

CODE OF VIRGINIA



Title 17.1 Courts of Record

Title 17.1 - Courts of Record

Chapter 1 - GENERAL PROVISIONS

§ 17.1-100. Judicial performance evaluation program.

A. The Supreme Court, by rule, shall establish and maintain a judicial performance evaluation program that will provide a self-improvement mechanism for judges and a source of information for the reelection process. By December 1 of each year, the Supreme Court, or its designee, shall transmit a report of the evaluation in the final year of the term of each justice and judge whose term expires during the next session of the General Assembly to the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary. Such report shall include the number of cases during the judge's term in which a judge imposed a sentence that is either greater or less than that indicated by the sentencing guidelines and did not file a written explanation of such departure required pursuant to subsection B of § [19.2-298.01](#). The Virginia Criminal Sentencing Commission shall provide such information to the Supreme Court by November 1.

B. The reporting requirement of this section shall become effective when funds are appropriated for this program and shall apply to the evaluation of any justice or judge who has had at least one interim evaluation conducted during his term. For any judge or justice elected or reelected on or after January 1, 2014, an interim evaluation of each individual justice or judge shall be completed during his term. Such interim evaluation shall be commenced by the judicial performance evaluation program no later than the midpoint of his term.

C. All records created or maintained by or on behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge are confidential and shall not be disclosed, except that any report provided to the General Assembly pursuant to this section shall be a public record that is open to inspection.

2002, c. [726](#); 2005, c. [633](#); 2014, c. [808](#); 2018, c. [727](#).

§ 17.1-101. Time within which a judge may qualify; failure vacates office.

Any judge of this Commonwealth may qualify at any time after receiving his commission and before the expiration of thirty days after the commencement of his term of office. If any judge does not receive his commission until after the commencement of his term of office he may qualify within thirty days from the date of receiving the same. The failure of any judge to qualify within these time limits shall vacate his office.

Code 1919, § 5978, § 17-2; 1998, c. [872](#).

§ 17.1-102. Justices and judges not permitted to practice law or seek or hold elective or other office.

No justice or judge shall, during his continuance in office, engage in the practice of law within or without the Commonwealth, or seek or accept any nonjudicial elective office, or hold any other office of public trust, or engage in any other incompatible activity.

1971, Ex. Sess., c. 50, § 17-3.1; 1998, c. [872](#).

§ 17.1-103. Residence requirements of judges.

Each judge of a circuit court shall, during his term of office, reside within the circuit to which he was appointed or elected and his removal therefrom shall vacate his office. Where the boundary of the jurisdiction of a court is changed by annexation or otherwise, a judge thereof shall not become disqualified from office or ineligible for reelection if, except for such annexation or change, he would otherwise be qualified.

Code 1919, § 5977, § 17-5; 1964, c. 108; 1970, c. 122; 1971, Ex. Sess., c. 50; 1998, c. [872](#).

§ 17.1-104. In election by court, votes to be recorded.

In every appointment or election by a court to fill any office or post, the votes shall be made in writing and recorded in the order or minute book.

Code 1919, § 5961, § 17-6; 1986, c. 294; 1998, c. [872](#).

§ 17.1-105. Designation of judges to hold courts and assist other judges.

A. If a judge of any court of record is absent, sick or disabled or for any other reason unable to hold any regular or special term of the court, or any part thereof, or to perform or discharge any official duty or function authorized or required by law, a judge or retired judge of any court of record may be obtained by personal request of the disabled judge, or another judge of the circuit to hold the court for the whole or any part of such regular or special term and to discharge during vacation such duty or function, or, if the circumstances require, to perform all the duties and exercise all the powers and jurisdiction as judges of such circuit until the judge is again able to attend his duties. The designation of such judge shall be entered in the civil order book of the court, and a copy thereof sent to the Chief Justice of the Supreme Court. The Chief Justice shall be notified forthwith at the time any disabled judge is able to return to his duties.

B. If all the judges of any court of record are so situated in respect to any case, civil or criminal, pending in their court as to render it improper, in their opinion, for them to preside at the trial, unless the cause or proceeding is removed, as provided by law, they shall enter the fact of record and the clerk of the court shall at once certify the same to the Chief Justice of the Supreme Court, who shall designate a judge of some other court of record or a retired judge of any such court to preside at the trial of such case.

C. If a vacancy occurs in the office of a judge of a court of record that fact shall be immediately certified by the clerk of such court to the Governor, who may, instead of appointing a successor at once, request the Chief Justice to designate a judge of some other court of record or a retired judge of any such court to carry out the duties of the office, if there are insufficient judges in the circuit to carry out the work of the court, until the office has been filled in the mode prescribed by law. If any judge so

designated shall be prevented by the duties of his court, or by sickness, from performing the duties required, he shall so inform the Chief Justice, who may designate another judge in his place.

D. Due to congestion in the work of any court of record or when in his opinion the administration of justice so requires, the Chief Justice may, upon his own initiative or upon application of the judge desiring assistance, designate a judge or retired judge of any court of record to assist the judge in the performance of his duties and every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as the judge whom he is designated to assist.

E. Any judge or retired judge sitting under any provision of this section or sitting by designation on any three-judge court shall receive from the state treasury actual expenses for the time he is actually engaged in holding court, except in those cases where the payment of such expenses is otherwise specifically provided by law.

F. The powers and duties herein conferred and imposed upon the Chief Justice may be exercised and performed by any justice, or any committee of justices, of the Court, designated by the Chief Justice for such purpose.

G. If the chief judge of any circuit is unable to perform the duties required by law, he shall notify the Chief Justice, who shall designate another judge of the same circuit to perform such duties.

H. If any judge refuses unreasonably to serve as requested under the provisions of this section, the chief judge may report his refusal to the Judicial Inquiry and Review Commission.

I. As used in this section, "retired judge" means a judge eligible for recall pursuant to § [17.1-106](#).

Code 1919, § 5898, § 17-7; 1928, p. 746; 1936, p. 405; 1938, p. 138; 1948, p. 535; 1950, p. 52; 1954, c. 165; 1973, c. 544; 1998, c. [872](#); 2006, cc. [144](#), [306](#); 2014, c. [776](#).

§ 17.1-106. Temporary recall of retired judges.

A. The Chief Justice of the Supreme Court may call upon any judge of a circuit court who is retired under the Judicial Retirement System (§ [51.1-300](#) et seq.) and who has been found qualified within the preceding three years by the House Committee for Courts of Justice and the Senate Committee on the Judiciary to sit in recall either to (i) hear a specific case or cases pursuant to the provisions of § [17.1-105](#), such designation to continue in effect for the duration of the case or cases, or (ii) perform for a period of time not to exceed 90 days at any one time such judicial duties in any circuit court as the Chief Justice shall deem in the public interest for the expeditious disposition of the business of the courts.

B. It shall be the obligation of any retired judge who is recalled to temporary service under this section and who has not attained age 70 to accept the recall and perform the duties assigned. It shall be within the discretion of any judge who has attained age 70 to accept such recall.

C. Any judge recalled to duty under this section shall have all the powers, duties, and privileges attendant on the position he is recalled to serve.

D. Notwithstanding the provisions of subsection A, the Chief Justice may call upon and authorize any judge of a circuit court whose retirement becomes effective during the interim period between regularly scheduled sessions of the General Assembly to sit in recall either to (i) hear a specific case or cases pursuant to the provisions of § [17.1-105](#), and such designation shall continue in effect for the duration of the case or cases, or (ii) perform, for a period of time not to exceed 90 days at any one time, such judicial duties in any circuit court as the Chief Justice shall deem in the public interest for the expeditious disposition of the business of the courts.

1990, c. 832, § 17-7.01; 1998, c. [872](#); 2001, c. [59](#); 2014, c. [776](#); 2018, c. [709](#).

§ 17.1-107. Designation of judge to assist regular judge holding case under advisement for unreasonable length of time.

A. In any civil action, a judge of a circuit court who fails to act on any matter, claim, motion, or issue that has been submitted to the court for a decision or render a final decision in the action shall report, in writing, to the parties or their counsel on any such matter, claim, motion, issue, or action held under advisement for more than 60 days after such submission stating an expected time of a decision. In any civil action in which a judge fails to report as required by this section or fails to render a decision within the expected time stated in the report, any party or their counsel may notify the Chief Justice of the Supreme Court. Whenever the Chief Justice of the Supreme Court, or any justice designated by him, has reasonable cause to believe that any judge of a court of record may be holding any matter, claim, motion, issue, or case under advisement for an unreasonable length of time, he shall inquire into the cause of such delay, and if he finds it necessary in order to expedite the administration of justice, he shall designate a judge or retired judge of a court of record to assist the regular judge in the performance of his duties.

B. Complaints made hereunder shall be absolutely privileged and the name of the complainant shall not be disclosed without his consent.

1962, c. 285, § 17-7.1; 1973, c. 544; 1998, c. [872](#); 2008, c. [813](#); 2014, c. [62](#).

§ 17.1-108. Reserved.

Reserved.

§ 17.1-109. Judges pro tempore.

Any cause pending in a circuit court, when the judge of the court is disqualified or unable for any reason to try the same, may be tried by a judge pro tempore who shall be a citizen of this Commonwealth and shall be licensed to practice law in this Commonwealth.

Code 1919, § 5899, § 17-8; 1996, c. [616](#); 1998, c. [872](#).

§ 17.1-110. Their appointment and powers.

When all the parties to any cause pending in a circuit court, or their attorneys of record, shall enter into a written stipulation appointing a judge pro tempore for the trial of the cause and approved by a judge of said court in his discretion, and the person appointed shall take and subscribe an oath faithfully to try and determine the issues joined between the parties, the clerk of the court in which such action or

suit is pending shall record the stipulation and oath. The person appointed shall be vested with the same power and authority and shall be charged with the same duties as to the cause in and as to which he is appointed as though he were the regularly elected and qualified judge of such court. However, the parties may, by the terms of their stipulation, limit the power of the judge pro tempore to the trial and determination of any specified issue or issues, either of law or fact and in such cases the oath of the person appointed shall correspond to the terms of the stipulation.

The provisions of this section and § [17.1-109](#) shall be in addition to the provisions of § [17.1-105](#).

Code 1919, § 5900, § 17-9; 1977, c. 237; 1996, c. [616](#); 1998, c. [872](#).

§ 17.1-111. Compensation.

Judges pro tempore shall serve without compensation from any public treasury, but it shall be lawful for the parties to agree upon and express in their written stipulation any mode or amount of compensation, together with any further agreement as to the taxing of the same as costs.

Code 1919, § 5901, § 17-10; 1998, c. [872](#).

§ 17.1-112. Sheriff to attend court as its officer.

Neither the Supreme Court nor the Court of Appeals shall be attended by any sheriff in the City of Richmond. In all other cases, the sheriff of the county or city in which any court is held shall attend it and act as its officer.

Code 1919, § 5963, § 17-13; 1984, c. 703; 1998, c. [872](#).

§ 17.1-113. Places of holding courts; certain orders and decrees entered elsewhere.

Every circuit court for any county or city shall be held at the courthouse of such county or city, except when some other place is prescribed by law or lawfully appointed. However, the judge of the circuit court of any county or city may enter any order or decree at his home or office or elsewhere within his circuit.

In the interest of justice, the chief judges of the Twenty-first and the Twenty-third Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided by law.

Code 1919, § 5964, § 17-14; 1940, p. 325; 1998, c. [872](#); 2005, c. [389](#).

§ 17.1-114. When and how changed.

Whenever in the opinion of a circuit court or the judge thereof, the courthouse or other place wherein it is required to hold its session cannot or should not for any reason be occupied by it, or if the same has been destroyed, or is being repaired, renovated, or enlarged, the court may hold its session at such places within the geographical limits of the same judicial circuit as the court may direct by an order to its clerk. The court shall continue to hold its sessions in such other place until the courthouse or its lawful place of session can be occupied, or until another has been built and fitted for the court's

occupation, or until such repairs, renovations or additions have been completed, or until some other place is designated by the court. Except as provided in subsection C of § [17.1-330](#) or this section or as agreed to by all parties to an action, no session of a circuit court shall be held outside the geographical limits of the county or city of which it is the court.

In the interest of justice, the chief judges of the Twenty-first and the Twenty-third Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided by law.

Code 1919, § 5965, §§ 17-15, 17-18; 1962, c. 405; 1966, c. 348; 1971, Ex. Sess., c. 156; 1998, c. [872](#); 2005, c. [389](#); 2010, cc. [451](#), [757](#).

§ 17.1-115. How order or warrant making change posted.

A copy of every order of court of a judge issued under § [17.1-114](#) shall, if practicable, be posted by the clerk of the court at the door of his office and at the courthouse door, and also at the place where the court has designated that its session be held.

Code 1919, § 5966, § 17-16; 1998, c. [872](#).

§ 17.1-116. Change of place or time for holding session of Supreme Court.

Whenever, by reason of the destruction, possession by a public enemy, or infection with contagious disease of any building in which the Supreme Court is to be held, it seems necessary to the Chief Justice, he shall, by proclamation, designate a place at which the Court shall be held, so long as such reason may continue, and when the circumstances require it, may postpone the time for holding the Court. In the case of the destruction of the building, the place designated by the Chief Justice shall be within the same county, city or town as the destroyed building. A copy of such designation shall be sent to the clerk and to each of the justices of the Court and published in some newspaper at the seat of government and near the regular place of session of the Court.

Code 1919, § 5967, § 5968, §§ 17-17, 17-18; 1962, c. 405; 1966, c. 348; 1971, Ex. Sess., c. 156; 1998, c. [872](#).

§ 17.1-117. Certain acts of courts held at improper places confirmed.

When any court has at any time prior to June 13, 1919, been held at a place not authorized by law, in consequence of the destruction of the courthouse, or other unavoidable cause, the acts and proceedings of such court shall be as valid as if the court had been held at the proper place.

Code 1919, § 5969, § 17-19; 1998, c. [872](#).

§ 17.1-118. Display of flags in courtrooms.

There shall be displayed inside each courtroom of a court of record in the cities and counties of the Commonwealth the flag of the United States of America and the flag of the Commonwealth of Virginia.

The governing bodies of the respective counties and cities shall make provision for such display and may accept gifts or flags for such purpose.

1954, c. 132, § 17-19.1; 1998, c. [872](#).

§ 17.1-119. Courts may adjourn for a period not exceeding thirty days.

Any court of record may at any term, whether regular or special, adjourn from time to time for a period not exceeding thirty days until the business before it is dispatched, or until the end of its term. The judge of the court shall, during the period of such adjournment, have the power and authority to hold regular or special terms at any other place as if there had been a final adjournment of such term.

Code 1919, § 5959, § 17-21; 1998, c. [872](#).

§ 17.1-120. Adjournment from day to day; effect of failure to sit on day to which adjourned.

After a court is opened it shall, during the term, adjourn from day to day, unless the court shall order otherwise, and if it fails to sit on any day to which it is adjourned it may nevertheless sit on any subsequent day of the term.

Code 1919, § 5970, § 17-23; 1944, p. 399; 1998, c. [872](#).

§ 17.1-121. Effect of change of time or place of court or failure to sit generally.

When the place for holding any court or the day for commencing any term is changed or when a court fails to sit on any day appointed for it or to which it may have adjourned there shall be no discontinuance, but every notice, recognizance or process given, taken or returnable to the day on which the failure occurred, or to any day between that day and the next that the court may sit, or to the day and place as it was before such change, and all matters ready for the court to act upon if it had been held on any such day shall be in the same condition and have the same effect as if given, taken, returnable, or continued to the substituted term or place, or to the next day of the same term that the court may sit, or to the next court in course, as the case may be.

In the interest of justice, the chief judges of the Twenty-first and the Twenty-third Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided by law.

Code 1919, § 5971, § 17-24; 1998, c. [872](#); 2005, c. [389](#).

§ 17.1-122. Matters not determined to stand continued.

All causes on the docket of any court and all other matters ready for its decision which have not been determined before the end of a term, whether regular or special, shall, without any order of continuance, stand continued to the next term.

Code 1919, § 5972, § 17-25; 1998, c. [872](#).

§ 17.1-123. How orders are recorded and signed.

A. All orders that make up each day's proceedings of every circuit court shall be recorded by the clerk in a book known as the order book. Orders that make up each day's proceedings that have been recorded in the order book shall be deemed the official record pursuant to § [8.01-389](#) when (i) the judge's signature is shown in the order, (ii) the judge's signature is shown in the order book, or (iii) an order is recorded in the order book on the last day of each term showing the signature of each judge presiding during the term.

B. If a judge dies, retires or resigns before orders recorded in the order book have been authenticated, the orders shall have the same force and effect and shall be deemed authenticated when the signature of another judge of the same circuit court or the signature of the judge appointed to fill the vacancy or to preside over the court until the vacancy is filled is authenticated as provided in subsection A.

Code 1919, § 5962, § 17-27; 1940, p. 364; 1954, c. 175; 1966, c. 385; 1990, c. 566; 1998, c. [872](#); 2014, c. [291](#).

§ 17.1-124. Order books; automated systems.

Except as otherwise provided herein, each circuit court clerk shall keep order books or, in lieu thereof, an automated system recording all proceedings, orders and judgments of the court in all matters, all decrees, and decretal orders of such court and all matters pertaining to trusts, the appointment and qualification of trustees, committees, administrators, executors, conservators and guardians shall be recorded, except when the same are appointed by the clerk of court, in which event the order appointing such administrators or executors, shall be made and entered in the clerk's order book. In any circuit court, the clerk may, with the approval of the chief judge of the court, by order entered of record, divide the order book into two sections, to be known as the civil order book and the criminal order book. All (i) proceedings, orders, and judgments of the court in all matters at civil law and (ii) trust fund orders, which shall include money held by a general receiver of the court pursuant to § [8.01-582](#) or by the clerk of the circuit court pursuant to § [8.01-600](#), shall be recorded in the civil order book, and all proceedings, orders and judgments of the court in all matters at criminal law shall be recorded in the criminal order book. In any proceeding brought for the condemnation of property, all proceedings, orders, judgments and decrees of the court shall be recorded in the civil order book of the court. The recordation prior to January 1, 1974, of all proceedings, orders, judgments and decrees in such cases, whether entered in the common-law order book or the chancery order book of any court, is hereby declared a valid and proper recordation of the same. Orders in cases appealed from the juvenile and domestic relations district courts shall be maintained as provided in this section and, to the extent inconsistent with this section, § [16.1-302](#).

The clerk shall ensure that these order books have been microfilmed or converted to or created in an electronic format. Such microfilm and microphotographic processes and equipment shall meet state microfilm standards, and such electronic format shall follow state electronic records guidelines, pursuant to § [42.1-82](#). The clerk shall further provide the master reel of any such microfilm for storage in

the Library of Virginia and shall provide for the secured, off-site back up of any electronic copies of such records.

1926, p. 750, § 17-28; 1932, p. 765; 1936, p. 557; Michie Code 1942, § 5962a; 1962, c. 233; 1973, c. 9; 1974, c. 524; 1990, c. 258; 1997, c. [801](#); 1998, c. [872](#); 2005, c. [681](#); 2007, c. [567](#); 2010, cc. [717](#), [760](#); 2014, c. [460](#); 2017, c. [35](#).

§ 17.1-125. Civil order book.

The clerk shall record (i) trust fund orders pursuant to §§ [17.1-123](#) and [17.1-124](#) and (ii) the annual trust fund report required pursuant to subsection G of § [8.01-600](#) in a book known as the civil order book, in which shall be recorded all reports, orders, and decrees concerning moneys received or to be received by general receivers pursuant to § [8.01-582](#) and by clerks pursuant to § [8.01-600](#).

1988, c. 553, § 17-28.1; 1998, c. [872](#); 2017, c. [35](#).

§§ 17.1-126, 17.1-127. Repealed.

Repealed by Acts 2001, c. [836](#), cl. 2.

§ 17.1-128. Recording evidence and incidents of trial in certain civil cases and cost thereof; cost of transcripts; preservation of original notes or records; certified transcript prima facie correct.

In all civil cases, the court or judge trying the case may by order entered of record provide for the recording verbatim of the evidence and incidents of trial either by a court reporter or by mechanical or electronic devices approved by the court. The expense of reporting and recording the trial of a civil case shall be paid by the litigants in the manner and in the proportion as the court may in its discretion direct. A transcript of the record, when required by any party, shall be paid for by such party. The court on appeal may provide that such cost may, in civil cases, be reimbursed to the party prevailing. The failure to secure the services of a reporter, or the failure to have the case reported or recorded for any other reason, shall not affect the proceeding or trial. The reporter or other individual designated to report and record the trial shall preserve the original shorthand notes or other original records for not less than five years. The transcript in any case certified by the reporter or other individual designated to report and record the trial shall be deemed prima facie a correct statement of the evidence and incidents of trial.

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

1952, c. 642, § 17-30.1; 1956, c. 699; 1962, c. 419; 1964, c. 533; 1968, c. 358; 1975, c. 640; 1984, c. 752; 1994, c. [496](#); 1998, c. [872](#).

§ 17.1-128.1. Recording evidence and incidents of trial in certain misdemeanor cases.

In any misdemeanor case in circuit court for which no recording verbatim of the evidence and incidents of trial either by a court reporter or by mechanical or electronic devices approved by the court will be used, the court shall allow the defendant, the Commonwealth, or both to record the evidence and incidents of trial by mechanical or electronic device to aid counsel in producing a thorough, complete, and accurate written statement of facts in lieu of transcript for purposes of any appeal. The recording shall not be made a part of the record unless otherwise permitted.

2014, c. [78](#).

§ 17.1-129. Filing date and time to be noted on papers.

Whenever a pleading in any civil action is filed in a circuit court, the clerk or his designee shall stamp or mark the date and time of filing on the face of such pleading.

1985, c. 369, § 17-30.3; 1998, c. [872](#).

§ 17.1-130. Execution of judgments and decrees of courts no longer existing.

Every judgment, decree or order entered in a court which has ceased to exist shall be executed by the court in the custody of whose clerk the record of such judgment, decree or order may be. Every judgment, decree or order of the Supreme Court effecting any judgment, decree or order shall be certified by the court and the case shall be proceeded in as if such court had rendered the same.

Code 1919, § 5974, § 17-32; 1998, c. [872](#).

§ 17.1-131. Jurisdiction to issue writs of mandamus in matters pertaining to action of service district commission.

The circuit court of a county or city having original and general jurisdiction of civil actions in which county or city is situated the seat of government of a service district, shall have original exclusive jurisdiction to issue writs of mandamus in all matters or proceedings arising from or pertaining to the action of the service district commission.

1968, c. 225, § 17-32.1; 1998, c. [872](#); 2005, c. [681](#).

§ 17.1-132. Courts Technology Fund.

A. There is hereby established the Courts Technology Fund as a special nonreverting fund to be administered by the Supreme Court of Virginia. A portion of the sums collected pursuant to §§ [16.1-69.48:2](#), [17.1-275](#), [17.1-328](#), and [17.1-418](#) as specified in each section shall be deposited into the state treasury to the credit of the Fund.

B. The Fund shall be established on the books of the Comptroller. Any funds remaining in the Fund at the end of the biennium shall not revert to the general fund, but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. Except for transfers pursuant to this section, there shall be no transfers out of the Fund, including transfers to the general fund.

C. Money in the Fund shall be allocated at the direction of the Supreme Court of Virginia to staff, advance, update, maintain, replace, repair, and support the telecommunications and technology systems of the judicial system. The revenue raised in support of the Fund shall not be used to supplant current funding to the judicial branch.

2006, cc. [623](#), [718](#).

Chapter 2 - CLERKS, CLERKS' OFFICES AND RECORDS

Article 1 - CLERK OF SUPREME COURT

§ 17.1-200. Clerk of Supreme Court; appointment; removal.

There shall be a clerk of the Supreme Court, who shall be appointed by and shall hold office at the pleasure of the Court. In addition to his regular duties as clerk, he shall perform such other duties and services as the Court may require, without additional compensation.

Code 1919, § 3378, § 17-33; 1934, p. 427; 1938, p. 131; 1998, c. [872](#).

§ 17.1-201. Appointment of deputies; their duties; how removed, etc.

The Supreme Court, or any four of the justices thereof in vacation concurring in the appointment, may appoint one or more deputy clerks, who may discharge any of the official duties of the clerk during their continuance in office. Any deputy clerk may be removed from office by the Court or by any four of the justices thereof in vacation. Any such appointment or removal in vacation shall be in writing and shall be maintained with the records of the Court.

Code 1919, § 3379, § 17-34; 1934, p. 427; 1938, p. 131; 1998, c. [872](#).

§ 17.1-202. Clerk, etc., of Supreme Court not to act as counsel.

No clerk, deputy clerk or employee of the Supreme Court shall act as counsel in any case pending in the Court or which may be taken to the Court by appeal or otherwise. Any clerk, deputy clerk or employee violating this section shall be removed from office or employment, as the case may be, in the manner provided in § [17.1-201](#).

Code 1919, § 3380, § 17-35; 1938, p. 131; 1998, c. [872](#).

§ 17.1-203. Where clerk's offices to be kept.

The clerk of the Supreme Court shall maintain a clerk's office at Richmond, at such place as the Court shall direct.

