but subsequently fails to petition

667 the court to grant such immunity. In that event, however, the county shall not again institute proceedings
 668 for immunity for substantially the same part or parts of the county for at least two years after the date
 669 the Commission renders its final report on the initial proceeding.

670 **§ 15.2-3528. Appeals.**

671 Appeals may be ~~granted by~~ *made to* the Supreme Court of Virginia Appeals as provided in
 672 §§ 15.2-3221 and 15.2-3222, which shall apply mutatis mutandis. *Any judgment of the Court of Appeals*
 673 *rendered pursuant to this section may be appealed to the Supreme Court, which, if it grants the petition*
 674 *for appeal, shall hear the appeal as provided in §§ 15.2-3221 and 15.2-3222, which shall apply mutatis*
 675 *mutandis.*

676 **§ 15.2-3605. How appeals granted and heard.**

677 An appeal may be ~~granted by~~ *made to* the Supreme Court or any justice thereof ~~Court of Appeals.~~
 678 Court costs shall be awarded as the Supreme Court of Appeals determines. The costs in the Supreme
 679 Court of Appeals shall be awarded to the party substantially prevailing. *If an appeal is taken from the*
 680 *judgment of the Court of Appeals, the Supreme Court, in matters in which it grants the petition for*
 681 *appeal, shall render a decision and award the costs of the appeal to the party that substantially*
 682 *prevailed.*

683 **§ 15.2-3809. Appeals.**

684 Appeals may be ~~granted by~~ *made to* the Supreme Court of Virginia Appeals as provided in
 685 §§ 15.2-3221 and 15.2-3222, which shall apply mutatis mutandis. *Any judgment of the Court of Appeals*
 686 *rendered pursuant to this section may be appealed to the Supreme Court, which, if it grants the petition*
 687 *for appeal, shall hear the appeal as provided in §§ 15.2-3221 and 15.2-3222, which shall apply mutatis*
 688 *mutandis.*

689 **§ 15.2-3909. Appeals.**

690 Appeals may be ~~granted by~~ *made to* the Supreme Court of Virginia Appeals as provided in
 691 §§ 15.2-3221 and 15.2-3222, which shall apply mutatis mutandis. *Any judgment of the Court of Appeals*
 692 *rendered pursuant to this section may be appealed to the Supreme Court, which, if it grants the petition*
 693 *for appeal, shall hear the appeal as provided in §§ 15.2-3221 and 15.2-3222, which shall apply mutatis*
 694 *mutandis.*

695 **§ 15.2-4108. Appeals.**

696 Appeals may be ~~granted by~~ *made to* the Supreme Court of Virginia Appeals as provided in
 697 §§ 15.2-3221 and 15.2-3222, which shall apply mutatis mutandis. *Any judgment of the Court of Appeals*
 698 *rendered pursuant to this section may be appealed to the Supreme Court, which, if it grants the petition*
 699 *for appeal, shall hear the appeal as provided in §§ 15.2-3221 and 15.2-3222, which shall apply mutatis*
 700 *mutandis.*

701 **§ 15.2-4120. Court granting transition to town status to exist for 10 years.**

702 A. The special court created pursuant to § 15.2-4101 shall not be dissolved after rendering a decision
 703 granting any motion or petition for transition to town status, but shall remain in existence for a period
 704 of ~~ten~~ 10 years from the effective date of any transition order entered, or from the date of any decision
 705 of the Supreme Court or the Court of Appeals affirming such an order. Vacancies occurring in the court
 706 during such ~~ten-year~~ 10-year period shall be filled by designation of another judge from the panel
 707 provided for in Chapter 30 (§ 15.2-3000 et seq.) of this title.

708 B. The court may be reconvened at any time during the ~~ten-year~~ 10-year period on its own motion,
 709 or on motion of the governing body of the county, or of the town, or on petition of not less than ~~fifteen~~
 710 15 percent of the registered voters of the town.

711 C. The court shall have power and it shall be its duty, at any time during such period, to enforce the
 712 performance of the terms and conditions under which town status was granted, and to issue appropriate
 713 process to compel such performance. The court may, in its discretion, award ~~attorneys'~~ attorney fees,
 714 court and other reasonable costs to the party or parties on whose motion the court is reconvened.

715 D. Any such action of the court shall be subject to review by the Supreme Court and the Court of
 716 Appeals in the same manner as is provided with respect to the original decision of the court.

717 **§ 15.2-5218. Appeal from order; supersedeas.**

718 Any party aggrieved by such order may apply for an appeal to the Supreme Court of Virginia
 719 Appeals and a supersedeas may be granted in the same manner as is now or hereafter shall be provided
 720 by law and the rules of court applicable to civil cases. *Any party aggrieved by a judgment of the Court*
 721 *of Appeals rendered pursuant to this section may appeal to the Supreme Court, and a supersedeas may*
 722 *be granted in the same manner as is now or hereafter shall be provided by law and the rules of court*
 723 *applicable to civil cases.*

724 **§ 15.2-5367. Appeal.**

725 An appeal may be granted by the Supreme Court of Virginia, or any judge thereof, to either the
 726 authority or the city *may take an appeal* from the judgment of the court to the Court of Appeals, and
 727 the appeal shall be heard and determined without reference to the principles of demurrer to evidence.

728 The trial court shall certify the facts in the case to the ~~Supreme~~ *Supreme Court of Appeals* and the evidence shall
 729 be considered as on appeal in proceedings under Chapter 2 (§ 25.1-200 et seq.) of Title 25.1. By consent
 730 of both parties of record, the petition may be dismissed at any time before final judgment on the appeal.
 731 *The authority or the city may appeal any judgment of the Court of Appeals rendered pursuant to this*
 732 *section to the Supreme Court. If the Supreme Court grants the petition for appeal, the appeal shall be*
 733 *heard consistent with the procedures set forth in this section. By consent of both parties of record, the*
 734 *petition may be dismissed at any time before final judgment on the appeal.*

735 **§ 15.2-6606. Powers.**

736 The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this
 737 act, including the following, to:

- 738 1. Adopt bylaws for the regulation of its affairs and the conduct of its business;
- 739 2. Sue and be sued in its own name;
- 740 3. Have perpetual succession;
- 741 4. Adopt a corporate seal and alter the same at its pleasure;
- 742 5. Maintain offices at such places as it may designate;
- 743 6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate public access
 744 sites that are owned or managed by the authority within the territorial limits of the participating political
 745 subdivisions;
- 746 7. Construct, install, maintain, and operate facilities for managing access sites;
- 747 8. Determine fees, rates, and charges for the use of its facilities;
- 748 9. Apply for and accept gifts, or grants of money or gifts, grants or loans of other property or other
 749 financial assistance from the United States of America and agencies and instrumentalities thereof, the
 750 Commonwealth of Virginia, or any other person or entity, for or in aid of the construction, acquisition,
 751 ownership, operation, maintenance or repair of the public access sites or for the payment of principal of
 752 any indebtedness of the Authority, interest thereon or other cost incident thereto, and to this end the
 753 Authority shall have the power to render such services, comply with such conditions and execute such
 754 agreements, and legal instruments, as may be necessary, convenient or desirable or imposed as a
 755 condition to such financial aid;
- 756 10. Receive and expend public funds and private donations for dredging or construction; apply for
 757 permits in order to perform dredging projects on waterways or to construct facilities and infrastructure
 758 within the region for which the Authority exists, provided that such projects enhance recreational and
 759 commercial public access; and perform such dredging projects or construct such facilities and
 760 infrastructure;
- 761 11. In conjunction with one or both of the Eastern Shore Water Access Authority (the ESWAA),
 762 created pursuant to the provisions of Chapter 74 (§ 15.2-7400 et seq.), and the Northern Neck
 763 Chesapeake Bay Public Access Authority (the NNCBPAA), created pursuant to the provisions of
 764 Chapter 66.1 (§ 15.2-6626 et seq.), receive and expend public funds and private donations for dredging,
 765 apply for permits in order to perform dredging projects, and perform such dredging projects on
 766 waterways within the region for which any or all of the Authority, the ESWAA, or the NNCBPAA
 767 exists;
- 768 12. Appoint, employ or engage such officers, employees, architects, engineers, attorneys, accountants,
 769 financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary
 770 or appropriate, and to fix their duties and compensation;
- 771 13. Contract with any participating political subdivision for such subdivision to provide legal
 772 services, engineering services, depository and investment services contemplated by § 15.2-6612 hereof,
 773 accounting services, including the annual independent audit required by § 15.2-6609 hereof, procurement
 774 of goods and services, and to act as fiscal agent for the Authority;
- 775 14. Establish personnel rules;
- 776 15. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire
 777 any property, real or personal, or any interest therein, and in connection therewith to assume or take
 778 subject to any indebtedness secured by such property;
- 779 16. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to
 780 the exercise of its powers, including contracts for the management or operation of all or any part of its
 781 facilities;
- 782 17. Borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual
 783 deficits in its revenues;
- 784 18. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its
 785 facilities and governing the conduct of persons and organizations using its facilities and to enforce such
 786 rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all
 787 as hereinafter provided;
- 788 19. Purchase and maintain insurance or provide indemnification on behalf of any person who is or

789 was a director, officer, employee or agent of the Authority against any liability asserted against him or
790 incurred by him in any such capacity or arising out of his status as such;

791 20. Request and accept legal advice and assistance from the Office of the Attorney General;

792 21. Do all things necessary or convenient to the purposes of this act. To that end, the Authority may
793 acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and
794 adopt rules and regulations; and

795 22. Whenever it shall appear to the Authority, or to a simple majority of participating political
796 subdivisions, that the need for the Authority no longer exists, the Authority, or in the proper case, any
797 such subdivision, may petition the circuit court of a participating political subdivision for the dissolution
798 of the Authority. If the court shall determine that the need for the Authority as set forth in this act no
799 longer exists and that all debts and pecuniary obligations of the Authority have been fully paid or
800 provided for, it may enter an order dissolving the Authority.

801 Upon dissolution, the court shall order any real or tangible personal property contributed to the
802 Authority by a participating political subdivision, together with any improvements thereon, returned to
803 such participating political subdivisions. The remaining assets of the Authority shall be distributed to the
804 participating political subdivisions in proportion to their respective contributions theretofore made to the
805 Authority.

806 Each participating political subdivision and all holders of the Authority's bonds shall be made parties
807 to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to
808 such petition at any time within six months after the filing of the petition. From the final judgment of
809 the court, an appeal shall lie to the ~~Supreme Court of Virginia~~ *Appeals*.

810 **§ 15.2-6632. Powers.**

811 The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this
812 act, including the following, to:

813 1. Adopt bylaws for the regulation of its affairs and the conduct of its business;

814 2. Sue and be sued in its own name;

815 3. Have perpetual succession;

816 4. Adopt a corporate seal and alter the same at its pleasure;

817 5. Maintain offices at such places as it may designate;

818 6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate public access
819 sites that are owned or managed by the authority within the territorial limits of the participating political
820 subdivisions;

821 7. Construct, install, maintain, and operate facilities for managing access sites;

822 8. Determine fees, rates, and charges for the use of its facilities;

823 9. Apply for and accept gifts, or grants of money or gifts, grants or loans of other property, or other
824 financial assistance from the United States of America and agencies and instrumentalities thereof, the
825 Commonwealth of Virginia, or any other person or entity, for or in aid of the construction, acquisition,
826 ownership, operation, maintenance, or repair of the public access sites or for the payment of principal of
827 any indebtedness of the Authority, interest thereon or other cost incident thereto, and to this end the
828 Authority shall have the power to render such services, comply with such conditions, and execute such
829 agreements, and legal instruments, as may be necessary, convenient, or desirable or imposed as a
830 condition to such financial aid;

831 10. Receive and expend public funds and private donations for dredging or construction; apply for
832 permits in order to perform dredging projects on waterways or to construct facilities and infrastructure
833 within the region for which the Authority exists, provided that such projects enhance recreational and
834 commercial public access; and perform such dredging projects or construct such facilities and
835 infrastructure;

836 11. In conjunction with one or both of the Eastern Shore Water Access Authority (the ESWAA),
837 created pursuant to the provisions of Chapter 74 (§ 15.2-7400 et seq.), and the Middle Peninsula
838 Chesapeake Bay Public Access Authority (the MPCBPAA), created pursuant to the provisions of
839 Chapter 66 (§ 15.2-6600 et seq.), receive and expend public funds and private donations for dredging,
840 apply for permits in order to perform dredging projects, and perform such dredging projects on
841 waterways within the region for which any or all of the Authority, the ESWAA, or the MPCBPAA
842 exists;

843 12. Appoint, employ, or engage such officers, employees, architects, engineers, attorneys,
844 accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may
845 be necessary or appropriate, and to fix their duties and compensation;

846 13. Contract with any participating political subdivision for such subdivision to provide legal
847 services, engineering services, and depository and investment services contemplated by § 15.2-6638
848 hereof, accounting services, including the annual independent audit required by § 15.2-6635 hereof,
849 procurement of goods and services, and to act as fiscal agent for the Authority;

850 14. Establish personnel rules;
 851 15. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire
 852 any property, real or personal, or any interest therein, and in connection therewith to assume or take
 853 subject to any indebtedness secured by such property;

854 16. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to
 855 the exercise of its powers, including contracts for the management or operation of all or any part of its
 856 facilities;

857 17. Borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual
 858 deficits in its revenues;

859 18. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its
 860 facilities and governing the conduct of persons and organizations using its facilities and to enforce such
 861 rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all
 862 as hereinafter provided;

863 19. Purchase and maintain insurance or provide indemnification on behalf of any person who is or
 864 was a director, officer, employee or agent of the Authority against any liability asserted against him or
 865 incurred by him in any such capacity or arising out of his status as such;

866 20. Do all things necessary or convenient to the purposes of this act. To that end, the Authority may
 867 acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and
 868 adopt rules and regulations; and

869 21. Whenever it shall appear to the Authority, or to a simple majority of participating political
 870 subdivisions, that the need for the Authority no longer exists, the Authority, or in the proper case, any
 871 such subdivision, may petition the circuit court of a participating political subdivision for the dissolution
 872 of the Authority. If the court shall determine that the need for the Authority as set forth in this act no
 873 longer exists and that all debts and pecuniary obligations of the Authority have been fully paid or
 874 provided for, it may enter an order dissolving the Authority.

875 Upon dissolution, the court shall order any real or tangible personal property contributed to the
 876 Authority by a participating political subdivision, together with any improvements thereon, returned to
 877 such participating political subdivisions. The remaining assets of the Authority shall be distributed to the
 878 participating political subdivisions in proportion to their respective contributions theretofore made to the
 879 Authority.

880 Each participating political subdivision and all holders of the Authority's bonds shall be made parties
 881 to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to
 882 such petition at any time within six months after the filing of the petition. From the final judgment of
 883 the court, an appeal shall lie to the Supreme Court of Virginia Appeals.

884 **§ 15.2-7406. Powers.**

885 The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this
 886 act, including the following, to:

- 887 1. Adopt bylaws for the regulation of its affairs and the conduct of its business;
- 888 2. Sue and be sued in its own name;
- 889 3. Have perpetual succession;
- 890 4. Adopt a corporate seal and alter the same at its pleasure;
- 891 5. Maintain offices at such places as it may designate;
- 892 6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate public access
 893 sites that are owned or managed by the Authority within the territorial limits of the participating
 894 political subdivisions;
- 895 7. Construct, install, maintain, and operate facilities for managing access sites;
- 896 8. Determine fees, rates, and charges for the use of its facilities;
- 897 9. Apply for and accept gifts, grants of money, or gifts, grants, or loans of other property or other
 898 financial assistance from the United States of America and agencies and instrumentalities thereof, the
 899 Commonwealth, or any other person or entity, for or in aid of the construction, acquisition, ownership,
 900 operation, maintenance, or repair of the public access sites or for the payment of principal of any
 901 indebtedness of the Authority, interest thereon, or other cost incident thereto, and to this end the
 902 Authority shall have the power to render such services, comply with such conditions, and execute such
 903 agreements and legal instruments as may be necessary, convenient, or desirable or imposed as a
 904 condition to such financial aid;
- 905 10. Appoint, employ, or engage such officers, employees, architects, engineers, attorneys,
 906 accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may
 907 be necessary or appropriate, and fix their duties and compensation;
- 908 11. Contract with any participating political subdivision for such subdivision to provide legal
 909 services, engineering services, depository and investment services contemplated by § 15.2-7412,
 910 accounting services, including the annual independent audit required by § 15.2-7409, and procurement of

911 goods and services and act as fiscal agent for the Authority;

912 12. Establish personnel rules;

913 13. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest, or otherwise acquire
914 any property, real or personal, or any interest therein, and in connection therewith to assume or take
915 subject to any indebtedness secured by such property;

916 14. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to
917 the exercise of its powers, including contracts for the management or operation of all or any part of its
918 facilities;

919 15. Borrow money, as hereinafter provided, and borrow money for the purpose of meeting casual
920 deficits in its revenues;

921 16. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its
922 facilities and governing the conduct of persons and organizations using its facilities and enforce such
923 rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all
924 as hereinafter provided;

925 17. Purchase and maintain insurance or provide indemnification on behalf of any person who is or
926 was a director, officer, employee, or agent of the Authority against any liability asserted against him or
927 incurred by him in any such capacity or arising out of his status as such;

928 18. Do all things necessary or convenient to the purposes of this act. To that end, the Authority may
929 acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and
930 adopt rules and regulations; and

931 19. Whenever it shall appear to the Authority that the need for the Authority no longer exists, the
932 Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating
933 political subdivision for the dissolution of the Authority. If the court determines that the need for the
934 Authority as set forth in this act no longer exists and that all debts and pecuniary obligations of the
935 Authority have been fully paid or provided for, it may enter an order dissolving the Authority.

936 Upon dissolution, the court shall order any real or tangible personal property contributed to the
937 Authority by a participating political subdivision, together with any improvements thereon, returned to
938 such participating political subdivision. The remaining assets of the Authority shall be distributed to the
939 participating political subdivisions in proportion to their respective contributions theretofore made to the
940 Authority.

941 Each participating political subdivision and all holders of the Authority's bonds shall be made parties
942 to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to
943 such petition at any time within six months after the filing of the petition. From the final judgment of
944 the court, an appeal shall lie to the Supreme Court of Virginia Appeals.