Code 1919, § 3385, § 17-37; 1938, p. 132; 1998, c. [872](#).

§ 17.1-204. Examination of office and accounts of clerk.

The books and accounts of the clerk of the Supreme Court shall be audited as determined necessary by the Auditor of Public Accounts, who shall make reports of his findings to the Governor and file a copy of such report with the Court within 30 days after the completion of any such audit.

Code 1919, § 3383, § 17-39; 1934, p. 427; 1938, p. 132; 1998, c. [872](#); 2018, cc. [57](#), [307](#).

§ 17.1-205. Pro Hac Vice Fund.

There is hereby established the Pro Hac Vice Fund, a special, nonreverting fund comprised of moneys collected pursuant to Rule 1A:4 of the Rules of the Supreme Court and subsection B of § [17.1-328](#). The Fund shall be established on the books of the Comptroller. All moneys received by the Clerk of the Supreme Court for this Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of improving the administration of justice. Expenditures and disbursements from the Fund shall be made

by the State Treasurer on warrants issued by the Comptroller upon written authorization of the Executive Secretary of the Supreme Court.

2007, cc. [113](#), [372](#).

§ 17.1-205.1. Sealing Fee Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Sealing Fee Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds accruing to the Fund pursuant to §§ [19.2-392.12](#) and [19.2-392.16](#) and all funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall be administered by the Executive Secretary of the Supreme Court, who shall use such funds solely to fund the costs for the compensation of court-appointed counsel under the provisions of subsection L of § [19.2-392.12](#). Expenditures from the Fund shall be limited by an appropriation in the general appropriation act. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon request of the Executive Secretary of the Supreme Court.

2021, Sp. Sess. I, cc. [524](#), [542](#).

Article 2 - OTHER CLERKS AND CLERKS' OFFICES

§ 17.1-206. Where offices to be located.

The clerk's office of every circuit court, or any division thereof, of any county or city shall be kept at the courthouse of such county or city, unless there is a failure by the proper authorities to provide an office there, in which case the clerk's office may be kept at such other place within the county or city as the court may direct. However, nothing in this section shall prohibit the establishment of a clerk's office satellite facility or annex which is not located at the courthouse; provided that recording of all land records, docketing of all monetary judgments, filing of U.C.C. financing statements, and filing of matters at law and in equity shall be conducted at the courthouse location. All expenses related to the establishment and operation of a satellite facility or annex shall be the responsibility of the locality.

Code 1919, § 3385, § 17-40; 1938, p. 132; 1973, c. 406; 1997, c. [325](#); 1998, c. [872](#).

§ 17.1-207. Days of operation of clerks' offices.

A. The clerk's office of every court shall be kept open on every day except Saturday, except as provided in subsection B, and Sunday, and the days provided for in § [2.2-3300](#), for the transaction of business; provided that:

1. The clerk's office of the circuit court of any county or city may be closed on any day which is established as a general holiday for the employees of such county or city by a resolution duly adopted by the governing body of such county or city and approved by the judge or judges of the circuit court and

filed in the office of the clerk; provided that such general holiday shall have the same force and effect as a legal holiday as set forth in subsection B of § [1-210](#);

2. The judge or judges of any circuit court in any county or city may authorize the clerk of such court to close the clerk's office on Christmas Eve; provided that the closing of any clerk's office as provided by this subdivision shall have the same force and effect as a legal holiday as set forth in subsection B of § [1-210](#);

3. The chief judge or presiding judge of any circuit court may authorize the clerk of the court to close the clerk's office on any day when the chief judge or presiding judge determines that operation of the clerk's office, under prevailing conditions, would constitute a threat to the health and safety of the clerk's office personnel or the general public. Closing of the clerk's office pursuant to this subdivision shall have the same effect as provided in subsection B of § [1-210](#);

4. The judge or judges of the circuit court of any county or city may authorize the clerk of such court to close the clerk's office on any day or portion of a day which the Governor declares as a holiday for state employees, or on any day or portion of a day on which the Governor authorizes state offices to be closed; provided that such closing of any clerk's office shall have the same force and effect as a legal holiday as set forth in subsection B of § [1-210](#).

Except for closings pursuant to subdivision 3, whenever the authorization of the judge is necessary to close a clerk's office and a court has more than one judge, the authorization of all such judges shall be necessary.

The judge of the circuit court of any county or city may require the clerk's office to be kept open continuously for the transaction of business during convenient hours on all the days on which it is required by this section to be kept open.

B. Nothing in this section shall be construed to prohibit the clerk, with the approval of the chief judge, to open the clerk's office on Saturdays, during such hours as the chief judge may authorize, solely for the purposes of (i) permitting examination and copying of court records, (ii) accepting applications for and granting licenses pursuant to applicable law, and (iii) recording instruments. For all other purposes, including without limitation the filing of actions at law and suits in equity and all pleadings, pleas and motions therein, such clerk's office shall be closed with the force and effect of a statutory closing as provided in subsection B of § [1-210](#).

Code 1919, § 3388, § 17-41; 1920, p. 242; 1930, p. 353; 1936, p. 16; 1942, p. 242; 1944, p. 39; 1946, p. 55; 1947, p. 95; 1950, p. 1166; 1952, c. 434; 1954, c. 304; 1956, c. 24; 1959, Ex. Sess., c. 64; 1960, cc. 25, 482; 1962, c. 409; 1966, c. 250; 1970, c. 61; 1972, c. 128; 1974, cc. 279, 569; 1986, c. 166; 1993, c. 429; 1996, cc. [588](#), [592](#); 1998, c. [872](#); 2000, cc. [412](#), [444](#); 2001, c. [287](#); 2005, c. [839](#).

§ 17.1-208. Records, etc., open to inspection; copies; exception.

A. For the purposes of this section, "confidential court records," "court records," and "nonconfidential court records" shall have the same meaning as set forth in § [17.1-292](#).

B. Except as otherwise provided by law, any records that are maintained by the clerks of the circuit courts shall be open to inspection in the office of the clerk by any person and the clerk shall, when requested, furnish copies thereof subject to any reasonable fee charged by the clerk pursuant to § [17.1-275](#). No person shall be permitted to use the clerk's office for the purpose of making copies of records in such manner, or to such extent, as will, in the determination of the clerk, interfere with the business of the office or with its reasonable use by the general public. The certificate of the clerk to copies furnished by the clerk shall, if the paper copied be recorded in a bound volume, contain the name and number of the volume and the page or folio at which the recordation of the paper begins, or the instrument number as applicable, and the clerk may charge a fee therefor pursuant to § [17.1-275](#). The certificate of the circuit court clerk to such copies may be provided electronically subject to the provisions of § [17.1-258.3:2](#). Such electronic certificate may reference an instrument number, bound volume, or other case number, but is not required to do so.

C. Requests for copies of nonconfidential court records maintained in individual case files shall be made to the clerk of the circuit court.

D. Requests for reports of aggregated, nonconfidential case data fields that are viewable through the online case information systems maintained by the Executive Secretary of the Supreme Court shall be made to the Office of the Executive Secretary. Such reports of aggregated case data shall not include the name, date of birth, or social security number of any party, and shall not include images of the individual records in the respective case files. However, nothing in this section shall be construed to permit any reports of aggregated case data to be sold or posted on any other website or in any way redistributed to any third party. The clerk or the Executive Secretary, in his discretion, may deny such request to ensure compliance with these provisions. However, such data may be included in products or services provided to a third party, provided that such data is not made available to the general public.

E. Any clerk or the Executive Secretary, as applicable, may require that the request be in writing and that the requester provide his name and legal address. A request for nonconfidential court records or reports of aggregated, nonconfidential case data shall identify the requested records with reasonable specificity. Any clerk or the Executive Secretary, as applicable, may determine the costs for providing the requested records to the requester, advise the requester of such costs, and, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination, which shall be credited to the final cost of supplying the requested records. Neither a clerk nor the Executive Secretary shall be required to create a new record if the record does not already exist or provide a report of aggregated, nonconfidential case data in a format not regularly used by the clerk or the Executive Secretary; however, a clerk or the Executive Secretary, as applicable, may abstract or summarize information under such terms and conditions as agreed to by the requester and the clerk or Executive Secretary, as provided herein.

F. Except as otherwise provided by law, the requested court records or reports of aggregated, nonconfidential case data shall be provided to the requester within a reasonable period of time, given the

nature of the request and the availability of staff to respond to the request, but in no event longer than 30 days from the date of a complete request made by a requester that is fully compliant with the requirements of this section and other applicable law. Any objection or assertion of confidentiality shall be provided to the requester within a reasonable period of time, but in no event longer than 30 days from the date of a complete request made by a requester.

G. Any clerk or the Executive Secretary may require payment in advance of all reasonable costs, not to exceed the actual cost incurred in accessing, duplicating, reviewing, supplying, or searching for the requested court records or reports of aggregated, nonconfidential case data, including removing any confidential information contained in the court records from the nonconfidential court records being provided, excluding any extraneous, intermediary, or surplus fees or expenses to recoup the general overhead costs associated with creating or maintaining records or transacting the general business of the clerk or the Office of the Executive Secretary. Before processing a request for court records or reports of aggregated, nonconfidential case data, any clerk or the Executive Secretary may require the requester to pay any amounts owed to the clerk or the Office of the Executive Secretary for previous requests for court records or reports of aggregated, nonconfidential case data that remain unpaid 30 days or more after billing.

H. Any clerk and the Executive Secretary shall be immune from any suit arising from the production of court records or reports of aggregated, nonconfidential case data in accordance with this section absent gross negligence or willful misconduct.

I. Nothing in this section shall be construed to apply to court records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ [42.1-76](#) et seq.). In accordance with § [42.1-79](#), the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records.

Code 1919, § 3388, § 17-43; 1920, p. 242; 1930, p. 353; 1936, p. 17; 1942, p. 242; 1944, p. 40; 1946, p. 56; 1947, p. 96; 1952, c. 286; 1998, c. [872](#); 2002, c. [299](#); 2007, cc. [548](#), [626](#); 2013, c. [77](#); 2015, c. [641](#); 2018, cc. [127](#), [584](#).

§ 17.1-209. Repealed.

Repealed by Acts 2012, c. [802](#), cl. 2.

§ 17.1-210. Removal of records or papers prohibited; exceptions.

None of the records or papers of a circuit court shall be removed by the clerk nor allowed by him to be removed out of the county or city wherein the clerk's office is kept, except: (i) on the order of the court or judge; (ii) the clerk, court or judge may allow the records and papers of a pending case to be removed by an attorney of record in that case to any location within the Commonwealth unless the court or judge shall enter an order prohibiting the removal of such records or paper; (iii) on an occasion of invasion or insurrection, when, in the opinion of the court, or, in a very sudden case, of the clerk, the same will be endangered, after which they shall be returned as soon as the danger ceases; and (iv) in such other cases as are specially provided for by law.

Code 1919, § 3387, § 17-45; 1973, c. 54; 1998, c. [872](#).

§ 17.1-211. Maintenance and disposition of certain receipt books, cancelled checks and statements.

The clerk of each court of record shall maintain in his office all official receipt books showing receipt of any funds in his custody or that of the court, all canceled checks showing payments from any such funds, and all statements of bank accounts in which funds of the clerk's office or of the court are deposited. Such books, checks and statements shall be maintained until they have been audited by the Auditor of Public Accounts, and for a further period of three years, in the case of receipt books, canceled checks, and bank statements. Thereafter, the clerk may destroy such records in accordance with retention regulations for records maintained by the clerk established under the Virginia Public Records Act (§ [42.1-76](#) et seq.).

1962, c. 445, § 17-46.1; 1981, c. 637; 1998, c. [872](#).

§ 17.1-212. Copying of records becoming illegible.

The judge or, if so designated by the judge, the clerk of each court of record, when satisfied that the records and papers in the office of the clerk of court are becoming illegible or are wearing out and is of the opinion that the same should be preserved, may order the records and papers copied or photographed or otherwise duplicated at the expense of the county or city in which the clerk's office is located.

The copies of the records and papers shall be examined and compared by the clerk with the originals and when he is satisfied that the copies are exact he shall certify them as true copies. The certified copies shall be kept in the same place in which the originals are kept and the latter shall continue to be carefully preserved.

1944, p. 195, § 17-47; Michie Suppl. 1946, § 3387a; 1997, c. [836](#); 1998, c. [872](#).

§ 17.1-213. Disposition of papers in ended cases.

A. All case files for cases ended prior to January 1, 1913, shall be permanently maintained in hard-copy form, either in the locality served by the circuit court where such files originated or in The Library of Virginia in accordance with the provisions of § [42.1-86](#) and subsection C of § [42.1-87](#).

B. The following records for cases ending on or after January 1, 1913, shall be retained for 10 years after conclusion:

1. Conditional sales contracts;
2. Concealed weapons permit applications;
3. Minister appointments;
4. Petitions for appointment of trustee;
5. Name changes;
6. Nolle prosequi cases;

7. Civil actions that are voluntarily dismissed, including nonsuits, cases that are dismissed as settled and agreed, cases that are dismissed with or without prejudice, cases that are discontinued or dismissed under § [8.01-335](#), and district court appeals dismissed under § [16.1-113](#) prior to 1988;
8. Misdemeanor and traffic cases, except as provided in subdivision C 3, including those which were commenced on a felony charge but concluded as a misdemeanor;
9. Suits to enforce a lien;
10. Garnishments;
11. Executions except for those covered in § [8.01-484](#); and
12. Miscellaneous oaths and qualifications, but only if the order or oath or qualification is spread in the appropriate order book.

C. All other records or cases ending on or after January 1, 1913, shall be retained subject to the following:

1. All civil case files to which subsection D does not pertain shall be retained 20 years from the court order date.
2. All criminal cases dismissed, including those not a true bill, acquittals, and not guilty verdicts, shall be retained 10 years from the court order date.
3. Except as otherwise provided in this subdivision, criminal case files involving a felony conviction and all criminal case files involving a misdemeanor conviction under § [16.1-253.2](#), [18.2-57.2](#), or [18.2-60.4](#) shall be retained (i) 20 years from the sentencing date or (ii) until the sentence term ends, whichever comes later. Case files involving a conviction for a sexually violent offense as defined in § [37.2-900](#), a violent felony as defined in § [17.1-805](#), or an act of violence as defined in § [19.2-297.1](#) shall be retained (a) 50 years from the sentencing date or (b) until the sentence term ends, whichever comes later.

D. Under the provisions of subsections B and C, the entire file of any case deemed by the local clerk of court to have historical value, as defined in § [42.1-77](#), or genealogical or sensational significance shall be retained permanently as shall all cases in which the title to real estate is established, conveyed or condemned by an order or decree of the court. The final order for all cases in which the title to real estate is so affected shall include an appropriate notification thereof to the clerk.

E. Except as provided in subsection A, the clerk of a circuit court may cause (i) any or all papers or documents pertaining to civil and criminal cases; (ii) any unexecuted search warrants and affidavits for unexecuted search warrants, provided at least three years have passed since issued; (iii) any abstracts of judgments; and (iv) original wills, to be destroyed if such records, papers, documents, or wills no longer have administrative, fiscal, historical, or legal value to warrant continued retention, provided such records, papers, or documents have been microfilmed or converted to an electronic format. Such microfilm and microphotographic processes and equipment shall meet state archival

microfilm standards pursuant to § [42.1-82](#), or such electronic format shall follow state electronic records guidelines, and such records, papers, or documents so converted shall be placed in conveniently accessible files and provisions made for examining and using same. The clerk shall further provide security negative copies of any such microfilmed materials for storage in The Library of Virginia.

1981, c. 637, § 17-47.4; 1989, c. 445; 1990, c. 583; 1994, cc. [64](#), [822](#); 1997, c. [561](#); 1998, c. [872](#); 2001, c. [836](#); 2002, c. [832](#); 2004, c. [433](#); 2005, c. [681](#); 2006, c. [60](#); 2008, c. [749](#); 2011, cc. [445](#), [480](#); 2012, c. [802](#); 2015, c. [552](#); 2016, c. [180](#); 2021, Sp. Sess. I, c. [463](#).

§ 17.1-214. Clerk to deliver or send process to sheriff.

The clerk of the circuit court from whose office may be issued any process, original, mesne or final, or any order or decree to be served on any person, shall, unless the party interested, or his attorney, direct otherwise, deliver the same to the sheriff of the county or city for which the court is held, if it is to be executed therein, and if it is to be executed in any other county or city, shall enclose the same to the sheriff thereof, properly addressed, put it in the post office and pay the postage thereon.

Code 1919, § 3403, § 17-50; 1946, p. 54; 1998, c. [872](#).

§ 17.1-215. Process book.

The clerk of a circuit court shall keep a process book or file or, in lieu thereof, an automated system, in which the clerk shall enter every such process, order or decree, showing its nature, date, return day and the person to whom, and the time when, it was delivered, or, if it was mailed, the time thereof and the person to whom it was addressed. From any officer, to whom there is such delivery, the clerk shall take a receipt in the process book or file or enter the receipt on the automated system.

Code 1919, § 3403, § 17-51; 1946, p. 54; 1989, c. 137; 1998, c. [872](#).

§ 17.1-216. Handling fee for service of process.

The fee for serving such process, order or decree may be delivered to the clerk, who shall transmit it with the papers to be served to the sheriff and the fee paid shall be taxed by the clerk as a part of the costs of the proceeding.

Code 1919, § 3403, § 17-52; 1946, p. 55; 1998, c. [872](#).

§ 17.1-217. Power of clerk to administer oath.

Any clerk of a court may administer an oath in any case wherein an affidavit is necessary or proper as the foundation of an official act to be performed by him.

Code 1919, § 3389, § 17-53; 1998, c. [872](#).

§ 17.1-218. Repealed.

Repealed by Acts 2011, c. [63](#), cl. 1.

§ 17.1-219. Clerk to prepare bonds.

Every clerk of a court of record shall prepare, in a proper manner, any bond to be taken by, or given before, him or his court or the judge thereof.

Code 1919, § 3390, § 17-55; 1998, c. [872](#).

§ 17.1-219.1. Transportation orders; authorization for clerk to issue orders to custodian.

In a criminal proceeding, upon authorization by the judge, the clerk of a circuit court may issue orders for commitment of the defendant or orders for release of the defendant to the appropriate custodian when the judge has ordered the defendant (i) to be committed to custody upon a denial of bail, upon a revocation of bail or upon a change in bail condition, (ii) to be continued in custody upon a continuance of the proceeding, or (iii) to be released upon meeting bail requirements, upon being sentenced to time already served or upon being found not guilty.

2002, c. [832](#).

§ 17.1-220. Duplicate certificate of allowance prohibited, unless ordered by court.

Upon proof by the oath of a party or otherwise of the loss or destruction of an original certificate of any allowance to be paid out of the state treasury, the court shall order a duplicate which shall show on its face that it is a duplicate issued by order of the court.

Code 1919, § 3404, § 17-56; 1998, c. [872](#).

§ 17.1-221. Reports by clerks of the business of courts of record.

The clerk of each court of record in this Commonwealth, including the clerk of the Court of Appeals, within fifteen days from the end of each calendar month, shall make to the Supreme Court a report of the business disposed of by his court during the month just ended. The report shall be made upon a form furnished by the Executive Secretary and shall contain such information as the Supreme Court deems proper to enable it to gain a fair knowledge of the business of the several courts of the Commonwealth.

The reports shall be filed in the office of the Executive Secretary and the General Assembly or any other body or officer of this Commonwealth shall have access thereto.

Code 1919, § 3405, § 17-57; 1928, p. 1121; 1938, p. 129; 1944, p. 131; 1964, c. 10; 1984, c. 703; 1998, c. [872](#).

§ 17.1-222. Failure to make report.

The Executive Secretary, at the direction of the Court, shall report every clerk who fails to make the report mentioned in § [17.1-221](#) to the chief judge of the clerk's court.

Code 1919, § 3406, § 17-58; 1938, p. 130; 1964, c. 10; 1998, c. [872](#).

§ 17.1-222.1. Collection of fees, etc., by court clerks in lieu of money.

The clerks of the several courts of the Commonwealth may, in lieu of money, collect or secure all fees, and fines and penalties collected for offenses committed against the Commonwealth or against any county, city or town, and for payment of spousal or child support, by any means provided in § [2.2-614.1](#). Such clerks shall not by virtue of acceptance of any such payment be held to be guarantors of the payment thereof, but they shall exercise ordinary care in such acceptance.

1977, c. 139, § 14.1-3.1; 1978, c. 117; 1998, c. [872](#); 2002, c. [719](#).

Article 3 - Records, Recordation and Indexing Generally

§ 17.1-223. Duty of clerk to record writings, etc., and make index.

A. Every writing authorized by law to be recorded, with all certificates, plats, schedules or other papers thereto annexed or thereon endorsed, upon payment of fees for the same and the tax thereon, if any, shall, when admitted to record, be recorded by or under the direction of the clerk on such media as are prescribed by § [17.1-239](#). However, unless a cover sheet is submitted with the writing in accordance with § [17.1-227.1](#), the clerk has the authority to reject any writing for recordation unless (i) as to any individual who is a party to such writing, the surname only of such individual is underscored or written entirely in capital letters in the first clause of the writing that identifies the names of the parties; (ii) each page of the writing is numbered consecutively; (iii) in the case of a writing described in § [58.1-801](#) or [58.1-807](#), the amount of the consideration and the actual value of the property conveyed is stated on the first page of the writing; (iv) the laws of the United States or the Commonwealth under which any exemption from recordation taxes is claimed is clearly stated on the face of the writing; and (v) the name of each party to such writing under whose name the writing is to be indexed as grantor, grantee, or both is listed in the first clause of the writing that identifies the names of the parties and identified therein as grantor, grantee, or both, as applicable. Such writing, once recorded, may be returned to any party to such writing who is identified therein as a grantee unless otherwise indicated clearly on the face of the writing, or any cover sheet, including an appropriate current address to which such writing shall be returned.

B. The attorney or party who prepares the writing for recordation shall ensure that the writing satisfies the requirements of subsection A and that (i) the social security number is removed from the writing prior to the instrument being submitted for recordation, (ii) a deed conveying residential property containing not more than four residential dwelling units states on the first page of the document the name of the title insurance underwriter insuring such instrument or a statement that the existence of title insurance is unknown to the preparer, and (iii) a deed conveying residential property containing not more than four residential dwelling units states on the first page of the document that it was prepared by the owner of the real property or by an attorney licensed to practice law in the Commonwealth where such statement by an attorney shall include the name and Virginia State Bar number of the attorney who prepared the deed, provided, however, that clause (iii) shall not apply to deeds of trust or to deeds in which a public service company, railroad, or cable system operator is either a grantor or grantee, and it shall be sufficient for the purposes of clause (iii) that deeds prepared under the supervision of the Office of the Attorney General of Virginia so state without the name of an attorney or bar number.

C. If the clerk has an eRecording System as defined in § [55.1-661](#), the clerk shall follow the provisions of this section, and the Uniform Real Property Electronic Recording Act (§ [55.1-661](#) et seq.), for recordation of documents. If the clerk does not have an eRecording System, the clerk shall record a legible paper copy of an electronic document, provided that such copy (i) otherwise meets the requirements of this section for recordation and (ii) is certified to be a true and correct copy of the electronic original by

the attorney, settlement agent, or other party who submits the document for recordation. If a clerk's eRecording System is not operational at any time, or the eRecording System does not accept the type of electronic document being submitted, such clerk shall use the process for recording a legible paper copy of an electronic copy as set out herein. An affidavit under this section may be made in the following form, or to the same effect:

Affidavit of Submitter

The undersigned affiant, being first duly sworn, deposes and states as follows, prepared pursuant to § [17.1-223](#) of the Code of Virginia, that the attached electronic document is a true and correct copy of the electronic original.

(Name of submitter) _____

(Signature of submitter) _____

(Address of submitter) _____

(Telephone of submitter) _____

(Email of submitter) _____

The foregoing affidavit was acknowledged before me this _____ day of _____, 20____, by

Notary public: _____

My commission expires: _____.

Notary Registration Number: _____.

D. A writing that appears on its face to have been properly notarized in accordance with the Virginia Notary Act (§ [47.1-1](#) et seq.) shall be presumed to have been notarized properly and shall be recorded by the clerk, if such document otherwise meets the requirements of this section for recordation.

E. If the writing is accepted for recordation in the deed books, it shall be deemed to be validly recorded for all purposes. Such books shall be indexed by the clerk as provided by § [17.1-249](#) and carefully preserved. Upon admitting any such writing or other paper to record, the clerk shall endorse thereon the day and time of day of such recordation. More than one book may be used contemporaneously under the direction of the clerk for the recordation of the writings mentioned in this section whenever it may be necessary to use more than one book for the proper conduct of the business of the clerk's office.

Code 1919, § 3392, § 17-59; 1926, p. 465; 1934, p. 514; 1979, c. 527; 1983, c. 293; 1985, c. 246; 1986, c. 167; 1990, c. 374; 1996, c. [454](#); 1998, c. [872](#); 2004, c. [336](#); 2007, c. [451](#); 2008, cc. [117](#), [814](#), [823](#), [833](#); 2012, c. [74](#); 2013, c. [193](#); 2014, c. [338](#); 2021, Sp. Sess. I, c. [78](#).