945 **§ 16.1-279.1. Protective order in cases of family abuse.**

946 A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated
947 respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the
948 court may issue a protective order to protect the health and safety of the petitioner and family or
949 household members of the petitioner. A protective order issued under this section may include any one
950 or more of the following conditions to be imposed on the respondent:

951 1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;

952 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of
953 the petitioner as the court deems necessary for the health or safety of such persons;

954 3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the
955 respondent; however, no such grant of possession shall affect title to any real or personal property;

956 4. Enjoining the respondent from terminating any necessary utility service to the residence to which
957 the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the
958 respondent to restore utility services to that residence;

959 5. Granting the petitioner and, where appropriate, any other family or household member of the
960 petitioner, exclusive use and possession of a cellular telephone number or electronic device. The court
961 may enjoin the respondent from terminating a cellular telephone number or electronic device before the
962 expiration of the contract term with a third-party provider. The court may enjoin the respondent from
963 using a cellular telephone or other electronic device to locate the petitioner;

964 6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner
965 alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent
966 from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent
967 to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession
968 or use shall affect title to the vehicle;

969 7. Requiring that the respondent provide suitable alternative housing for the petitioner and, if
970 appropriate, any other family or household member and where appropriate, requiring the respondent to
971 pay deposits to connect or restore necessary utility services in the alternative housing provided;

972 8. Ordering the respondent to participate in treatment, counseling or other programs as the court
973 deems appropriate;

974 9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such
975 petitioner meets the definition of owner in § 3.2-6500; and

976 10. Any other relief necessary for the protection of the petitioner and family or household members
977 of the petitioner, including a provision for temporary custody or visitation of a minor child.

978 A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary
979 child support order for the support of any children of the petitioner whom the respondent has a legal
980 obligation to support. Such order shall terminate upon the determination of support pursuant to
981 § 20-108.1.

982 B. The protective order may be issued for a specified period of time up to a maximum of two years.
983 The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day
984 of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner
985 may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective
986 order shall be given precedence on the docket of the court. If the petitioner was a family or household
987 member of the respondent at the time the initial protective order was issued, the court may extend the
988 protective order for a period not longer than two years to protect the health and safety of the petitioner
989 or persons who are family or household members of the petitioner at the time the request for an
990 extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day
991 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein
992 shall limit the number of extensions that may be requested or issued.

993 C. A copy of the protective order shall be served on the respondent and provided to the petitioner as
994 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,
995 but in all cases no later than the end of the business day on which the order was issued, enter and
996 transfer electronically to the Virginia Criminal Information Network the respondent's identifying
997 information and the name, date of birth, sex, and race of each protected person provided to the court
998 and shall forthwith forward the attested copy of the protective order containing any such identifying
999 information to the primary law-enforcement agency responsible for service and entry of protective
1000 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith
1001 verify and enter any modification as necessary to the identifying information and other appropriate
1002 information required by the Department of State Police into the Virginia Criminal Information Network
1003 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and
1004 the order shall be served forthwith upon the respondent and due return made to the court. Upon service,
1005 the agency making service shall enter the date and time of service and other appropriate information
1006 required by the Department of State Police into the Virginia Criminal Information Network and make
1007 due return to the court. If the order is later dissolved or modified, a copy of the dissolution or
1008 modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency
1009 responsible for service and entry of protective orders, and upon receipt of the order by the primary
1010 law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the
1011 identifying information and other appropriate information required by the Department of State Police
1012 into the Virginia Criminal Information Network as described above and the order shall be served
1013 forthwith and due return made to the court.

1014 D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this
1015 section shall constitute contempt of court.

1016 E. The court may assess costs and attorneys' fees against either party regardless of whether an order
1017 of protection has been issued as a result of a full hearing.

1018 F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate
1019 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths,
1020 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing
1021 violent or threatening acts or harassment against or contact or communication with or physical proximity
1022 to another person, including any of the conditions specified in subsection A, shall be accorded full faith
1023 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided
1024 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person
1025 against whom the order is sought to be enforced sufficient to protect such person's due process rights
1026 and consistent with federal law. A person entitled to protection under such a foreign order may file the
1027 order in any juvenile and domestic relations district court by filing with the court an attested or
1028 exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of
1029 the order to the primary law-enforcement agency responsible for service and entry of protective orders
1030 which shall, upon receipt, enter the name of the person subject to the order and other appropriate
1031 information required by the Department of State Police into the Virginia Criminal Information Network
1032 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where

1033 practical, the court may transfer information electronically to the Virginia Criminal Information Network.
 1034 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy
 1035 available of any foreign order filed with that court. A law-enforcement officer may, in the performance
 1036 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been
 1037 provided to him by any source and may also rely upon the statement of any person protected by the
 1038 order that the order remains in effect.

1039 G. Either party may at any time file a written motion with the court requesting a hearing to dissolve
 1040 or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on
 1041 the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order
 1042 may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be
 1043 heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a
 1044 copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

1045 H. As used in this section:

1046 "Copy" includes a facsimile copy; and

1047 "Protective order" includes an initial, modified or extended protective order.

1048 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's
 1049 office, nor any employee of them, may disclose, except among themselves, the residential address,
 1050 telephone number, or place of employment of the person protected by the order or that of the family of
 1051 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme
 1052 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

1053 J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

1054 K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner
 1055 information that is published by the Department of Criminal Justice Services for victims of domestic
 1056 violence or for petitioners in protective order cases.

1057 L. *An appeal of a protective order issued pursuant to this section shall be given expedited review by*
 1058 *the Court of Appeals.*

1059 **§ 17.1-309. Jurisdiction of writs of mandamus and prohibition.**

1060 The Supreme Court shall have jurisdiction to issue writs of mandamus and prohibition to the circuit
 1061 and district courts, *the Court of Appeals*, and to the State Corporation Commission and in all other cases
 1062 in which such writs, respectively, would lie according to the principles of the common law. Provided
 1063 that no writ of mandamus, prohibition or any other summary process whatever shall issue in any case of
 1064 the collection of revenue or attempt to collect the same, or to compel the collecting officers to receive
 1065 anything in payment of taxes except such money as is legal tender for the payment of revenue, or in
 1066 any case arising out of the collection of revenue in which the applicant for the writ of process has any
 1067 other remedy adequate for the protection and enforcement of his individual right, claim and demand, if
 1068 just.

1069 **§ 17.1-400. Creation and organization; election and terms of judges; oath; vacancies;**
 1070 **qualifications; incompatible activities prohibited; chief judge.**

1071 A. The Court of Appeals of Virginia is hereby established effective January 1, 1985. It shall consist
 1072 of ~~14~~ 17 judges who shall be elected for terms of eight years by the majority of the members elected to
 1073 each house of the General Assembly. *The General Assembly shall consider regional diversity in making*
 1074 *its elections.* Before entering upon the duties of the office, a judge of the Court of Appeals shall take
 1075 the oath of office required by law. The oath shall be taken before a justice of the Supreme Court of
 1076 Virginia or before any officer authorized by law to administer an oath. When any vacancy exists while
 1077 the General Assembly is not in session, the Governor may appoint a successor to serve until 30 days
 1078 after the commencement of the next regular session of the General Assembly. Whenever a vacancy
 1079 occurs or exists in the office of a judge of the Court of Appeals while the General Assembly is in
 1080 session, or when the term of office of a judge of the Court of Appeals will expire or the office will be
 1081 *vacant or vacated* at a date certain between the adjournment of the General Assembly and the
 1082 commencement of the next session of the General Assembly, a successor may be elected at any time
 1083 during a session preceding the date of such vacancy by the vote of a majority of the members elected to
 1084 each house of the General Assembly for a full term and, upon qualification, the successor shall enter at
 1085 once upon the discharge of the duties of the office; however, such successor shall not qualify prior to
 1086 the predecessor leaving office. No person shall be elected or reelected to a subsequent term under this
 1087 section until he has submitted to a criminal history record search and submitted to a search of the
 1088 central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect
 1089 and reports of such searches have been received by the chairmen of the House and Senate Committees
 1090 for Courts of Justice. If the person has not met the requirement of filing in the preceding calendar year
 1091 a disclosure form prescribed in § 2.2-3117 or 30-111, he shall also provide a written statement of
 1092 economic interests on the disclosure form prescribed in § 2.2-3117 to the chairmen of the House and
 1093 Senate Committees for Courts of Justice.

1094 All judges of the Court of Appeals shall be residents of the Commonwealth and shall, at least five
 1095 years prior to the appointment or election, have been licensed to practice law in the Commonwealth. No
 1096 judge of the Court of Appeals, during his continuance in office, shall engage in the practice of law
 1097 within or without the Commonwealth or seek or accept any nonjudicial elective office, or hold any other
 1098 office of public trust, or engage in any other incompatible activity.

1099 B. The chief judge shall be elected by majority vote of the judges of the Court of Appeals to serve a
 1100 term of four years.

1101 C. If a judge of the Court of Appeals is absent or unable through sickness, disability, or any other
 1102 reason to perform or discharge any official duty or function authorized or required by law, a (i) retired
 1103 chief justice or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge
 1104 of the Court of Appeals of Virginia, or (iii) retired judge of a circuit court of Virginia, with his or her
 1105 prior consent, may be appointed by the chief judge of the Court of Appeals, acting upon his own
 1106 initiative or upon a personal request from the absent or disabled judge, to perform or discharge the
 1107 official duties or functions of the absent or disabled judge until that judge shall again be able to attend
 1108 his duties. The chief judge of the Court of Appeals shall be notified forthwith at the time any absent or
 1109 disabled judge is able to return to his duties.

1110 D. The chief judge of the Court of Appeals may, upon his own initiative, designate a (i) retired chief
 1111 justice or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge of the
 1112 Court of Appeals of Virginia, or (iii) retired or active judge of a circuit court of Virginia, with the prior
 1113 consent of such justice or judge, to perform or discharge the official duties or functions of a judge of
 1114 the Court of Appeals if there is a need to do so due to congestion in the work of the court. Nothing in
 1115 this subsection shall be construed to increase the number of judges of the Court of Appeals provided for
 1116 in subsection A of this section.

1117 E. Any retired chief justice, retired justice, retired chief judge or active or retired judge sitting on the
 1118 Court of Appeals pursuant to subsection C or D shall receive from the state treasury actual expenses for
 1119 the time he or she is actually engaged in holding court.

1120 F. The powers and duties herein conferred or empowered upon the chief judge of the Court of
 1121 Appeals may be exercised and performed by any judge or any committee of judges of the court
 1122 designated by the chief judge for such purpose.

1123 **§ 17.1-401. Senior judge.**

1124 A. Any chief judge or judge of the Court of Appeals who is eligible for retirement, other than for
 1125 disability, with the consent of a majority of the members of the court first obtained, may elect to retire
 1126 under the Judicial Retirement System (§ 51.1-300 et seq.) and be known and designated as a senior
 1127 judge. In addition, any chief judge or judge of the Court of Appeals who is retired under the Judicial
 1128 Retirement System (§ 51.1-300 et seq.) shall be subject to recall, with the consent of a majority of the
 1129 members of the court, and may be known and designated as a senior judge.

1130 B. Any chief judge or judge who has retired from active service, as provided in subsection A, may
 1131 be designated and assigned by the Chief Judge of the Court of Appeals to perform the duties of a judge
 1132 of the court. Such judge shall have all the powers, duties, and privileges attendant on the position for
 1133 which he is recalled to serve.

1134 C. While serving in such status, a senior judge shall be deemed to be serving in a temporary capacity
 1135 and, in addition to the retirement benefits received by such judge, shall receive as compensation a sum
 1136 equal to one-fourth of the total compensation of an active judge of the Court of Appeals for a similar
 1137 period of service. A retired judge, while performing the duties of a senior judge, shall be furnished
 1138 office space, support staff, a telephone, and supplies as are furnished a judge of the court.

1139 D. A judge may terminate his status as a senior judge, or such status may be terminated by a
 1140 majority of the members of the court. Each judge designated a senior judge shall serve a one-year term
 1141 unless the court, by order or otherwise, extends the term for an additional year. There shall be no limit
 1142 on the number of terms a senior judge may so serve.

1143 E. Only ~~five~~ *seven* retired judges shall serve as senior judges at any one time.

1144 F. Nothing in this section shall be construed to increase the number of judges of the Court of
 1145 Appeals provided for in § 17.1-400.

1146 **§ 17.1-402. Sessions; panels; quorum; presiding judges; hearings en banc.**

1147 A. The Court of Appeals shall sit at such locations within the Commonwealth as the chief judge,
 1148 upon consultation with the other judges of the court, shall designate so as to provide, insofar as feasible,
 1149 convenient access to the various geographic areas of the Commonwealth. The chief judge shall schedule
 1150 sessions of the court as required to discharge expeditiously the business of the court.

1151 B. The Court of Appeals shall sit in panels of at least three judges each. The presence of all judges
 1152 in the panel shall be necessary to constitute a quorum. The chief judge shall assign the members to
 1153 panels and, insofar as practicable, rotate the membership of the panels. The chief judge shall preside
 1154 over any panel of which he is a member and shall designate the presiding judges of the other panels.

1155 C. Each panel shall hear and determine, independently of the others, the petitions for appeal *pursuant*
 1156 *to § 17.1-406 or 19.2-398* and appeals ~~granted~~ in criminal *and civil* cases ~~and the other cases~~ assigned to
 1157 that panel.

1158 D. The Court of Appeals shall sit en banc (i) when there is a dissent in the panel to which the case
 1159 was originally assigned and an aggrieved party requests an en banc hearing and at least ~~four~~ *six* judges
 1160 of the court vote in favor of such a hearing or (ii) when any judge of any panel shall certify that in his
 1161 opinion a decision of such panel of the court is in conflict with a prior decision of the court or of any
 1162 panel thereof and ~~three~~ *five* other judges of the court concur in that view. The court may sit en banc
 1163 upon its own motion at any time *or upon the petition of any party*, in any case in which a majority of
 1164 the court determines it is appropriate to do so. The court sitting en banc shall consider and decide the
 1165 case and may overrule any previous decision by any panel or of the full court.

1166 E. The court may sit en banc with no fewer than ~~eight~~ *13* judges. In all cases decided by the court
 1167 en banc, the concurrence of at least a majority of the judges sitting shall be required to reverse a
 1168 judgment, in whole or in part.

1169 **§ 17.1-403. Rules of practice, procedure, and internal processes; promulgation by Supreme**
 1170 **Court; amendments; summary disposition of appeals.**

1171 The Supreme Court shall prescribe and publish the initial rules governing practice, procedure, and
 1172 internal processes for the Court of Appeals designed to achieve the just, speedy, and inexpensive
 1173 disposition of all litigation in that court consistent with the ends of justice and to maintain uniformity in
 1174 the law of the Commonwealth. Before amending the rules thereafter, the Supreme Court shall receive
 1175 and consider recommendations from the Court of Appeals. The rules shall prescribe procedures
 1176 governing the summary disposition of appeals which are determined to be without merit (i) *authorizing*
 1177 *the Court of Appeals to prescribe truncated record or appendix preparation and (ii) permitting the*
 1178 *Court of Appeals to dispense with oral argument if the panel has examined the briefs and record and*
 1179 *unanimously agrees that oral argument is unnecessary because (a) the appeal is wholly without merit or*
 1180 *(b) the dispositive issue or issues have been authoritatively decided, and the appellant has not argued*
 1181 *that the case law should be overturned, extended, modified, or reversed.*

1182 **§ 17.1-405. Appellate jurisdiction — Administrative agency, Virginia Workers' Compensation**
 1183 **Commission, and civil matter appeals.**

1184 ~~Any~~ *Unless otherwise provided by law*, any aggrieved party may appeal to the Court of Appeals
 1185 from:

1186 1. Any final decision of a circuit court on appeal from (i) a decision of an administrative agency, or
 1187 (ii) a grievance hearing decision issued pursuant to § 2.2-3005;

1188 2. Any final decision of the Virginia Workers' Compensation Commission;

1189 3. ~~Any~~ *Except as provided in subsection B of § 17.1-406*, any final judgment, order, or decree of a
 1190 circuit court ~~involving~~:

1191 a. ~~Affirmance or annulment of a marriage;~~

1192 b. ~~Divorce;~~

1193 c. ~~Custody;~~

1194 d. ~~Spousal or child support;~~

1195 e. ~~The control or disposition of a child;~~

1196 f. ~~Any other domestic relations matter arising under Title 16.1 or Title 20;~~

1197 g. ~~Adoption under Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2; or~~

1198 h. ~~A final grievance hearing decision issued pursuant to subsection B of § 2.2-3007. in a civil matter;~~

1199 4. Any interlocutory decree or order entered in any of the cases listed in this section (i) ~~granting,~~
 1200 ~~dissolving, or denying an injunction or (ii) adjudicating the principles of a cause pursuant to~~
 1201 ~~§ 8.01-267.8, 8.01-626, or 8.01-675.5; or~~

1202 5. ~~Any final judgment, order, or decree of a circuit court (i) involving an application for a concealed~~
 1203 ~~weapons permit pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2, (ii) involving~~
 1204 ~~involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04, or (iii) for declaratory or~~
 1205 ~~injunctive relief under § 57-2.02.~~

1206 **§ 17.1-406. Appeals in criminal matters; cases over which Court of Appeals does not have**
 1207 **jurisdiction.**

1208 A. Any aggrieved party may ~~present a petition for appeal~~ to the Court of Appeals from (i) any final
 1209 conviction in a circuit court of a traffic infraction or a crime, except where a sentence of death has been
 1210 imposed; (ii) any final decision of a circuit court on an application for a concealed weapons permit
 1211 pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2; (iii) any final order of a circuit
 1212 court involving involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04; or (iv) any
 1213 final order for declaratory or injunctive relief under § 57-2.02. The Commonwealth or any county, city,
 1214 or town may petition the Court of Appeals for an appeal pursuant to this subsection in any case in
 1215 which such party previously could have petitioned the Supreme Court for a writ of error under

1216 § 19.2-317. The Commonwealth may also petition the Court of Appeals for an appeal in a criminal case
1217 pursuant to § 19.2-398.

1218 B. In accordance with other applicable provisions of law, appeals lie directly to the Supreme Court
1219 from a conviction in which a sentence of death is imposed, from a final decision, judgment or order of
1220 a circuit court involving a petition for a writ of habeas corpus, from any final finding, decision, order,
1221 or judgment of the State Corporation Commission, and from proceedings under §§ 54.1-3935 and
1222 54.1-3937. Complaints of the Judicial Inquiry and Review Commission shall be filed with the Supreme
1223 Court of Virginia. The Court of Appeals shall not have jurisdiction over any cases or proceedings
1224 described in this subsection.

1225 **§ 17.1-407. Procedures on appeal.**

1226 A. The notice of appeal in all cases within the jurisdiction of the court shall be filed with the clerk
1227 of the trial court or the clerk of the Virginia Workers' Compensation Commission, as appropriate, and a
1228 copy of such notice shall be mailed or delivered to all opposing counsel and parties not represented by
1229 counsel, and to the clerk of the Court of Appeals, *and to the Attorney General in criminal cases*. The
1230 clerk shall endorse thereon the day and year he received it.

1231 B. Appeals pursuant to § 17.1-405 and subsection A of § 17.1-406, other than petitions for appeal by
1232 the Commonwealth in criminal cases, are appeals of right. The clerk of the Court of Appeals shall refer
1233 each case for which a notice of appeal has been filed, ~~other than appeals in criminal cases,~~ to a panel of
1234 the court as the court may direct.

1235 C. Each petition for appeal by the Commonwealth in a criminal case shall be referred to one or more
1236 judges of the Court of Appeals as the court shall direct. A judge to whom the petition is referred may
1237 grant the petition on the basis of the record without the necessity of oral argument. The clerk shall refer
1238 each appeal for which a petition has been granted to a panel of the court as the court shall direct.