§ 17.1-224. Copy of illegible instrument used for making permanent record.

In offices of clerks of courts of record in which instruments are recorded by any photographic or electronic imaging process, the clerk may, in the event any such instrument is in such condition that a perfect and legible record cannot be produced by such process, make and certify a copy of such

instrument, for which he shall be entitled to such fees as are prescribed by law for making and certifying copies of instruments, and use such copy for making permanent records of his office by such photographic or electronic imaging process. Such original instrument shall be preserved in the clerk's office, in the same manner as is prescribed by law for preserving wills.

1948, p. 776; Michie Suppl. 1948, § 3387b, § 17-59.1; 1998, c. [872](#); 2010, cc. [717](#), [760](#).

§ 17.1-225. Remote access to nonconfidential court records.

The clerk of the circuit court of any county or city may provide remote access, including Internet access, to all nonconfidential court records on an automated case management or other system maintained by his office and described in § [17.1-242](#). The clerk shall be responsible for insuring that proper security measures are implemented and maintained to prevent remote access users from obtaining any data that are confidential under this Code and to prevent the modification or destruction of any records by remote access users. For purposes of this section, remote access users are those individuals who are not employees of the clerk's office. Secure remote access to land records shall be governed by § [17.1-294](#).

1985, c. 489, § 17-59.2; 1993, c. 445; 1997, c. [413](#); 1998, c. [872](#); 2001, c. [497](#); 2008, cc. [823](#), [833](#); 2014, c. [460](#).

§ 17.1-226. Remote access to certain agencies from clerk of court.

The governing body of any locality may give the clerk of its circuit court information from local agencies that the clerk may provide to remote access users.

1985, c. 489, § 17-59.3; 1998, c. [872](#); 2008, cc. [823](#), [833](#).

§ 17.1-227. Documents to be recorded in deed books; social security numbers.

All deeds, deeds of trust, deeds of release, certificates of satisfaction or certificates of partial satisfaction, quitclaim deeds, homestead deeds, grants, transfers and mortgages of real estate, releases of such mortgages, powers of attorney to convey real estate, leases of real estate, notices of lis pendens and all contracts in reference to real estate, which have been acknowledged as required by law, and certified copies of final judgments or decrees of partition affecting the title or possession of real estate, any part of which is situated in the county or city in which it is sought to be recorded, and all other writings relating to or affecting real estate which are authorized to be recorded, shall, unless otherwise provided, be recorded in a book to be known as the deed book. All deeds, deeds of trust, deeds of release, quitclaim deeds, grants, transfers, and mortgages of real estate or any addendum or memorandum relating to any of these instruments submitted for recordation in the deed books of the appropriate office of the clerk of court shall be prepared according to the requirements for deeds and deeds of trust as set forth in §§ [55.1-300](#) and [55.1-316](#), as applicable. The clerk may refuse to accept any instrument submitted for recordation that includes a social security number. However, the attorney or party who prepares or submits the instrument has responsibility for ensuring that the social security number is removed from the instrument prior to the instrument being submitted for recordation. The clerk shall be immune from suits arising from the recordation of any document, or the content of any

document recorded, in the land records pursuant to this or any other applicable provision of this Code unless the clerk was grossly negligent or engaged in willful misconduct. Each instrument shall be indexed under all such names in accordance with the provisions of § [17.1-249](#).

Code 1919, § 3393, § 17-60; 1920, p. 313; 1932, p. 333; 1975, c. 469; 1976, c. 561; 1977, c. 282; 1990, c. 374; 1994, c. [64](#); 1997, c. [579](#); 1998, c. [872](#); 2003, cc. [862](#), [914](#), [918](#); 2004, c. [352](#); 2014, c. [338](#).

§ 17.1-227.1. Use of cover sheets on deeds or other instruments by circuit court clerks.

A. Circuit court clerks may require that any deed or other instrument conveying or relating to an interest in real property be submitted for recordation with a cover sheet detailing the information contained in the deed or other instrument necessary for the clerk to properly index such instrument. The cover sheet shall be developed in conjunction with the Office of the Executive Secretary of the Supreme Court of Virginia and shall include the following information: (i) the name of each party to be indexed as grantor and the name of each party to be indexed as grantee and, in the case of any individual grantor or grantee, the surname of each individual identified as such; (ii) in the case of a deed or other instrument described in § [58.1-801](#) or [58.1-807](#), the amount of the consideration and the actual value of the property conveyed; (iii) the Virginia or federal law under which any exemption from recordation taxes is claimed; (iv) if required under § [17.1-252](#), the tax map reference number or numbers, or the parcel identification number (PIN) or numbers, of the affected parcel or parcels; and (v) the name and current address of the person to whom the instrument should be returned after recordation.

B. In any clerk's office that does not require a cover sheet, the attorney or other party presenting a deed or other instrument conveying or relating to an interest in real property may submit a cover sheet with such deed or other instrument containing all of the information required under subsection A, and in such case the deed or other instrument need not contain the information otherwise required to be included under subsection A of § [17.1-223](#), except that each page thereof shall be numbered consecutively as provided in subsection A of § [17.1-223](#).

C. The attorney or other party who prepares the cover sheet submitted with any deed or other instrument conveying or relating to an interest in real property for recordation has the responsibility for ensuring the accuracy of the information contained in the cover sheet, and the clerk may rely on the information provided therein.

The cover sheet may be recorded with the deed or other instrument with which it is submitted, but it shall not be included as a page for determining the amount of any applicable filing fees pursuant to subdivision A 2 of § [17.1-275](#) except in the case of a cover sheet submitted pursuant to subsection B. The cover sheet shall be provided only for information purposes to facilitate the recordation of the deed or other instrument with which it is submitted. The cover sheet shall not be construed to convey title to any interest in real property, purport to be a document in the chain of title conveying any interest in real property, or be considered a part of, or affect the interpretation of, the deed or other instrument

with which it is submitted, regardless of whether the clerk records the cover sheet with such instrument.

1999, cc. [363](#), [369](#); 2000, cc. [440](#), [446](#); 2008, cc. [823](#), [833](#); 2014, c. [338](#).

§ 17.1-228. Recording releases of deeds of trust, partial releases of deeds of trust, court ordered releases, or other liens or assignments in cities and counties using microfilm.

Notwithstanding any other provision of law, whenever the writings required by law to be recorded in the deed book in the office of the clerk of the circuit court of any city or county are recorded by a microphotographic process or by any other method or process which renders impractical or impossible the subsequent entering of marginal notations upon a recorded instrument, an appropriate certificate, certificate of satisfaction, certificate of partial satisfaction, certified copy of order, or other separate instrument setting forth the necessary information shall be recorded and indexed according to law.

When existing deed books in the office of the clerk of the circuit court of any county or city are to be microfilmed or digitally reproduced for security purposes, the clerk may provide that marginal notations to accomplish the release of deeds of trust or other liens shall not be made in such deed book so microfilmed or digitally reproduced.

1975, c. 469, § 17-60.1; 1978, c. 629; 1991, c. 414; 1998, c. [872](#); 2008, cc. [823](#), [833](#).

§ 17.1-229. Additional documents to be recorded in deed book.

All deeds, homestead deeds and leases of personal property, bills of sale, and all other contracts or liens as to personal property, which are by law required or permitted to be recorded, all mechanics' liens, all other liens not directed to be recorded elsewhere and all other writings relating to or affecting personal property which are authorized to be recorded shall, unless otherwise provided, be recorded in the deed book and shall be indexed in the general index book; provided, however, the clerk may reject any writing for recordation that is not specifically authorized by law and set out in the Code of Virginia.

Code 1919, § 3393, § 17-61; 1920, p. 313; 1932, p. 333; 1985, c. 392; 1998, c. [872](#); 2010, c. [352](#).

§ 17.1-230. Documents to be recorded in bond book.

All bonds taken of officers, executors, administrators, trustees or other fiduciaries and all bonds of commissioners and receivers, and all suspending bonds, appeal bonds, injunction bonds, attachment bonds, cost bonds, and all other bonds required to be recorded, shall be recorded in a book known as the bond book.

Code 1919, § 3393, § 17-62; 1920, p. 313; 1932, p. 333; 1981, c. 295; 1998, c. [872](#).

§ 17.1-231. Documents to be recorded in will book.

All wills, inventories, appraisements, lists of sales and settlements of accounts of executors, administrators, curators, trustees or other fiduciaries shall be recorded in a book to be known as the will book. Provided, that the judges of the several courts of the Commonwealth before whom fiduciaries qualify may, by order, prescribe that inventories, appraisements, accounts of sale and settlement of

accounts of fiduciaries, together with all reports and decrees or orders, or portions thereof, proper to be recorded therewith, shall be recorded either in the current will book or in a book to be kept by the clerk for that purpose. Such courts may prescribe that the settlements of accounts of fiduciaries be recorded in the mode prescribed by § [64.2-1214](#).

Code 1919, § 3393, § 17-63; 1920, p. 313; 1932, p. 333; 1998, c. [872](#).

§ 17.1-232. What to be recorded in judgment docket.

Abstracts of all judgments authorized or required by law to be docketed or recorded shall be recorded in a book to be known as the judgment docket.

Code 1919, § 3393, § 17-64; 1920, p. 314; 1932, p. 334; 1998, c. [872](#); 2002, c. [832](#).

§ 17.1-233. What to be recorded in marriage register.

All marriage licenses and all matters relating to marriages required or authorized to be recorded under § [20-20](#) shall be recorded in a book to be known as the marriage register.

Code 1919, § 3393, § 17-65; 1920, p. 314; 1932, p. 334; 1998, c. [872](#).

§ 17.1-234. Documents to be recorded in "writings partially proved."

All deeds and other instruments which have been only partially proved shall be recorded in a separate book to be known as "writings partially proved."

Code 1919, § 3393, § 17-66; 1920, p. 314; 1932, p. 334; 1998, c. [872](#).

§ 17.1-235. Recordation of federal farm loan mortgages.

The clerks of the circuit courts shall keep a separate book, which shall be known as the federal farm loan mortgage book, in which shall be recorded mortgages executed to secure the payment of loans made by federal land banks under authority of the act of Congress, approved July 17, 1916, known as the Federal Farm Loan Act, which mortgages, when so recorded in such book shall be indexed in the proper general index book, as well as in the index to such farm loan mortgage book; provided that any such clerk instead of providing such separate book may immediately spread upon the book in which deeds are recorded in his office any and all proper mortgages or deeds of trust executed to secure such loans and all of such mortgages and deeds of trust shall be immediately spread upon such records when received, so that the original thereof may be returned to the federal land bank as soon as possible.

1918, p. 437, § 17-67; Michie Code 1942, § 3393b; 1998, c. [872](#).

§ 17.1-236. Recordation of plats and maps.

All plats and maps may in the discretion of the clerks of the several circuit courts be recorded in a book to be known as the plat book. In case of such recordation of any plat or map which is attached to or made a part of any deed, deed of trust or writing which is recorded in the deed book, an appropriate note shall be made on the deed book where such deed, deed of trust or other writing is recorded, referring to the plat book and page where the plat or map is recorded and the clerk shall endorse on the plat and plat book the date of the recordation and a reference by book and page to the recorded

instrument of which it is a part and shall sign the certificate. In those courts where deeds and other writings are recorded by a procedural microfilm recording system, all plats shall be recorded with the deeds and other writings and indexed in the general index to deeds. Wherever plats are maintained singly, as in a cabinet or on microfilm aperture cards, they shall be cross-referenced with the deed books in the same manner as prescribed herein when plats are recorded in a separate plat book. All plats submitted for recordation shall meet the standards for plats as adopted under § [42.1-82](#) of the Virginia Public Records Act (§ [42.1-76](#) et seq.).

1918, p. 504, § 17-68; Michie Code 1942, § 3393a; 1944, p. 472; 1983, c. 180; 1998, c. [872](#).

§ 17.1-237. Validation of recordations in certain plat books.

All books in which prior to June 24, 1944, plats were recorded separately from the deed books in all the clerks' offices of this Commonwealth are hereby validated and made parts of the official records of the offices.

1918, p. 504, § 17-69; Michie Code 1942, § 3393a; 1944, p. 472; 1998, c. [872](#).

§ 17.1-238. State highway plat book.

The state highway plat book, which shall be provided by the Department of Transportation, shall be installed in the circuit court clerk's office of each county of the Commonwealth and in the clerk's office of the circuit court of any city wherein the Department of Transportation has acquired any interest in land, and all highway plats pertaining to the primary and secondary highway systems, and all plats in connection therewith, shall be filed therein by the clerk. The state highway plat book may be produced in one of the following forms: (i) paper; (ii) microfilm, microfiche, or any other microphotographic process, that meets state archival microfilm standards and state electronic records guidelines pursuant to § [42.1-82](#); or (iii) electronic process. The clerk shall note on each recorded deed relating to such plats and in the deed book, wherein such deed is recorded, or through recordation of a separate instrument referencing the page where such deed is recorded, the numbers of the state highway plat book and page wherein such plats are filed. The clerk so filing the plats and so noting the same shall receive a fee of \$5. All plats filed prior to July 1, 1950, in such state highway plat book are hereby validated.

1950, p. 477, § 17-69.1; 1956, c. 19; 1994, c. [432](#); 1998, c. [872](#); 2014, c. [330](#); 2015, c. [641](#).

§ 17.1-239. Character of books used for recording; standards for microfilm, etc.

All books used in the clerk's office for the permanent recordation of deeds, wills and other instruments shall either be made of high quality record paper, strictly number one rag stock, or permanent-durable, acid-free paper composed of strong, well-purified chemical wood fibers as prescribed by regulations pursuant to subdivision 2 of § [42.1-82](#), or, if microfilm, microfiche, or microphotographic process is used in the clerk's office, the deeds, wills or other instruments shall be processed in accordance with standards established pursuant to § [42.1-82](#). All books are to be substantially bound, with a durable cloth or plastic cover over all.

Code 1919, § 3399, § 17-70; 1934, p. 174; 1972, c. 501; 1975, c. 58; 1983, c. 293; 1988, c. 35; 1998, c. [872](#).

§ 17.1-240. Recording by microphotographic or electronic process.

A procedural microphotographic process, digital reproduction, or any other micrographic process that stores images of documents in reduced size or in electronic format may be used to accomplish the recording of writings otherwise required by any provision of law to be spread in a book or retained in the circuit court clerk's office, including the civil and criminal order books, the Will Book or Fiduciary Account Book, the Juvenile Order Book, the Adoption Order Book, the Trust Fund Order Book, the Deed Book, the Plat Book, the Land Book, the Bond Book, the Judgment Docket Book, the Partnership or Assumed Name Certificate Book, marriage records, and financing statements. Any such micrographic, microphotographic, or electronic recording process shall meet archival standards as recommended by The Library of Virginia.

1977, c. 142, § 17-70.1; 1983, c. 293; 1997, c. [579](#); 1998, c. [872](#); 2005, c. [681](#); 2018, c. [523](#).

§ 17.1-241. Clerks to procure books for record.

Every circuit court clerk shall procure appropriate books for records as the business of his office requires. But orders for the same shall first be obtained by the clerks from the governing bodies of their respective counties or cities.

Code 1919, § 3400, § 17-71; 1998, c. [872](#).

§ 17.1-242. Custody of books, records, etc.

The circuit court clerks shall have custody of and shall keep all court records, including books, evidence, records, maps, and papers, deposited in their offices or at such location otherwise designated by the clerk, as well as records stored in electronic format whether the storage media for such electronic records are on premises or elsewhere.

Code 1919, § 3400, § 17-72; 1998, c. [872](#); 2001, c. [497](#); 2014, c. [460](#).

§ 17.1-243. Clerks to have land books bound.

Except those clerks using an automated system, clerks shall bind, in volumes of convenient size, all books in their respective clerks' offices not currently bound showing the assessments of lands since the year 1850, and shall bind in like volumes such books hereafter filed in their clerks' offices at intervals of not more than five years.

Code 1919, § 5979, § 17-73; 1998, c. [872](#); 2014, c. [460](#).

§ 17.1-244. Books, etc., in clerks' offices rebound, transcribed, microfilmed or digitally reproduced; credit given to transcripts, etc.

Any court of record or, if so designated by the judge, the clerk thereof may cause any of the books or records in the clerk's office which may be in need thereof to be rebound, transcribed, microfilmed or digitally reproduced. The same faith and credit shall be given to such transcript or reproductions from the microfilm or digitally reproduced record as the book or record transcribed would have been entitled to.

Code 1919, § 5980, § 17-74; 1972, c. 549; 1976, c. 630; 1997, c. [836](#); 1998, c. [872](#); 2008, cc. [823](#), [833](#).

§ 17.1-245. Books may be taken from clerk's office to be rebound, etc.

The court or, if so designated by the judge, the clerk directing any book or books to be bound, rebound, microfilmed or digitally reproduced may allow the same to be taken from the clerk's office in which such book or books may be on file, but shall take all necessary and proper precautions, by requiring bonds or otherwise, to insure the preservation and return and to prevent the mutilation thereof.

Code 1919, § 5981, § 17-75; 1976, c. 630; 1997, c. [836](#); 1998, c. [872](#).

§ 17.1-246. How costs thereof certified and paid.

The cost incurred shall be certified by the court or, if so designated by the judge, the clerk, to the governing body of the county or city in whose clerk's office the books or records so bound, rebound, microfilmed, transcribed or digitally reproduced are on file, to be paid by such county or city.

Code 1919, § 5982, § 17-76; 1976, c. 630; 1997, c. [836](#); 1998, c. [872](#).

§ 17.1-247. Repealed.

Repealed by Acts 2013, c. [263](#), cl. 2.

§ 17.1-248. Clerk to make index to each of his books.

The clerk of every circuit court shall have an index to each book he is required to keep, except those for which general indexes are required or permitted, and kept, making convenient reference to every order, record or entry therein. Every execution and every judgment or decree for money shall be indexed, in the name of the person against whom and in the name of the person in whose favor the judgment or decree was rendered.

Code 1919, § 3391, § 17-78; 1942, p. 179; 1998, c. [872](#).

§ 17.1-249. General indexes for clerks' offices; daily index.

A. There shall be kept in every clerk's office modern, family name or ledgerized alphabetical key-table general indexes to all deed books, miscellaneous liens, will books, judgment dockets and court order books. The clerk shall enter daily, either in such general indexes or in the daily index to instruments admitted to record, every deed, corrected or amended deed, deed of release, deed of trust, contract of sale, or any addendum, modification, or memorandum relating to any of these instruments, indexing each instrument in the names of all parties identified in the instrument as grantor, grantee, or both, as required by § [17.1-223](#), or identified in the cover sheet as grantor, grantee, or both, pursuant to § [17.1-227.1](#), as applicable.

B. A deed of trust made to one or more trustees to secure the payment of an indebtedness, and any certificate of satisfaction or certificate of partial satisfaction, assignment, loan modification agreement, substitution of trustees or similar instrument subsequently recorded with respect to such deed, shall be sufficiently indexed if the clerk enters in the appropriate places in the general index to deeds provided

for in subsection A the names of the grantor and the name of the beneficiary or, in lieu of the name of the beneficiary, the first listed trustee as grantee. The beneficiary need not be named in the first clause of the deed as a condition of recordation.

C. A deed made by a person in a representative capacity, or by devisees or coparceners, shall be indexed in the names of the grantors and grantees and the name of the former record title owner listed in the first clause of the instrument.

D. The general indexes of civil causes shall be sufficiently kept if the clerk indexes such causes under the short style or title thereof, except that in multiple suits brought under § [58.1-3968](#), the names of all of the defendants disclosed by the pleadings shall be entered in the general index or book.

E. Every deed of conveyance of real estate in which a vendor's lien is reserved shall be indexed twice so as to show not only the conveyance from the grantor to the grantee in the instrument, but also the reservation of the lien as if it were a grant of such lien from the grantee to the grantor by a separate instrument and the fact of the lien shall be noted in the index.

F. At the time of qualification of an executor, every will shall be indexed in the name of the decedent and such executor.

G. All deed books, miscellaneous liens, will books, judgment dockets, and court order books shall be numbered or otherwise adequately designated and the clerk upon the delivery of any writing to him for record required by law to be recorded shall duly index it upon the general index in the manner hereinbefore required. When the writing has been actually transcribed on the book, the clerk shall add to the general index the number of the book in which, and the page on which, the writing is recorded.

H. The clerk on receipt of any such writing for record may immediately index it in a book to be known as the "daily index of instruments admitted to record" and within 90 days after its admission to record the clerk shall index all such writings indexed in the daily index in the appropriate general index as hereinbefore provided. The daily index book shall, at all times, be kept in the office of the clerk and conveniently available for examination by the public. During the period permitted for transfer from the daily index to the general index, indexing in the daily index shall be a sufficient compliance with the requirements of this section as to indexing.

I. The judge of any circuit court may make such orders as he deems advisable as to the time and method of indexing the order books in the clerk's office of the court and may dispense with a general index for order books of the court.

J. The clerk may maintain his indexes on computer, word processor, microfilm, microfiche, or other micrographic medium and, in addition, may maintain his grantor and grantee indexes on paper.

Code 1919, § 3394, § 17-79; 1920, p. 105; 1926, p. 125; 1936, p. 82; 1944, p. 355; 1952, c. 34; 1960, c. 146; 1974, c. 515; 1983, c. 293; 1990, c. 374; 1991, cc. 203, 204; 1998, c. [872](#); 2002, cc. [276](#), [832](#); 2005, c. [681](#); 2008, cc. [823](#), [833](#); 2014, c. [338](#); 2020, c. [1063](#).

§ 17.1-250. Correction of indexes.

No clerk or deputy clerk of any court in which deeds are recorded shall correct any indexing mistake by insertion, or alter or reprint the page, unless, at the time of such insertion, alteration or reprinting, he (i) notes the date and nature of the change in the index or (ii) by any other means capable of maintaining a permanent record of the change together with the original recording, indicates the date and nature of the change and the name of the person who made it.

1966, c. 403, § 17-79.1; 1991, c. 652; 1998, c. [872](#); 2014, c. [330](#).

§ 17.1-251. Indexing of certain subdivision plats or maps.

When any plat or map of a subdivision which contains fifteen lots or more is recorded in the general index, the clerk shall, in addition to complying with the requirements set forth in § [17.1-249](#), add the magisterial district wherein the subdivision is located. Such plat or map shall also show the source of title of the immediate grantor.

1974, c. 349, § 17-79.2; 1998, c. [872](#).

§ 17.1-252. Indexing by tax map reference number.

Circuit court clerks in those localities with a unique parcel identification system shall require that any deed or other instrument conveying or relating to an interest in real property bear, on the first page of the deed or other instrument, or state in the cover sheet submitted with the deed or other instrument, the tax map reference number or numbers, or the parcel identification number (PIN) or numbers, of the affected parcel or parcels. Upon admitting the deed or other instrument to record, the clerk may, in addition to any other indexing required by law, index the deed or other instrument by the tax map reference number or numbers or by the parcel identification number or numbers.

1982, c. 597, § 17-79.3; 1986, c. 21; 1988, c. 116; 1992, c. 478; 1996, c. [231](#); 1997, cc. [224](#), [902](#); 1998, cc. [75](#), [872](#); 1999, cc. [133](#), [163](#); 2000, cc. [440](#), [446](#); 2014, c. [338](#).

§ 17.1-253. Committee to inquire into necessity of general index; report; plan adopted; locality to cover cost.

A. Whenever the circuit court, or the judge thereof, finds that there is need of an improved system of general indexing to any of the records kept by the clerk of court, it shall be the duty of the court or judge, in its or his discretion, to appoint a committee to inquire into the necessity for such indexing, and make a report to the court, or the judge thereof.

B. If the committee reports that the work is needed, the court or judge shall authorize and direct the committee to make a written contract with some responsible and experienced person or persons, but such contract shall be approved by the court or judge before it becomes effective.

C. When such index is installed in any clerk's office the same plan of index to current records shall be adopted and used by the clerk of such court.

D. The governing body of the county or city wherein such indexing shall be directed by the court or judge to be done shall, if necessary, provide a sufficient sum to pay for such indexing and materials.

Code 1919, §§ 3395, 3396, 3397, 3398, §§ 17-80, 17-81, 17-82, 17-83; 1948, p. 62; 1998, c. [872](#).

§ 17.1-254. Validation of judgment records in office of clerk of Circuit Court of Norfolk.

The "General Index to Judgment Lien Docket and Execution Books" designated "A-D," "E-K," "L-R" and "S-Z," respectively, in the office of the clerk of the Circuit Court of the City of Norfolk is hereby validated, and is and shall be for all purposes whatever the legal record of judgments docketed as provided by law in the office of such clerk for the period beginning January 2, 1917.

1948, p. 59, § 17-83.1; 1998, c. [872](#).

Article 4 - ELECTRONIC FILING

§§ 17.1-255, 17.1-256. Expired.

Expired.

§ 17.1-257. Repealed.

Repealed by Acts 2000, c. [800](#), cl. 2.

§ 17.1-258. Expired.

Expired.

§ 17.1-258.1. Repealed.

Repealed by Acts 2003, c. [127](#), cl. 2.

Article 4.1 - ELECTRONIC FILING

§ 17.1-258.2. Definition.

As used in this article, "electronic filing of documents" means the filing or recordation with a circuit court clerk of written information as defined in § [1-257](#), for the purpose of creating an electronic record as defined in subdivision 7 of § [59.1-480](#).

2005, c. [744](#).

§ 17.1-258.3. Electronic filing in civil or criminal proceedings.

Any clerk of circuit court may establish and operate a system for electronic filing in civil or criminal proceedings that shall be governed by the Rules of Supreme Court of Virginia. The circuit court clerk may require each person whom the clerk authorizes to file documents electronically to provide proof of identity to the clerk and to enter into an agreement specifying the electronic filing procedures to be followed, including, but not limited to, security procedures, as defined in the Uniform Electronic Transactions Act (§ [59.1-479](#) et seq.), for transmitting signed or notarized documents. The clerk may charge copy fees per page, as provided in subdivision A 8 of § [17.1-275](#), and obtain reimbursement for fees paid by subscribers to its designated application service providers for the technology systems used to operate electronic filing in civil and criminal cases in the clerk's office. The fees and reimbursements collected shall be deposited by the clerk into the clerk's nonreverting local fund to be used to cover operational expenses as defined in § [17.1-295](#). Nothing herein shall be construed to prevent the clerk from entering into agreements with designated application service providers to provide all or part of the network or system for electronic filing of civil or criminal records as provided herein. Further,

nothing herein shall be construed to require the electronic filing of any civil or criminal record, and such records may continue to be filed in paper form.

Any clerk of circuit court with an electronic filing system established in accordance with the Rules of Supreme Court of Virginia may charge an additional \$5 fee for every civil case initially filed by paper, except that a person who is determined to be indigent pursuant to § [19.2-159](#) shall be exempt from the payment of such fee. The fee shall be paid to the clerk's office and deposited by the clerk into the clerk's nonreverting local fund to be exclusively used to cover the operational expenses as defined in § [17.1-295](#).

2005, c. [744](#); 2008, cc. [823](#), [833](#); 2010, cc. [430](#), [717](#), [760](#); 2013, cc. [74](#), [77](#); 2014, c. [460](#); 2015, c. [317](#).

§ 17.1-258.3:1. Electronic filing of land records; paper form.

A. A clerk of a circuit court may provide a network or system for electronic filing of land records in accordance with the provisions of Article 3 (§ [55.1-346](#) et seq.) of Chapter 3 of Title 55.1 regarding the satisfaction of mortgages and the Uniform Real Property Electronic Recording Act (§ [55.1-661](#) et seq.). The clerk may require each filer to provide proof of identity to the clerk. The clerk shall enter into an electronic filing agreement with each filer in accordance with Virginia Real Property Electronic Recording Standards established by the Virginia Information Technologies Agency. Nothing herein shall be construed to prevent the clerk from entering into agreements with designated application service providers to provide all or part of the network or system for electronic filing of land records as provided herein. Further, nothing herein shall be construed to require the electronic filing of any land record, and such records may continue to be filed in paper form.

B. Any clerk of a circuit court with an electronic filing system established in accordance with this section may charge a fee not to exceed \$5 per instrument for every land record filed by paper. The fee shall be paid to the clerk's office and deposited by the clerk into the clerk's nonreverting local fund to be used exclusively to cover the operational expenses as defined in § [17.1-295](#).

C. The clerk shall maintain a disaster plan, as defined in § [42.1-77](#), for recovery of any land record in possession of the clerk that is maintained as an electronic record.

2008, cc. [823](#), [833](#); 2010, c. [430](#); 2012, c. [234](#); 2013, c. [77](#); 2016, c. [264](#); 2017, cc. [90](#), [289](#).

§ 17.1-258.3:2. Official certificates and certified records in digital form.

A clerk of circuit court may establish a system for providing official certificates and certified records in digital form of any document maintained by the clerk. The clerk may require any person to provide proof of identity to the clerk in order to obtain access to such records. The clerk or his designated application service provider may assess an additional fee not to exceed \$5 per official certificate accompanying or attesting the certified records, subject to subdivision A 8 of § [17.1-275](#) and to the exemptions provided in § [17.1-267](#). The clerk may perform such other notarial acts as allowed under § [47.1-12](#). The fee shall be paid to the clerk's office and deposited by the clerk into the clerk's non-reverting local fund to be used to cover operational expenses as defined in § [17.1-295](#). Nothing herein shall be construed to require any person to obtain an electronic certificate of any record maintained by

the clerk, and such record may continue to be obtained in paper form. The clerk of the circuit court of any jurisdiction shall be immune from suit arising from any acts or omissions relating to providing official certificates and certified records in digital form of any document maintained by the clerk pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

2010, c. [430](#); 2011, c. [715](#); 2013, c. [77](#).

§ 17.1-258.3.3. Submission of records as electronic documents.

Upon written agreement with the clerk, any agency or instrumentality of the Commonwealth may submit any record to the clerk as an electronic document. The form of electronic submission shall comply with the security and data standards established by the Virginia Information Technologies Agency for any such electronic submission. Any record so submitted shall satisfy any law requiring that a document be an original, be on paper or another tangible medium, or be in writing.

2015, c. [641](#).

§ 17.1-258.4. Signature; when effective as original; notarization; seal.

A. If the electronically filed document contains an electronic signature pursuant to the Uniform Electronic Transactions Act (§ [59.1-479](#) et seq.) that is capable of independent verification and renders any subsequent changes or modifications to the electronic document evident, any statutory requirement for original signature shall be deemed to be satisfied.

B. Any statutory requirement for a document to be notarized shall be deemed satisfied by the appropriately executed electronic signature of such notary pursuant to the Virginia Notary Act (§ [47.1-1](#) et seq.).

C. When a seal or stamp is required to be affixed by any court or clerk on a document, the attachment of an official electronic seal or official electronic stamp to the electronic document is sufficient. "Official electronic seal" and "official electronic stamp" mean an electronic image of a seal or stamp, respectively, of the court or clerk, that is produced by software applications authorized by the clerk that are protected by system credentials to which only the clerk or persons authorized by the clerk have access.

2005, c. [744](#); 2008, cc. [823](#), [833](#); 2010, cc. [717](#), [760](#); 2013, c. [77](#).

§ 17.1-258.5. Application.

All documents recorded on or after July 1, 2004 that comply with the provisions of this article shall be conclusively presumed to be in proper form for recording, except in cases of fraud.

2005, c. [744](#).

§ 17.1-258.6. Acceptability of electronic medium; submission of trial court record to appellate court.

A. In connection with civil or criminal proceedings in circuit court, any statutory requirement for an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript shall be satisfied if such is in an electronic form approved for filing under the Rules of Supreme Court of Virginia. However, this section shall not apply to documents the form of which is specified in

any statute governing the creation and execution of wills, codicils, testamentary trusts, premarital agreements, and negotiable instruments.

B. Notwithstanding any other provision of law, any statutory authorization for the use of copies or reproductions in civil or criminal proceedings in circuit court shall be satisfied by use of such copies or reproductions in hard copy or electronic form approved for filing under the Rules of Supreme Court of Virginia.

C. Any clerk of a circuit court with an electronic filing system that complies with the Rules of Supreme Court of Virginia may provide the trial court record in electronic form to the appropriate clerk of any appellate court. The clerk of the Supreme Court and the clerk of the Court of Appeals shall accept the official civil or criminal record in electronic form as otherwise required by law. The clerk in the appellate court may also request that any paper trial court records be forwarded to such clerk.

D. The Rules of Supreme Court of Virginia shall not prohibit the use of a private vendor electronic filing system if such system is in compliance with the filing standards established by the Court.

2010, cc. [717](#), [760](#); 2015, c. [71](#); 2018, cc. [125](#), [129](#), [523](#).

Article 5 - MASTER AND INCORPORATING DEEDS OF TRUST

§ 17.1-259. Recordation of master deed of trust; form and requisites.

A. Any person may record in any clerk's office in the Commonwealth where deeds are recorded a form of a deed of trust, hereinafter referred to as a "master deed."

B. The master deed shall bear the caption "Master Deed of Trust," and may contain any provisions not in conflict with law. The provisions shall be numbered or lettered, clearly distinguishable one from the other, and susceptible of exact reference.

1954, c. 8, §§ 17-83.2, 17-83.3; 1998, c. [872](#).

§ 17.1-260. Recordation, effect and requisites of incorporating deed.

Any person may record a deed of trust hereinafter referred to as an "incorporating deed," which incorporates by reference any one or more of the provisions of a master deed recorded in the same clerk's office. The provisions incorporated by reference shall be of the same force and effect and shall be as binding upon the parties to the incorporating deed and their successors in title as if fully set forth in the incorporating deed. No incorporating deed shall refer to more than one master deed.

1954, c. 8, § 17-83.4; 1998, c. [872](#).

Article 6 - NAMES, DISCHARGES, ETC., OF WAR SERVICE MEN

§ 17.1-261. Recordation of names of men who served during World War I.

The clerk of the circuit court of each county or city shall preserve the book or books in which have been recorded the lists of the residents of such counties or cities, who became members of the military forces of the United States during World War I.

Any person who has joined either the naval or military forces of the United States or its allies, may have his name spread upon such record, upon application and proof of such service, or some person may make such application for him, and when done his name shall be placed upon the record.

The clerks shall be entitled to the fees allowed by law for copying in similar cases.

1918, p. 500, § 17-84; Michie Code 1942, § 5214a; 1998, c. [872](#).

§ 17.1-262. Recordation of discharges of those who served in World War I.

Whenever the honorable discharge of any person who served in the military or naval forces of the United States or its associates during World War I, and who at the time of entering such service was a resident of Virginia shall be delivered to the clerk of any circuit court in this Commonwealth, the clerk shall record the same in the book hereinafter provided for. Copies of honorable discharges certified by the clerk shall be received as evidence of the facts therein stated.

1924, p. 471, 472, §§ 17-85, 17-86; Michie Code 1942, §§ 5214b, 5214d; 1998, c. [872](#).

§ 17.1-263. World War I Memorial Record.

Each circuit court clerk shall maintain a loose-leaf binder suitable for permanent record purposes of such standard form as was prescribed by the Virginia World War I History Commission, and sufficient loose leaves printed in such blank form as was prescribed by such commission, known as the "World War I Memorial Record," which shall be a public record book of the clerk's office. The clerk shall record therein the honorable discharges.

If the clerk has recorded the honorable discharges in any other book prior to receipt of the special books, such prior recordations are hereby validated and approved. Recordations and certified copies thereof heretofore or hereafter furnished shall have the same force and effect as those provided by § [17.1-262](#) and whenever the World War I History Commission shall have approved the form of the record book so previously in use, it shall be optional with the clerk to continue the use of such record book.

1924, p. 471, § 17-87; Michie Code 1942, § 5214c; 1998, c. [872](#).

§ 17.1-264. Recording information on discharges of World War II servicemen.

A. When the honorable or dishonorable discharge of any person who served in the armed forces of the United States, or its associates, during World War II and who was a resident of the county or city at the time of his induction is presented, the clerk shall record the information contained therein in the proper spaces provided for such purpose in the book known as "Induction and Discharge Record, World War II." If the induction record of the veteran presenting a discharge for recordation is not already recorded, the clerk shall ascertain this information and record it along with the discharge.

B. Such record book shall be kept in the clerk's office as a public record and shall be paid for by the county or city, as other public record books are paid for. It shall be standard loose-leaf construction, suitable for permanent record purposes, and shall consist of a binder with canvas jacket, an index and a quantity of sheets printed to provide space for (i) the induction record, (ii) the service record, and (iii)

the discharge. Under clause (i) suitable headings and space for recording the induction information obtained from the draft boards shall be provided and under clauses (ii) and (iii) suitable headings and space for recording the information contained in the discharge papers shall be provided.

1944, p. 33, §§ 17-90, 17-91; Michie Suppl. 1946, § 3392a; 1998, c. [872](#).

§ 17.1-265. Recordation of evidence of discharge generally; confidentiality.

A. The clerk of the circuit court of the county or city wherein a person discharged from the armed forces of the United States resides shall record, upon presentation, free of charge, the original or a properly authenticated copy of either the discharge certificate or the report of separation from active duty (Department of Defense Document DD-214), or both.

B. Notwithstanding the provisions of § [17.1-208](#), discharge certificates and reports of separation from active duty recorded pursuant to this section shall be open for inspection and copying only by the following:

1. The subject of the record;
2. The duly qualified conservator or guardian of the subject of the record;
3. The duly qualified executor or administrator of the estate of the subject of the record, if deceased, or, in the event no executor or administrator has qualified, the next of kin of the deceased subject;
4. An attorney, attorney-in-fact, or other agent or representative of any of the persons described in subdivision 1, 2 or 3, acting pursuant to a written power of attorney or other written authorization; or
5. A duly authorized representative of an agency or instrumentality of federal, state, or local government seeking the record in the ordinary course of performing its official duties.

Under the circumstances in which time is of the essence, including but not limited to, requests for copies of records attendant to the making of funeral arrangements or arrangements for medical care, the clerk, in ascertaining whether a person seeking access to discharge certificates or reports of separation from active duty is qualified to do so pursuant to this section, may rely upon the sworn statement of the requestor made in person before the clerk or his deputy.

C. Notwithstanding the provisions of subsection B, the clerk may permit access to discharge certificates or reports of separation from active duty of deceased persons for bona fide genealogical or other research purposes.

1934, p. 99, § 17-92; Michie Code 1942, § 5214f; 1980, c. 392; 1998, c. [872](#); 2002, c. [299](#).

Article 7 - FEES

§ 17.1-266. Services rendered in Commonwealth's cases.

No clerk, sheriff or other officer shall receive payment out of the state treasury for any services rendered in cases of the Commonwealth, whether in a court of record or a court not of record, except as allowed by statute. Localities shall be exempt from paying fees for services rendered by a clerk or other court officer for cases, whether in a court of record or a court not of record, when the locality is a

party to a case commenced in a court serving that locality or in any other jurisdiction when the localities have a reciprocal waiver of fees agreement. Sheriffs may, in writing, grant a waiver of the sheriff's fee to one or more localities.

Code 1950, § 14-98; 1964, c. 386, § 14.1-87; 1971, Ex. Sess., c. 155; 1998, c. [872](#); 2007, c. [800](#).

§ 17.1-267. Services for which clerks may not charge.

A. No clerk shall charge for taking bond from, administering oath to, or making or copying orders as to the appointment or qualification of any judge, magistrate, sheriff, treasurer, commissioner of the revenue, or of a deputy of any of them, or of any escheator, supervisor, or of a guardian or conservator, when his bond is in a penalty not exceeding \$1,000.00, or for making or copying orders as to county allowances, or grand juries, and administering the necessary oaths.

B. No clerk shall charge for copying or making for or furnishing to the Department of Corrections or a federal probation officer a certified copy of a criminal judgment order or criminal sentencing order.

C. No clerk shall charge a fee for (i) executing any order of publication under § [17.1-626](#); (ii) keeping, preserving, and holding available for public inspection judgment records, and making entries in and indexing such judgments, or discharging, or marking satisfied, a lien under §§ [15.2-2604](#), [15.2-2605](#) and [15.2-2120](#); (iii) docketing judgment on forfeited recognizance or bond under § [19.2-147](#); (iv) making out reports to the Central Criminal Records Exchange under § [19.2-390](#); (v) recording a lien in the miscellaneous lien book under § [43-42](#) or § [43-43](#); or (vi) filing an appraiser's report under § [56-436](#).

D. No clerk shall charge a fee for (i) recording the reports of special receivers and commissioners as required by § [8.01-617](#); (ii) copying in the Induction and Discharge Record information obtained from draft boards or recording the discharge papers, or certified copy of such, of a person who has served in the armed forces of the United States; or (iii) receiving any mark of designation under § [59.1-103](#).

Code 1950, § 14-101; 1964, c. 386, § 14.1-90; 1972, c. 549; 1991, c. 46; 1992, c. 498; 1994, c. [432](#); 1997, c. [801](#); 1998, c. [872](#).

§ 17.1-268. Fee for effort to serve when person cannot be found.

Whenever a sheriff is required to serve a declaration in ejectment or an order, notice, summons or other process in a pending civil case and make return thereon and shall after due effort and without fault be unable to locate such person or make service of such process in some method provided by law, the sheriff shall be paid the same fee provided by law for serving an order, notice or other process and making return thereof, to be taxed as other costs. When service is required in a proceeding not pending in a court then the service shall be paid for by the party at whose instance it is had. No fee shall be paid unless the sheriff returns such paper unexecuted and makes and files therewith an affidavit setting forth the fact that he has made diligent effort to execute such paper and without avail.

Code 1950, § 14-107; 1964, c. 386, § 14.1-96; 1971, Ex. Sess., c. 155; 1998, c. [872](#).

§ 17.1-269. To whom fees charged.

Unless otherwise provided, the fees mentioned in this article shall be chargeable to the party at whose instance the service is performed, except that fees for entering and certifying the attendance of witnesses and the proceedings to compel payment for such attendance shall be charged to the party for whom the witness attended.

Code 1950, § 14-108; 1964, c. 386, § 14.1-97; 1998, c. [872](#).

§ 17.1-270. Officer to state fees, etc., on affidavit, deposition or report.

A notary or other officer returning affidavits or depositions of witnesses and a commissioner returning a report shall state at the foot thereof the fees therefor, to whom charged and, if paid, by whom.

Code 1950, § 14-109; 1964, c. 386, § 14.1-98; 1998, c. [872](#).

§ 17.1-271. Deposit of money in bank.

Whenever any clerk of a court receives or collects any money for or on account of the Commonwealth or any county, city, town or person, he shall, within a reasonable time, deposit the same in such bank or banks selected by him to the credit of an official account, and in the event of the failure or insolvency of such bank, the clerk shall not be responsible for any loss of funds resulting from such failure or insolvency.

Any such officer who deposits any such money in his personal account, knowingly intermingles any of the same with his personal funds, or otherwise violates any of the provisions of this section shall be deemed guilty of a misdemeanor. However, prosecution hereunder shall not preclude criminal prosecution under any other section of this Code.

Code 1950, § 14-112; 1964, c. 386, § 14.1-101; 1971, Ex. Sess., c. 155; 1981, c. 152; 1993, c. 334; 1998, c. [872](#).

§ 17.1-272. Process and service fees generally.

A. The fee for process and service in the following instances shall be \$12:

1. Service on any person, firm or corporation, an order, notice, summons or any other civil process, except as herein otherwise provided, and for service on any person, firm, or corporation any process when the body is not taken and making a return thereof, except that no fee shall be charged for service pursuant to § [2.2-4022](#).
2. Summoning a witness or garnishee on an attachment.
3. Service on any person of an attachment or other process under which the body is taken and making a return thereon.
4. Service of any order of court not otherwise provided for, except that no fees shall be charged for protective orders issued pursuant to Chapter 11 (§ [16.1-226](#) et seq.) of Title 16.1.
5. Making a return of a writ of fieri facias where no levy is made or forthcoming bond is taken.
6. Summoning a witness in any case in which custody or visitation of a minor child or children is at issue.

B. The fees for process and service in the following instances shall be \$25:

1. Service and publication of any notice of a publicly-advertised public sale.
2. Service of a writ of possession or writ of eviction, except that there shall be an additional fee of \$12 for each additional defendant.
3. Levying upon current money, bank notes, goods or chattels of a judgment debtor pursuant to § [8.01-478](#).
4. Service of a declaration in ejectment on any person, firm or corporation, except that there shall be an additional fee of \$12 for each additional defendant.
5. Levying distress warrant or an attachment.
6. Levying an execution.

C. The process and service fee for serving any papers returnable out of state shall be \$75, except no fees shall be charged for the service of papers in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protective order or a petition for a protective order. A victim of domestic violence, stalking, or sexual assault shall not bear the costs associated with the filing of criminal charges against the offender, and no victim shall bear the costs associated with the filing, issuance, registration, or service of a warrant, protective order, petition for a protective order, or witness subpoena, issued inside or outside the Commonwealth.

D. The fees set out in this section shall be allowable for services provided by such officers in the circuit and district courts.

Code 1950, §§ 14-104, 14-116, p. 25; 1964, c. 386, §§ 14.1-93, 14.1-105; 1971, Ex. Sess., c. 155; 1972, c. 719; 1975, c. 591; 1976, cc. 308, 310; 1981, c. 411; 1982, c. 674; 1983, c. 407; 1984, c. 317; 1992, c. 648; 1995, c. [51](#), § 14.1-95.1; 1998, c. [872](#); 2002, c. [508](#); 2004, cc. [198](#), [211](#), [588](#); 2011, cc. [445](#), [480](#); 2019, cc. [180](#), [700](#).

§ 17.1-273. Establishment and disposition of fees collected by certain high constable.

Notwithstanding any provision of law to the contrary, including a general or special act, the City of Norfolk, may, by duly adopted local ordinance, establish fees for the service of process by the office of the high constable. The office of the high constable in such city shall publish a schedule of such fees by January 1 of each year. Copies of the schedule shall be forwarded to the Clerk of the Supreme Court of Virginia. Only in the City of Norfolk, shall high constables execute all processes, warrants, summonses and notices in civil cases before the general district court of the city to the exclusion of the sheriff of the city. Any fees, collected by the office of the high constable for such process, shall be deposited in the treasury of the city wherein such office is situated for use in the general operation of city government.

1998, c. [872](#); 2007, c. [813](#).

§ 17.1-274. Commission on forthcoming bond.

A. The commission to be included in a forthcoming bond, when one is taken, shall be five percent. Such commission shall not be received unless the bond is forfeited or paid, including the commission, to the plaintiffs. Of whatever interest accrues on such bond, or the execution of judgment thereon, the officer shall be entitled to his proportionable share, on account of his fees included in such bond.

B. In cities of a population of 100,000 and more, however, the commission to be included in a forthcoming bond, when one is taken, shall be ten percent on the first \$100 of the money for which the distress or levy is and two percent on the residue. Such commission shall not be received unless the bond is forfeited or paid, including the commission, to the plaintiffs. Of whatever interest may accrue on such bonds, or the execution of judgment thereon, the officer shall be entitled to his proportionate share, on account of his fees included in the sale. An officer in any such city receiving payment in money or selling goods shall receive the like commission of ten percent on the first \$100 of the money paid or proceeding from the sale and two percent on the residue; except that when such payment or sale is on an execution on a forthcoming bond, his commission shall only be half what it would be if the execution were not on such bond.

Code 1950, §§ 14-119, 14-121; 1964, c. 386, §§ 14.1-108, 14.1-110; 1995, c. [51](#); 1998, c. [872](#).

§ 17.1-275. Fees collected by clerks of circuit courts; generally.

A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

1. [Repealed.]

2. For recording and indexing in the proper book any writing and all matters therewith, or for recording and indexing anything not otherwise provided for, \$18 for an instrument or document consisting of 10 or fewer pages or sheets; \$32 for an instrument or document consisting of 11 to 30 pages or sheets; and \$52 for an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$17 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. Three dollars and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.
5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § [20-25](#), \$25 to be paid by the petitioner.
6. For making out any bond, other than those under § [17.1-267](#) or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.
7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.
8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § [2.2-3704](#). However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.
9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.
10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § [18.2-251](#), the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § [18.2-251](#) which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.
11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § [18.2-251](#), the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § [18.2-251](#), which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § [17.1-275.8](#).

12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § [17.1-132](#). A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by confession under §§ [8.01-432](#) through [8.01-440](#), the clerk shall tax as costs (i) the cost of registered or certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A 17.

15. For qualifying notaries public, including the making out of the bond and any copies thereof, administering the necessary oaths, and entering the order, \$10.

16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder. This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § [8.01-451](#), but not when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § [8.01-452](#), a fee of \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing, docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce from the bond of matrimony.

19, 20. [Repealed.]

21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond pursuant to the provisions of § [8.01-529](#), \$1.
22. For all services rendered by the clerk in any proceeding pursuant to § [57-8](#) or [57-15](#), \$10.
23. For preparation and issuance of a subpoena duces tecum, \$5.
24. For all services rendered by the clerk in matters under § [8.01-217](#) relating to change of name, \$20; however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.
25. For providing court records or documents on microfilm, per frame, \$0.50.
26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10 of which shall be apportioned to the Courts Technology Fund established under § [17.1-132](#) to be paid by the plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall include the furnishing of a duly certified copy of both such decrees.
27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings pursuant to § [17.1-258.3](#). Nothing herein shall be construed to prohibit the clerk from outsourcing the processing of credit and debit card transactions to a third-party private vendor engaged by the clerk. Convenience fees shall be used to cover operational expenses as defined in § [17.1-295](#).
28. For the return of any check unpaid by the financial institution on which it was drawn or notice is received from the credit or debit card issuer that payment will not be made for any reason, the clerk may collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.
29. For all services rendered, except in cases in which costs are assessed pursuant to § [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), or [17.1-275.4](#), in an adoption proceeding, a fee of \$20, in addition to the fee imposed under § [63.2-1246](#), to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to § [63.2-1201](#), except those filed pursuant to subdivisions 5 and 6 of § [63.2-1210](#), an

additional \$50 filing fee as required under § [63.2-1201](#) shall be deposited in the Virginia Birth Father Registry Fund pursuant to § [63.2-1249](#).