1239 D. ~~If the judge to whom a petition is initially referred does not grant the appeal~~ Before a petition for
1240 appeal by the Commonwealth is denied, counsel for the petitioner Commonwealth shall be entitled to
1241 state orally before a panel of the court the reasons why his *its* appeal should be granted. If all of the
1242 judges of the panel to whom the petition is referred are of the opinion that the petition ought not be
1243 granted, the order denying the appeal shall state the reasons for the denial. Thereafter, no other petition
1244 in the matter shall be entertained in the Court of Appeals.

1245 **§ 17.1-408. Time for filing; notice; opening brief; petition.**

1246 The notice of appeal to the Court of Appeals shall be filed in every case within the court's appellate
1247 jurisdiction as provided in § 8.01-675.3. The ~~petition for appeal~~ opening brief in a criminal case shall be
1248 filed not more than ~~forty~~ 40 days after the filing of the record with the Court of Appeals. However, a
1249 ~~thirty-day~~ extension may be granted in the discretion of the court Court of Appeals in order to attain
1250 the ends of justice. ~~When an appeal from an interlocutory decree or order is permitted in a criminal~~
1251 ~~case, In an appeal pursuant to subsection B or C of § 19.2-398,~~ the petition for appeal shall be
1252 presented within the ~~forty-day~~ 40-day time limitation provided in this section.

1253 Upon receiving a notice of appeal in a criminal case or, if notice of the appeal is received by the
1254 clerk prior to the entry of final judgment, upon entry of final judgment, the clerk of the circuit court
1255 shall cause a transcript to be prepared of the trial and any other circuit court proceedings, as requested
1256 by the appellant in the notice of appeal or by order of the circuit court, at the expense of the
1257 Commonwealth.

1258 **§ 17.1-410. Disposition of appeals; finality of decisions.**

1259 A. Each appeal of right taken to the Court of Appeals and each appeal for which a petition for
1260 appeal has been granted shall be considered by a panel of the court.

1261 When the Court of Appeals has (i) rejected a petition for appeal, (ii) dismissed an appeal in any case
1262 in accordance with the Rules of Court, or (iii) (ii) decided an appeal, its decision shall be final, without
1263 appeal to the Supreme Court, in:

1264 1. Traffic infraction and misdemeanor cases where no incarceration is imposed;

1265 2. Cases originating before any administrative agency or the Virginia Workers' Compensation
1266 Commission;

1267 3. Cases involving the affirmance or annulment of a marriage, divorce, custody, spousal or child
1268 support or the control or disposition of a juvenile and other domestic relations cases arising under Title
1269 16.1 or Title 20, or involving adoption under Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2;

1270 4. Appeals in criminal cases pursuant to §§ subsections A or E of § 19.2-398 and § 19.2-401. Such
1271 finality of the Court of Appeals' decision shall not preclude a defendant, if he is convicted, from
1272 requesting the Court of Appeals or Supreme Court on direct appeal to reconsider an issue which was the
1273 subject of the pretrial appeal; and

1274 5. 2. Appeals involving involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04.

1275 3. Appeals involving denial of a concealed handgun permit pursuant to § 18.2-308.08.

1276 B. Notwithstanding the provisions of subsection A, in any case other than an appeal pursuant to

1277 § 19.2-398, in which the Supreme Court determines on a petition for review that the decision of the
 1278 Court of Appeals involves a substantial constitutional question as a determinative issue or matters of
 1279 significant precedential value, review may be had in *All other decisions of the Court of Appeals shall be*
 1280 *appealable* to the Supreme Court in accordance with the provisions of § 17.1-411.

1281 **§ 17.1-413. Opinions; reporting, printing and electronic publication.**

1282 A. The Court of Appeals shall state in writing the reasons for its decision ~~(i) rejecting a petition for~~
 1283 ~~appeal or (ii) deciding ruling in a case after hearing.~~ Subject to rules promulgated under § 17.1-403 the
 1284 Court in its discretion may render its decision by order or memorandum opinion. All orders and
 1285 opinions of the Court of Appeals shall be preserved with the record of the case. Opinions designated by
 1286 the Court of Appeals as having precedential value or as otherwise having significance for the law or
 1287 legal system shall be expeditiously reported in separate Court of Appeals Reports in the same manner as
 1288 the decisions and opinions of the Supreme Court. The clerk of the Court of Appeals shall retain in the
 1289 clerk's office a list and brief summary of the case for all unpublished decisions and opinions of the
 1290 Court of Appeals. The list of cases and summary shall be made available to any person upon request.

1291 B. The Executive Secretary of the Supreme Court shall contract for the printing of the reports of the
 1292 Supreme Court and the Court of Appeals and for the advance sheets of each court. He shall select a
 1293 printer for the reports and prescribe such contract terms as will ensure issuance of the reports as soon as
 1294 practicable after a sufficient number of opinions are filed. He shall make such contracts after
 1295 consultation with the Department of General Services and shall distribute these reports in accordance
 1296 with the applicable provisions of law. He shall also provide for the electronic publication on the Internet
 1297 of the opinions of the Supreme Court and Court of Appeals subject to conditions and restrictions
 1298 established by each court regarding the electronic publication of its opinions.

1299 **§ 17.1-503. Rules of practice and procedure; rules not to preclude judges from hearing certain**
 1300 **cases.**

1301 A. The Supreme Court may formulate rules of practice and procedure for the circuit courts following
 1302 consultation with the chairmen of the House and Senate Courts of Justice Committees and the executive
 1303 committee of the Judicial Conference of Virginia for courts of record. Such rules, subject to the strict
 1304 construction of the provisions of § 8.01-4, which shall be the only rules of practice and procedure in the
 1305 circuit courts of the Commonwealth, shall be included in the Code of Virginia as provided in § 8.01-3,
 1306 subject to revision by the General Assembly.

1307 B. No rule shall hereafter be promulgated under the limitations of § 8.01-4, or otherwise which
 1308 would avoid or preclude the judge before whom an accused is arraigned in criminal cases from hearing
 1309 all aspects of the case on its merits, or to avoid or preclude any judge in any case who has heard any
 1310 part of the case on its merits, from hearing the case to its conclusion. However, another judge may hear
 1311 portions of a case where a judge is required to disqualify himself, in cases in which a mistrial is
 1312 declared, or in cases which have been reversed on appeal, or in the event of sickness, disability or
 1313 vacation of the judge. The parties to any suit, action, cause or prosecution may waive the provisions of
 1314 this section. Such waiver shall be entered of record.

1315 C. In its rules of practice and procedure for the circuit courts, the Supreme Court shall include rules
 1316 relating to court decisions on any order of quarantine or isolation issued by the State Health
 1317 Commissioner pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1 that shall ensure,
 1318 to the extent possible, that such hearings are held in a manner that will protect the health and safety of
 1319 individuals subject to any such order of quarantine or isolation, court personnel, counsels, witnesses, and
 1320 the general public. The rules shall also provide for expedited reviews by the ~~Supreme Court of Appeals~~
 1321 of decisions by any circuit court *and by the Supreme Court of decisions of the Court of Appeals* relating
 1322 to appeals of any order of quarantine or isolation.

1323 **§ 17.1-513. Jurisdiction of circuit courts.**

1324 The circuit courts shall have jurisdiction of proceedings by quo warranto or information in the nature
 1325 of quo warranto and to issue writs of mandamus, prohibition and certiorari to all inferior tribunals
 1326 created or existing under the laws of the Commonwealth, and to issue writs of mandamus in all matters
 1327 of proceedings arising from or pertaining to the action of the boards of supervisors or other governing
 1328 bodies of the several counties for which such courts are respectively held or in other cases in which it
 1329 may be necessary to prevent the failure of justice and in which mandamus may issue according to the
 1330 principles of common law. They shall have appellate jurisdiction in all cases, civil and criminal, in
 1331 which an appeal may, as provided by law, be taken from the judgment or proceedings of any inferior
 1332 tribunal.

1333 They shall have original and general jurisdiction of all civil cases, except cases upon claims to
 1334 recover personal property or money not of greater value than \$100, exclusive of interest, and except
 1335 such cases as are assigned to some other tribunal; also in all cases for the recovery of fees in excess of
 1336 \$100; penalties or cases involving the right to levy and collect toll or taxes or the validity of an
 1337 ordinance or bylaw of any corporation; and also, of all cases, civil or criminal, in which an appeal may

1338 be had to the ~~Supreme~~ *Court of Appeals*.

1339 They shall have jurisdiction to hear motions filed for the purpose of modifying, dissolving, or
 1340 extending a protective order pursuant to § 16.1-279.1 or 19.2-152.10 if the circuit court issued such
 1341 order, unless the circuit court remanded the matter to the jurisdiction of the juvenile and domestic
 1342 relations district court in accordance with § 16.1-297. They shall also have original jurisdiction of all
 1343 indictments for felonies and of presentments, informations and indictments for misdemeanors. They shall
 1344 also have jurisdiction for bail hearings pursuant to §§ 19.2-327.2:1 and 19.2-327.10:1.

1345 They shall have appellate jurisdiction of all cases, civil and criminal, in which an appeal, writ of
 1346 error or supersedeas may, as provided by law, be taken to or allowed by such courts, or the judges
 1347 thereof, from or to the judgment or proceedings of any inferior tribunal. They shall also have
 1348 jurisdiction of all other matters, civil and criminal, made cognizable therein by law and when a motion
 1349 to recover money is allowed in such tribunals, they may hear and determine the same, although it is to
 1350 recover less than \$100.

1351 While a matter is pending in a circuit court, upon motion of the plaintiff seeking to decrease the
 1352 amount of the claim to within the exclusive or concurrent jurisdiction of the general district court as
 1353 described in subdivision 1 of § 16.1-77, the circuit court shall order transfer of the matter to the general
 1354 district court that has jurisdiction over the amended amount of the claim without requiring that the case
 1355 first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of
 1356 limitations governing the pending matter shall be unaffected by the transfer. Except for good cause
 1357 shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10
 1358 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk
 1359 of the court to which the case is transferred, and such clerk shall process the claim as if it were a new
 1360 civil action. The plaintiff shall prepare and present the order of transfer to the transferring court for
 1361 entry, after which time the case shall be removed from the pending docket of the transferring court and
 1362 the order of transfer placed among its records. The plaintiff shall provide a certified copy of the transfer
 1363 order to the receiving court.

1364 **§ 18.2-308.08. Denial of a concealed handgun permit; appeal.**

1365 A. Only a circuit court judge may deny issuance of a concealed handgun permit to a Virginia
 1366 resident or domiciliary who has applied for a permit pursuant to § 18.2-308.04. Any order denying
 1367 issuance of a concealed handgun permit shall state the basis for the denial of the permit, including, if
 1368 applicable, any reason under § 18.2-308.09 that is the basis of the denial, and the clerk shall provide
 1369 notice, in writing, upon denial of the application, of the applicant's right to an ore tenus hearing and the
 1370 requirements for perfecting an appeal of such order.

1371 B. Upon request of the applicant made within 21 days, the court shall place the matter on the docket
 1372 for an ore tenus hearing. The applicant may be represented by counsel, but counsel shall not be
 1373 appointed, and the rules of evidence shall apply. The final order of the court shall include the court's
 1374 findings of fact and conclusions of law.

1375 C. Any person denied a permit to carry a concealed handgun by the circuit court may ~~present a~~
 1376 ~~petition for review~~ *appeal* to the Court of Appeals. ~~The petition for review shall be filed~~ *Such person*
 1377 *shall file a notice of appeal with the clerk of the circuit court noting an appeal to the Court of Appeals*
 1378 *and file his opening brief with the Court of Appeals* within 60 days of the expiration of the time for
 1379 requesting an ore tenus hearing, or if an ore tenus hearing is requested, within 60 days of the entry of
 1380 the final order of the circuit court following the hearing. ~~The petition opening brief~~ shall be
 1381 accompanied by a copy of the original papers filed in the circuit court, including a copy of the order of
 1382 the circuit court denying the permit. ~~Subject to the provisions of subsection B of § 17.1-410, the~~ *The*
 1383 *decision of the Court of Appeals or judge shall be final. Notwithstanding any other provision of law, if*
 1384 *the decision to deny the permit is reversed upon appeal, taxable costs incurred by the person shall be*
 1385 *paid by the Commonwealth.*

1386 **§ 18.2-384. Proceeding against book alleged to be obscene.**

1387 ~~(1)~~ A. Whenever he has reasonable cause to believe that any person is engaged in the sale or
 1388 commercial distribution of any obscene book, any citizen or the attorney for the Commonwealth of any
 1389 county or city, or city attorney, in which the sale or commercial distribution of such book occurs may
 1390 institute a proceeding in the circuit court in said city or county for adjudication of the obscenity of the
 1391 book.

1392 ~~(2)~~ B. The proceeding shall be instituted by filing with the court a petition:

1393 ~~(a)~~ 1. Directed against the book by name or description;

1394 ~~(b)~~ 2. Alleging the obscene nature of the book; and

1395 ~~(c)~~ 3. Listing the names and addresses, if known, of the author, publisher, and all other persons
 1396 interested in its sale or commercial distribution.

1397 ~~(3)~~ C. Upon the filing of a petition pursuant to this article, the court in term or in vacation shall
 1398 forthwith examine the book alleged to be obscene. If the court find no probable cause to believe the

1399 book obscene, the judge thereof shall dismiss the petition; but if the court find probable cause to believe
 1400 the book obscene, the judge thereof shall issue an order to show cause why the book should not be
 1401 adjudicated obscene.

1402 (4) *D.* The order to show cause shall be:

1403 (a) 1. Directed against the book by name or description;

1404 (b) 2. Published once a week for two successive weeks in a newspaper of general circulation within
 1405 the county or city in which the proceeding is filed;

1406 (c) 3. If their names and addresses are known, served by registered mail upon the author, publisher,
 1407 and all other persons interested in the sale or commercial distribution of the book; and

1408 (d) 4. Returnable ~~twenty-one~~ 21 days after its service by registered mail or the commencement of its
 1409 publication, whichever is later.

1410 (5) *E.* When an order to show cause is issued pursuant to this article, and upon four days' notice to
 1411 be given to the persons and in the manner prescribed by the court, the court may issue a temporary
 1412 restraining order against the sale or distribution of the book alleged to be obscene.

1413 (6) *F.* On or before the return date specified in the order to show cause, the author, publisher, and
 1414 any person interested in the sale or commercial distribution of the book may appear and file an answer.
 1415 The court may by order permit any other person to appear and file an answer amicus curiae.

1416 (7) *G.* If no one appears and files an answer on or before the return date specified in the order to
 1417 show cause, the court, upon being satisfied that the book is obscene, shall order the clerk of court to
 1418 enter judgment that the book is obscene, but the court in its discretion may except from its judgment a
 1419 restricted category of persons to whom the book is not obscene.

1420 (8) *H.* If an appearance is entered and an answer filed, the court shall order the proceeding set on the
 1421 calendar for a prompt hearing. The court shall conduct the hearing in accordance with the rules of civil
 1422 procedure applicable to the trial of cases by the court without a jury. At the hearing, the court shall
 1423 receive evidence, including the testimony of experts, if such evidence be offered, pertaining to:

1424 (a) 1. The artistic, literary, medical, scientific, cultural and educational values, if any, of the book
 1425 considered as a whole;

1426 (b) 2. The degree of public acceptance of the book, or books of similar character, within the county
 1427 or city in which the proceeding is brought;

1428 (c) 3. The intent of the author and publisher of the book;

1429 (d) 4. The reputation of the author and publisher;

1430 (e) 5. The advertising, promotion, and other circumstances relating to the sale of the book;

1431 (f) 6. The nature of classes of persons, including scholars, scientists, and physicians, for whom the
 1432 book may not have prurient appeal, and who may be subject to exception pursuant to subsection (7) *G.*

1433 (9) *I.* In making a decision on the obscenity of the book, the court shall consider, among other
 1434 things, the evidence offered pursuant to subsection (8) *H.*, if any, and shall make a written determination
 1435 upon every such consideration relied upon in the proceeding in his findings of fact and conclusions of
 1436 law or in a memorandum accompanying them.

1437 (10) *J.* If he finds the book not obscene, the court shall order the clerk of court to enter judgment
 1438 accordingly. If he finds the book obscene, the court shall order the clerk of court to enter judgment that
 1439 the book is obscene, but the court, in its discretion, may except from its judgment a restricted category
 1440 of persons to whom the book is not obscene.

1441 (11) *K.* While a temporary restraining order made pursuant to subsection (5) *E.* is in effect, or after
 1442 the entry of a judgment pursuant to subsection (7) *G.*, or after the entry of judgment pursuant to
 1443 subsection (10) *J.*, any person who publishes, sells, rents, lends, transports in intrastate commerce, or
 1444 commercially distributes or exhibits the book, or has the book in his possession with intent to publish,
 1445 sell, rent, lend, transport in intrastate commerce, or commercially distribute or exhibit the book, is
 1446 presumed to have knowledge that the book is obscene under §§ 18.2-372 through 18.2-378 of this
 1447 article.

1448 (12) *L.* Any party to the proceeding, including the petitioner, may appeal from the judgment of the
 1449 court to the ~~Supreme Court of Virginia Appeals~~, as otherwise provided by law.

1450 (13) *M.* It is expressly provided that the petition and proceeding authorized under this article, relating
 1451 to books alleged to be obscene, shall be intended only to establish scienter in cases where the
 1452 establishment of such scienter is thought to be useful or desirable by the petitioner; and the provisions
 1453 of § 18.2-384 shall in nowise be construed to be a necessary prerequisite to the filing of criminal
 1454 charges under this article.

1455 **§ 19.2-152.10. Protective order.**

1456 A. The court may issue a protective order pursuant to this chapter to protect the health and safety of
 1457 the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or
 1458 warrant for, or a conviction of, any criminal offense resulting from the commission of an act of
 1459 violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective

1460 order issued under this section may include any one or more of the following conditions to be imposed
1461 on the respondent:

1462 1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to
1463 person or property;

1464 2. Prohibiting such contacts by the respondent with the petitioner or family or household members of
1465 the petitioner as the court deems necessary for the health or safety of such persons;

1466 3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses
1467 that may result in injury to person or property, or (iii) communication or other contact of any kind by
1468 the respondent; and

1469 4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such
1470 petitioner meets the definition of owner in § 3.2-6500.

1471 B. Except as provided in subsection C, the protective order may be issued for a specified period of
1472 time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day
1473 specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the
1474 expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend
1475 the order. Proceedings to extend a protective order shall be given precedence on the docket of the court.
1476 The court may extend the protective order for a period not longer than two years to protect the health
1477 and safety of the petitioner or persons who are family or household members of the petitioner at the
1478 time the request for an extension is made. The extension of the protective order shall expire at 11:59
1479 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is
1480 specified. Nothing herein shall limit the number of extensions that may be requested or issued.