30. For issuing a duplicate license for one lost or destroyed as provided in § [29.1-334](#), a fee in the same amount as the fee for the original license.

31. For the filing of any petition as provided in §§ [33.2-1023](#), [33.2-1024](#), and [33.2-1027](#), a fee of \$5 to be paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § [33.2-1021](#), as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or order is entered.

32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court, including all papers necessary to be copied and other services rendered, except in cases in which costs are assessed pursuant to § [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), [17.1-275.4](#), [17.1-275.7](#), [17.1-275.8](#), or [17.1-275.9](#), a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ [55.1-653](#) et seq.), the fees shall be as prescribed in that Act.

35. [Repealed.]

36. For recordation of certificate and registration of names of nonresident owners in accordance with § [59.1-74](#), a fee of \$10.

37. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ [59.1-406](#) et seq.), the fee as prescribed in § [59.1-411](#).

38. For lodging, indexing, and preserving a will in accordance with § [64.2-409](#), a fee of \$5.

39. For filing a financing statement in accordance with § [8.9A-505](#), the fee shall be as prescribed under § [8.9A-525](#).

40. For filing a termination statement in accordance with § [8.9A-513](#), the fee shall be as prescribed under § [8.9A-525](#).

41. For filing assignment of security interest in accordance with § [8.9A-514](#), the fee shall be as prescribed under § [8.9A-525](#).

42. For filing a petition as provided in §§ [64.2-2001](#) and [64.2-2013](#), the fee shall be \$10.

43. For issuing any execution, and recording the return thereof, a fee of \$1.50.

44. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § [17.1-281](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § [17.1-278](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § [42.1-70](#), the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § [17.1-276](#) shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.

Code 1950, § 14-123, p. 614; 1952, c. 146; 1954, c. 138; 1956, c. 217; 1964, c. 386, § 14.1-112; 1966, c. 217; 1970, c. 522; 1971, Ex. Sess., c. 95; 1972, cc. 626, 627, 647; 1973, c. 159; 1974, cc. 370, 523; 1975, c. 226; 1976, c. 344; 1977, cc. 449, 463; 1978, c. 502; 1980, c. 145; 1983, c. 103; 1984, cc. 225, 356; 1985, cc. 94, 201; 1986, c. 538; 1988, cc. 49, 52; 1989, c. 595; 1990, cc. 88, 738, 971; 1992, c. 784; 1993, cc. 95, 299, 386; 1994, cc. [64](#), [432](#), [498](#), [842](#); 1995, cc. [51](#), [371](#), [440](#), [463](#), [525](#), § 14.1-111.1; 1996, cc. [344](#), [976](#); 1997, cc. [215](#), [921](#); 1998, cc. [783](#), [840](#), [872](#); 1999, cc. [9](#), [1003](#); 2000, cc. [826](#), [830](#); 2001, cc. [481](#), [496](#), [501](#), [836](#); 2002, cc. [831](#), [832](#); 2004, c. [1004](#); 2005, cc. [373](#), [681](#); 2006, cc. [318](#), [623](#), [718](#), [825](#); 2007, cc. [548](#), [626](#), [646](#); 2009, c. [594](#); 2010, c. [874](#); 2011, cc. [707](#), [890](#); 2012, cc. [420](#), [714](#), [780](#); 2013, c. [263](#); 2014, c. [282](#); 2015, c. [641](#); 2017, c. [200](#); 2020, cc. [68](#), [69](#), [589](#), [653](#); 2021, Sp. Sess. I, c. [427](#).

§ 17.1-275.1. Fixed felony fee.

Upon conviction of any and each felony charge or upon a deferred disposition of proceedings in circuit court in the case of any and each felony disposition deferred pursuant to the terms and conditions of § [16.1-278.8](#), [16.1-278.9](#), [18.2-61](#), [18.2-67.1](#), [18.2-251](#), [19.2-298.02](#), or [19.2-303.6](#), there shall be assessed as court costs a fee of \$375, to be known as the fixed felony fee.

The amount collected, in whole or in part, for the fixed felony fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.4705067);
2. Forensic science fund (.1033333);
3. Court reporter fund (.0887200);
4. Witness expenses/expert witness fund (.0053333);
5. Virginia Crime Victim-Witness Fund (.0080000);
6. Intensified Drug Enforcement Jurisdiction Fund (.0106667);

7. Criminal Injuries Compensation Fund (.0800000);
8. Commonwealth's attorney fund (state share) (.0533333);
9. Commonwealth's attorney fund (local share) (.0533333);
10. Regional Criminal Justice Academy Training Fund (.0026667);
11. Warrant fee (.0320000);
12. Courthouse construction/maintenance fund (.0053333); and
13. Clerk of the circuit court (.0867733).

1999, c. [9](#); 2002, c. [831](#); 2003, c. [1039](#); 2005, c. [631](#); 2011, c. [565](#); 2020, Sp. Sess. I, c. [21](#).

§ 17.1-275.2. Fixed fee for felony reduced to misdemeanor.

In circuit court, upon the conviction of a person of any and each misdemeanor reduced from a felony charge, or upon a deferred disposition of proceedings in the case of any and each misdemeanor reduced from a felony charge and deferred pursuant to the terms and conditions of § [4.1-305](#), [16.1-278.8](#), [16.1-278.9](#), [18.2-57.3](#), [19.2-298.02](#), [19.2-303.2](#), or [19.2-303.6](#), there shall be assessed as court costs a fee of \$227, to be known as the fixed fee for felony reduced to misdemeanor. However, this section shall not apply to those proceedings provided for in § [17.1-275.8](#).

The amount collected, in whole or in part, for the fixed fee for felony reduced to misdemeanor shall be apportioned to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.1695154);
2. Forensic science fund (.1707048);
3. Court reporter fund (.1465639);
4. Witness expenses/expert witness fund (.0088106);
5. Virginia Crime Victim-Witness Fund (.0132159);
6. Intensified Drug Enforcement Jurisdiction Fund (.0176211);
7. Criminal Injuries Compensation Fund (.0881057);
8. Commonwealth's attorney fund (state share) (.0881057);
9. Commonwealth's attorney fund (local share) (.0881057);
10. Regional Criminal Justice Academy Training Fund (.0044053);
11. Warrant fee (.0528634);
12. Courthouse construction/maintenance fund (.0088106); and
13. Clerk of the circuit court (.1431718).

1999, c. [9](#); 2002, c. [831](#); 2003, c. [1039](#); 2005, c. [631](#); 2011, c. [565](#); 2020, c. [1004](#); 2020, Sp. Sess. I, c. [21](#).

§ 17.1-275.3. Fixed felony revocation fee.

Upon the partial or full revocation of suspension of sentence or probation of a convicted felon pursuant to § [19.2-306](#), other than a revocation for failure to pay previously assessed court costs, there shall be assessed as court costs a fee of \$158 to be known as the fixed felony revocation fee. A single fixed felony revocation fee shall be assessed per defendant per hearing without regard to the number of revocations being considered.

The amount collected, in whole or in part, for the fixed felony revocation fee shall be apportioned to the following funds in the fractional amounts designated:

1. Virginia Crime Victim-Witness Fund (.0189873);
2. Intensified Drug Enforcement Jurisdiction Fund (.0253165);
3. Court reporter fund (.2105696);
4. Witness expenses/expert witness fund (.0126582);
5. Commonwealth's attorney fund (state share) (.1265823);
6. Commonwealth's attorney fund (local share) (.1265823);
7. Criminal Injuries Compensation Fund (.1898734);
8. Regional Criminal Justice Academy Training Fund (.0063291);
9. Warrant fee (.0759494); and
10. Clerk of the circuit court (.2071519).

1999, c. [9](#); 2003, c. [1039](#); 2011, c. [565](#).

§ 17.1-275.4. Fixed misdemeanor reduced from felony revocation fee.

In circuit court, when a person whose charge was reduced from a felony charge is convicted of a misdemeanor and subsequently suffers partial or full revocation of his suspension of sentence or probation pursuant to § [19.2-306](#), other than a revocation for failure to pay previously assessed court costs, he shall be assessed as court costs a fee of \$114.50 to be known as the fixed misdemeanor reduced from felony revocation fee. A single fixed misdemeanor reduced from felony revocation fee shall be assessed per defendant per hearing without regard to the number of misdemeanor revocations being considered except that if a revocation of probation or suspended sentence upon a felony conviction is also being considered at the same revocation proceeding, a single fixed felony revocation fee shall apply instead. The amount collected, in whole or in part, for the fixed misdemeanor reduced from felony revocation fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Virginia Crime Victim-Witness Fund (.0262009);

2. Intensified Drug Enforcement Jurisdiction Fund (.0349345);
3. Witness expenses/expert witness fund (.0174672);
4. Commonwealth's attorney fund (state share) (.1746725);
5. Commonwealth's attorney fund (local share) (.1746725);
6. Criminal Injuries Compensation Fund (.1746725);
7. Regional Criminal Justice Training Academy Fund (.0087336);
8. Warrant fee, as prescribed by § [17.1-272](#) (.1048035); and
9. Clerk of the circuit court (.2838428).

1999, c. [9](#); 2002, c. [831](#); 2003, c. [1039](#); 2011, c. [565](#).

§ 17.1-275.5. Amounts to be added; judgment in favor of the Commonwealth.

A. The clerk shall assess, in addition to the fees provided for by § [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), [17.1-275.4](#), [17.1-275.7](#), [17.1-275.8](#), [17.1-275.9](#), [17.1-275.10](#), [17.1-275.11](#), [17.1-275.11:1](#), or [17.1-275.12](#), the following costs:

1. Any amount paid by the Commonwealth for legal representation of the defendant;
2. Any amount paid for trial transcripts;
3. Extradition costs;
4. Costs of psychiatric evaluation;
5. Costs taxed against the defendant as appellant under Rule 5A:30 of the Rules of the Supreme Court;
6. Any fee for a returned check or disallowed credit card charge assessed pursuant to subdivision A 28 of § [17.1-275](#);
7. Any jury costs;
8. Any assessment made pursuant to subdivision A 10 of § [17.1-275](#);
9. Any fees prescribed in §§ [18.2-268.8](#) and [46.2-341.26:8](#);
10. Any court costs related to an ignition interlock device;
11. Any fee for testing for HIV;
12. Any fee for processing an individual admitted to jail as prescribed in § [15.2-1613.1](#);
13. Any fee for courthouse security personnel as prescribed in § [53.1-120](#);
14. Any fee for a DNA sample as prescribed in § [19.2-310.2](#);
15. Reimbursement to the Commonwealth of medical fees as prescribed in § [19.2-165.1](#);
16. Any fee for a local criminal justice training academy as prescribed in § [9.1-106](#);

17. Any fee prescribed by §§ [16.1-69.48:1.01](#) and [17.1-275.11](#);
18. Any expenses charged pursuant to subsection B or F of § [19.2-187.1](#); and
19. Any fee for an electronic summons system as prescribed in § [17.1-279.1](#).

B. The total amount of assessments described in subsection A, including (i) the fees provided for by § [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), [17.1-275.4](#), [17.1-275.7](#), [17.1-275.8](#), [17.1-275.9](#), [17.1-275.10](#), [17.1-275.11](#), [17.1-275.11:1](#), or [17.1-275.12](#) and (ii) all other fines and costs, shall be docketed by the clerk as a judgment against the defendant in favor of the Commonwealth in accordance with § [8.01-446](#).

1999, c. [9](#); 2002, c. [831](#); 2003, cc. [1001](#), [1022](#), [1039](#); 2010, c. [555](#); 2012, c. [714](#); 2013, c. [263](#); 2014, c. [325](#); 2015, c. [641](#).

§ 17.1-275.6. Fees collected from court reporter fund.

Notwithstanding any other provision of law, in any court in which electronic devices are used for recording testimony, a sum not to exceed twenty dollars for each day or part of a day of the trial shall be paid by the clerk, from the court reporter fund as set forth in §§ [17.1-275.1](#), [17.1-275.2](#) and [17.1-275.3](#), or a sum not to exceed five dollars for each day or part of a day of the trial of a case wherein costs are assessed pursuant to § [17.1-275.8](#) shall be paid by the clerk, from the court reporter fund as set forth in § [17.1-275.8](#), into a special fund to be used for the purpose of repairing, replacing or supplementing such electronic devices or, if a sufficient amount is available, to pay the purchase price of such devices in whole or in part. For the purpose of this section, repairing shall include maintenance and service contracts. Fees collected under this article shall be retained locally and shall not be subject to the provisions of § [17.1-286](#).

2000, c. [875](#); 2002, c. [831](#).

§ 17.1-275.7. Fixed misdemeanor fee.

In circuit court, upon (i) conviction of any and each misdemeanor, not originally charged as a felony; (ii) a deferred disposition of proceedings in the case of any and each misdemeanor not originally charged as a felony and deferred pursuant to the terms and conditions of § [4.1-305](#), [16.1-278.8](#), [16.1-278.9](#), [18.2-57.3](#), [19.2-298.02](#), [19.2-303.2](#), or [19.2-303.6](#); (iii) any and each conviction of a traffic infraction or referral to a driver improvement clinic or traffic school in lieu of a finding of guilt for a traffic infraction; or (iv) proof of compliance with law under §§ [46.2-104](#) and [46.2-1158.02](#), there shall be assessed as court costs a fee of \$80, to be known as the fixed misdemeanor fee. However, this section shall not apply to those proceedings provided for in § [17.1-275.8](#). This fee shall be in addition to any fee assessed in the district court.

The amount collected, in whole or in part, for the fixed misdemeanor fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.0125000);
2. Witness expenses/expert witness fee (General Fund)(.0250000);
3. Virginia Crime Victim-Witness Fund (.0375000);

4. Intensified Drug Enforcement Jurisdiction Fund (.0500000);
5. Criminal Injuries Compensation Fund (.2500000);
6. Commonwealth's Attorney Fund (state share) (.0937500);
7. Commonwealth's Attorney Fund (local share) (.0937500);
8. Regional Criminal Justice Academy Training Fund (.0125000);
9. Warrant fee, as prescribed by § [17.1-272](#) (.1500000);
10. Courthouse Construction/Maintenance Fund (.0250000); and
11. Clerk of the circuit court (.2500000).

2002, c. [831](#); 2003, c. [1039](#); 2005, c. [631](#); 2009, c. [756](#); 2011, cc. [283](#), [565](#); 2020, c. [1004](#); 2020, Sp. Sess. I, c. [21](#).

§ 17.1-275.8. Fixed drug misdemeanor fee.

In circuit court, upon conviction of any and each misdemeanor charge, whether or not originally charged as a felony, for a violation of any provision of Article 1 (§ [18.2-247](#) et seq.) of Chapter 7 of Title 18.2, or upon a deferred disposition of proceedings in the case of any and each misdemeanor charge, whether or not originally charged as a felony, deferred pursuant to the terms and conditions of § [18.2-251](#), there shall be assessed as court costs a fee of \$296.50, to be known as the fixed drug misdemeanor fee. This fee shall be in addition to any fee assessed in the district court.

The amount collected, in whole or in part, for the fixed drug misdemeanor fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Sentencing/supervision fee (General Fund) (.1264755);
2. Court Reporter Fund (.0168634);
3. Witness expenses/expert witness fee (General Fund) (.0067454);
4. Virginia Crime Victim-Witness Fund (.0101180);
5. Intensified Drug Enforcement Jurisdiction Fund (.0134907);
6. Criminal Injuries Compensation Fund (.0674536);
7. Commonwealth's Attorney Fund (state share) (.0252951);
8. Commonwealth's Attorney Fund (local share) (.0252951);
9. Regional Criminal Justice Academy Training Fund (.0033727);
10. Warrant fee, as prescribed by § [17.1-272](#) (.0404722);
11. Courthouse Construction/Maintenance Fund (.0067454);
12. Clerk of the circuit court (.0674536);
13. Forensic laboratory fee (General Fund) (.3372681); and

14. Drug Offender Assessment and Treatment Fund (.2529511).

2002, c. [831](#); 2003, c. [1039](#); 2004, c. [1004](#); 2011, c. [565](#).

§ 17.1-275.9. Fixed misdemeanor revocation fee.

In circuit court, when a person is convicted of a misdemeanor not originally charged as a felony and subsequently suffers partial or full revocation of his suspension of sentence or probation pursuant to § [19.2-306](#), he shall be assessed as court costs a fee of \$77 to be known as the fixed misdemeanor revocation fee. A single fixed misdemeanor revocation fee shall be assessed per defendant per hearing without regard to the number of misdemeanor revocations being considered, except that if a revocation of probation or suspended sentence upon a felony conviction is also being considered at the same revocation proceeding, a single fixed felony revocation fee shall apply instead. The amount collected, in whole or in part, for the fixed misdemeanor revocation fee shall be apportioned, as provided by law, to the following funds in the fractional amounts designated:

1. Virginia Crime Victim-Witness Fund (.0389610);
2. Intensified Drug Enforcement Jurisdiction Fund (.0519481);
3. Witness expenses/expert witness fee (General Fund) (.0259740);
4. Commonwealth's Attorney Fund (state share) (.0974026);
5. Commonwealth's Attorney Fund (local share) (.0974026);
6. Criminal Injuries Compensation Fund (.2597403);
7. Regional Criminal Justice Training Academy Fund (.0129870);
8. Warrant fee, as prescribed by § [17.1-272](#) (.1558442); and
9. Clerk of the circuit court (.2597403).

2002, c. [831](#); 2003, c. [1039](#); 2011, c. [565](#).

§ 17.1-275.10. Additional fee.

Beginning May 1, 2003, in addition to the fees set forth in §§ [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), [17.1-275.4](#), [17.1-275.7](#), [17.1-275.8](#), and [17.1-275.9](#), there shall be assessed as court costs, a fee of \$2, at the same time fees in such sections are assessed. All fees collected pursuant to this section shall be deposited into the Intensified Drug Enforcement Jurisdiction Fund.

2003, c. [1042](#), cl. 9.

§ 17.1-275.11. Additional fee assessed for conviction of certain offenses.

Beginning May 1, 2003, the clerk shall assess a person, in addition to the fees provided for by §§ [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), [17.1-275.4](#), [17.1-275.5](#), [17.1-275.7](#), [17.1-275.8](#), and [17.1-275.9](#), a fee of \$100 upon conviction of any and each charge of a violation of §§ [18.2-36.1](#), [18.2-51.4](#), [18.2-266](#), [18.2-266.1](#), [18.2-268.3](#), [46.2-341.24](#) or § [46.2-341.26:3](#), or any similar local ordinance.

2003, c. [1042](#), cl. 9.

§ 17.1-275.11:1. Additional fee assessed for conviction requiring computer analysis.

In addition to the fees provided for by §§ [17.1-275.1](#) through [17.1-275.5](#), [17.1-275.7](#), [17.1-275.8](#), and [17.1-275.9](#), upon a finding of guilty of any charge or charges in which any computer forensic analysis revealed evidence used at trial of a defendant, the defendant may be assessed costs in an amount equal to the actual cost of the computer forensic analysis not to exceed \$100 for each computer analyzed by any state or local law-enforcement agency. Upon motion and submission to the court of an affidavit by the law-enforcement agency setting forth the number of computers analyzed and the total amount of costs requested, the court shall determine the appropriate amount to be assessed and order such amount paid to the law-enforcement agency.

2011, c. [511](#).

§ 17.1-275.12. Additional fee for Internet Crimes Against Children Fund.

In addition to the fees provided for by §§ [16.1-69.48:1](#), [16.1-69.48:1.01](#), [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), [17.1-275.4](#), [17.1-275.5](#), [17.1-275.7](#), [17.1-275.8](#), [17.1-275.9](#), [17.1-275.10](#), and [17.1-275.11](#), a fee of \$15 upon each felony or misdemeanor conviction shall be assessed as court costs. All fees collected pursuant to this section shall be deposited into the state treasury and credited to the Internet Crimes Against Children Fund.

There is hereby established in the state treasury the Internet Crimes Against Children Fund. Such fund shall consist of all fees collected under this section, moneys appropriated directly to the Fund, and any other grants or gifts made to the Fund. Moneys in the Fund shall be disbursed in the following manner: to the Virginia State Police, 33.3333 percent of the total annual deposits to support the Northern Virginia Internet Crimes Against Children program; to the Department of Criminal Justice Services, 33.3333 percent of the total annual deposits to support the Southern Virginia Internet Crimes Against Children program; to the Department of Criminal Justice Services, 27.7777 percent of the total annual deposits to support grants and training and equipment for local law-enforcement agencies' use in investigating and prosecuting Internet crimes against children; and to the Department of Social Services, 5.5555 percent of the total annual deposits to support the Virginia Child Protection Accountability System established under § [63.2-1530](#).

2010, c. [685](#); 2014, c. [794](#).

§ 17.1-275.13. Additional fee for offenses related to sex trafficking.

In addition to the fees provided for by §§ [17.1-275.1](#), [17.1-275.2](#), [17.1-275.7](#), [17.1-275.10](#), and [17.1-275.12](#), any person convicted of a misdemeanor violation of § [18.2-346.01](#) or of § [18.2-348](#) or [18.2-349](#) shall be ordered to pay a \$100 fee, and any person convicted of a violation of clause (ii), (iii), or (iv) of § [18.2-48](#), or of § [18.2-368](#), or any felony violation of the laws pertaining to commercial sex trafficking or prostitution offenses pursuant to Article 3 (§ [18.2-346](#) et seq.) of Chapter 8, with the exception of § [18.2-361](#), shall be ordered to pay a \$500 fee. All fees collected pursuant to this section shall be deposited into the Virginia Prevention of Sex Trafficking Fund to be used in accordance with § [9.1-116.4](#).

2019, c. [728](#); 2020, c. [122](#); 2021, Sp. Sess. I, c. [188](#).

§ 17.1-275.14. Additional fee for Virginia State Police Electronic Summons System Fund.

A. In addition to the fees provided for by §§ [16.1-69.48:1](#), [16.1-69.48:1.01](#), [17.1-275.1](#), [17.1-275.2](#), [17.1-275.3](#), [17.1-275.4](#), [17.1-275.5](#), [17.1-275.7](#), [17.1-275.8](#), [17.1-275.9](#), [17.1-275.10](#), [17.1-275.11](#), [17.1-275.12](#), and [17.1-275.13](#), a fee of \$5 shall be assessed as court costs in each criminal or traffic case in which the Virginia State Police issued the summons, ticket, or citation. All fees collected pursuant to this section shall be deposited into the state treasury and credited to the Virginia State Police Electronic Summons System Fund.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia State Police Electronic Summons System Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All fees collected under this section, moneys appropriated directly to the Fund, and any other grants or gifts made to the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent of the Virginia State Police or his designee.

2020, c. [342](#).

§ 17.1-276. Fee allowed for providing secure remote access to land records.

A. A clerk of the circuit court who provides secure remote access to land records pursuant to § [17.1-294](#) may charge a fee as provided in this section. The fee shall be paid to the clerk's office and deposited by the clerk into the clerk's nonreverting local fund to be used to cover operational expenses as defined in § [17.1-295](#). The clerk may charge a flat clerk's fee to be assessed for each subscriber, as defined in § [17.1-295](#), in an amount not to exceed \$50 per month and a separate fee per image downloaded in an amount not to exceed the fee provided in subdivision A 8 of § [17.1-275](#). The clerk's fees shall be used to cover operational expenses as defined in § [17.1-295](#).

The Office of the Attorney General, the Division of Debt Collection, the Department of Transportation, the Virginia Outdoors Foundation, the Department of Historic Resources, the Department of General Services, the Department of Conservation and Recreation, the Department of Forestry, the Virginia Alcoholic Beverage Control Authority, the Department of Rail and Public Transportation, and the State Corporation Commission shall be exempt from paying any fee for remote access to land records. If any clerk contracts with an outside vendor to provide remote access to land records to subscribers, such contract shall contain a provision exempting the Office of the Attorney General, the Division of Debt Collection, the Department of Transportation, the Virginia Outdoors Foundation, the Department of Historic Resources, the Department of General Services, the Department of Conservation and Recreation, the Department of Forestry, the Virginia Alcoholic Beverage Control Authority, the Depart-

ment of Rail and Public Transportation, and the State Corporation Commission from paying any access or subscription fee.

B. The circuit court clerk shall enter into an agreement with each person whom the clerk authorizes to have remote access, in accordance with the security standards established by the Virginia Information Technologies Agency. Any such agreement between a state agency or employee thereof acting in the employee's official capacity and the clerk or an outside vendor contracted by the clerk to provide remote access to land records to subscribers, or such an agreement between a state agency or employee thereof acting in the employee's official capacity and both the clerk and the outside vendor, shall not contain any provision requiring the state agency or employee thereof acting in the employee's official capacity to indemnify the clerk or the vendor. Any such agreement between a state agency and the clerk or an outside vendor shall provide that the state agency is required to monitor its employees' activity under such agreement to ensure compliance with its terms.

C. The clerk may establish a program under which the clerk assesses a reasonable convenience fee that shall not exceed \$2 per transaction for remote access to land records and a separate fee per image downloaded in an amount not to exceed the fee provided in subdivision A 8 of § [17.1-275](#).