1481 C. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the
1482 victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a
1483 protective order to the victim pursuant to this chapter to protect the health and safety of the victim. The
1484 protective order may be issued for any reasonable period of time, including up to the lifetime of the
1485 defendant, that the court deems necessary to protect the health and safety of the victim. The protective
1486 order shall expire at 11:59 p.m. on the last day specified in the protective order, if any. Upon a
1487 conviction for violation of a protective order issued pursuant to this subsection, the court that issued the
1488 original protective order may extend the protective order as the court deems necessary to protect the
1489 health and safety of the victim. The extension of the protective order shall expire at 11:59 p.m. on the
1490 last day specified, if any. Nothing herein shall limit the number of extensions that may be issued.

1491 D. A copy of the protective order shall be served on the respondent and provided to the petitioner as
1492 soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith,
1493 but in all cases no later than the end of the business day on which the order was issued, enter and
1494 transfer electronically to the Virginia Criminal Information Network the respondent's identifying
1495 information and the name, date of birth, sex, and race of each protected person provided to the court
1496 and shall forthwith forward the attested copy of the protective order and containing any such identifying
1497 information to the primary law-enforcement agency responsible for service and entry of protective
1498 orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith
1499 verify and enter any modification as necessary to the identifying information and other appropriate
1500 information required by the Department of State Police into the Virginia Criminal Information Network
1501 established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and
1502 the order shall be served forthwith upon the respondent and due return made to the court. Upon service,
1503 the agency making service shall enter the date and time of service and other appropriate information
1504 required into the Virginia Criminal Information Network and make due return to the court. If the order
1505 is later dissolved or modified, a copy of the dissolution or modification order shall also be attested,
1506 forwarded forthwith to the primary law-enforcement agency responsible for service and entry of
1507 protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall
1508 forthwith verify and enter any modification as necessary to the identifying information and other
1509 appropriate information required by the Department of State Police into the Virginia Criminal
1510 Information Network as described above and the order shall be served forthwith and due return made to
1511 the court.

1512 E. Except as otherwise provided, a violation of a protective order issued under this section shall
1513 constitute contempt of court.

1514 F. The court may assess costs and attorneys' fees against either party regardless of whether an order
1515 of protection has been issued as a result of a full hearing.

1516 G. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate
1517 jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths,
1518 the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing
1519 violent or threatening acts or harassment against or contact or communication with or physical proximity
1520 to another person, including any of the conditions specified in subsection A, shall be accorded full faith

1521 and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided
 1522 reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person
 1523 against whom the order is sought to be enforced sufficient to protect such person's due process rights
 1524 and consistent with federal law. A person entitled to protection under such a foreign order may file the
 1525 order in any appropriate district court by filing with the court, an attested or exemplified copy of the
 1526 order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary
 1527 law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt,
 1528 enter the name of the person subject to the order and other appropriate information required by the
 1529 Department of State Police into the Virginia Criminal Information Network established and maintained
 1530 by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may
 1531 transfer information electronically to the Virginia Criminal Information Network.

1532 Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy
 1533 available of any foreign order filed with that court. A law-enforcement officer may, in the performance
 1534 of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been
 1535 provided to him by any source and may also rely upon the statement of any person protected by the
 1536 order that the order remains in effect.

1537 H. Either party may at any time file a written motion with the court requesting a hearing to dissolve
 1538 or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on
 1539 the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order
 1540 may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be
 1541 heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a
 1542 copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

1543 I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's
 1544 office, nor any employee of them, may disclose, except among themselves, the residential address,
 1545 telephone number, or place of employment of the person protected by the order or that of the family of
 1546 such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme
 1547 Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

1548 J. No fees shall be charged for filing or serving petitions pursuant to this section.

1549 K. As used in this section:

1550 "Copy" includes a facsimile copy; and

1551 "Protective order" includes an initial, modified or extended protective order.

1552 L. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner
 1553 information that is published by the Department of Criminal Justice Services for victims of domestic
 1554 violence or for petitioners in protective order cases.

1555 M. *An appeal of a protective order issued pursuant to this section shall be given expedited review by*
 1556 *the Court of Appeals.*

1557 **§ 19.2-165. Recording evidence and incidents of trial in felony cases; cost of recording; cost of**
 1558 **transcripts; certified transcript deemed prima facie correct; request for copy of transcript.**

1559 In all ~~felony~~ *criminal* cases in a court of record, the court or judge trying the case shall by order
 1560 entered of record provide for the recording verbatim of the evidence and incidents of trial either by a
 1561 court reporter or by mechanical or electronic devices approved by the court. The expense of reporting or
 1562 recording the trial of criminal cases shall be paid by the Commonwealth out of the appropriation for
 1563 criminal charges, upon approval of the trial judge. However, if the defendant is convicted, the
 1564 Commonwealth shall be entitled to receive the amount allocated to the court reporter fund under the
 1565 fixed felony fee. Localities that maintain mechanical or electronic devices for this purpose shall be
 1566 entitled to retain their reasonable expenses attributable to the cost of operating and maintaining such
 1567 equipment. The clerk shall receive the evidence at the time of admission of such evidence by the court
 1568 and shall maintain control over such evidence until the time such evidence is transferred on appeal, or
 1569 destroyed or returned in accordance with law.

1570 In all felony cases where it appears to the court from the affidavit of the defendant and other
 1571 evidence that the defendant intends to seek an appeal and is financially unable to pay such costs or to
 1572 bear the expense of a copy *The costs for the preparation* of the transcript of the evidence for an appeal;
 1573 the trial court shall, upon the motion of counsel for the defendant, order the evidence transcribed for
 1574 such appeal and all costs therefor shall be paid by the Commonwealth out of the appropriation for
 1575 criminal charges. If the conviction is not reversed, all costs paid by the Commonwealth, under the
 1576 provisions hereof, shall be assessed against the defendant.

1577 The reporter or other individual designated to report and record the trial shall file the original
 1578 shorthand notes or other original records with the clerk of the circuit court who shall preserve them in
 1579 the public records of the court for not less than five years if an appeal was taken and a transcript was
 1580 prepared, or ten years if no appeal was taken. The transcript in any case certified by the reporter or
 1581 other individual designated to report and record the trial shall be deemed prima facie a correct statement

1582 of the evidence and incidents of trial.

1583 Upon the request of any counsel of record, or of any party not represented by counsel, and upon
1584 payment of the reasonable cost thereof, the court reporter covering any proceeding shall provide the
1585 requesting party with a copy of the transcript of such proceeding or any requested portion thereof.

1586 The court shall not direct the court reporter to cease recording any portion of the proceeding without
1587 the consent of all parties or of their counsel of record.

1588 The administration of this section shall be under the direction of the Supreme Court of Virginia.

1589 **§ 19.2-321.1. Motion in the Court of Appeals for delayed appeal in criminal cases.**

1590 A. Filing and content of motion. When, due to the error, neglect, or fault of counsel representing the
1591 appellant, or of the court reporter, or of the circuit court or an officer or employee thereof, an appeal, in
1592 whole or in part, in a criminal case has (i) never been initiated; (ii) been dismissed for failure to adhere
1593 to proper form, procedures, or time limits in the perfection of the appeal; or (iii) ~~been denied or the~~
1594 ~~conviction has been~~ affirmed *the conviction*, for failure to file or timely file the indispensable transcript
1595 or written statement of facts as required by law or by the Rules of Supreme Court; then a motion for
1596 leave to pursue a delayed appeal may be filed in the Court of Appeals within six months after the
1597 appeal has been dismissed ~~or denied~~, the conviction has been affirmed, or the circuit court judgment
1598 sought to be appealed has become final, whichever is later. Such motion shall identify the circuit court
1599 and the style, date, and circuit court record number of the judgment sought to be appealed, and, if one
1600 was assigned in a prior attempt to appeal the judgment, shall give the Court of Appeals record number
1601 in that proceeding, and shall set forth the specific facts establishing the said error, neglect, or fault. If
1602 the error, neglect, or fault is alleged to be that of an attorney representing the appellant, the motion shall
1603 be accompanied by the affidavit of the attorney whose error, neglect, or fault is alleged, verifying the
1604 specific facts alleged in the motion, and certifying that the appellant is not personally responsible, in
1605 whole or in part, for the error, neglect, or fault causing loss of the original opportunity for appeal.

1606 B. Service, response, and disposition. Such motion shall be served on the attorney for the
1607 Commonwealth ~~or, if a petition for appeal was granted in the original attempt to appeal, upon and~~ the
1608 Attorney General, in accordance with the Rules of Supreme Court. If the Commonwealth disputes the
1609 facts alleged in the motion, or contends that those facts do not entitle the appellant to a delayed appeal
1610 under this section, the motion shall be denied without prejudice to the appellant's right to seek a delayed
1611 appeal by means of petition for a writ of habeas corpus. Otherwise, the Court of Appeals shall, if the
1612 motion meets the requirements of this section, grant appellant leave to initiate or re-initiate pursuit of the
1613 appeal.

1614 C. Time limits when motion granted. If the motion is granted, all computations of time under the
1615 Rules of Supreme Court shall run from the date of the order of the Court of Appeals granting the
1616 motion, or if the appellant has been determined to be indigent, from the date of the order by the circuit
1617 court appointing counsel to represent the appellant in the delayed appeal, whichever is later.

1618 D. Applicability. The provisions of this section shall not apply to cases in which the appellant is
1619 responsible, in whole or in part, for the error, neglect, or fault causing loss of the original opportunity
1620 for appeal, nor shall it apply in cases where the claim of error, neglect, or fault has already been alleged
1621 and rejected in a prior judicial proceeding.

1622 **§ 19.2-321.2. Motion in the Supreme Court for delayed appeal in criminal cases.**

1623 A. Filing and content of motion. When, due to the error, neglect, or fault of counsel representing the
1624 appellant, or of the court reporter, or of the Court of Appeals or the circuit court or an officer or
1625 employee of either, an appeal from the Court of Appeals to the Supreme Court in a criminal case has (i)
1626 never been initiated; (ii) been dismissed for failure to adhere to proper form, procedures, or time limits
1627 in the perfection of the appeal; (iii) been dismissed in part because at least one assignment of error
1628 contained in the petition for appeal did not adhere to proper form or procedures; or (iv) been denied or
1629 the conviction has been affirmed, for failure to file or timely file the indispensable transcript or written
1630 statement of facts as required by law or by the Rules of Supreme Court; then a motion for leave to
1631 pursue a delayed appeal may be filed in the Supreme Court within six months after the appeal has been
1632 dismissed or denied, the conviction has been affirmed, or the Court of Appeals judgment sought to be
1633 appealed has become final, whichever is later. Such motion shall identify by the style, date, and Court
1634 of Appeals record number of the judgment sought to be appealed, and, if one was assigned in a prior
1635 attempt to appeal the judgment to the Supreme Court, shall give the record number assigned in the
1636 Supreme Court in that proceeding, and shall set forth the specific facts establishing the said error,
1637 neglect, or fault. If the error, neglect, or fault is alleged to be that of an attorney representing the
1638 appellant, the motion shall be accompanied by the affidavit of the attorney whose error, neglect, or fault
1639 is alleged, verifying the specific facts alleged in the motion, and certifying that the appellant is not
1640 personally responsible, in whole or in part, for the error, neglect, or fault causing loss of the original
1641 opportunity for appeal.

1642 B. Service, response, and disposition. Such motion shall be served on the attorney for the

1643 Commonwealth or, if a petition for appeal was granted in the Court of Appeals or in the Supreme Court
 1644 in the original attempt to appeal, upon and the Attorney General, in accordance with Rule 5:4 of the
 1645 Supreme Court. If the Commonwealth disputes the facts alleged in the motion, or contends that those
 1646 facts do not entitle the appellant to a delayed appeal under this section, the motion shall be denied
 1647 without prejudice to the appellant's right to seek a delayed appeal by means of petition for a writ of
 1648 habeas corpus. Otherwise, the Supreme Court shall, if the motion meets the requirements of this section,
 1649 grant appellant leave to initiate or re-initiate pursuit of the appeal from the Court of Appeals to the
 1650 Supreme Court.

1651 C. Time limits when motion granted. If the motion is granted, all computations of time under the
 1652 Rules of Supreme Court shall run from the date of the order of the Supreme Court granting the motion,
 1653 or if the appellant has been determined to be indigent, from the date of the order by the circuit court
 1654 appointing counsel to represent the appellant in the delayed appeal, whichever is later.

1655 D. Applicability. The provisions of this section shall not apply to cases in which the appellant is
 1656 responsible, in whole or in part, for the error, neglect, or fault causing loss of the original opportunity
 1657 for appeal, nor shall it apply in cases where the claim of error, neglect, or fault has already been alleged
 1658 and rejected in a prior judicial proceeding, nor shall it apply in cases in which a sentence of death has
 1659 been imposed.

1660 **§ 19.2-322.1. Suspension of execution of judgment on appeal.**

1661 Execution of a judgment from which an appeal to the Court of Appeals or the Supreme Court is
 1662 sought may be suspended during an appeal provided the appeal is timely prosecuted and an appeal bond
 1663 is filed as provided in § 8.01-676.1.

1664 **§ 19.2-386.13. Writ of error and supersedeas.**

1665 For the purpose of review on a writ of error or supersedeas, a final judgment or order in the cause
 1666 shall be deemed a final judgment or order within the meaning of subsection A of § 8.01-670 and may
 1667 be appealed to the Court of Appeals.

1668 **§ 19.2-402. Petition for appeal; brief in opposition; time for filing.**

1669 A. When a notice of appeal has been filed pursuant to § 19.2-400, the Commonwealth may petition
 1670 the Court of Appeals for an appeal pursuant to § 19.2-398. The Commonwealth shall be represented by
 1671 the *Attorney General or the attorney* for the Commonwealth prosecuting the case *if he filed a notice of*
 1672 *appearance pursuant to § 2.2-511.*

1673 B. The provisions of this subsection apply only to pretrial appeals. The petition for a pretrial appeal
 1674 shall be filed with the clerk of the Court of Appeals not more than 14 days after the notice of transcript
 1675 or written statement of facts required by § 19.2-405 is filed or, if there are objections thereto, within 14
 1676 days after the judge signs the transcript or written statement of facts. The accused may file a brief in
 1677 opposition with the clerk of the Court of Appeals within 14 days after the filing of the petition for
 1678 pretrial appeal. If the accused has filed a notice of cross appeal, he shall file a petition for cross appeal
 1679 to be consolidated with, and filed within the same time period as, his brief in opposition. The
 1680 Commonwealth may file a brief in opposition to any petition for cross appeal within 10 days after the
 1681 petition for cross appeal is filed. Except as specifically provided in this section, all other requirements
 1682 for the petition for pretrial appeal and brief in opposition shall conform as nearly as practicable to Part
 1683 Five A of the Rules of the Supreme Court of Virginia.

1684 **§ 19.2-403. Procedures on petition for pretrial appeal.**

1685 The procedures on a pretrial appeal to the Court of Appeals by the Commonwealth pursuant to
 1686 *subsections A and E of § 19.2-398*, and on a cross appeal of a pretrial appeal by the accused pursuant to
 1687 § 19.2-401, shall be governed by the provisions of subsections C and D of § 17.1-407. The Court of
 1688 Appeals, however, shall grant or deny the petition for a pretrial appeal, and the petition for cross appeal,
 1689 if any, not later than 30 days after the brief in opposition is timely filed or the time for such filing has
 1690 expired.

1691 No petition for rehearing may be filed in any pretrial appeal pursuant to this chapter. If the petition
 1692 for a pretrial appeal pursuant to this chapter is denied, the Court's mandate shall immediately issue and
 1693 the clerk of the Court of Appeals shall return the record forthwith to the clerk of the trial court.

1694 **§ 19.2-404. Procedures on awarded pretrial appeal.**

1695 This section applies only to pretrial appeals. If the Court of Appeals grants the Commonwealth's
 1696 petition for a pretrial appeal, the Attorney General shall ~~thereafter~~ represent the Commonwealth during
 1697 that appeal *unless the attorney for the Commonwealth prosecuting the case has filed a notice of*
 1698 *appearance pursuant to § 2.2-511.*

1699 The Commonwealth shall file its opening brief in the office of the clerk of the Court of Appeals
 1700 within 25 days after the date of the certificate awarding the appeal. The brief of the appellee shall be
 1701 filed in the office of the clerk of the Court of Appeals within 25 days after the filing of the
 1702 Commonwealth's opening brief. The Commonwealth may then file a reply brief, including its response
 1703 to any cross appeal, in the office of the clerk of the Court of Appeals within 15 days after the filing of

1704 the brief of the accused. With the permission of a judge of the Court of Appeals, the time for filing any
 1705 brief may be extended for good cause shown. Four copies of each brief shall be filed and three copies
 1706 shall be mailed or delivered to opposing counsel on or before the date of filing. Except as specifically
 1707 provided in this section, all other requirements of the brief shall conform as nearly as practicable to Part
 1708 Five A of the Rules of the Supreme Court of Virginia. The Court of Appeals shall accelerate the appeal
 1709 on its docket and render its decision not later than 60 days after the filing of the appellee's brief or after
 1710 the time for filing such brief has expired.

1711 When the opinion is rendered by the Court of Appeals, the mandate shall immediately issue and the
 1712 clerk of the Court of Appeals shall return the record forthwith to the clerk of the trial court. No petition
 1713 for rehearing may be filed.

1714 **§ 22.1-97. Calculation and reporting of required local expenditures; procedure if locality fails to**
 1715 **appropriate sufficient educational funds.**

1716 A. The Department of Education shall collect annually the data necessary to make calculations and
 1717 reports required by this subsection.

1718 At the beginning of each school year, the Department shall make calculations to ensure that each
 1719 school division has appropriated sufficient funds to support its estimated required local expenditure for
 1720 providing an educational program meeting the prescribed Standards of Quality, required by Article VIII
 1721 of the Constitution of Virginia and Chapter 13.2 (§ 22.1-253.13:1 et seq.) of this title. At the conclusion
 1722 of the school year, the Department shall make calculations to verify whether the locality has provided
 1723 the required expenditure, based on average daily membership as of March 31 of the relevant school
 1724 year.

1725 The Department shall report annually to the House Committees on Education and Appropriations and
 1726 the Senate Committees on Finance and Education and Health the results of such calculations and the
 1727 degree to which each school division has met, failed to meet, or surpassed its required expenditure.

1728 The Joint Legislative Audit and Review Commission shall report annually to the House Committees
 1729 on Education and Appropriations and the Senate Committees on Finance and Education and Health the
 1730 state expenditure provided each locality for an educational program meeting the Standards of Quality.

1731 The Department and the Joint Legislative Audit and Review Commission shall coordinate to ensure
 1732 that their respective reports are based upon comparable data and are delivered together, or as closely
 1733 following one another as practicable, to the appropriate standing committees.

1734 B. Whenever such calculations indicate that the governing body of a county, city or town fails or
 1735 refuses to appropriate funds sufficient to provide that portion of the cost apportioned to such county,
 1736 city or town by law for maintaining an educational program meeting the Standards of Quality, the Board
 1737 of Education shall notify the Attorney General of such failure or refusal in writing signed by the
 1738 president of the Board. Upon receipt of such notification, it shall be the duty of the Attorney General to
 1739 file in the circuit court for the county, city or town a petition for a writ of mandamus directing and
 1740 requiring such governing body to make forthwith such appropriation as is required by law.

1741 The petition shall be in the name of the Board of Education, and the governing body shall be made a
 1742 party defendant thereto. The court may, in its discretion, cause such other officers or persons to be made
 1743 parties defendant as it may deem proper. The court may make such order as may be appropriate
 1744 respecting the employment and compensation of an attorney or attorneys for any party defendant not
 1745 otherwise represented by counsel. The petition shall be given first priority on the docket of such court
 1746 and shall be heard expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et
 1747 seq.) of Chapter 25 of Title 8.01 and the writ of mandamus shall be awarded or denied according to the
 1748 law and facts of the case and with or without costs, as the court may determine. The order of the court
 1749 shall be final upon entry. Any appeal therefrom shall be heard and disposed of promptly by the ~~Supreme~~
 1750 ~~Court next after habeas corpus cases already on the docket~~ *Court of Appeals*.

1751 **§ 22.1-289.024. (Effective July 1, 2021) Appeal from refusal, denial of renewal, or revocation of**
 1752 **license.**

1753 A. Whenever the Superintendent refuses to issue a license or to renew a license or revokes a license
 1754 for a child day program or family day system operated by an agency of the Commonwealth, the
 1755 provisions of § 22.1-289.025 shall apply. Whenever the Superintendent refuses to issue a license or to
 1756 renew a license or revokes a license for any child day program or family day system other than a child
 1757 day program or family day system operated by an agency of the Commonwealth, the provisions of the
 1758 Administrative Process Act (§ 2.2-4000 et seq.) shall apply, except that all appeals from notice of the
 1759 Superintendent's intent to refuse to issue or renew, or revoke a license shall be received in writing from
 1760 the child day program or family day system operator within 15 days of the date of receipt of the notice.
 1761 Judicial review of a final review agency decision shall be in accordance with the provisions of the
 1762 Administrative Process Act. No stay may be granted upon appeal to the ~~Virginia~~ Supreme Court *or the*
 1763 *Court of Appeals*.

1764 B. In every appeal to a court of record, the Superintendent shall be named defendant.

1765 C. An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for
1766 operation without a license.

1767 D. When issuance or renewal of a license for a child day program or family day system has been
1768 refused by the Superintendent, the applicant shall not thereafter for a period of six months apply again
1769 for such license unless the Superintendent in his sole discretion believes that there has been such a
1770 change in the conditions on account of which he refused the prior application as to justify considering
1771 the new application. When an appeal is taken by the applicant pursuant to subsection A, the six-month
1772 period shall be extended until a final decision has been rendered on appeal.

1773 **§ 24.2-237. Who to represent Commonwealth; trial by jury; appeal.**

1774 The attorney for the Commonwealth shall represent the Commonwealth in any trial under this article.
1775 If the proceeding is against the attorney for the Commonwealth, the court shall appoint an attorney to
1776 represent the Commonwealth. Any officer proceeded against shall have the right to demand a trial by
1777 jury. The Commonwealth and the defendant shall each have the right to ~~apply~~ *appeal* to the ~~Supreme~~
1778 ~~Court for a writ of error and supersedeas~~ *Court of Appeals* upon the record made in the trial court and
1779 the ~~Supreme Court may hear~~ *Court of Appeals shall consider* and determine such cases.

1780 **§ 24.2-422. Appeal of person denied registration.**

1781 A. Within five days after the denial of an application to register, the general registrar shall notify the
1782 applicant of the denial. Notice shall be given in writing and by email or telephone if such information
1783 was provided by the applicant.

1784 The general registrar shall send a new application for registration to the applicant with the form
1785 prescribed in subsection B. If the applicant provided his email address on the application for registration,
1786 the general registrar may send information to that email address regarding online voter registration. The
1787 general registrar shall advise the applicant that he may complete and submit the new application, in lieu
1788 of filing an appeal, if the reason stated for denial is that the applicant has failed to sign the application
1789 or failed to provide a required item of information on the application. If the general registrar is able to
1790 reach the applicant by telephone, corrections may be made by the applicant by telephone. Any applicant
1791 who returns a second application and whose second application is denied shall have the right to appeal
1792 provided in subsection B.

1793 B. A person denied registration shall have the right to appeal, without payment of writ tax or giving
1794 security for costs, to the circuit court of the county or city in which he offers to register by filing with
1795 the clerk of the court, within 10 days of being notified of the denial, a petition in writing to have his
1796 right to register determined.

1797 The petitioner may file his petition by completing and filing a form which shall be prescribed by the
1798 State Board and which shall be used by the general registrar to notify an applicant of the denial of his
1799 application to register and of the reasons for the denial. The form shall (i) state that an applicant denied
1800 registration has the right to appeal to the circuit court of the county or city in which he offers to
1801 register, (ii) give the name and address of the clerk of the circuit court for such county or city (to be
1802 supplied by the general registrar), (iii) state that a filing fee of \$10 must be paid when filing the
1803 petition, (iv) contain a statement by which the applicant may indicate his desire to petition the court to
1804 have his right to register determined, and (v) provide space for the applicant to state the facts in support
1805 of his right to register.

1806 On the filing of a petition to have the right to register determined, the clerk of the court shall
1807 immediately bring the matter to the attention of the chief judge of the court for the scheduling of a
1808 hearing on the petition. The matter shall be heard and determined on the face of the petition, the answer
1809 made in writing by the general registrar, and any evidence introduced as part of the proceedings. The
1810 proceedings shall take precedence over all other business of the court and shall be heard as soon as
1811 possible.

1812 On the filing of the petition, the clerk of the court shall immediately give notice to the attorney for
1813 the Commonwealth for his county or city, who shall appear and defend against the petition on behalf of
1814 the Commonwealth.

1815 Judgment in favor of the petitioner shall entitle him to registration. From a judgment rendered
1816 against the petitioner, an appeal shall lie to the ~~Supreme Court of Virginia~~ *Appeals*.

1817 C. The provisions of § 24.2-416, pertaining to the closing of registration records in advance of an
1818 election, shall apply to any application submitted pursuant to subsection A or B following a denial of
1819 registration.

1820 **§ 24.2-433. Appeal from decision of court.**

1821 From the judgment of the court, an appeal shall lie, as a matter of right, to the ~~Supreme Court of~~
1822 ~~Virginia~~ *Appeals*. The appeal shall be placed on the privileged docket and be heard ~~at~~ *by* the next
1823 ~~ensuing session~~ *available panel* of the court.

1824 **§ 25.1-239. Finality of order confirming, altering or modifying report; appeal.**

1825 A. The order confirming, altering or modifying the report of just compensation shall be final.

1826 B. Any party aggrieved thereby may ~~apply for an~~ appeal to the ~~Supreme~~ Court of Appeals and a
 1827 supersedeas may be granted in the same manner as is now provided by law and the Rules of Court
 1828 applicable to civil cases. An order setting aside the report and awarding a new trial of the issue of just
 1829 compensation shall not be a final order for the purposes of appeal.

1830 C. Any party aggrieved by a judgment of the Court of Appeals rendered pursuant to subsection B
 1831 may apply for an appeal to the Supreme Court and a supersedeas may be granted in the same manner
 1832 as is now provided by law and the Rules of Court applicable to civil cases. An order setting aside the
 1833 report and awarding a new trial of the issue of just compensation shall not be a final order for the
 1834 purposes of appeal.

1835 **§ 32.1-48.010. Appeal of any order of quarantine.**

1836 A. Any person or persons subject to an order of quarantine or a court-ordered extension of any such
 1837 order pursuant to this article may file an appeal of the order of quarantine as such order applies to such
 1838 person or persons in the circuit court for the city or county in which the subject or subjects of the order
 1839 reside or are located or the circuit court for the jurisdiction or jurisdictions for any affected area. Any
 1840 petition for appeal shall be in writing, shall set forth the grounds on which the order of quarantine is
 1841 being challenged vis-a-vis the subject person or persons or affected area, and shall be served upon the
 1842 State Health Commissioner or his legal representative.

1843 B. A hearing on the appeal of the order of quarantine shall be held within 48 hours of the filing of
 1844 the petition for appeal or, if the 48-hour period terminates on a Saturday, Sunday, legal holiday or day
 1845 on which the court is lawfully closed, the hearing shall be held on the next day that is not a Saturday,
 1846 Sunday, legal holiday or day on which the court is lawfully closed.

1847 In extraordinary circumstances, for good cause shown, the Commissioner may request a continuance
 1848 of the hearing, which the court shall only grant after giving due regard to the rights of the affected
 1849 individuals, the protection of the public health and safety, the severity of the emergency, and the
 1850 availability of witnesses and evidence.

1851 C. Any person appealing an order of quarantine shall have the burden of proving that he is not
 1852 properly the subject of the order of quarantine.

1853 D. The filing of an appeal shall not stay any order of quarantine.

1854 E. Upon receiving multiple appeals of an order of quarantine that applies to a group of persons or an
 1855 affected area, the court may, on the motion of any party or on the court's own motion, consolidate the
 1856 cases in a single proceeding for all appeals when (i) there are common questions of law or fact relating
 1857 to the individual claims or rights to be determined; (ii) the claims of the consolidated cases are
 1858 substantially similar; and (iii) all parties to the appeals will be adequately represented in the
 1859 consolidation.

1860 F. The circuit court shall not conduct a de novo review of the order of quarantine; however, the
 1861 court shall consider the existing record and such supplemental evidence as the court shall consider
 1862 relevant. The court shall conduct the hearing on an appeal of an order of quarantine in a manner that
 1863 will protect the health and safety of court personnel, counsels, witnesses, and the general public and in
 1864 accordance with rules of the Supreme Court of Virginia pursuant to subsection C of § 17.1-503. The
 1865 court may, for good cause shown, hold all or any portion of the hearings in camera upon motion of any
 1866 party or upon the court's own motion.

1867 G. Upon completion of the hearing, the court may (i) vacate or modify the order of quarantine as
 1868 such order applies to any person who filed the appeal and who is not, according to the record and the
 1869 supplemental evidence, appropriately subject to the order of quarantine; (ii) vacate or modify the order
 1870 of quarantine as such order applies to all persons who filed an appeal and who are not, according to the
 1871 record and the supplemental evidence, appropriately subject to the order of quarantine; (iii) confirm the
 1872 order of quarantine as it applies to any person or all appealing parties upon a finding that such person
 1873 or persons are appropriately subject to the order of quarantine and that quarantine is being implemented
 1874 in the least restrictive environment to address the public health threat effectively, given the reasonably
 1875 available information on effective control measures and the nature of the communicable disease of
 1876 public health threat; or (iv) confirm the order of quarantine as it applies to all persons subject to the
 1877 order upon finding that all such persons are appropriately subject to the order of quarantine and that
 1878 quarantine is being implemented in the least restrictive environment to address the public health threat
 1879 effectively, given the reasonably available information on effective control measures and the nature of
 1880 the communicable disease of public health threat.

1881 In any case in which the court shall vacate the order of quarantine as it applies to any person who
 1882 has filed a request for review of such order and who is subject to such order or as it applies to all
 1883 persons seeking judicial review who are subject to such order, the person or persons shall be
 1884 immediately released from quarantine unless such order to vacate the quarantine shall be stayed by the
 1885 filing of an appeal to the Supreme Court of Virginia or the Court of Appeals. Any party to the case
 1886 may file an appeal of the circuit court decisions to the Supreme Court of Virginia Appeals. Parties to the

1887 case shall include any person who is subject to an order of quarantine and has filed an appeal of such
 1888 order with the circuit court and the State Health Commissioner.

1889 H. Appeals of any final order of any circuit court regarding the State Health Commissioner's petition
 1890 for review and confirmation or extension of an order of quarantine or any appeal of an order of
 1891 quarantine by a person or persons who are subject to such order shall be appealable directly to the
 1892 Supreme Court of Virginia Appeals, with an expedited review in accordance with the rules of the court
 1893 pursuant to subsection C of § 17.1-503.

1894 I. Appeals of any circuit court order relating to an order of quarantine shall not stay any order of
 1895 quarantine.

1896 J. Persons requesting judicial review of any order of quarantine shall have the right to be represented
 1897 by an attorney in all proceedings. If the person is unable to afford an attorney, counsel shall be
 1898 appointed for the person by the circuit court for the jurisdiction in which the person or persons who are
 1899 subject to the order of quarantine reside or, in the case of an affected area, by the circuit court for the
 1900 jurisdiction or jurisdictions for the affected area. Counsel so appointed shall be paid at a rate established
 1901 by the Supreme Court of Virginia from the Commonwealth's criminal fund.

1902 **§ 32.1-48.013. Appeal of any order of isolation.**

1903 A. Any person or persons subject to an order of isolation or a court-ordered confirmation or
 1904 extension of any such order pursuant to this article may file an appeal of the order of isolation in the
 1905 circuit court for the city or county in which such person or persons reside or are located or, in the case
 1906 of an affected area, in the circuit court for any affected jurisdiction or jurisdictions. Any petition for
 1907 appeal shall be in writing, shall set forth the grounds on which the order of isolation is being challenged
 1908 vis-a-vis the subject person or persons or affected area, and shall be served upon the State Health
 1909 Commissioner or his legal representative.

1910 B. A hearing on the appeal of the order of isolation shall be held within 48 hours of the filing of the
 1911 petition for appeal or, if the 48-hour period terminates on a Saturday, Sunday, legal holiday or day on
 1912 which the court is lawfully closed, the hearing shall be held on the next day that is not a Saturday,
 1913 Sunday, legal holiday or day on which the court is lawfully closed.

1914 In extraordinary circumstances, for good cause shown, the Commissioner may request a continuance
 1915 of the hearing, which the court shall only grant after giving due regard to the rights of the affected
 1916 individuals, the protection of the public health and safety, the severity of the emergency, and the
 1917 availability of witnesses and evidence.

1918 C. Any person appealing an order of isolation shall have the burden of proving that he is not
 1919 properly the subject of the order of isolation.

1920 D. An appeal shall not stay any order of isolation.

1921 E. Upon receiving multiple appeals of an order of isolation, the court may, on the motion of any
 1922 party or on the court's own motion, consolidate the cases in a single proceeding for all appeals when (i)
 1923 there are common questions of law or fact relating to the individual claims or rights to be determined;
 1924 (ii) the claims of the consolidated cases are substantially similar; and (iii) all parties to the appeals will
 1925 be adequately represented in the consolidation.

1926 F. The circuit court shall not conduct a de novo review of the order of isolation; however, the court
 1927 shall consider the existing record and such supplemental evidence as the court shall consider relevant.
 1928 The court shall conduct the hearing on an appeal of an order of isolation in a manner that will protect
 1929 the health and safety of court personnel, counsels, witnesses, and the general public and in accordance
 1930 with rules of the Supreme Court of Virginia pursuant to subsection C of § 17.1-503. The court may, for
 1931 good cause shown, hold all or any portion of the hearings in camera upon motion of any party or the
 1932 court's own motion.

1933 G. Upon completion of the hearing, the court may (i) vacate or modify the order of isolation as such
 1934 order applies to any person who filed the appeal and who is not, according to the record and the
 1935 supplemental evidence, appropriately subject to the order of isolation; (ii) vacate or modify the order of
 1936 isolation as such order applies to all persons who filed an appeal and who are not, according to the
 1937 record and the supplemental evidence, appropriately subject to the order of isolation; (iii) confirm the
 1938 order of isolation as it applies to any person or all appealing parties upon a finding that such person or
 1939 persons are appropriately subject to the order of isolation and that isolation is being implemented in the
 1940 least restrictive environment to address the public health threat effectively, given the reasonably
 1941 available information on effective infection control measures and the nature of the communicable disease
 1942 of public health threat; or (iv) confirm the order of isolation as it applies to all persons subject to the
 1943 order upon finding that all such persons are appropriately subject to the order of isolation and that
 1944 isolation is being implemented in the least restrictive environment to address the public health threat
 1945 effectively given the reasonably available information on effective control measures and the nature of
 1946 the communicable disease of public health threat.

1947 In any case in which the court shall vacate the order of isolation as it applies to any person who has

1948 filed a request for review of such order and who is subject to such order or as it applies to all persons
 1949 seeking judicial review who are subject to such order, the person or persons shall be immediately
 1950 released from isolation unless such order to vacate the isolation shall be stayed by the filing of an
 1951 appeal to the Supreme Court of Virginia Appeals. Any party to the case may file an appeal of the circuit
 1952 court decisions to the Supreme Court of Virginia Appeals. Parties to the case shall include any person
 1953 who is subject to an order of isolation and has filed an appeal of such order with the circuit court and
 1954 the State Health Commissioner.

1955 H. Appeals of any final order of any circuit court regarding the State Health Commissioner's petition
 1956 for review and confirmation or extension of an order of isolation or any appeal of an order of isolation
 1957 by a person or persons who are subject to such order shall be appealable directly to the Supreme Court
 1958 of Virginia Appeals, with an expedited review in accordance with the rules of the court pursuant to
 1959 subsection C of § 17.1-503.

1960 I. Appeals of any circuit court order relating to an order of isolation shall not stay any order of
 1961 isolation.

1962 J. Persons appealing any order of isolation shall have the right to be represented by an attorney in all
 1963 proceedings. If the person is unable to afford an attorney, counsel shall be appointed for the person by
 1964 the circuit court for the jurisdiction in which the person or persons who are subject to the order of
 1965 isolation reside or, in the case of an affected area, by the circuit court for the jurisdiction or jurisdictions
 1966 for the affected area. Counsel so appointed shall be paid at a rate established by the Supreme Court of
 1967 Virginia from the Commonwealth's criminal fund.

1968 **§ 33.2-928. Procedure to secure abandonment of highways to be flooded in connection with**
 1969 **municipal water supply projects.**

1970 A city or town subject to the provisions of this article shall certify to the governing body of the
 1971 county within which the highway, or the greater part thereof, lies a copy of the ordinance adopted by
 1972 the city or town as provided in this article. The governing body of the county, upon receipt, shall within
 1973 30 days (i) consider the reasonableness of the action contemplated by the city or town ordinance, (ii)
 1974 propose and publish an ordinance approving or disapproving the action contemplated by the city or
 1975 town, and (iii) conduct a hearing thereon. In the event that after such hearing the governing body of the
 1976 county disapproves the proposed flooding, discontinuance, and abandonment of the highway, the city or
 1977 town shall have the right to an appeal to the circuit court of the county where the question of the
 1978 reasonableness of the proposed flooding and abandonment shall be heard de novo by the circuit court
 1979 and judgment shall be rendered according to its decision. ~~From the~~ *The judgment a writ of error will lie*
 1980 *in the discretion of the Supreme Court of Virginia of the circuit court may be appealed to the Court of*
 1981 *Appeals.*

1982 **§ 33.2-2917. Miscellaneous.**

1983 A. Any money set aside for the payment of the principal of or interest on any bonds issued by the
 1984 Authority not claimed within two years from the day the principal of such bonds is due by maturity or
 1985 by call for redemption shall be paid into the state treasury. No interest shall accrue on such principal or
 1986 interest from the day the same is due. The Comptroller shall keep an account of all money thus paid
 1987 into the state treasury, and it shall be paid to the individual partnership, association, or corporation
 1988 entitled thereto upon satisfactory proof that such individual, partnership, association, or corporation is so
 1989 entitled to such money. If the claim so presented is rejected by the Comptroller, the claimant may
 1990 proceed against the Comptroller for recovery in the Circuit Court of the City of Richmond. An appeal
 1991 from the judgment of the circuit court shall lie to the Supreme Court of Virginia Appeals as in actions
 1992 at law, and all laws and rules relating to practice and procedure in actions at law shall apply to such
 1993 authorized proceedings. No such proceedings shall be filed after 10 years from the day the principal of
 1994 or interest on such bonds is due; however, if the individual having such claim is an infant or insane
 1995 person or is imprisoned at such due date, such proceedings may be filed within five years after the
 1996 removal of such disability, notwithstanding the fact that such 10-year period has expired.