D. Nothing herein shall be construed to require the use by the general public of the secure remote access to land records made available by the clerk, and such records may continue to be accessed in person in the clerk's office.

1985, c. 489, § 14.1-118.1; 1993, c. 445; 1995, c. [592](#); 1997, c. [413](#); 1998, cc. [650](#), [872](#); 2004, c. [230](#); 2006, c. [474](#); 2008, cc. [823](#), [833](#); 2009, cc. [76](#), [723](#), [797](#); 2010, c. [430](#); 2011, cc. [434](#), [493](#); 2012, cc. [234](#), [469](#), [780](#); 2013, c. [77](#); 2015, cc. [65](#), [174](#); 2019, c. [611](#); 2021, Sp. Sess. I, c. [124](#).

§ 17.1-277. Repealed.

Repealed by Acts 2002, c. [831](#), cl. 2, effective July 1, 2003.

§ 17.1-278. Additional fees in certain courts; use by Virginia State Bar.

In addition to the fees prescribed by § [16.1-69.48:2](#) and subdivision A 13 of § [17.1-275](#) and to be collected by the clerk of the circuit or general district court upon the filing of papers for the commencement of civil actions in such courts, the following additional fees shall be collected in all cities and counties in which civil legal representation is provided for the poor, without charge, by a nonprofit legal aid program organized under the auspices of the Virginia State Bar: (i) upon commencement of a civil action in such circuit court, an additional fee of \$10 and (ii) upon commencement of a civil action in such general district court, an additional fee of \$10.

The additional fees prescribed by this action shall be collected by the clerk at the time of the filing. The amounts so collected shall be paid by the clerk to the state treasury and credited as follows: (i) \$9 to a special fund within the Virginia State Bar fund to be designated the Legal Aid Services Fund, and (ii) \$1 to the general fund for funding of the district courts of the Commonwealth. Such amount for the district courts shall be used to assist indigent litigants. Such amounts credited to the Legal Aid Services Fund shall be disbursed by the Virginia State Bar by check from the State Treasurer upon a warrant of

the Comptroller to nonprofit legal aid programs organized under the auspices of the Virginia State Bar through the Legal Services Corporation of Virginia to assist in defraying the costs of such programs. However, the additional fees prescribed by this section shall not be collected in actions initiated by any local government or by the Commonwealth.

1992, cc. 249, 749, § 14.1-125.1; 1998, c. [872](#); 2002, c. [318](#); 2004, c. [925](#); 2005, c. [681](#); 2006, c. [189](#); 2008, c. [692](#).

§ 17.1-279. Additional fee to be assessed by circuit court clerks for information technology.

A. In addition to the fees otherwise authorized by this chapter, the clerk of each circuit court shall assess a \$5 fee, known as the "Technology Trust Fund Fee," in each civil action, upon each instrument to be recorded in the deed books, and upon each judgment to be docketed in the judgment lien docket book. Such fee shall be deposited by the State Treasurer into a trust fund. The State Treasurer shall maintain a record of such deposits.

B. Four dollars of every \$5 fee shall be allocated by the Compensation Board from the trust fund for the purposes of: (i) developing and updating individual land records automation plans for individual circuit court clerks' offices; (ii) implementing automation plans to modernize land records in individual circuit court clerks' offices and provide secure remote access to land records throughout the Commonwealth pursuant to § [17.1-294](#); (iii) obtaining and updating office automation and information technology equipment including software and conversion services; (iv) preserving, maintaining and enhancing court records, including, but not limited to, the costs of repairs, maintenance, land records, consulting services, service contracts, redaction of social security numbers from land records, and system replacements or upgrades; and (v) improving public access to court records. The Compensation Board in consultation with circuit court clerks and other users of court records shall develop and update policies governing the allocation of funds for these purposes. However, such funds shall not be used for personnel costs within the circuit court clerks' offices. The Compensation Board policies governing the allocation of funds shall require that a clerk submit to the Compensation Board a written certification that the clerk's proposed technology improvements of his land records will provide secure remote access to those land records on or before July 1, 2008.

The annual budget submitted by each circuit court clerk pursuant to § [15.2-1636.7](#) may include a request for technology improvements in the upcoming fiscal year to be allocated by the Compensation Board from the trust fund. Such request shall not exceed the deposits into the trust fund credited to that locality. The Compensation Board shall allocate the funds requested by the clerks in an amount not to exceed the deposits into the trust fund credited to their respective localities.

C. The remaining \$1 of each such fee may be allocated by the Compensation Board from the trust fund (i) for the purposes of funding studies to develop and update individual land-records automation plans for individual circuit court clerks' offices, at the request of and in consultation with the individual circuit court clerk's offices, and (ii) for the purposes enumerated in subsection B to implement the plan to modernize land records in individual circuit court clerks' offices and provide secure remote access

to land records throughout the Commonwealth. The allocations pursuant to this subsection may give priority to those individual clerks' offices whose deposits into the trust fund would not be sufficient to implement its modernization plan. The Compensation Board policies governing the allocation of funds shall require that a clerk submit to the Compensation Board a written certification that the clerk's proposed technology improvements of his land records will provide secure remote access to those land records on or before July 1, 2008.

D. 1. Secure remote access to land records shall be by paid subscription service through individual circuit court clerk's offices pursuant to § [17.1-276](#), or through designated application service providers. The clerk may require any entity that is a nonresident of the Commonwealth, prior to becoming a subscriber, to demonstrate that such entity is authorized to do business in Virginia and is in good standing with the State Corporation Commission or other applicable state or federal regulatory agency and that such entity will comply with the secure remote access standards developed by the Virginia Information Technologies Agency pursuant to § [17.1-294](#). In the case of an individual, the clerk may require a person who is a nonresident of the Commonwealth to demonstrate that such person has a legal presence in Virginia and will comply with the secure remote access standards developed by the Virginia Information Technologies Agency pursuant to § [17.1-294](#). Compliance with secure remote access standards developed by the Virginia Information Technologies Agency pursuant to § [17.1-294](#) shall be certified by the individual circuit court clerks' offices to the Compensation Board. The individual circuit court clerk's office or its designated application service provider shall certify compliance with such secure remote access standards. Nothing in this section shall prohibit the clerk from entering into a subscriber agreement with an agency of the Commonwealth and delegating the responsibility for compliance with such secure remote access standards to such agency. Nothing in this section shall prohibit the Compensation Board from allocating trust fund money to individual circuit court clerks' offices for the purpose of complying with such secure remote access standards or redaction of social security numbers from land records.

2. Every circuit court clerk shall provide secure remote access to land records pursuant to § [17.1-294](#) on or before July 1, 2008.

E. Such fee shall not be assessed to any instrument to be recorded in the deed books nor any judgment to be docketed in the judgment lien docket books tendered by any federal, state or local government.

F. If such an application includes automation or technology improvements that would require an interface with the case management system or the financial management system operated and maintained by the Executive Secretary of the Supreme Court for the purpose of providing electronic information to state agencies in accordance with § [17.1-502](#), the circuit court clerk, or the court's designated application service provider, shall certify to the Compensation Board that such automation or technology improvements will comply with the security and data standards of the systems operated and maintained by the Executive Secretary of the Supreme Court.

G. Information regarding the technology programs adopted by the circuit court clerks shall be shared with the Virginia Information Technologies Agency, The Library of Virginia, and the Office of the Executive Secretary of the Supreme Court.

H. Nothing in this section shall be construed to diminish the duty of local governing bodies to furnish supplies and equipment to the clerks of the circuit courts pursuant to § [15.2-1656](#). Revenue raised as a result of this section shall in no way supplant current funding to circuit court clerks' offices by local governing bodies.

I. Effective July 1, 2006, except for transfers pursuant to this section, there shall be no transfers out of the Technology Trust Fund, including transfers to the general fund.

1996, c. [431](#), § 14.1-125.2; 1997, c. [675](#); 1998, c. [872](#); 2000, cc. [440](#), [446](#); 2002, cc. [140](#), [250](#), [637](#); 2003, cc. [205](#), [865](#), [981](#), [1021](#); 2004, c. [676](#); 2005, cc. [681](#), [738](#); 2006, c. [647](#); 2007, cc. [548](#), [626](#); 2009, cc. [793](#), [858](#); 2010, c. [430](#); 2014, c. [460](#).

§ 17.1-279.1. Additional assessment for electronic summons system.

Any county, city, or town, through its governing body, may assess an additional sum not in excess of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located where such cases are brought in which the defendant is charged with a violation of any statute or ordinance, which violation in the case of towns arose within the town, and where the defendant is charged with a violation of any such statute or ordinance by a local law-enforcement agency. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county, city, or town, and held by such treasurer subject to disbursements by the governing body to a local law-enforcement agency solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. The imposition of a town assessment shall replace any county fee that would otherwise apply.

2014, c. [325](#); 2015, cc. [546](#), [643](#); 2020, c. [342](#).

§ 17.1-280. What costs chargeable against prosecutor.

If any warrant of arrest for a misdemeanor or felony, or any search warrant, is issued or procured at the instance of a prosecutor, other than a public officer charged with the enforcement of the laws, and the warrant is dismissed or the accused discharged from the charge or charges, the judge before whom the proceeding is held may give judgment against the prosecutor in favor of the accused for his costs. If the judge believes from the evidence that the warrant was procured by the prosecutor through malice or without reasonable and probable cause, the judge shall grant judgment in favor of the accused for his costs.

Code 1950, § 14-140; 1960, c. 369; 1964, c. 386, § 14.1-131; 1998, c. [872](#).

§ 17.1-281. Assessment for courthouse construction, renovation or maintenance.

A. Any county or city, through its governing body, may assess a sum not in excess of two dollars as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. If a town provides court facilities for a county, the governing body of the county shall return to the town a portion of the assessments collected based on the number of civil, criminal and traffic cases originating and heard in the town.

B. The imposition of such assessment shall be by ordinance of the governing body which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city and held by such treasurer subject to disbursements by the governing body for the construction, renovation, or maintenance of courthouse or jail and court-related facilities and to defray increases in the cost of heating, cooling, electricity, and ordinary maintenance.

C. Any county or city which, on or after January 1, 2008, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines, as certified by the Department of General Services upon application to the Department by the county or city, and which cannot be feasibly renovated to correct such non-compliance, through its governing body, may assess an additional sum not in excess of three dollars as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance. Such additional fee assessed under this subsection shall not be assessed in any civil action if the amount in controversy is \$500 or less. Any locality which applies for certification from the Department under this subsection shall reimburse the Department for the actual costs incurred by the Department in complying with the certification request.

D. The imposition of such assessment shall be by ordinance of the governing body, which may provide for different sums in circuit courts and district courts. The assessment shall be collected by the clerk of the court in which the action is filed, remitted to the treasurer of the appropriate county or city, and held by such treasurer subject to disbursements by the governing body solely for the construction, reconstruction, renovation of, or adaptive re-use of a structure for a courthouse.

E. The assessments provided for herein shall be in addition to any other fees prescribed by law. The assessments shall be required in each felony, misdemeanor, or traffic infraction case, regardless of the existence of a local ordinance requiring their payment.

1990, c. 543, § 14.1-133.2; 1991, c. 689; 1992, cc. 698, 863; 1998, c. [872](#); 1999, c. [9](#); 2002, c. [831](#); 2009, cc. [814](#), [857](#).

§ 17.1-282. Reserved.

Reserved.

§ 17.1-283. Statements required of clerks of courts of record; exceptions.

A. Every clerk of a court of record, except the Clerks of the Supreme Court and the Court of Appeals, shall file monthly with the Compensation Board a full and accurate statement showing all such fees, allowances, commissions, salaries or other compensation or emolument of office, derived from the Commonwealth or any political subdivision thereof, or from any other source whatever, collected or received by him. The statements shall include the date of collection and sources from which the collections were made, and shall be verified by a procedure agreed upon by the Compensation Board and the Auditor of Public Accounts. The statements shall be open to public inspection at all times.

B. The statements shall show in detail all sums actually paid for necessary office expenses, premiums on official bond of the principal and deputies, name and amount of compensation to each deputy or assistant, and a detailed statement of every other expense in connection with the administration of the office actually paid out.

Code 1950, §§ 14-145, 14-147, 14-148; 1952, c. 446; 1960, c. 584; 1962, c. 439; 1964, c. 386, §§ 14.1-136, 14.1-138, 14.1-139; 1971, Ex. Sess., c. 155; 1983, c. 293; 1996, c. [696](#); 1998, c. [872](#).

§ 17.1-284. How excess payable into state or local treasury determined.

In determining the excess, if any, to be paid into the state treasury by the clerks, all fees, allowances, commissions, salary or other compensation or emolument of office derived from the Commonwealth or any political subdivision thereof, or from any source whatever, shall be included and enter into the determination of the excess to be paid.

Code 1950, § 14-149; 1964, c. 386, § 14.1-140; 1998, c. [872](#).

§ 17.1-285. Payment of excess.

A. The Commonwealth shall be entitled to one-third of the excess fees collected by clerks as required to be reported under § [17.1-283](#) and the governing body of the county or city shall be entitled to two-thirds of the excess fees collected unless otherwise provided by law. The Compensation Board shall determine on an annual basis by June 30 of each year the methods by which excess fees shall be disbursed.

B. All of the excess paid into the state treasury by the clerks of the Supreme Court of Virginia and the Court of Appeals shall be retained therein.

Code 1950, § 14-150; 1964, c. 386, § 14.1-140.1; 1985, c. 575; 1998, c. [872](#).

§ 17.1-286. Disposition of state funds locally collected.

All state funds collected by clerks of courts shall be paid into the state treasury without deductions on account of their compensation or on account of expenses. The Comptroller shall promptly forward to such officers his warrants on the State Treasurer for the compensation due them and the estimated amount allowed them out of such funds for expenses.

Code 1950, § 14-161; 1964, c. 386, § 14.1-161; 1998, c. [872](#).

§ 17.1-287. Salaries of clerks of circuit courts.

The annual salaries of clerks of circuit courts shall be as prescribed in the general appropriation act.

1982, c. 589, § 14.1-143.2; 1986, c. 370; 1988, c. 841; 1998, c. [872](#).

§ 17.1-288. Compensation and expenses of clerks of circuit courts in Cities of Richmond and Newport News.

In the City of Richmond and in the City of Newport News, the clerk of the circuit court shall be paid a salary by the city of not less than the amount which would be allowed to be retained by the respective clerks under state law. Nothing in this paragraph shall be construed to prevent such clerks from receiving any future increases that may be allowed clerks of circuit courts from time to time by the General Assembly.

Such salaries shall be in full compensation for services and shall be in lieu of the retention by such clerks of any and all official fees, commissions and emoluments of whatever kind or character, and from whatever source derived; and the city council of each such city shall provide for the payment of such salaries out of the city treasury in equal biweekly, semimonthly or monthly installments. The expenses of office of such clerks, including the compensation of all deputies and employees, shall likewise be paid to each such clerk out of the city treasury on duly authenticated vouchers when and as such expenses are incurred or may become due and payable or at least monthly. The maximum amount of such expenses shall be fixed by the Compensation Board, and the Board shall fix the number and compensation of the deputies and employees of each such clerk.

All fees, commissions, and emoluments of every kind or character received or collected by such clerks, and from whatever source derived, shall be paid into the city treasury by such clerks monthly. All fees, commissions, and emoluments of every kind and character whether payable by the Commonwealth, the United States, or by private persons, firms or corporations, now or hereafter made receivable by laws or ordinance by such clerks, shall continue to be paid to and collected by such clerks and shall be paid into the city treasury monthly, except that the city aforesaid shall not be required to pay any such clerk any fees or commissions for services performed for such city.

Except as to the Clerk of the Circuit Court of the City of Newport News, nothing in this section shall be construed to affect or remove any of such clerks, their deputies, or employees from coverage by the Virginia Retirement System, but they shall remain in such system, and the city shall pay to the Virginia Retirement System such amount as the Commonwealth would have been required to pay had such clerks, deputies and employees continued to be compensated under other provisions of former Article 3 (§ 14.1-136 et seq.) of Chapter 2 of Title 14.1, and the city shall deduct from the salaries paid such clerks, their deputies and employees the employee contribution to the Virginia Retirement System as provided by law.

1970, c. 382, § 14.1-144.1; 1973, c. 544; 1981, c. 14; 1983, c. 580; 1998, c. [872](#).

§ 17.1-289. Commission on certain local collections not otherwise provided for.

The clerk of every circuit court shall be entitled to a commission of five percent on local collections received by the clerk on which a commission is not otherwise provided for by law. The commissions shall be deducted by the clerk before the collections are paid into the county, town or city treasury.

1977, c. 290, § 14.1-155.2; 1998, c. [872](#).

§ 17.1-290. Contracts by cities.

Subject to the approval of the Compensation Board, the council of any city may enter into contracts with officers providing for salaries for the maximum amount allowed in § [17.1-287](#) and for the city's pro rata part of the expense of the office approved by the State Compensation Board, in lieu of fees and commissions prescribed by law for services performed for the city and such contracts may relieve the officer from collecting such fees and commissions. In the event such contract is entered into and approved by the Compensation Board, the officer and the city shall not be liable to the Commonwealth for the failure of such officer to collect fees and commissions prescribed by law for services rendered the city. A copy of every such contract, certified by the clerk of the city council, shall be filed with the Comptroller.

Code 1950, § 14-162; 1964, c. 386, § 14.1-162; 1998, c. [872](#).

§ 17.1-291. Penalty for officers.

Any officer failing to comply with the duties imposed upon him by the provisions of this article shall forfeit to the Commonwealth not less than \$25 nor more than \$500 for each such failure, such forfeiture to be enforced by the attorney for the Commonwealth in the circuit court having criminal jurisdiction in his city or county.

Code 1950, § 14-163; 1964, c. 386, § 14.1-163; 1972, c. 170; 1998, c. [872](#).

Article 8 - Secure Remote Access

§ 17.1-292. Applicability; definitions.

A. The provisions of § [17.1-293](#) shall apply to clerks of the courts of record as defined in § [1-212](#) and courts not of record as defined in § [16.1-69.5](#).

B. As used in this article:

"Confidential court records" means court records maintained by a clerk of a court of record, as defined in § [1-212](#), or a court not of record, as defined in § [16.1-69.5](#), and recognized as confidential under any applicable law or sealed pursuant to court order.

"Court records" means any record maintained by the clerk in a civil, traffic, or criminal proceeding in the court, and any appeal from a district court.

"Internet" means the international computer network of interoperable packet-switched data networks.

"Land records" means any writing authorized by law to be recorded on paper or in electronic format that the clerk records affecting title to real property, including but not limited to instruments, orders, or any other writings recorded under this title, Article 5 (§ [8.01-446](#) et seq.) of Chapter 17 of Title 8.01, Title 8.9A and Chapter 6 (§ [55.1-600](#) et seq.) of Title 55.1.

"Nonconfidential court records" means all court records except those court records that are confidential court records.

2007, cc. [548](#), [626](#); 2013, c. [77](#); 2018, cc. [127](#), [584](#).

§ 17.1-293. Posting and availability of certain information on the Internet; prohibitions.

A. Notwithstanding Chapter 37 (§ [2.2-3700](#) et seq.) of Title 2.2 or subsection B, it is unlawful for any court clerk to disclose the social security number or other identification numbers appearing on driver's licenses or other documents issued under Chapter 3 (§ [46.2-300](#) et seq.) of Title 46.2 or the comparable law of another jurisdiction or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems that was supplied to a court clerk for the purpose of paying fees, fines, taxes, or other charges collected by such court clerk. The prohibition shall not apply where disclosure of such information is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by other law or court order.

B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth identified with a particular person, (iv) the maiden name of a person's parent so as to be identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age of any minor child.

C. Each such clerk shall post notice that includes a list of the documents routinely posted on its website. However, the clerk shall not post information on his website that includes private activity for private financial gain.

D. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

E. This section shall not apply to the following:

1. Providing access to any document among the land records via secure remote access pursuant to § [17.1-294](#);
2. Postings related to legitimate law-enforcement purposes;
3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events;
4. Postings of instruments and records filed or recorded that are more than 100 years old;
5. Providing secure remote access to any person, his counsel, or staff which counsel directly supervises to documents filed in matters to which such person is a party;
6. Providing official certificates and certified records in digital form of any document maintained by the clerk pursuant to § [17.1-258.3:2](#); and
7. Providing secure remote access to nonconfidential court records, subject to any fees charged by the clerk, to members in good standing with the Virginia State Bar and their authorized agents, pro hac vice attorneys authorized by the court for purposes of the practice of law, and such governmental agencies as authorized by the clerk.

F. Nothing in this section shall prohibit the Supreme Court or any other court clerk from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth, including online access to subscribers of non-confidential criminal case information to confirm the complete date of birth of a defendant.

G. The court clerk shall be immune from suit arising from any acts or omissions relating to providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2005.

H. Nothing in this section shall be construed to permit any data accessed by secure remote access to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in his discretion, may deny secure remote access to ensure compliance with these provisions. However, the data accessed by secure remote access may be included in products or services provided to a third party of the subscriber provided that (i) such data is not made available to the general public and (ii) the subscriber maintains administrative, technical, and security safeguards to protect the confidentiality, integrity, and limited availability of the data.

2007, cc. [548](#), [626](#); 2010, c. [430](#); 2011, cc. [557](#), [625](#), [689](#), [715](#); 2012, c. [234](#); 2013, c. [77](#); 2014, c. [460](#); 2017, cc. [78](#), [92](#); 2020, cc. [1227](#), [1246](#).

§ 17.1-293.1. (For contingent expiration date see cc. 524 and 542) Online case information system. The Executive Secretary shall make available a publicly viewable online case information system of certain nonconfidential information entered into the case management system for criminal cases in the circuit courts participating in the Executive Secretary's case management system and in the general district courts. Such system shall be searchable by defendant name across all participating courts, and search results shall be viewable free of charge.

2018, cc. [127](#), [584](#).

§ 17.1-293.1. (For contingent effective date see cc. 524 and 542) Online case information system; exceptions.

A. The Executive Secretary shall make available a publicly viewable online case information system of certain nonconfidential information entered into the case management system for criminal cases in the circuit courts participating in the Executive Secretary's case management system and in the general district courts. Such system shall be searchable by defendant name across all participating courts, and search results shall be viewable free of charge.

B. Upon entry of a sealing order pursuant to § [19.2-392.7](#), [19.2-392.8](#), [19.2-392.9](#), [19.2-392.11](#), or [19.2-392.12](#), the Executive Secretary shall not make any offense that was ordered to be sealed available for online public viewing in an appellate court, circuit court, or district court case management system maintained by the Executive Secretary.

C. Upon entry of a sealing order pursuant to § [19.2-392.7](#), [19.2-392.8](#), [19.2-392.9](#), [19.2-392.11](#), or [19.2-392.12](#), any circuit court clerk who maintains a viewable online case management or case information system shall not make any offense that was ordered to be sealed available for online public viewing.

2018, cc. [127](#), [584](#); 2021, Sp. Sess. I, c. [524](#).

§ 17.1-294. Secure remote access to land records.

A. No circuit court clerk shall provide secure remote access to any land record that does not comply with the provisions of this section and the secure remote access standards developed by the Virginia Information Technologies Agency in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, the Compensation Board, and users of land and other court records.

B. 1. Beginning July 1, 2012, any land record made available to subscribers via secure remote access may contain only the last four digits of the social security number of any party. Nothing in this subsection shall be construed to require the clerk to reinsert the last four digits of a social security number on any land record where the redaction of the entire social security number has been completed prior to July 1, 2012.

2. However, the original land record maintained by the clerk may contain a social security number if otherwise provided by law, but that original record shall not be made available via secure remote access unless it complies with this section.

3. Except in cases where the original record is required by law to contain a social security number, the attorney or party who prepares or submits the land record for recordation has the responsibility for ensuring that the social security number has been removed from the writing prior to the instrument's being submitted for recordation.

C. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

D. Nothing in this section shall be construed to permit any data accessed by secure remote access to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in his discretion, may deny secure remote access to ensure compliance with these provisions. However, the data accessed by secure remote access may be included in products or services provided to a third party of the subscriber provided that (i) such data is not made available to the general public and (ii) the subscriber maintains administrative, technical, and security safeguards to protect the confidentiality, integrity, and limited availability of the data.

E. The clerk of the circuit court of any jurisdiction shall be immune from suit arising from any acts or omissions relating to providing secure remote access to land records pursuant to this section unless the clerk was grossly negligent or engaged in willful misconduct.

2007, cc. [548](#), [626](#); 2009, c. [312](#); 2011, c. [715](#); 2012, c. [234](#).

§ 17.1-295. Definitions.

As used in this title:

"Confidential court records" means any civil or criminal record maintained by a clerk of the circuit court designated by this Code as confidential or any such record sealed pursuant to court order.

"Electronic filing of court records" means the networks or systems maintained by a clerk of the circuit court, or the clerk's designated application service providers, for the submittal of instruments for electronic filing of court records in accordance with this title, the Rules of the Supreme Court of Virginia, and the secure remote access standards developed by the Virginia Information Technologies Agency.

"Electronic recording of land records" means the networks or systems maintained by a clerk of the circuit court, or the clerk's designated application service providers, for the submittal of instruments for electronic filing of land records in accordance with the provisions of Article 3 (§ [55.1-346](#) et seq.) of Chapter 3 of Title 55.1 regarding the satisfaction of mortgages, the Uniform Real Property Electronic Recording Act (§ [55.1-661](#) et seq.), and the provisions of this title.

"Operational expenses" means expenses of the clerk of court used to maintain the clerk's office and includes, but is not limited to, (i) computer support, maintenance, enhancements, upgrades, and replacements and office automation and information technology equipment, including software and conversion services; (ii) preserving, maintaining, and enhancing court records, including, but not limited to, the costs of repairs, maintenance, consulting services, service contracts, redaction of social security numbers from certain records, and system replacements or upgrades; and (iii) improving public access to records maintained by the clerk, including locating technology in an offsite facility for such purposes or for implementation of a disaster recovery plan.

"Public access" means that the clerk of the circuit court has made available to subscribers that are other than governmental agencies, secure remote access to records maintained by the clerk in accordance with § [17.1-294](#).

"Secure remote access to court records" means public access by electronic means on a network or system to court records maintained by the clerk of the circuit court or the clerk's designated application service providers, in compliance with this title, the Rules of the Supreme Court of Virginia, and the secure remote access standards developed by the Virginia Information Technologies Agency.

"Secure remote access to land records" means public access by electronic means on a network or system to land records maintained by the clerk of the circuit court or the clerk's designated application service providers, in compliance with the Secure Remote Access Standards developed by the Virginia Information Technologies Agency.

"Subscriber" means any person who has entered into a subscriber agreement with the clerk of the circuit court authorizing the subscriber to have secure remote access to land records or secure remote access to court records maintained by the clerk or the clerk's designated application service providers. If the subscriber is an entity with more than one person who will use the network or system to access land records maintained by the clerk, or the clerk's designated application service providers, each

individual user shall execute a subscriber agreement and obtain a separate "user id" and "password" from the clerk. The subscriber is responsible for the fees due under this title and the proper use of the secure remote access system pursuant to the subscriber agreement, applicable Virginia law, and Secure Remote Access Standards developed by the Virginia Information Technologies Agency.

2008, cc. [823](#), [833](#); 2013, cc. [77](#), [263](#), [422](#); 2017, cc. [78](#), [92](#).

Chapter 3 - SUPREME COURT

Article 1 - COMPOSITION, JURISDICTION, ETC

§ 17.1-300. Composition of Court; quorum; Chief Justice.

The Supreme Court shall consist of seven justices, any four of whom convened shall constitute a quorum. The Chief Justice shall be elected by majority vote of the justices of the Supreme Court to serve a term of four years. An eligible justice may decline to serve as Chief Justice, or a Chief Justice may resign as such, without thereby relinquishing his membership on the Court as a justice thereof.

Code 1919, § 5862, § 17-93; 1938, p. 133; 1971, Ex. Sess., c. 51; 1998, c. [872](#); 2002, cc. [43](#), [552](#).

§ 17.1-301. Presiding justice when Chief Justice absent.

In the absence of the Chief Justice, the justice longest in continuous service present shall be the presiding justice. If two or more justices have served for the same period, the justice senior in years of these present shall be the presiding justice.

Code 1919, § 5863, § 17-95; 1938, p. 134; 1998, c. [872](#).

§ 17.1-302. Senior justice.

A. Any Chief Justice or justice of the Supreme Court of Virginia who is eligible for retirement, other than for disability, with the prior consent of a majority of the members of the Court, may elect to retire under the Judicial Retirement System (§ [51.1-300](#) et seq.) and be designated a senior justice. In addition, any Chief Justice or justice of the Supreme Court of Virginia who is retired under the Judicial Retirement System (§ [51.1-300](#) et seq.) shall be subject to recall, with the consent of a majority of the members of the court, and may be known and designated as a senior justice.

B. Any Chief Justice or justice who has retired from active service, as provided in subsection A, may be designated and assigned by the Chief Justice of the Supreme Court of Virginia to perform the duties of a justice of the Court. Such justice shall have all the powers, duties, and privileges attendant on the position for which he is recalled to serve.

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

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

E. Only five retired justices shall serve as senior justices at any one time.

F. Nothing in this section shall be construed to increase the number of justices of the Supreme Court provided for in Section 2 of Article VI of the Constitution of Virginia and in § [17.1-300](#).

1977, c. 251, § 17-95.1; 1990, c. 897; 1998, cc. [190](#), [872](#); 2001, c. [295](#); 2004, c. [346](#); 2014, c. [776](#); 2018, c. [709](#).

§ 17.1-303. Election of successor justice before date of vacancy.

Whenever a vacancy occurs or exists in the office of a justice of the Supreme Court while the General Assembly is in session, or whenever the term of office of a justice of the Supreme Court will expire or the office will be vacated at a date certain between the adjournment of the General Assembly and the commencement of the next session of the General Assembly, a successor may be elected at any time during a session preceding the date of such vacancy, by the vote of a majority of the members elected to each house of the General Assembly, for a full term and, upon qualification, the successor shall enter at once upon the discharge of the duties of the office; however, such successor shall not qualify prior to the predecessor leaving office. No person shall be elected or reelected to a subsequent term under this section until he has submitted to a criminal history record search and submitted to a search of the central registry maintained pursuant to § [63.2-1515](#) for any founded complaint of child abuse or neglect and reports of such searches have been received by the chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary. If the person has not met the requirement of filing in the preceding calendar year a disclosure form prescribed in § [2.2-3117](#) or [30-111](#), he shall also provide a written statement of economic interests on the disclosure form prescribed in § [2.2-3117](#) to the chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary.

1991, c. 31, § 17-93.1; 1998, c. [872](#); 2004, c. [452](#); 2018, c. [578](#).

§ 17.1-304. Terms and sessions, state of emergency.

A. The Supreme Court shall hold one term annually, commencing at such time and continuing for such period as it may determine. Sessions shall be held at Richmond commencing at such times and continuing for such periods as the Court from time to time directs.

B. In the event of a state of emergency declared by the Governor pursuant to Chapter 3.2 (§ [44-146.13](#) et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, the Supreme Court may convene at such time, in such location, and for such purposes as the Court determines is necessary for the efficient and effective administration of justice.

C. When the Court convenes pursuant to subsection B, the Court may satisfy its quorum by the presence of the justices through the use of technology.

Code 1919, § 5866, § 17-99; 1938, p. 134; 1944, p. 486; 1971, Ex. Sess., c. 51; 1972, c. 856; 1998, c. [872](#); 2006, c. [357](#).

§ 17.1-305. Special sessions.

The Supreme Court by an order entered of record, may direct a special session to be held at such time as it may deem proper.

A special session may also be held, by order of the Chief Justice in vacation, on the written request of the Governor to him, or whenever it is proper in the opinion of the Chief Justice. The time of holding the special session shall be designated in the order, which shall be directed to the clerk, who shall enter it in his record book and give notice thereof to each justice of the Court.

Code 1919, §§ 5884, 5885, §§ 17-100, 17-101; 1971, Ex. Sess., c. 51; 1998, c. [872](#).

§ 17.1-306. What may be tried at special session; effect of decisions.

At any such special session, the Supreme Court, by consent of the parties or their counsel, may hear and determine any cause then ready for a hearing, or, without such consent, upon twenty days' previous notice in writing, given by a party desiring a hearing to the adverse party, of his intention to insist on the same. The Court, at such special session, shall, after notice to the parties or their counsel from the clerk of the Court, hear any cause which, in its opinion, the public interest requires to be heard and determined. Any judgment, decree or order entered or made at such special session shall have the same effect and may be reviewed and reheard in like manner and subject to the same rules as a judgment, decree or order entered or made at a regular session.

Code 1919, § 5886, § 17-102; 1971, Ex. Sess., c. 51; 1998, c. [872](#).

§ 17.1-307. Information and recommendations as to other courts.

The Supreme Court, with the aid of the Executive Secretary, shall obtain the information to be contained in the reports to be made pursuant to § [17.1-221](#) and present the same to the next regular session of the General Assembly, and at each recurring session, together with any recommendation it sees fit to make, looking to the equalization of the work of the courts of record of this Commonwealth or any matter pertaining to the conduct of the work of the courts which may enable the General Assembly to have complete knowledge thereof.

Code 1919, § 3405, § 17-103; 1928, p. 1121; 1938, p. 130; 1944, p. 131; 1973, c. 544; 1998, c. [872](#).

§ 17.1-308. Court may sit and render final judgment en banc or in divisions; when decision becomes judgment of Court; majority must concur in declaring law unconstitutional; rehearings.

The Supreme Court may sit and render final judgment en banc or in divisions, as may be prescribed by rules of the Court not inconsistent with the provisions of this section. No decision shall become the judgment of the Court, however, except on the concurrence of at least three justices, and no law shall be declared unconstitutional under either the Constitution of Virginia or the Constitution of the United

States except on the concurrence of at least a majority of all justices of the Supreme Court. If the justices composing any division differ as to the judgment to be rendered in any cause or if any justice of such division, within a time and in a manner to be fixed by the rules of the Court, shall certify that in his opinion any decision of such division of the Court is in conflict with a prior decision of the Court, or of one of the divisions thereof, the case shall be reheard and decided by the Court sitting en banc.

Code 1919, § 5862, § 17-94; 1938, p. 133; 1971, Ex. Sess., c. 51; 1998, c. [872](#).

§ 17.1-309. (Effective until January 1, 2022) Jurisdiction of writs of mandamus and prohibition.

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

Code 1919, § 5864, § 17-96; 1998, c. [872](#).

§ 17.1-309. (Effective January 1, 2022) Jurisdiction of writs of mandamus and prohibition.

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

Code 1919, § 5864, § 17-96; 1998, c. [872](#); 2021, Sp. Sess. I, c. [489](#).

§ 17.1-310. Habeas corpus, appeals, writs of error and supersedeas.

The Supreme Court shall also have jurisdiction to award writs of habeas corpus and of such appeals, writs of error and supersedeas as may be legally docketed in or transferred to the Court.

Code 1919, § 5865, § 17-97; 1995, c. [503](#); 1998, c. [872](#); 2021, Sp. Sess. I, cc. [344](#), [345](#).

§ 17.1-311. Where prohibition and mandamus issued and tried.

Writs of prohibition or mandamus from the Supreme Court shall issue and be tried at any place of session of the Court.

Code 1919, § 5872, § 17-98; 1998, c. [872](#).

§ 17.1-312. Where criminal jurisdiction exercised.

The appellate jurisdiction of the Supreme Court in any criminal case may be exercised at any place of session, no matter where the court may have been held which rendered the judgment in such case.

Code 1919, § 5870, § 17-110; 1998, c. [872](#).

§ 17.1-313. Repealed.

Repealed by Acts 2021, Sp. Sess. I, cc. [344](#) and [345](#), cl. 2, effective July 1, 2021.

§ 17.1-314. Executive Secretary.

The Office of Executive Secretary to the Supreme Court, to be filled by a person having the qualifications as may be prescribed by the justices of the Supreme Court, is hereby created to be the court administrator for the Commonwealth. He shall be appointed by the Supreme Court, shall hold office at the pleasure of the Court, and during his term of office shall not engage in the private practice of law. He shall receive such compensation as may be fixed by the Court. He may, with the approval of the Court, employ such persons as are necessary for the performance of the duties of his office, whose compensation shall be fixed by the Court within the limits of the amounts appropriated by law.

1952, c. 506, § 17-111.1; 1966, c. 148; 1973, c. 544; 1998, c. [872](#); 2005, c. [237](#).

§ 17.1-315. Duties of Executive Secretary.

The Executive Secretary to the Supreme Court shall have the following duties:

1. He shall be the Secretary of the Judicial Council;
2. He shall be the Secretary of the Judicial Conference;
3. He shall assist the Chief Justice and the Supreme Court in the administration of the judicial branch of the government to the end that litigation may be expedited and the administration of justice improved in the courts of the Commonwealth; and
4. He shall have such other duties as may be required of him by the Chief Justice or by the Supreme Court in the performance of the administrative functions of that Court.

1952, c. 506, § 17-111.2; 1998, c. [872](#).

§ 17.1-316. Printing and binding reports of Supreme Court.

When notified by the reporter of the Supreme Court that he has sufficient copy to issue a volume of the Virginia Reports, or a substantial part thereof, the Executive Secretary of the Supreme Court of Virginia shall order the printing of such copy. The Executive Secretary of the Supreme Court of Virginia shall order sufficient copies for distribution as set forth in § [17.1-319](#) and for sale to the public.

All reports sold by authority of this section shall be sold at a price per volume fixed by the Executive Secretary, said price to be reasonable and sufficient to cover the cost of printing, binding, mailing and handling. The receipts from such sales shall be paid into the state treasury and credited as revenue to a special fund for use by the Supreme Court. The Executive Secretary may arrange for quantity, volume sales to book dealers or publishers for resale and on such quantity sales he may allow a reas-

onable discount; but the Executive Secretary may limit such sales whenever such sales would reduce the stock below a reasonable number of volumes to be held for sale to individuals for their own use.

1980, c. 615, § 17-111.3; 1983, c. 588; 1998, c. [872](#).

§ 17.1-317. Printing and distribution of advance sheets of such reports.

A. In addition to the copies authorized to be printed and bound under § [17.1-316](#), the Executive Secretary of the Supreme Court of Virginia may have printed, for sale as advance sheets, a number of copies of each such report sufficient to fill orders received for advance sheets. He shall fix the price for advance sheets in an amount to cover the cost of printing, mailing and handling. All the funds collected from the sale of advance sheets shall be paid into the state treasury and reported to the Comptroller for credit to the general fund of the Commonwealth.

B. The Executive Secretary of the Supreme Court of Virginia may also have printed as advance sheets a number of copies of each such report sufficient to furnish one copy of each such report to the following for their use and the use of their successors in office:

1. The Clerk of the Supreme Court;
2. The reporter of the Supreme Court;
3. The judges of each court of record of this Commonwealth;
4. The Division of Legislative Services;
5. The Secretary of the Virginia State Bar;
6. Each justice of the Supreme Court;
7. The members of the State Corporation Commission;
8. Each judge of a general district court and each judge of a juvenile and domestic relations district court and such district courts as shall be designated by the Executive Secretary of the Supreme Court of Virginia not to exceed 250 copies;
9. The Attorney General, his deputies and assistants upon written application to the Executive Secretary of the Supreme Court of Virginia; and
10. Any member of the General Assembly upon written application to the Executive Secretary of the Supreme Court of Virginia.

1980, c. 615, § 17-111.4; 1990, c. 731; 1998, c. [872](#).

§ 17.1-318. Repealed.

Repealed by Acts 2003, c. [280](#), cl. 2.

§ 17.1-319. Custody and distribution of reports of Supreme Court; Court of Appeals.

A. The Executive Secretary of the Supreme Court of Virginia shall be charged with the custody, disposal and sale of the published reports of the decisions of the Supreme Court and the Court of

Appeals. One copy of each volume of the reports hereafter published shall be furnished either in print or in electronic format to each of the following for their use and the use of their successors in office:

1. The Clerk and the Executive Secretary of the Supreme Court;
2. The reporter of the Supreme Court;
3. The judges and retired judges of each circuit court of this Commonwealth;
4. The clerk of each such court;
5. Each judge of a general district court and each judge of a juvenile and domestic relations district court, and such district courts as shall be designated by the Executive Secretary of the Supreme Court of Virginia not to exceed 250 copies;
6. The Clerk of the House of Delegates;
7. The Clerk of the Senate;
8. The Division of Legislative Services;
9. The Virginia Workers' Compensation Commission;
10. The Secretary of the Virginia State Bar;
11. The clerk of each of the district courts of the United States held in this Commonwealth for the use of the courts and the members of the bar practicing therein;
12. The attorney for the Commonwealth in counties and cities, and the county attorney in those counties which created the office of the county attorney;
13. The Attorney General, his deputies and assistants upon written application to the Executive Secretary of the Supreme Court of Virginia.

B. Two copies of each volume of the reports hereafter published shall be furnished to each of the justices of the Supreme Court, to each of the judges of the Court of Appeals and to each of the members of the State Corporation Commission for their use and for the use of their successors in office, except that each justice, judge or member shall be entitled to retain for personal use one copy of each volume in which appear any opinions authored by him. Eight copies of each volume of the reports hereafter published shall be furnished to each institution of higher education in the Commonwealth in which a law school approved by the American Bar Association is established. Fifteen copies of each such volume shall be placed in the State Law Library at Richmond.

C. He shall place in the Law Library at Richmond such additional copies of all of the decisions of the Supreme Court as are available, so as to make up 15 complete sets of the Virginia Reports for the justices' private offices, conference rooms and the Law Library.

1980, c. 615, § 17-111.6; 1984, c. 703; 1990, c. 739; 1998, c. [872](#); 2003, c. [141](#).

§ 17.1-320. Furnishing reports to law libraries destroyed by fire.

The Executive Secretary of the Supreme Court of Virginia is authorized and directed to furnish to the law school of any institution of higher education in the Commonwealth whose law library has been destroyed by fire, out of any surplus copies on hand and available for such distribution, eight copies of each volume of the Virginia Reports, or so many thereof as may be necessary to replace copies of such volumes which have been destroyed by such fire.

Nothing in this section shall be construed to require the Executive Secretary of the Supreme Court of Virginia to purchase any such copies for distribution hereunder.

1980, c. 615, § 17-111.7; 1998, c. [872](#).

§ 17.1-321. Reporter of Court; his appointment and salary.

The Supreme Court shall have authority to contract with some suitable person to report such of its decisions as the Court shall direct, at such compensation as may be appropriated by law for the purpose, payable in monthly installments.

The Court may at any time put an end to such contract and contract with another person for performing the service, upon the same terms.

Code 1919, §§ 5879 and 5882, §§ 17-113, 17-114; 1998, c. [872](#).

§ 17.1-322. Duties.

The Reporter shall prepare and deliver from time to time to such printer as the Comptroller may direct manuscript reports of such decisions of the Court as the judges thereof shall direct, with an abstract of the points decided in each case and an index to the contents of the volume, a table of cases reported, a table of cases cited and a table of Virginia statutes cited and construed in the volume. The Reporter shall examine and correct the proof sheets thereof as they shall be furnished him by the printer.

Code 1919, §§ 5880, 5881, § 17-115; 1998, c. [872](#).

§ 17.1-323. Clerk to deliver opinions to Reporter.

In those cases which the Reporter is directed to report, copies of the reasons stated in writing, under Section 6 of Article VI of the Constitution of Virginia, shall be delivered by the clerk of the Court to the Reporter.

Code 1919, § 5883, § 17-116; 1938, p. 134; 1971, Ex. Sess., c. 1; 1998, c. [872](#).

Article 2 - COMPENSATION AND EXPENSES; FEES

§ 17.1-324. Justices of Supreme Court.

The justices of the Supreme Court shall receive such salaries as shall be fixed from time to time in the general appropriation act.

Code 1950, § 14-38; 1964, c. 386, § 14.1-29; 1971, Ex. Sess., c. 156; 1972, c. 856; 1998, c. [872](#).

§ 17.1-325. Clerk and deputy clerks of Supreme Court.

The Clerk of the Supreme Court and the deputy clerks of the Court shall each receive an annual salary, as fixed by the Court. The salaries prescribed in this section for the Clerk and deputy clerks of

the Supreme Court shall be the entire compensation for all services rendered by them, respectively, and shall be in lieu of any and all fees and other emoluments of their offices, prescribed by any other statutes or acts. A reasonable sum as approved by the Court, shall be allowed for the necessary expenses of maintaining the offices of the Clerk.

Nothing herein contained, however, shall be construed to lessen or eliminate the authority of the General Assembly to fix and determine such salaries.

Code 1950, § 14-39; 1964, c. 386, § 14.1-30; 1971, Ex. Sess., c. 156; 1972, c. 856; 1998, c. [872](#).

§ 17.1-326. Reporter of Supreme Court.

The reporter of the Supreme Court shall receive an annual salary as fixed by the Court.

Nothing herein contained, however, shall be construed to lessen or eliminate the authority of the General Assembly to fix and determine such salary.

Code 1950, § 14-41; 1964, c. 386, § 14.1-32; 1971, Ex. Sess., c. 156; 1972, c. 856; 1998, c. [872](#).

§ 17.1-327. Payment for services of retired judges; members of the State Corporation Commission and Virginia Workers' Compensation Commission.

Any justice, judge, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission who is retired under the Judicial Retirement System (§ [51.1-300](#) et seq.) and who is temporarily recalled to service shall be reimbursed for actual expenses incurred during such service and shall be paid a per diem of \$200 for each day he actually sits, exclusive of travel time.

1990, c. 832, § 14.1-39.1; 1998, c. [872](#); 1999, c. [730](#).

§ 17.1-328. Fees charged and collected by Clerk of Supreme Court.

A. The Clerk of the Supreme Court shall charge the following fees:

1. In every case in which a petition is presented, \$50, which shall be collected at the time such petition is presented. Twenty-five dollars of each fee collected under this section shall be apportioned to the Courts Technology Fund established under § [17.1-132](#).
2. For making and certifying a copy of any record or document in the clerk's office, ten cents per 100 words or twenty-five cents per page.
3. For verifying and certifying any record or document not actually copied by the clerk, one-half of the fee for copying and certifying, which shall not, however, be applied to the certification of a copy of the record in this court which has already been printed.
4. For authentication of any record, document or paper under the seal of the court, fifty cents.
5. For copying and certifying any document or paper of less than 250 words, twenty-five cents.
6. For administering an oath and entering an order qualifying an attorney to practice in the court, two dollars and fifty cents.
7. For certificate of such qualification under seal of the court, one dollar plus the cost of engrossing.

8. For entering an order and licensing an attorney from another state, under the reciprocity statute, \$500.

9. For a law license certificate under seal of the court and a certificate of qualification under seal of the court, \$15, which shall be apportioned to the Courts Technology Fund established under § [17.1-132](#), plus the cost of engrossing.

10. For all other services not specifically mentioned above, the same fee as would be charged by a clerk of a circuit court in similar cases.

B. The tribunal wherein a motion to associate counsel pro hac vice and an application of an out-of-state lawyer are filed shall collect the fee specified in Rule 1A:4 of the Rules of the Supreme Court and transmit such fee to the Clerk of the Supreme Court, who shall deposit such fee in the Pro Hac Vice Fund established pursuant to § [17.1-205](#).

Code 1950, § 14-129; 1964, c. 386, § 14.1-120; 1971, Ex. Sess., c. 156; 1972, c. 856; 1977, c. 449; 1992, c. 252; 1998, c. [872](#); 2006, cc. [623](#), [718](#); 2007, cc. [113](#), [372](#).

§ 17.1-329. Disposition of fees of Clerk of Supreme Court.

The Clerk of the Supreme Court shall keep an accurate account of all fees and costs collected by him and shall make monthly deposits thereof in a depository, or depositories, approved by the State Treasurer, to the credit of the Commonwealth of Virginia. A report of each deposit shall be promptly submitted to the State Treasurer, and detailed reports thereof shall be made monthly to the State Comptroller. Except as provided in § [17.1-328](#), all such fees and costs shall be credited by the Comptroller to the general fund of the state treasury.

Code 1950, § 14-40; 1964, c. 386, § 14.1-31; 1971, Ex. Sess., c. 156; 1998, c. [872](#); 2006, cc. [623](#), [718](#).

Article 3 - DECLARATION OF JUDICIAL EMERGENCY

§ 17.1-330. Declaration of judicial emergency.

A. A judicial emergency may be declared as provided in this section when a disaster, as defined in § [44-146.16](#), substantially endangers or impedes the operation of a court, the ability of persons to avail themselves of the court, or the ability of litigants or others to have access to the court or to meet schedules or time deadlines imposed by court order, rule, or statute. Notwithstanding any other provision of law, the Chief Justice of the Supreme Court or, if the Chief Justice is unavailable, the justice longest in continuous service who is available, shall have the power to declare by order a judicial emergency (i) for any court upon the request of the Governor, (ii) for the Supreme Court sua sponte, (iii) for the Court of Appeals, upon the request of the chief judge of the Court of Appeals or, if the chief judge is unavailable, the judge of the Court of Appeals longest in continuous service who is available, or (iv) for any circuit or district court upon the request of the chief judge of the affected circuit or district court or, if the chief judge is unavailable, the judge from the affected circuit or district court longest in continuous service who is available.

B. Any order declaring a judicial emergency shall specify (i) the court or courts and facilities affected by the order; (ii) the nature of the disaster necessitating the order; (iii) the time period or duration of the judicial emergency; and (iv) any other information relevant to the suspension or restoration of court operations, including but not limited to extension of deadlines. The order shall become effective for each affected court upon the date set forth in the order or, if no date is set forth in the order, upon the date the order is signed.

C. Notwithstanding any other provision of law, an order declaring a judicial emergency may designate a neighboring city or county not affected by the disaster for the temporary relocation of the affected circuit or district court. Locations designated under this section may be outside the geographical limits of the affected court's circuit or district.

If an affected circuit or district court conducts sessions in a city or county not affected by the disaster pursuant to this section, the unaffected city or county shall be a proper venue for civil and criminal actions to the same extent as if the affected court were operating in its original city or county. An affected circuit court may, upon motion of either party, and for good cause shown, summon jurors from the jurisdiction where the affected circuit court has been temporarily relocated.