1997 B. The Authority may contract with the City of Richmond, the Counties of Henrico and Chesterfield,
 1998 and the Department of State Police for the policing of any Authority facilities, and the City of
 1999 Richmond, the Counties of Henrico and Chesterfield, and the Department of State Police are hereby
 2000 authorized to enter into contracts with the Authority for such purpose. Police officers providing police
 2001 services pursuant to such contracts shall be under the exclusive control and direction of the authority
 2002 providing such officers and shall be responsible to that authority exclusively for the performance of their
 2003 duties and the exercise of their powers. The Authority shall reimburse the City of Richmond, the County
 2004 of Henrico or Chesterfield, or the Commonwealth in such amounts and at such time as shall be mutually
 2005 agreed upon for providing police service. Such officers shall be responsible for the preservation of the
 2006 public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and
 2007 property, and enforcement of the laws of the Commonwealth and all regulations of the Authority made
 2008 in accordance, and such officers shall have all the rights and duties of police officers as provided by the

2009 general laws of the Commonwealth. The violation of any such regulation shall be punishable as follows:
 2010 if such a violation would have been a violation of law if committed on any public highway in the City
 2011 of Richmond or the County of Henrico or Chesterfield, it shall be punishable in the same manner as if it
 2012 had been committed on such public highway; otherwise it shall be punishable as a Class 1 misdemeanor.
 2013 All other police officers of the Commonwealth, the City of Richmond, and the Counties of Henrico and
 2014 Chesterfield shall have the same powers and jurisdiction within the areas of operations agreed upon by
 2015 the parties that they have beyond such limits and shall have access to all such areas at any time without
 2016 interference for the purpose of exercising such powers and jurisdiction. For the purpose of enforcing
 2017 such laws and regulations, the court having jurisdiction for the trial of criminal offenses committed in
 2018 the City of Richmond or in the Counties of Henrico and Chesterfield within whose boundaries any
 2019 crime is committed shall have jurisdiction to try any person charged with the violation of any such laws
 2020 and regulations within such boundaries. A copy of the regulations of the Authority, attested by the
 2021 secretary or secretary-treasurer of the Authority, may be admitted as evidence in lieu of the original.
 2022 Any such copy purporting to be sealed and signed by such secretary or secretary-treasurer may be
 2023 admitted as evidence without any proof of the seal or signature or of the official character of the person
 2024 whose name is signed to it.

2025 C. All actions at law and suits in equity and other proceedings, actions, and suits against the
 2026 Authority, or any other person, firm, or corporation, growing out of the construction, maintenance,
 2027 repair, operation, and use of any Authority facility, or growing out of any other circumstances, events,
 2028 or causes in connection therewith, unless otherwise provided in this section, shall be brought and
 2029 conducted in the court having jurisdiction of such actions, suits, and proceedings in the City of
 2030 Richmond or the County of Henrico or Chesterfield within whose boundaries the causes of such actions,
 2031 suits, and proceedings arise, and jurisdiction is hereby conferred on such court for that purpose. All such
 2032 actions, suits, and proceedings on behalf of the Authority shall be brought and conducted in the Circuit
 2033 Court of the City of Richmond, except as otherwise provided in this section, and exclusive jurisdiction
 2034 is hereby conferred on such court for the purpose. Eminent domain proceedings instituted and conducted
 2035 by the Authority shall be brought and conducted in the court having jurisdiction of such proceedings in
 2036 the City of Richmond or the County of Henrico or Chesterfield within whose boundaries the land or
 2037 other property to be so acquired or the major portion thereof is situated, and jurisdiction is hereby
 2038 conferred on such court for such purpose.

2039 D. On or before September 30 of each year, the Authority shall prepare a report of its activities for
 2040 the 12-month period ending the preceding July 1 of such year and shall file a copy thereof with the
 2041 Commonwealth Transportation Board, the City of Richmond, and the Counties of Henrico and
 2042 Chesterfield. Each such report shall set forth an operating and financial statement covering the
 2043 Authority's operations during the 12-month period covered by the report. The Authority shall cause an
 2044 audit of its books and accounts to be made at least once in each year by certified public accountants to
 2045 be selected by the Authority, and the cost of such audit shall be treated as a part of the cost of
 2046 construction and operation of a project.

2047 E. The records, books, and accounts of the Authority shall be subject to examination and inspection
 2048 by duly authorized representatives of the Commonwealth Transportation Board, the governing bodies of
 2049 the City of Richmond and the Counties of Henrico and Chesterfield, and any bondholder at any
 2050 reasonable time, provided the business of the Authority is not unduly interrupted or interfered with
 2051 thereby.

2052 F. Any member, agent, or employee of the Authority who contracts with the Authority or is
 2053 interested in contracting with the Authority or in the sale of any property, either real or personal, to the
 2054 Authority shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$1,000 or
 2055 imprisonment in jail for not more than one year, either or both. Exclusive jurisdiction for the trial of
 2056 such misdemeanors is hereby conferred upon the Circuit Court of the City of Richmond, provided that
 2057 the term "contract," as used in this chapter, shall not be held to include the depositing of funds in, the
 2058 borrowing of funds from, or the serving as agent or trustee by any bank in which any member, agent, or
 2059 employee of the Authority may be a director, officer, or employee or have a security interest, nor shall
 2060 such term include contracts or agreements with the Commonwealth Transportation Board or the purchase
 2061 of services from, or other transactions in the ordinary course of business with, public service
 2062 corporations.

2063 **§ 37.2-920. Appeal by Attorney General; emergency custody order.**

2064 In any case in which the Attorney General successfully appeals the trial court's denial of probable
 2065 cause, denial of civil commitment or conditional release, or discharge or placement on conditional
 2066 release after an annual review hearing, upon the issuance of the mandate by the Supreme Court of
 2067 Virginia Appeals, the trial court shall immediately issue an emergency custody order to any local
 2068 law-enforcement official to have the person taken into custody and held in the local correctional facility,
 2069 pending further appropriate proceedings.

2070 § 45.1-161.322. Restoration of property to owner or operator.

2071 A. Whenever the owner or operator of the business of mining, production and marketing coal, whose
2072 property has been acquired by the Commission, shall notify the Commission in writing, stating that he is
2073 in position to, and can and will resume operation and render normal service, and shall satisfy the
2074 Commission of the correctness of such statement or whenever in the judgment of the Governor the
2075 emergency declared by him no longer exists, the Commission shall restore the possession of the property
2076 so acquired by them to the owner or operator upon his request. In the event the Commission refuses
2077 such restoration of possession, the owner or operator shall have the right to have a rule issued requiring
2078 the Commission to show cause why such possession should not be restored and the court shall
2079 determine the matter as in this section provided.

2080 B. Any such owner or operator shall be entitled to receive reasonable, proper and lawful
2081 compensation for the use of the properties so acquired by the Commonwealth and paid the same out of
2082 the state treasury. In the event the Commission has acquired such property by purchase, the owners
2083 upon reacquisition shall repay the purchase price less fair compensation for use of such property. In the
2084 event the Commission and the owner or operator are unable to agree upon the amount of such
2085 compensation either party in interest may file a petition in the circuit court for the county or city in
2086 which the property is located for the purpose of having the same judicially determined. The court shall,
2087 without a jury, hear such evidence and argument of counsel as may be deemed appropriate and render
2088 judgment thereon or may refer to a commissioner such questions as are considered proper and act upon
2089 the commissioner's report as in other equity proceedings. An appeal shall lie to the ~~Supreme~~ Court of
2090 Appeals from any final judgment of the court rendered upon the provisions of this chapter.

2091 § 55.1-1833. Lien for assessments.

2092 A. The association shall have a lien, once perfected, on every lot for unpaid assessments levied
2093 against that lot in accordance with the provisions of this chapter and all lawful provisions of the
2094 declaration. The lien, once perfected, shall be prior to all other subsequent liens and encumbrances
2095 except (i) real estate tax liens on that lot, (ii) liens and encumbrances recorded prior to the recordation
2096 of the declaration, and (iii) sums unpaid on and owing under any mortgage or deed of trust recorded
2097 prior to the perfection of such lien. The provisions of this subsection shall not affect the priority of
2098 mechanics' and materialmen's liens. Notice of a memorandum of lien to a holder of a credit line deed of
2099 trust under § 55.1-318 shall be given in the same fashion as if the association's lien were a judgment.

2100 B. The association, in order to perfect the lien given by this section, shall file, before the expiration
2101 of 12 months from the time the first such assessment became due and payable in the clerk's office of the
2102 circuit court in the county or city in which such development is situated, a memorandum, verified by the
2103 oath of the principal officer of the association or such other officer or officers as the declaration may
2104 specify, which contains the following:

- 2105** 1. The name of the development;
- 2106** 2. A description of the lot;
- 2107** 3. The name or names of the persons constituting the owners of that lot;
- 2108** 4. The amount of unpaid assessments currently due or past due relative to such lot together with the
2109 date when each fell due;
- 2110** 5. The date of issuance of the memorandum;
- 2111** 6. The name of the association and the name and current address of the person to contact to arrange
2112 for payment or release of the lien; and

2113 7. A statement that the association is obtaining a lien in accordance with the provisions of the
2114 Property Owners' Association Act as set forth in Chapter 18 (§ 55.1-1800 et seq.) of Title 55.1.

2115 It shall be the duty of the clerk in whose office such memorandum is filed as provided in this
2116 section to record and index the same as provided in subsection D, in the names of the persons identified
2117 in such memorandum as well as in the name of the association. The cost of recording and releasing the
2118 memorandum shall be taxed against the person found liable in any judgment or order enforcing such
2119 lien.

2120 C. Prior to filing a memorandum of lien, a written notice shall be sent to the property owner by
2121 certified mail, at the property owner's last known address, informing the property owner that a
2122 memorandum of lien will be filed in the circuit court clerk's office of the applicable county or city. The
2123 notice shall be sent at least 10 days before the actual filing date of the memorandum of lien.

2124 D. Notwithstanding any other provision of this section or any other provision of law requiring
2125 documents to be recorded in the miscellaneous lien books or the deed books in the clerk's office of any
2126 court, on or after July 1, 1989, all memoranda of liens arising under this section shall be recorded in the
2127 deed books in the clerk's office. Any memorandum shall be indexed in the general index to deeds, and
2128 the general index shall identify the lien as a lien for lot assessments.

2129 E. No action to enforce any lien perfected under subsection B shall be brought or action to foreclose
2130 any lien perfected under subsection I shall be initiated after 36 months from the time when the

2131 memorandum of lien was recorded; however, the filing of a petition to enforce any such lien in any
 2132 action in which the petition may be properly filed shall be regarded as the institution of an action under
 2133 this section. Nothing in this subsection shall extend the time within which any such lien may be
 2134 perfected.

2135 F. The judgment or order in an action brought pursuant to this section shall include reimbursement
 2136 for costs and reasonable attorney fees of the prevailing party. If the association prevails, it may also
 2137 recover interest at the legal rate for the sums secured by the lien from the time each such sum became
 2138 due and payable.

2139 G. When payment or satisfaction is made of a debt secured by the lien perfected by subsection B,
 2140 the lien shall be released in accordance with the provisions of § 55.1-339. Any lien that is not so
 2141 released shall subject the lien creditor to the penalty set forth in subdivision B 1 of § 55.1-339. For the
 2142 purposes of § 55.1-339, the principal officer of the association, or any other officer or officers as the
 2143 declaration may specify, shall be deemed the duly authorized agent of the lien creditor.

2144 H. Nothing in this section shall be construed to prohibit actions at law to recover sums for which
 2145 subsection A creates a lien, maintainable pursuant to § 55.1-1828.

2146 I. At any time after perfecting the lien pursuant to this section, the property owners' association may
 2147 sell the lot at public sale, subject to prior liens. For purposes of this section, the association shall have
 2148 the power both to sell and convey the lot and shall be deemed the lot owner's statutory agent for the
 2149 purpose of transferring title to the lot. A nonjudicial foreclosure sale shall be conducted in compliance
 2150 with the following:

2151 1. The association shall give notice to the lot owner prior to advertisement required by subdivision 4.
 2152 The notice shall specify (i) the debt secured by the perfected lien; (ii) the action required to satisfy the
 2153 debt secured by the perfected lien; (iii) the date, not less than 60 days from the date the notice is given
 2154 to the lot owner, by which the debt secured by the lien must be satisfied; and (iv) that failure to satisfy
 2155 the debt secured by the lien on or before the date specified in the notice may result in the sale of the
 2156 lot. The notice shall further inform the lot owner of the right to bring a court action in the circuit court
 2157 of the county or city where the lot is located to assert the nonexistence of a debt or any other defense of
 2158 the lot owner to the sale.

2159 2. After expiration of the 60-day notice period specified in subdivision 1, the association may appoint
 2160 a trustee to conduct the sale. The appointment of the trustee shall be filed in the clerk's office of the
 2161 circuit court in the county or city in which such development is situated. It shall be the duty of the clerk
 2162 in whose office such appointment is filed to record and index the same as provided in subsection D, in
 2163 the names of the persons identified in such appointment as well as in the name of the association. The
 2164 association, at its option, may from time to time remove the trustee and appoint a successor trustee.

2165 3. If the lot owner meets the conditions specified in this subdivision prior to the date of the
 2166 foreclosure sale, the lot owner shall have the right to have enforcement of the perfected lien
 2167 discontinued prior to the sale of the lot. Those conditions are that the lot owner (i) satisfy the debt
 2168 secured by lien that is the subject of the nonjudicial foreclosure sale and (ii) pay all expenses and costs
 2169 incurred in perfecting and enforcing the lien, including advertising costs and reasonable attorney fees.

2170 4. In addition to the advertisement required by subdivision 5, the association shall give written notice
 2171 of the time, date, and place of any proposed sale in execution of the lien, including the name, address,
 2172 and telephone number of the trustee, by hand delivery or by mail to (i) the present owner of the
 2173 property to be sold at his last known address as such owner and address appear in the records of the
 2174 association, (ii) any lienholder who holds a note against the property secured by a deed of trust recorded
 2175 at least 30 days prior to the proposed sale and whose address is recorded with the deed of trust, and (iii)
 2176 any assignee of such a note secured by a deed of trust, provided that the assignment and address of the
 2177 assignee are likewise recorded at least 30 days prior to the proposed sale. Mailing a copy of the
 2178 advertisement or the notice containing the same information to the owner by certified or registered mail
 2179 no less than 14 days prior to such sale and to lienholders and their assigns, at the addresses noted in the
 2180 memorandum of lien, by United States mail, postage prepaid, no less than 14 days prior to such sale,
 2181 shall be a sufficient compliance with the requirement of notice.

2182 5. The advertisement of sale by the association shall be in a newspaper having a general circulation
 2183 in the county or city in which the property to be sold, or any portion of such property, is located
 2184 pursuant to the following provisions:

2185 a. The association shall advertise once a week for four successive weeks; however, if the property or
 2186 some portion of such property is located in a city or in a county immediately contiguous to a city,
 2187 publication of the advertisement on five different days, which may be consecutive days, shall be deemed
 2188 adequate. The sale shall be held on any day following the day of the last advertisement that is no earlier
 2189 than eight days following the first advertisement nor more than 30 days following the last advertisement.

2190 b. Such advertisement shall be placed in that section of the newspaper where legal notices appear or
 2191 where the type of property being sold is generally advertised for sale. The advertisement of sale, in

2192 addition to such other matters as the association finds appropriate, shall set forth a description of the
 2193 property to be sold, which description need not be as extensive as that contained in the deed of trust but
 2194 shall identify the property by street address, if any, or, if none, shall give the general location of the
 2195 property with reference to streets, routes, or known landmarks. Where available, tax map identification
 2196 may be used but is not required. The advertisement shall also include the date, time, place, and terms of
 2197 sale and the name of the association. It shall set forth the name, address, and telephone number of the
 2198 representative, agent, or attorney who may be able to respond to inquiries concerning the sale.

2199 c. In addition to the advertisement required by subdivisions a and b, the association may further
 2200 advertise as the association finds appropriate.

2201 6. In the event of postponement of sale, which postponement shall be at the discretion of the
 2202 association, advertisement of such postponed sale shall be in the same manner as the original
 2203 advertisement of sale.

2204 7. Failure to comply with the requirements for advertisement contained in this section shall, upon
 2205 petition, render a sale of the property voidable by the court.

2206 8. The association shall have the following powers and duties upon a sale:

2207 a. Written one-price bids may be made and shall be received by the trustee from the association or
 2208 any person for entry by announcement at the sale. Any person other than the trustee may bid at the
 2209 foreclosure sale, including a person who has submitted a written one-price bid. Upon request to the
 2210 trustee, any other bidder in attendance at a foreclosure sale shall be permitted to inspect written bids.
 2211 Unless otherwise provided in the declaration, the association may bid to purchase the lot at a foreclosure
 2212 sale. The association may own, lease, encumber, exchange, sell, or convey the lot. Whenever the written
 2213 bid of the association is the highest bid submitted at the sale, such written bid shall be filed by the
 2214 trustee with his account of sale required under subdivision I 10 and § 64.2-1309. The written bid
 2215 submitted pursuant to this subsection may be prepared by the association, its agent, or its attorney.

2216 b. The association may require any bidder at any sale to post a cash deposit of as much as 10
 2217 percent of the sale price before his bid is received, which shall be refunded to him if the property is not
 2218 sold to him. The deposit of the successful bidder shall be applied to his credit at settlement, or, if such
 2219 bidder fails to complete his purchase promptly, the deposit shall be applied to pay the costs and
 2220 expenses of the sale, and the balance, if any, shall be retained by the association in connection with that
 2221 sale.

2222 c. The property owners' association shall receive and receipt for the proceeds of sale, no purchaser
 2223 being required to see to the application of the proceeds, and apply the same in the following order: first,
 2224 to the reasonable expenses of sale, including attorney fees; second, to the satisfaction of all taxes, levies,
 2225 and assessments, with costs and interest; third, to the satisfaction of the lien for the owners' assessments;
 2226 fourth, to the satisfaction in the order of priority of any remaining inferior claims of record; and fifth, to
 2227 pay the residue of the proceeds to the owner or his assigns, provided, however, that, as to the payment
 2228 of such residue, the association shall not be bound by any inheritance, devise, conveyance, assignment,
 2229 or lien of or upon the owner's equity, without actual notice thereof prior to distribution.

2230 9. The trustee shall deliver to the purchaser a trustee's deed conveying the lot with special warranty
 2231 of title. The trustee shall not be required to take possession of the property prior to the sale of such
 2232 property or to deliver possession of the lot to the purchaser at the sale.

2233 10. The trustee shall file an accounting of the sale with the commissioner of accounts pursuant to
 2234 § 64.2-1309, and every account of a sale shall be recorded pursuant to § 64.2-1310. In addition, the
 2235 accounting shall be made available for inspection and copying pursuant to § 55.1-1815 upon the written
 2236 request of the prior lot owner, the current lot owner, or any holder of a recorded lien against the lot at
 2237 the time of the sale. The association shall maintain a copy of the accounting for at least 12 months
 2238 following the foreclosure sale.

2239 11. If the sale of a lot is made pursuant to subsection I and the accounting is made by the trustee,
 2240 the title of the purchaser at such sale shall not be disturbed unless within 12 months from the
 2241 confirmation of the accounting by the commissioner of accounts the sale is set aside by the court or an
 2242 appeal is allowed by filed in the Court of Appeals or granted by the Supreme Court of Virginia and an
 2243 order is entered requiring such sale to be set aside.

2244 **§ 55.1-1966. Lien for assessments.**

2245 A. The unit owners' association shall have a lien on each condominium unit for unpaid assessments
 2246 levied against that condominium unit in accordance with the provisions of this chapter and all lawful
 2247 provisions of the condominium instruments. The lien, once perfected, shall be prior to all other liens and
 2248 encumbrances except (i) real estate tax liens on that condominium unit, (ii) liens and encumbrances
 2249 recorded prior to the recordation of the declaration, and (iii) sums unpaid on any first mortgages or first
 2250 deeds of trust recorded prior to the perfection of such lien for assessments and securing institutional
 2251 lenders. The provisions of this subsection shall not affect the priority of mechanics' and materialmen's
 2252 liens.

2253 B. Notwithstanding any other provision of this section, or any other provision of law requiring
 2254 documents to be recorded in the miscellaneous lien books or the deed books in the clerk's office of any
 2255 court, on or after July 1, 1974, all memoranda of liens arising under this section shall, in the discretion
 2256 of the clerk, be recorded in the miscellaneous lien books or the deed books in such clerk's office. Any
 2257 such memorandum shall be indexed in the general index to deeds, and such general index shall identify
 2258 the lien as a lien for condominium assessments.

2259 C. In order to perfect the lien given by this section, the unit owners' association shall file a
 2260 memorandum verified by the oath of the principal officer of the unit owners' association, or such other
 2261 officer as the condominium instruments may specify, before the expiration of 90 days from the time the
 2262 first such assessment became due and payable. The memorandum shall be filed in the clerk's office of
 2263 the circuit court in the county or city in which such condominium is situated. The memorandum shall
 2264 contain the following:

- 2265 1. A description of the condominium unit in accordance with the provisions of § 55.1-1909.
- 2266 2. The name or names of the persons constituting the unit owners of that condominium unit.
- 2267 3. The amount of unpaid assessments currently due or past due together with the date when each fell
 2268 due.
- 2269 4. The date of issuance of the memorandum.

2270 The clerk in whose office such memorandum is filed shall record and index the memorandum as
 2271 provided in subsection B, in the names of the persons identified in such memorandum as well as in the
 2272 name of the unit owners' association. The cost of recording such memorandum shall be taxed against the
 2273 person found liable in any judgment enforcing such lien.

2274 D. No action to enforce any lien perfected under subsection C shall be brought or action to foreclose
 2275 any lien perfected under subsection I shall be initiated after 36 months from the time when the
 2276 memorandum of lien was recorded; however, the filing of a petition to enforce any such lien in any
 2277 action in which such petition may be properly filed shall be regarded as the institution of an action
 2278 under this section. Nothing in this subsection shall extend the time within which any such lien may be
 2279 perfected.

2280 E. The judgment in an action brought pursuant to this section shall include reimbursement for costs
 2281 and attorney fees of the prevailing party. If the association prevails, it may also recover interest at the
 2282 legal rate for the sums secured by the lien from the time each such sum became due and payable.

2283 F. When payment or satisfaction is made of a debt secured by the lien perfected by subsection C,
 2284 such lien shall be released in accordance with the provisions of § 55.1-339. Any lien that is not so
 2285 released shall subject the lien creditor to the penalty set forth in subdivision B 1 of § 55.1-339. For the
 2286 purposes of that section, the principal officer of the unit owners' association, or such other officer as the
 2287 condominium instruments may specify, shall be deemed the duly authorized agent of the lien creditor.

2288 G. Nothing in this section shall be construed to prohibit actions at law to recover sums for which
 2289 subsection A creates a lien, maintainable pursuant to § 55.1-1915.

2290 H. Any unit owner or purchaser of a condominium unit, having executed a contract for the
 2291 disposition of such condominium unit, shall be entitled upon request to a recordable statement setting
 2292 forth the amount of unpaid assessments currently levied against that unit. Such request shall be in
 2293 writing, directed to the principal officer of the unit owners' association or to such other officer as the
 2294 condominium instruments may specify. Failure to furnish or make available such a statement within 10
 2295 days of the receipt of such request shall extinguish the lien created by subsection A as to the
 2296 condominium unit involved. Such statement shall be binding on the unit owners' association, the
 2297 executive board, and every unit owner. Payment of a fee not exceeding \$10 may be required as a
 2298 prerequisite to the issuance of such a statement if the condominium instruments so provide.

2299 I. At any time after perfecting the lien pursuant to this section, the unit owners' association may sell
 2300 the unit at public sale, subject to prior liens. For purposes of this section, the unit owners' association
 2301 shall have the power both to sell and convey the unit and shall be deemed the unit owner's statutory
 2302 agent for the purpose of transferring title to the unit. A nonjudicial foreclosure sale shall be conducted
 2303 in compliance with the following:

- 2304 1. The unit owners' association shall give notice to the unit owner prior to advertisement required by
 2305 subdivision 4. The notice shall specify (i) the debt secured by the perfected lien; (ii) the action required
 2306 to satisfy the debt secured by the perfected lien; (iii) the date, not less than 60 days from the date the
 2307 notice is given to the unit owner, by which the debt secured by the lien must be satisfied; and (iv) that
 2308 failure to satisfy the debt secured by the lien on or before the date specified in the notice may result in
 2309 the sale of the unit. The notice shall further inform the unit owner of the right to bring a court action in
 2310 the circuit court of the county or city where the condominium is located to assert the nonexistence of a
 2311 debt or any other defense of the unit owner to the sale.

- 2312 2. After expiration of the 60-day notice period provided in subdivision 1, the unit owners' association
 2313 may appoint a trustee to conduct the sale. The appointment of the trustee shall be filed in the clerk's

2314 office of the circuit court in the county or city in which the condominium is located. The clerk in whose
 2315 office such appointment is filed shall record and index the appointment as provided in subsection C, in
 2316 the names of the persons identified therein as well as in the name of the unit owners' association. The
 2317 unit owners' association, at its option, may from time to time remove the trustee and appoint a successor
 2318 trustee.

2319 3. If the unit owner meets the conditions specified in this subdivision prior to the date of the
 2320 foreclosure sale, the unit owner shall have the right to have enforcement of the perfected lien
 2321 discontinued prior to the sale of the unit. Those conditions are that the unit owner (a) satisfy the debt
 2322 secured by lien that is the subject of the nonjudicial foreclosure sale and (b) pays all expenses and costs
 2323 incurred in perfecting and enforcing the lien, including advertising costs and reasonable attorney fees.

2324 4. In addition to the advertisement required by subdivision 5, the unit owners' association shall give
 2325 written notice of the time, date, and place of any proposed sale in execution of the lien, and shall
 2326 include the name, address, and telephone number of the trustee, by personal delivery or by mail to (i)
 2327 the present owner of the condominium unit to be sold at his last known address as such owner and
 2328 address appear in the records of the unit owners' association, (ii) any lienholder who holds a note
 2329 against the condominium unit secured by a deed of trust recorded at least 30 days prior to the proposed
 2330 sale and whose address is recorded with the deed of trust, and (iii) any assignee of such a note secured
 2331 by a deed of trust provided the assignment and address of the assignee are likewise recorded at least 30
 2332 days prior to the proposed sale. Mailing a copy of the advertisement or the notice containing the same
 2333 information to the owner by certified or registered mail no less than 14 days prior to such sale and to
 2334 the lienholders and their assigns, at the addresses noted in the memorandum of lien, by ordinary mail no
 2335 less than 14 days prior to such sale shall be a sufficient compliance with the requirement of notice.

2336 5. The advertisement of sale by the unit owners' association shall be in a newspaper having a general
 2337 circulation in the locality in which the condominium unit to be sold, or any portion of such unit, is
 2338 located pursuant to the following provisions:

2339 a. The unit owners' association shall advertise once a week for four successive weeks; however, if
 2340 the condominium unit or some portion of such unit is located in a city or in a county immediately
 2341 contiguous to a city, publication of the advertisement five different days, which may be consecutive
 2342 days, shall be deemed adequate. The sale shall be held on any day following the day of the last
 2343 advertisement that is no earlier than eight days following the first advertisement nor more than 30 days
 2344 following the last advertisement.

2345 b. Such advertisement shall be placed in that section of the newspaper where legal notices appear or
 2346 where the type of property being sold is generally advertised for sale. The advertisement of sale, in
 2347 addition to such other matters as the unit owners' association finds appropriate, shall set forth a
 2348 description of the condominium unit to be sold, which description need not be as extensive as that
 2349 contained in the deed of trust but shall identify the condominium unit by street address, if any, or, if
 2350 none, shall give the general location of the condominium unit with reference to streets, routes, or known
 2351 landmarks. Where available, tax map identification may be used but is not required. The advertisement
 2352 shall also include the date, time, place, and terms of sale and the name of the unit owners' association.
 2353 The advertisement shall set forth the name, address, and telephone number of the representative, agent,
 2354 or attorney who may be able to respond to inquiries concerning the sale.

2355 c. In addition to the advertisement required by subdivisions a and b, the unit owners' association may
 2356 give such other further and different advertisement as the association finds appropriate.

2357 6. In the event of postponement of a sale, which postponement shall be at the discretion of the unit
 2358 owners' association, advertisement of such postponed sale shall be in the same manner as the original
 2359 advertisement of sale.

2360 7. Failure to comply with the requirements for advertisement contained in this section shall, upon
 2361 petition, render a sale of the condominium unit voidable by the court.

2362 8. In the event of a sale, the unit owners' association shall have the following powers and duties:

2363 a. Written one-price bids may be made and shall be received by the trustee from the unit owners'
 2364 association or any person for entry by announcement at the sale. Any person other than the trustee may
 2365 bid at the foreclosure sale, including a person who has submitted a written one-price bid. Upon request
 2366 to the trustee, any other bidder in attendance at a foreclosure sale shall be permitted to inspect written
 2367 bids. Unless otherwise provided in the condominium instruments, the unit owners' association may bid
 2368 to purchase the unit at a foreclosure sale. The unit owners' association may own, lease, encumber,
 2369 exchange, sell, or convey the unit. Whenever the written bid of the unit owners' association is the
 2370 highest bid submitted at the sale, such written bid shall be filed by the trustee with his account of sale
 2371 required under subdivision 10 of this subsection and § 64.2-1309. The written bid submitted pursuant to
 2372 this subsection may be prepared by the unit owners' association or its agent or attorney.

2373 b. The unit owners' association may require of any bidder at any sale a cash deposit of as much as
 2374 10 percent of the sale price before his bid is received, which shall be refunded to him if the

2375 condominium unit is not sold to him. The deposit of the successful bidder shall be applied to his credit
 2376 at settlement, or if such bidder fails to complete his purchase promptly, the deposit shall be applied to
 2377 pay the costs and expenses of the sale, and the balance, if any, shall be retained by the unit owners'
 2378 association in connection with that sale.

2379 c. The unit owners' association shall receive and receipt for the proceeds of sale, no purchaser being
 2380 required to see to the application of the proceeds, and apply the same in the following order: first, to the
 2381 reasonable expenses of sale, including reasonable attorney fees; second, to the satisfaction of all taxes,
 2382 levies, and assessments, with costs and interest; third, to the satisfaction of the lien for the unit owners'
 2383 assessments; fourth, to the satisfaction in the order of priority of any remaining inferior claims of record;
 2384 and fifth, to pay the residue of the proceeds to the unit owner or his assigns, provided, however, that the
 2385 association as to such residue shall not be bound by any inheritance, devise, conveyance, assignment, or
 2386 lien of or upon the unit owner's equity, without actual notice of such encumbrance prior to distribution.

2387 9. The trustee shall deliver to the purchaser a trustee's deed conveying the unit with special warranty
 2388 of title. The trustee shall not be required to take possession of the condominium unit prior to the sale or
 2389 to deliver possession of the unit to the purchaser at the sale.

2390 10. The trustee shall file an accounting of the sale with the commissioner of accounts pursuant to
 2391 § 64.2-1309 and every account of a sale shall be recorded pursuant to § 64.2-1310. In addition, the
 2392 accounting shall be made available for inspection and copying pursuant to § 55.1-1945 upon the written
 2393 request of the prior unit owner, current unit owner, or any holder of a recorded lien against the unit at
 2394 the time of the sale. The unit owners' association shall maintain a copy of the accounting for at least 12
 2395 months following the foreclosure sale.

2396 11. If the sale of a unit is made pursuant to this subsection and the accounting is made by the
 2397 trustee, the title of the purchaser at such sale shall not be disturbed unless within 12 months from the
 2398 confirmation of the accounting by the commissioner of accounts, the sale is set aside by the court or an
 2399 appeal is allowed by *filed in the Court of Appeals or granted by the Supreme Court of Virginia* and an
 2400 order is entered requiring such sale to be set aside.

2401 **§ 55.1-2211. Time-share estate owners' association control liens.**

2402 A. The board of directors of the association shall have the authority to adopt regular annual
 2403 assessments and to levy periodic special assessments against each of the time-share estate unit owners
 2404 and to collect the same from such owners according to law if the purpose in so doing is determined by
 2405 the board of directors to be in the best interest of the time-share project or time-share program and the
 2406 proceeds are used to either pay common expenses or fund a reserve. In addition, the board of directors
 2407 of the association shall have the authority to collect, on behalf of the developer or on its own account,
 2408 the maintenance fee imposed by the developer pursuant to § 55.1-2210. The authority hereby granted
 2409 and conferred upon the association shall exist notwithstanding any covenants and restrictions of record
 2410 applicable to the project stated to the contrary, and any such covenants and restrictions are hereby
 2411 declared void.

2412 B. The developer may provide that it not be obligated to pay all or a portion of any assessment,
 2413 dues, or other charges of the association, however denominated, passed, or adopted, pursuant to
 2414 subsection A, if such developer so provides, in bold type, in the time-share instrument for the time-share
 2415 estate project. If no such provision exists, the developer shall be responsible to pay the same assessment,
 2416 dues, or other charges that a time-share estate owner is obligated to pay for each of its unsold
 2417 time-shares existing at the end of the fiscal year of the association and no more if the board of directors
 2418 of the association so determines. In no event shall either a time-share expense or the dues, assessment,
 2419 or charges of the association discriminate against the developer.

2420 C. The association shall have a lien on every time-share estate within its project for unpaid and past
 2421 due regular or special assessments levied against that estate in accordance with the provisions of this
 2422 chapter and for all unpaid and past due maintenance fees. The exemption created by § 34-4 shall not be
 2423 claimed against the debt or lien of the association created by this section.

2424 The association, in order to perfect the lien given by this subsection, shall file, before the expiration
 2425 of four years from the time such special or regular assessment or maintenance fee became due, in the
 2426 clerk's office of the county or city in which the project is situated, a memorandum verified by the oath
 2427 of any officer of the association or its managing agent and containing the following information:

2428 1. The name and location of the project;

2429 2. The name and address of each owner of the time-share on which the lien exists and a description
 2430 of the unit in which the time-share is situated;

2431 3. The amount of past due special or regular assessments or past due maintenance fees applicable to
 2432 the time-share, together with the date when each became due;

2433 4. The amount of any other charges owing occasioned by the failure of the owner to pay the
 2434 assessments or maintenance fees, including late charges, interest, postage and handling, attorney fees,
 2435 recording costs, and release fees;

2436 5. The name, address, and telephone number of the association's trustee, if known at the time, who
 2437 will be called upon by the association to foreclose on the lien upon the owner's failure to pay as
 2438 provided in this subsection; and

2439 6. The date of issuance of the memorandum.

2440 Notwithstanding any other provision of this chapter, or any other provision of law requiring
 2441 documents to be recorded in the deed books of the clerk's office of any court, from July 1, 1981, all
 2442 memoranda of liens arising under this subsection shall be recorded in the deed books in such clerk's
 2443 office. Any such memorandum shall be indexed in the general index to deeds, and such general index
 2444 shall identify the lien as a lien for time-share estate regular or special assessments or maintenance fees.

2445 The clerk in whose office such memorandum is filed as provided in this subsection shall record and
 2446 index such memorandum as provided in this subsection, in the names of the persons identified in such
 2447 memorandum as well as in the name of the time-share estates owners' association. The cost of recording
 2448 such memorandum shall be taxed against the owner of the time-share on which the lien is placed. The
 2449 filing with the clerk of one memorandum on which is listed two or more delinquent time-share estate
 2450 unit owners is permitted in order to perfect the lien hereby allowed, and the cost of filing in this event
 2451 shall be the clerk's fee as prescribed in subdivision A 2 of § 17.1-275.

2452 D. At any time after perfecting the lien pursuant to this section, the association may sell the
 2453 time-share estate at a public sale, subject to prior liens. For purposes of this section, the association shall
 2454 have the power both to sell and convey the time-share estate and shall be deemed the time-share estate
 2455 owner's statutory agent for the purpose of transferring title to the time-share estate. A nonjudicial
 2456 foreclosure sale shall be conducted by a trustee and in accordance with the following:

2457 1. The association shall give notice to the time-share estate owner, prior to advertisement, as required
 2458 by subdivision 4. The notice shall specify (i) the debt secured by the perfected lien; (ii) the action
 2459 required to satisfy the debt secured by the perfected lien; (iii) the date, not less than 60 days from the
 2460 date the notice is given to the time-share estate owner, by which the debt secured by the lien shall be
 2461 satisfied; and (iv) that failure to satisfy the debt secured by the lien on or before the date specified in
 2462 the notice may result in the sale of the time-share estate. The notice shall further inform the time-share
 2463 estate owner of the right to bring a court action in the circuit court of the county or city where the
 2464 time-share project is located to assert the nonexistence of a debt or any other defenses of the time-share
 2465 estate owner to the sale.

2466 2. After expiration of the 60-day notice period provided in subdivision 1, the association may appoint
 2467 a trustee to conduct the sale. The appointment of the trustee shall be filed in the clerk's office of the
 2468 circuit court in the county or city in which the time-share project is located. It shall be the duty of the
 2469 clerk in whose office such appointment is filed to record and index the same, as provided in this
 2470 subsection, in the names of the persons identified therein as well as in the name of the association. The
 2471 association, at its option, may from time to time remove the trustee and appoint a successor trustee.

2472 3. If, prior to the date of the foreclosure sale, the time-share estate owner (i) satisfies the debt
 2473 secured by lien that is the subject of the nonjudicial foreclosure sale and (ii) pays all expenses and costs
 2474 incurred in perfecting and enforcing the lien, including advertising costs and reasonable attorney fees,
 2475 the time-share estate owner shall have the right to have enforcement of the perfected lien discontinued
 2476 prior to the sale of the time-share estate.

2477 4. In addition to the advertisement required by subdivision 5, the association shall give written notice
 2478 of the time, date, and place of any proposed sale in execution of the lien, including the name, address,
 2479 and telephone number of the trustee, by personal delivery or by mail to (i) the present owner of the
 2480 time-share estate to be sold at his last known address as such owner and address appear in the records
 2481 of the association, (ii) any lienholder that holds a note against the time-share estate secured by a deed of
 2482 trust recorded at least 30 days prior to the proposed sale and whose address is recorded with the deed of
 2483 trust, and (iii) any assignee of such a note secured by a deed of trust, provided that the assignment and
 2484 address of the assignee are likewise recorded at least 30 days prior to the proposed sale. Mailing a copy
 2485 of the advertisement or the notice containing the same information to the owner by certified or
 2486 registered mail no less than 14 days prior to such sale and to the lienholders and their assigns, at the
 2487 addresses noted in the memorandum of lien, by regular mail no less than 14 days prior to such sale
 2488 shall be a sufficient compliance with the requirement of notice.

2489 5. The advertisement of sale by the association shall be in a newspaper having a general circulation
 2490 in the county or city wherein the time-share estate to be sold and the time-share project, or any portion
 2491 of such project, lies pursuant to the following provisions:

2492 a. The association shall advertise once a week for four successive weeks; however, if the time-share
 2493 estate and the time-share project or some portion of such project is located in a city or in a county
 2494 immediately contiguous to a city, publication of the advertisement five different days, which may be
 2495 consecutive days, shall be deemed adequate. The sale shall be held on any day following the day of the
 2496 last advertisement that is no earlier than eight days following the first advertisement nor more than 30

2497 days following the last advertisement.

2498 b. Such advertisement shall be placed in that section of the newspaper where legal notices appear or
2499 where the type of time-share estate being sold is generally advertised for sale. The advertisement of sale,
2500 in addition to such other matters as the association finds appropriate, shall set forth:

2501 (1) A description of the time-share estate to be sold, which description need not be as extensive as
2502 that contained in the deed of trust, but shall identify the time-share project by street address, if any, or,
2503 if none, shall give the general location of such time-share project with reference to streets, routes, or
2504 known landmarks with further identification of the time-share estate to be sold. Where available, tax
2505 map identification may be used. The advertisement shall also include the date, time, place, and terms of
2506 sale and the name of the association. It shall set forth the name, address, and telephone number of the
2507 representative, agent, or attorney who is authorized to respond to inquiries concerning the sale; or

2508 (2) In lieu of the requirements of subdivision (1), the advertisement shall set forth the date, time,
2509 place, and terms of sale and the name of the association; the street address of the time-share estate to be
2510 sold, if any, or, if none, the general location of the time-share project; and the name, address, and
2511 telephone number of the representative, agent, or attorney who is authorized to respond to inquiries and
2512 give additional information concerning the time-share estate to be sold, including providing in hard copy
2513 or electronic form a description of the time-share estate to be sold by street address, if any, or, if none,
2514 by the general location of the time-share project with reference to streets, routes, or known landmarks,
2515 and, where available, tax map identification. The advertisement under this subdivision (2) shall also
2516 include a website address where the information contained in subdivision (1) is displayed for the
2517 time-share estate to be sold.

2518 c. In addition to the advertisement required by subdivisions 5 a and b, the association may give such
2519 other further and different advertisement as the association finds appropriate.

2520 6. In the event of postponement of the sale, which postponement shall be at the discretion of the
2521 association, advertisement of the postponed sale shall be in the same manner as the original
2522 advertisement of sale.

2523 7. Failure to comply with the requirements for advertisement contained in this section shall, upon
2524 petition, render a sale of the property voidable by the court. Such petition shall be filed within 60 days
2525 of the sale or the right to do so shall lapse.

2526 8. In the event of a sale, the association shall have the following powers and duties:

2527 a. The association may sell two or more time-share estates at the sale. Written one-price bids may be
2528 made and shall be received by the trustee from the association or any person for entry by announcement
2529 at the sale. Any person other than the trustee may bid at the foreclosure sale, including a person that has
2530 submitted a written one-price bid. Upon request to the trustee, any other bidder in attendance at a
2531 foreclosure sale shall be permitted to inspect written bids. Unless otherwise provided in the time-share
2532 instrument, the association may bid to purchase the time-share estate at a foreclosure sale. The
2533 association may own, lease, encumber, exchange, sell, or convey the time-share estate. Whenever the
2534 written bid of the association is the highest bid submitted at the sale, such written bid shall be filed by
2535 the trustee with his account of sale required under subdivision 10 of this subsection and § 64.2-1309.
2536 The written bid submitted pursuant to this subsection may be prepared by the association, its agent, or
2537 its attorney.

2538 b. The association may require of any bidder at any sale a cash deposit of as much as one-third of
2539 the sale price before his bid is received, which shall be refunded to him if the time-share estate is not
2540 sold to him through action of the trustee. The deposit of the successful bidder shall be applied to his
2541 credit at settlement; if such bidder fails to complete his purchase promptly, the deposit shall be applied
2542 to pay the costs and expenses of the sale, and the balance, if any, shall be retained by the association in
2543 connection with that sale.

2544 c. The association shall receive and receipt for the proceeds of sale, no purchaser being required to
2545 see to the application of the proceeds, and shall apply such proceeds in the following order: first, to the
2546 reasonable expenses of sale, including reasonable attorney fees; second, to the satisfaction of all taxes,
2547 levies, and assessments, with costs and interest; third, to the satisfaction of the lien for the time-share
2548 estate owners' assessments; fourth, to the satisfaction in the order of priority of any remaining inferior
2549 claims of record; and fifth, to pay the residue of the proceeds to the time-share estate owner or his
2550 assigns, provided, however, that the association as to such residue shall not be bound by any inheritance,
2551 devise, conveyance, assignment, or lien of or upon the unit owner's equity, without actual notice thereof
2552 prior to distribution.

2553 9. The trustee shall deliver to the purchaser a trustee's deed conveying the time-share estate with
2554 special warranty of title. The trustee shall not be required to take possession of the time-share estate
2555 prior to the sale of such estate or deliver possession of the time-share estate to the purchaser at the sale.

2556 10. If the sale of a time-share estate is made pursuant to this subsection and the accounting is made
2557 by the trustee, the title of the purchaser at such sale shall not be disturbed unless, within six months

2558 from the date of foreclosure, the sale is set aside by the court or an appeal is ~~allowed by~~ *filed in the*
 2559 *Court of Appeals or granted by the Supreme Court of Virginia* and an order is entered requiring such
 2560 sale to be set aside.

2561 When payment or satisfaction is made of a debt secured by the lien perfected by this subsection,
 2562 such lien shall be released in accordance with the provisions of § 55.1-339. For the purposes of
 2563 § 55.1-339, any officer of the time-share estate owners' association or its managing agent shall be
 2564 deemed the duly authorized agent of the lien creditor.

2565 E. The commissioner of accounts to whom an account of sale is returned in connection with the
 2566 foreclosure of either a lien under subsection C or a purchase money deed of trust taken back by the
 2567 developer in the sale of a time-share in order to satisfy § 64.2-1309 shall be entitled to a fee, not to
 2568 exceed \$70, on each foreclosure of a lien under subsection C and not to exceed \$125 on each
 2569 foreclosure of a purchase money deed of trust taken back by the developer.

2570 F. Any time-share owner within the project having executed a contract for the disposition of the
 2571 time-share shall be entitled, upon request, to a recordable statement setting forth the amount of unpaid
 2572 regular or special assessments or maintenance fees currently levied against that time-share. Such request
 2573 shall be in writing, directed to the president of the time-share estate owners' association, and delivered to
 2574 the principal office of the association. Failure of the association to furnish or make available such
 2575 statement within 20 days from the actual receipt of such written request shall extinguish the lien created
 2576 by subsection C as to the time-share involved. Payment of a fee reflecting the reasonable cost of
 2577 materials and labor, not to exceed the actual cost of such materials and labor, may be required as a
 2578 prerequisite to the issuance of such a statement.

2579 **§ 57-2.02. Religious freedom preserved; definitions; applicability; construction; remedies.**

2580 A. As used in this section:

2581 "Demonstrates" means meets the burdens of going forward with the evidence and of persuasion under
 2582 the standard of clear and convincing evidence.

2583 "Exercise of religion" means the exercise of religion under Article I, Section 16 of the Constitution
 2584 of Virginia, the Virginia Act for Religious Freedom (§ 57-1 et seq.), and the First Amendment to the
 2585 United States Constitution.

2586 "Government entity" means any branch, department, agency, or instrumentality of state government,
 2587 or any official or other person acting under color of state law, or any political subdivision of the
 2588 Commonwealth and does not include the Department of Corrections, the Department of Juvenile Justice,
 2589 and any facility of the Department of Behavioral Health and Developmental Services that treats civilly
 2590 committed sexually violent predators, or any local, regional or federal correctional facility.

2591 "Prevails" means to obtain "prevailing party" status as defined by courts construing the federal Civil
 2592 Rights Attorney's Fees Awards Act of 1976, 42 U.S.C. § 1988.

2593 "Substantially burden" means to inhibit or curtail religiously motivated practice.

2594 B. No government entity shall substantially burden a person's free exercise of religion even if the
 2595 burden results from a rule of general applicability unless it demonstrates that application of the burden
 2596 to the person is (i) essential to further a compelling governmental interest and (ii) the least restrictive
 2597 means of furthering that compelling governmental interest.

2598 C. Nothing in this section shall be construed to (i) authorize any government entity to burden any
 2599 religious belief or (ii) affect, interpret or in any way address those portions of Article 1, Section 16 of
 2600 the Constitution of Virginia, the Virginia Act for Religious Freedom (§ 57-1 et seq.), and the First
 2601 Amendment to the United States Constitution that prohibit laws respecting the establishment of religion.
 2602 Granting government funds, benefits or exemptions, to the extent permissible under clause (ii) of this
 2603 subsection, shall not constitute a violation of this section. As used in this subsection, "granting" used
 2604 with respect to government funding, benefits, or exemptions shall not include the denial of government
 2605 funding, benefits, or exemptions.

2606 D. A person whose religious exercise has been burdened by government in violation of this section
 2607 may assert that violation as a claim or defense in any judicial or administrative proceeding and may
 2608 obtain declaratory and injunctive relief from a circuit court, but shall not obtain monetary damages. A
 2609 person who prevails in any proceeding to enforce this section against a government entity may recover
 2610 his reasonable costs and attorney fees. The provisions of this subsection relating to attorney fees shall
 2611 not apply to criminal prosecutions.

2612 E. Nothing in this section shall prevent any governmental institution or facility from maintaining
 2613 health, safety, security or discipline.

2614 F. The decision of the circuit court to grant or deny declaratory and injunctive relief may be
 2615 appealed by ~~petition~~ to the Court of Appeals of Virginia.

2616 **§ 58.1-527. Appeals from hearings.**

2617 A. Within ~~thirty~~ 30 days after the decision of the claimant agency upon a hearing pursuant to
 2618 § 58.1-526 has become final, the debtor aggrieved thereby may secure judicial review thereof by

2619 commencing an action in the circuit court of the county or of the city, or if the city has no circuit court,
 2620 then in the circuit court of the county in which such city is geographically located, in which the debtor
 2621 resides or in which the principal office of the claimant agency is geographically located. In such action
 2622 against the claimant agency for review of its decision, the claimant agency shall be named a defendant
 2623 in a petition for judicial review. This section shall not be construed to confer jurisdiction on the circuit
 2624 court to review questions of federal income tax law when the claimant agency is the Internal Revenue
 2625 Service.

2626 B. Such petition shall also state the grounds upon which review is sought and shall be served upon
 2627 the head of the claimant agency or upon such person as the claimant agency may designate. With its
 2628 answer, the claimant agency shall certify and file with the court all documents and papers and a
 2629 transcript of all testimony taken in the matter, together with its findings of fact and decision therein. In
 2630 any judicial proceedings under this article, the findings of the claimant agency as to the facts shall be
 2631 sustained if supported by the evidence. Such actions and the questions so certified shall be heard in a
 2632 summary manner at the earliest possible date. An appeal may be taken from the decision of such court
 2633 to the ~~Supreme~~ *Court of Appeals* in conformity with the general law governing appeals in equity cases.

2634 C. It shall not be necessary in any proceeding under this section to enter exceptions to the rulings of
 2635 the claimant agency, and no bond shall be required upon an appeal to any court.

2636 D. Notwithstanding the other provisions of this section, if the claimant agency is otherwise subject to
 2637 the Administrative Process Act (§ 2.2-4000 et seq.), appeals of such agency's decision as it relates to the
 2638 debtor shall be held in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

2639 **§ 58.1-1828. Appeal.**

2640 The Tax Commissioner or the taxpayer may take an appeal from any final order of the court to the
 2641 ~~Supreme~~ *Court of Appeals*.

2642 **§ 58.1-2282. Appeal of Commissioner's decisions.**

2643 A. Any person against whom an assessment, order or decision of the Commissioner has been
 2644 adversely rendered, which assessment, order, or decision relates to the collection of unreported,
 2645 incorrectly or fraudulently reported taxes, the granting or canceling of a license, the filing of a bond, an
 2646 increase in the amount of a bond, a change of surety on a bond, the filing of reports, the examination of
 2647 records, or any other matter wherein the findings are in the discretion of the Commissioner, may, within
 2648 ~~thirty~~ 30 days from the date thereof, file a petition of appeal from such assessment, order, or decision,
 2649 in the circuit court in the city or county wherein such person resides, provided that any petition for a
 2650 refund for taxes timely paid shall be filed within one year of the date of payment. A copy of the
 2651 petition shall be sent to the Commissioner at the time of the filing with the court. The original shall
 2652 show, by certificate, the date of mailing such copy to the Commissioner.

2653 B. In any proceeding under this section, the assessments by the Commissioner shall be presumed
 2654 correct. The burden of proof shall be upon the petitioner to show that the assessment was incorrect and
 2655 contrary to law. The circuit court is authorized to enter judgment against such person for the taxes,
 2656 penalty, and interest due. The failure by any such person to appeal under the provisions of this section
 2657 within the time period specified shall render the assessment, order, or decision of the Commissioner
 2658 conclusively valid and binding upon such person. Such person or the Commissioner may ~~petition the~~
 2659 ~~Court of Appeals~~ *appeal* from the final decision of the circuit court *to the Court of Appeals*.

2660 **§ 58.1-3147. Appeal.**

2661 An appeal may be ~~allowed~~ *taken* to the ~~Supreme~~ *Court of Appeals* from any order entered either
 2662 discharging or declining to discharge any treasurer.

2663 **§ 58.1-3992. Appeal.**

2664 Any locality or taxpayer aggrieved by the action of a court of record under this article may appeal to
 2665 the ~~Supreme~~ *Court of Appeals*.

2666 **§ 63.2-1710. Appeal from refusal, denial of renewal, or revocation of license.**

2667 A. Whenever the Commissioner refuses to issue a license or to renew a license or revokes a license
 2668 for an assisted living facility, adult day care center, or child welfare agency operated by an agency of
 2669 the Commonwealth, the provisions of § 63.2-1710.2 shall apply. Whenever the Commissioner refuses to
 2670 issue a license or to renew a license or revokes a license for an assisted living facility, adult day care
 2671 center, or child welfare agency other than an assisted living facility, adult day care center, or child
 2672 welfare agency operated by an agency of the Commonwealth, the provisions of the Administrative
 2673 Process Act (§ 2.2-4000 et seq.) shall apply, except that all appeals from notice of the Commissioner's
 2674 intent to refuse to issue or renew, or revoke a license shall be received in writing from the assisted
 2675 living facility, adult day care center or child welfare agency operator within ~~fifteen~~ 15 days of the date
 2676 of receipt of the notice. Judicial review of a final review agency decision shall be in accordance with
 2677 the provisions of the Administrative Process Act. No stay may be granted upon appeal to the ~~Virginia~~
 2678 ~~Supreme~~ *Court of Appeals*.

2679 B. In every appeal to a court of record, the Commissioner shall be named defendant.

2680 C. An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for
 2681 operation without a license.

2682 D. When issuance or renewal of a license as an assisted living facility or adult day care center has
 2683 been refused by the Commissioner, the applicant shall not thereafter for a period of one year apply
 2684 again for such license unless the Commissioner in his sole discretion believes that there has been such a
 2685 change in the conditions on account of which he refused the prior application as to justify considering
 2686 the new application. When an appeal is taken by the applicant pursuant to subsection A, the one-year
 2687 period shall be extended until a final decision has been rendered on appeal.

2688 E. When issuance or renewal of a license for a child welfare agency has been refused by the
 2689 Commissioner, the applicant shall not thereafter for a period of six months apply again for such license
 2690 unless the Commissioner in his sole discretion believes that there has been such a change in the
 2691 conditions on account of which he refused the prior application as to justify considering the new
 2692 application. When an appeal is taken by the applicant pursuant to subsection A, the six-month period
 2693 shall be extended until a final decision has been rendered on appeal.

2694 **2. That §§ 8.01-670.1 and 8.01-672 of the Code of Virginia are repealed.**

2695 **3. That any case for which a notice of appeal to the Supreme Court has been filed prior to**
 2696 **January 1, 2022, shall continue in the Supreme Court of Virginia and shall not be affected by the**
 2697 **provisions of this act.**

2698 **4. That any case for which a petition for appeal in a criminal case to the Court of Appeals has**
 2699 **been filed prior to January 1, 2022, and a decision on such petition remains pending, such petition**
 2700 **for appeal shall be deemed granted and the clerk of the Court of Appeals shall certify the**
 2701 **granting of such petition to the trial court and all counsel. Such case shall be considered mature**
 2702 **for purposes of further proceedings from the date of such certificate.**

2703 **5. That the Office of the Executive Secretary of the Supreme Court of Virginia shall report to the**
 2704 **House Committee for Courts of Justice and the Senate Committee on the Judiciary detailing the**
 2705 **expanded workload of the Court of Appeals of Virginia pursuant to the first enactment of this act**
 2706 **each year following the enactment of the first enactment clause of this act for three years by**
 2707 **January 1 of such year. The first such report shall be made by January 1, 2023.**

2708 **6. That the provisions of this act amending § 17.1-400 of the Code of Virginia shall become**
 2709 **effective in due course and that the remaining provisions of this act shall become effective on**
 2710 **January 1, 2022.**