D. Notwithstanding any other provision of law, such order may suspend, toll, extend, or otherwise grant relief from deadlines, time schedules, or filing requirements imposed by otherwise applicable statutes, rules, or court orders in any court processes and proceedings, including all appellate court time limitations.

E. The duration of the order shall be for the shortest period of time necessary under the circumstances of the emergency, but in no event shall the period exceed 21 calendar days. Any such order may be extended for additional periods not to exceed 21 calendar days by a majority of the justices of the Supreme Court, and any order of extension shall include the information required by subsection B for the issuance of an initial order. In the event of a communicable disease of public health threat, as defined in § [44-146.16](#), a majority of the justices of the Supreme Court may extend such order for the duration of the threat.

2010, cc. [451](#), [757](#).

§ 17.1-331. Notice.

Any order declaring a judicial emergency shall be recorded in the order book maintained by the clerk of the Supreme Court, and notice shall be provided to the clerk of the Court of Appeals and all judges and clerks of the courts within any affected circuit or district. Notice to the public shall be given by any means reasonably calculated to inform interested persons and may, without limitation, include publication in a newspaper of local or state-wide distribution, posting of written notices at courthouses and other public facilities, and announcements on television, radio, and the Internet.

2010, cc. [451](#), [757](#).

Chapter 4 - The Court of Appeals

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

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

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

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

C. If a judge of the Court of Appeals is absent or unable through sickness, disability, or any other reason to perform or discharge any official duty or function authorized or required by law, a (i) retired chief justice or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge of the Court of Appeals of Virginia, or (iii) retired judge of a circuit court of Virginia, with his or her prior

consent, may be appointed by the chief judge of the Court of Appeals, acting upon his own initiative or upon a personal request from the absent or disabled judge, to perform or discharge the official duties or functions of the absent or disabled judge until that judge shall again be able to attend his duties. The chief judge of the Court of Appeals shall be notified forthwith at the time any absent or disabled judge is able to return to his duties.

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

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

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

1983, c. 413, § 17-116.01; 1984, c. 701; 1987, c. 88; 1991, cc. 31, 442; 1998, c. [872](#); 2000, c. [8](#); 2004, c. [452](#); 2018, c. [578](#); 2021, Sp. Sess. I, c. [489](#).

§ 17.1-401. (Effective until January 1, 2022) Senior judge.

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

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

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

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

E. Only five retired judges shall serve as senior judges at any one time.

F. Nothing in this section shall be construed to increase the number of judges of the Court of Appeals provided for in § [17.1-400](#).

1993, c. 421, § 17-116.01:1; 1994, c. [401](#); 1998, cc. [190](#), [872](#); 2001, c. [295](#); 2004, c. [346](#); 2014, c. [776](#); 2018, c. [709](#).

§ 17.1-401. (Effective January 1, 2022) Senior judge.

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

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

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

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

E. Only seven retired judges shall serve as senior judges at any one time.

F. Nothing in this section shall be construed to increase the number of judges of the Court of Appeals provided for in § [17.1-400](#).

1993, c. 421, § 17-116.01:1; 1994, c. [401](#); 1998, cc. [190](#), [872](#); 2001, c. [295](#); 2004, c. [346](#); 2014, c. [776](#); 2018, c. [709](#); 2021, Sp. Sess. I, c. [489](#).

§ 17.1-402. (Effective until January 1, 2022) Sessions; panels; quorum; presiding judges; hearings en banc.

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

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

C. Each panel shall hear and determine, independently of the others, the petitions for appeal and appeals granted in criminal cases and the other cases assigned to that panel.

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

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

1983, c. 413, § 17-116.02; 1984, c. 701; 1988, cc. 71, 478; 1998, c. [872](#); 2000, c. [8](#); 2001, c. [555](#); 2008, cc. [54](#), [156](#).

§ 17.1-402. (Effective January 1, 2022) Sessions; panels; quorum; presiding judges; hearings en banc.

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

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

C. Each panel shall hear and determine, independently of the others, the petitions for appeal pursuant to § [17.1-406](#) or [19.2-398](#) and appeals in criminal and civil cases assigned to that panel.

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

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

1983, c. 413, § 17-116.02; 1984, c. 701; 1988, cc. 71, 478; 1998, c. [872](#); 2000, c. [8](#); 2001, c. [555](#); 2008, cc. [54](#), [156](#); 2021, Sp. Sess. I, c. [489](#).

§ 17.1-403. (Effective until January 1, 2022) Rules of practice, procedure, and internal processes; promulgation by Supreme Court; amendments; summary disposition of appeals without merit.

The Supreme Court shall prescribe and publish the initial rules governing practice, procedure, and internal processes for the Court of Appeals designed to achieve the just, speedy, and inexpensive disposition of all litigation in that court consistent with the ends of justice and to maintain uniformity in the law of the Commonwealth. Before amending the rules thereafter, the Supreme Court shall receive and consider recommendations from the Court of Appeals. The rules shall prescribe procedures governing the summary disposition of appeals which are determined to be without merit.

1983, c. 413, § 17-116.03; 1984, cc. 632, 701; 1998, c. [872](#).

§ 17.1-403. (Effective January 1, 2022) Rules of practice, procedure, and internal processes; promulgation by Supreme Court; amendments; summary disposition of appeals.

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

1983, c. 413, § 17-116.03; 1984, cc. 632, 701; 1998, c. [872](#); 2021, Sp. Sess. I, c. [489](#).

§ 17.1-404. Original jurisdiction in matters of contempt and injunctions, writs of mandamus, prohibition and habeas corpus.

The Court of Appeals shall have authority to punish for contempt. A judge of the Court of Appeals shall exercise initially the authority concerning injunctions vested in a justice of the Supreme Court by § [8.01-626](#) in any case over which the court would have appellate jurisdiction as provided in §§ [17.1-405](#) and [17.1-406](#). In addition, in such cases over which the court would have appellate jurisdiction, the court shall have original jurisdiction to issue writs of mandamus, prohibition and habeas corpus.

1983, c. 413, § 17-116.04; 1984, c. 701; 1998, c. [872](#).

§ 17.1-405. (Effective until January 1, 2022) Appellate jurisdiction – Administrative agency, Virginia Workers' Compensation Commission, and domestic relations appeals.

Any aggrieved party may appeal to the Court of Appeals from:

1. Any final decision of a circuit court on appeal from (i) a decision of an administrative agency, or (ii) a grievance hearing decision issued pursuant to § [2.2-3005](#);
2. Any final decision of the Virginia Workers' Compensation Commission;
3. Any final judgment, order, or decree of a circuit court involving:
 - a. Affirmance or annulment of a marriage;
 - b. Divorce;
 - c. Custody;
 - d. Spousal or child support;
 - e. The control or disposition of a child;
 - f. Any other domestic relations matter arising under Title 16.1 or Title 20;
 - g. Adoption under Chapter 12 (§ [63.2-1200](#) et seq.) of Title 63.2; or
 - h. A final grievance hearing decision issued pursuant to subsection B of § [2.2-3007](#).
4. Any interlocutory decree or order entered in any of the cases listed in this section (i) granting, dissolving, or denying an injunction or (ii) adjudicating the principles of a cause.

1983, c. 413, § 17-116.05; 1984, c. 701; 1985, c. 283; 1990, c. 897; 1998, c. [872](#); 2000, cc. [830](#), [947](#), [1006](#); 2001, cc. [393](#), [420](#).

§ 17.1-405. (Effective January 1, 2022) Appellate jurisdiction – Administrative agency, Virginia Workers' Compensation Commission, and civil matter appeals.

Unless otherwise provided by law, any aggrieved party may appeal to the Court of Appeals from:

1. Any final decision of a circuit court on appeal from (i) a decision of an administrative agency, or (ii) a grievance hearing decision issued pursuant to § [2.2-3005](#);
2. Any final decision of the Virginia Workers' Compensation Commission;
3. Except as provided in subsection B of § [17.1-406](#), any final judgment, order, or decree of a circuit court in a civil matter;

4. Any interlocutory decree or order pursuant to § [8.01-267.8](#), [8.01-626](#), or [8.01-675.5](#); or
5. Any final judgment, order, or decree of a circuit court (i) involving an application for a concealed weapons permit pursuant to Article 6.1 (§ [18.2-307.1](#) et seq.) of Chapter 7 of Title 18.2, (ii) involving involuntary treatment of prisoners pursuant to § [53.1-40.1](#) or [53.1-133.04](#), or (iii) for declaratory or injunctive relief under § [57-2.02](#).

1983, c. 413, § 17-116.05; 1984, c. 701; 1985, c. 283; 1990, c. 897; 1998, c. [872](#); 2000, cc. [830](#), [947](#), [1006](#); 2001, cc. [393](#), [420](#); 2021, Sp. Sess. I, c. [489](#).

§ 17.1-406. (Effective until January 1, 2022) Petitions for appeal; cases over which Court of Appeals does not have jurisdiction.

A. Any aggrieved party may present a petition for appeal to the Court of Appeals from (i) any final conviction in a circuit court of a traffic infraction or a crime, (ii) any final decision of a circuit court on an application for a concealed weapons permit 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 court involving involuntary treatment of prisoners pursuant to § [53.1-40.1](#) or [53.1-133.04](#), or (iv) any final order for declaratory or injunctive relief under § [57-2.02](#). The Commonwealth or any county, city or town may petition the Court of Appeals for an appeal pursuant to this subsection in any case in which such party previously could have petitioned the Supreme Court for a writ of error under § [19.2-317](#). The Commonwealth may also petition the Court of Appeals for an appeal in a criminal case pursuant to § [19.2-398](#).

B. In accordance with other applicable provisions of law, appeals lie directly to the Supreme Court from a final decision, judgment, or order of a circuit court involving a petition for a writ of habeas corpus; from any final finding, decision, order, or judgment of the State Corporation Commission; and from proceedings under §§ [54.1-3935](#) and [54.1-3937](#). Complaints of the Judicial Inquiry and Review Commission shall be filed with the Supreme Court of Virginia. The Court of Appeals shall not have jurisdiction over any cases or proceedings described in this subsection.

1984, c. 701, § 17-116.05:1; 1985, c. 371; 1987, cc. 707, 710; 1988, c. 873; 1998, c. [872](#); 2007, c. [889](#); 2013, c. [746](#); 2019, c. [809](#); 2021, Sp. Sess. I, cc. [344](#), [345](#).

§ 17.1-406. (Effective January 1, 2022) Appeals in criminal matters; cases over which Court of Appeals does not have jurisdiction.

A. Any aggrieved party may appeal to the Court of Appeals from any final conviction in a circuit court of a traffic infraction or a crime. The Commonwealth or any county, city, or town may petition the Court of Appeals for an appeal pursuant to this subsection in any case in which such party previously could have petitioned the Supreme Court for a writ of error under § [19.2-317](#). The Commonwealth may also petition the Court of Appeals for an appeal in a criminal case pursuant to § [19.2-398](#).

B. In accordance with other applicable provisions of law, appeals lie directly to the Supreme Court from a final decision, judgment or order of a circuit court involving a petition for a writ of habeas corpus, from any final finding, decision, order, or judgment of the State Corporation Commission, and from proceedings under §§ [54.1-3935](#) and [54.1-3937](#). Complaints of the Judicial Inquiry and Review

Commission shall be filed with the Supreme Court of Virginia. The Court of Appeals shall not have jurisdiction over any cases or proceedings described in this subsection.

1984, c. 701, § 17-116.05:1; 1985, c. 371; 1987, cc. 707, 710; 1988, c. 873; 1998, c. [872](#); 2007, c. [889](#); 2013, c. [746](#); 2019, c. [809](#); 2021, Sp. Sess. I, cc. [344](#), [345](#), [489](#).

§ 17.1-407. (Effective until January 1, 2022) Procedures on appeal.

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

B. Appeals pursuant to § [17.1-405](#) are appeals of right. The clerk of the Court of Appeals shall refer each case for which a notice of appeal has been filed, other than appeals in criminal cases, to a panel of the court as the court may direct.

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

D. If the judge to whom a petition is initially referred does not grant the appeal, counsel for the petitioner shall be entitled to state orally before a panel of the court the reasons why his appeal should be granted. If all of the judges of the panel to whom the petition is referred are of the opinion that the petition ought not be granted, the order denying the appeal shall state the reasons for the denial. Thereafter, no other petition in the matter shall be entertained in the Court of Appeals.

1984, c. 701, § 17-116.05:2; 1988, cc. 71, 479; 1998, c. [872](#).

§ 17.1-407. (Effective January 1, 2022) Procedures on appeal.

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

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

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

D. Before a petition for appeal by the Commonwealth is denied, counsel for the Commonwealth shall be entitled to state orally before a panel of the court the reasons why its appeal should be granted. If all of the judges of the panel to whom the petition is referred are of the opinion that the petition ought not be granted, the order denying the appeal shall state the reasons for the denial. Thereafter, no other petition in the matter shall be entertained in the Court of Appeals.

1984, c. 701, § 17-116.05:2; 1988, cc. 71, 479; 1998, c. [872](#); 2021, Sp. Sess. I, c. [489](#).

§ 17.1-408. (Effective until January 1, 2022) Time for filing; notice; petition.

The notice of appeal to the Court of Appeals shall be filed in every case within the court's appellate jurisdiction as provided in § [8.01-675.3](#). The petition for appeal in a criminal case shall be filed not more than forty days after the filing of the record with the Court of Appeals. However, a thirty-day extension may be granted in the discretion of the court in order to attain the ends of justice. When an appeal from an interlocutory decree or order is permitted in a criminal case, the petition for appeal shall be presented within the forty-day time limitation provided in this section.

1984, c. 701, § 17-116.05:3; 1998, c. [872](#).

§ 17.1-408. (Effective January 1, 2022) Time for filing; notice; opening brief; petition.

The notice of appeal to the Court of Appeals shall be filed in every case within the court's appellate jurisdiction as provided in § [8.01-675.3](#). The opening brief in a criminal case shall be filed not more than 40 days after the filing of the record with the Court of Appeals. However, an extension may be granted in the discretion of the Court of Appeals in order to attain the ends of justice. In an appeal pursuant to subsection B or C of § [19.2-398](#), the petition for appeal shall be presented within the 40-day time limitation provided in this section.

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

1984, c. 701, § 17-116.05:3; 1998, c. [872](#); 2021, Sp. Sess. I, c. [489](#).

§ 17.1-409. Certification to the Supreme Court.

A. In any case in which an appeal has been taken to or filed with the Court of Appeals, the Supreme Court in its discretion, on motion of the Court of Appeals, or on its own motion, may certify the case for review by the Supreme Court before it has been determined by the Court of Appeals. The effect of such certification shall be to transfer jurisdiction over the case to the Supreme Court for all purposes.

B. Such certification may be made only when, in its discretion, the Supreme Court determines that:

1. The case is of such imperative public importance as to justify the deviation from normal appellate practice and to require prompt decision in the Supreme Court; or

2. The docket or the status of the work of the Court of Appeals is such that the sound or expeditious administration of justice requires that jurisdiction over the case be transferred to the Supreme Court.

1983, c. 413, § 17-116.06; 1984, c. 701; 1998, c. [872](#).

§ 17.1-410. (Effective until January 1, 2022) Disposition of appeals; finality of decisions.

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

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

1. Traffic infraction and misdemeanor cases where no incarceration is imposed;
2. Cases originating before any administrative agency or the Virginia Workers' Compensation Commission;
3. Cases involving the affirmance or annulment of a marriage, divorce, custody, spousal or child support or the control or disposition of a juvenile and other domestic relations cases arising under Title 16.1 or Title 20, or involving adoption under Chapter 12 (§ [63.2-1200](#) et seq.) of Title 63.2;
4. Appeals in criminal cases pursuant to §§ [19.2-398](#) and [19.2-401](#). Such finality of the Court of Appeals' decision shall not preclude a defendant, if he is convicted, from requesting the Court of Appeals or Supreme Court on direct appeal to reconsider an issue which was the subject of the pre-trial appeal; and
5. Appeals involving involuntary treatment of prisoners pursuant to § [53.1-40.1](#) or [53.1-133.04](#).

B. Notwithstanding the provisions of subsection A, in any case other than an appeal pursuant to § [19.2-398](#), in which the Supreme Court determines on a petition for review that the decision of the Court of Appeals involves a substantial constitutional question as a determinative issue or matters of significant precedential value, review may be had in the Supreme Court in accordance with the provisions of § [17.1-411](#).

1983, c. 413, § 17-116.07; 1984, c. 701; 1987, c. 710; 1988, c. 873; 1998, c. [872](#); 2000, c. [830](#); 2019, c. [809](#).

§ 17.1-410. (Effective January 1, 2022) Disposition of appeals; finality of decisions.

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

When the Court of Appeals has (i) dismissed an appeal in any case in accordance with the Rules of Court or (ii) decided an appeal, its decision shall be final, without appeal to the Supreme Court, in:

1. Appeals in criminal cases pursuant to subsections A or E of § [19.2-398](#) and § [19.2-401](#). Such finality of the Court of Appeals' decision shall not preclude a defendant, if he is convicted, from requesting

the Court of Appeals or Supreme Court on direct appeal to reconsider an issue which was the subject of the pretrial appeal; and

2. Appeals involving involuntary treatment of prisoners pursuant to § [53.1-40.1](#) or [53.1-133.04](#).

3. Appeals involving denial of a concealed handgun permit pursuant to § [18.2-308.08](#).

B. All other decisions of the Court of Appeals shall be appealable to the Supreme Court in accordance with the provisions of § [17.1-411](#).

1983, c. 413, § 17-116.07; 1984, c. 701; 1987, c. 710; 1988, c. 873; 1998, c. [872](#); 2000, c. [830](#); 2019, c. [809](#); 2021, Sp. Sess. I, c. [489](#).

§ 17.1-411. Review by the Supreme Court.

Except where the decision of the Court of Appeals is made final under § [17.1-410](#) or § [19.2-408](#), any party aggrieved by a final decision of the Court of Appeals, including the Commonwealth, may petition the Supreme Court for an appeal. The Commonwealth, or any county, city, or town, may also petition the Supreme Court for review pursuant to § [19.2-317](#). The granting of such petitions shall be in the discretion of the Supreme Court.

1983, c. 413, § 17-116.08; 1997, c. [358](#); 1998, c. [872](#).

§ 17.1-412. Affirmance, reversal, or modification of judgment; petition for appeal to Supreme Court upon award of new trial.

A judgment, order, conviction, or decree of a circuit court or award of the Virginia Workers' Compensation Commission may be affirmed, or it may be reversed, modified, or set aside by the Court of Appeals for errors appearing in the record. If the decision of the Court of Appeals is to reverse and remand the case for a new trial, any party aggrieved by the granting of the new trial may accept the remand or proceed to petition for appeal in the Supreme Court pursuant to § [17.1-411](#).

1983, c. 413, § 17-116.09; 1984, c. 701; 1998, c. [872](#).

§ 17.1-413. (Effective until January 1, 2022) Opinions; reporting, printing and electronic publication.

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

B. The Executive Secretary of the Supreme Court shall contract for the printing of the reports of the Supreme Court and the Court of Appeals and for the advance sheets of each court. He shall select a

printer for the reports and prescribe such contract terms as will ensure issuance of the reports as soon as practicable after a sufficient number of opinions are filed. He shall make such contracts after consultation with the Department of General Services and shall distribute these reports in accordance with the applicable provisions of law. He shall also provide for the electronic publication on the Internet of the opinions of the Supreme Court and Court of Appeals subject to conditions and restrictions established by each court regarding the electronic publication of its opinions.

1983, c. 413, § 17-116.010; 1984, cc. 635, 701; 1997, c. [316](#); 1998, c. [872](#).

§ 17.1-413. (Effective January 1, 2022) Opinions; reporting, printing and electronic publication.

A. The Court of Appeals shall state in writing the reasons for its ruling in a case. Subject to rules promulgated under § [17.1-403](#) the Court in its discretion may render its decision by order or memorandum opinion. All orders and opinions of the Court of Appeals shall be preserved with the record of the case. Opinions designated by the Court of Appeals as having precedential value or as otherwise having significance for the law or legal system shall be expeditiously reported in separate Court of Appeals Reports in the same manner as the decisions and opinions of the Supreme Court. The clerk of the Court of Appeals shall retain in the clerk's office a list and brief summary of the case for all unpublished decisions and opinions of the Court of Appeals. The list of cases and summary shall be made available to any person upon request.

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

1983, c. 413, § 17-116.010; 1984, cc. 635, 701; 1997, c. [316](#); 1998, c. [872](#); 2021, Sp. Sess. I, c. [489](#).

§ 17.1-414. Facilities and supplies.

A. The Court of Appeals shall be housed in the City of Richmond and, if practicable, in the same building occupied by the Supreme Court. When facilities are required for the convening of panels in other areas of the Commonwealth, the chief judge of the Court of Appeals shall provide for such physical facilities as are available for the operation of the Court of Appeals. The Court of Appeals may use any public property of, or any property leased or rented to, the Commonwealth or any of its political subdivisions for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities. The Court of Appeals also may use any federal courtroom, the moot courtroom of any accredited law school located in the Commonwealth, or any other facility deemed adequate for the holding of court and for its ancillary functions upon proper agreement with the applicable authorities. Any expense incurred for use of such facilities may be paid from the funds appropriated by the General Assembly to the Court of Appeals.

B. The Court of Appeals shall purchase such books, pamphlets, publications, supplies, furnishings, and equipment as necessary for the efficient operation of the Court, and the cost thereof shall be paid by the clerk from the appropriation for the operation of the Court of Appeals.

C. The Court of Appeals shall utilize the State Law Library provided by § [42.1-60](#).

1983, c. 413, § 17-116.011; 1984, c. 701; 1998, c. [872](#); 2020, cc. [67](#), [197](#).

§ 17.1-415. Compensation for judges; expenses.

The judges of the Court of Appeals shall receive from the Commonwealth an annual salary that shall be fixed in the general appropriations act and set at an amount equal to ninety-five percent of the annual salary fixed by law for justices of the Supreme Court. The Chief Judge of the Court of Appeals shall receive \$3,000 per year in addition to the amount received by the other judges of the Court of Appeals. Each judge shall receive such amount as shall be fixed in the general appropriations act for all other expenses not otherwise reimbursed and incurred incident to the conduct of the business of the court.

1983, c. 413, § 17-116.012; 1998, c. [872](#); 2001, c. [35](#); 2006, c. [218](#).

§ 17.1-416. Clerk; seal; deputies and other employees; clerk's fees.

There shall be a clerk of the Court of Appeals, who shall be appointed by and serve at the pleasure of the Court of Appeals. The clerk shall adopt a separate seal of office for the Court of Appeals as approved by the Court of Appeals. The number and salaries of the deputies and other employees necessary to perform the duties of the Court of Appeals shall be fixed by the Court of Appeals. The Supreme Court by rule of court may promulgate uniform fees for services rendered by the clerk.

1983, c. 413, § 17-116.013; 1988, c. 391; 1998, c. [872](#).

§ 17.1-417. Support staff.

Each judge of the Court of Appeals shall be entitled to the services of such support staff as shall be authorized by and paid from the appropriation to the Court of Appeals.

1983, c. 413, § 17-116.014; 1984, c. 701; 1998, c. [872](#); 2001, c. [35](#).

§ 17.1-418. Fees charged by Clerk of the Court of Appeals.

The Clerk of the Court of Appeals shall charge the following fees:

1. For filing a notice of appeal or initiating any matter under the original jurisdiction of the court, \$50 payable by check or money order to the Clerk of the Court of Appeals. Twenty-five dollars of each fee collected under this section shall be apportioned to the Courts Technology Fund established under § [17.1-132](#).

2. For making and certifying a copy of any record or document in the Clerk's office, ten cents per 100 words or twenty-five cents per page.

3. For verifying and certifying any record or document not actually copied by the Clerk, one-half of the fee for copying and certifying, which shall not, however, be applied to the certification of a copy of the record in the Court which has already been printed.

4. For authentication of any record, document or paper under the seal of the Court, fifty cents.

5. For copying and certifying any document or paper of less than 250 words, twenty-five cents.

6. For all other services not specifically mentioned above, the same fee that would be charged by a clerk of a circuit court in similar cases.

1992, c. 253, § 14.1-120.1; 1998, c. [872](#); 2006, cc. [623](#), [718](#).

Chapter 5 - CIRCUIT COURTS

Article 1 - ESTABLISHMENT; JURISDICTION; ETC

§ 17.1-500. Establishment of circuit courts.

For the City of Williamsburg and James City County, and every other county in the Commonwealth, and the Cities of Alexandria, Bristol, Buena Vista, Charlottesville, Chesapeake, Colonial Heights, Danville, Fredericksburg, Hampton, Hopewell, Lynchburg, Martinsville, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, Salem, Staunton, Suffolk, Virginia Beach, Waynesboro and Winchester, there shall be a circuit court, which shall be called the circuit court of such county or city, or county and city, as the case may be. Each city circuit court shall be the sole court of record for the city and have jurisdiction over each suit, motion, prosecution or thing now or heretofore properly pending in the former courts of record of the city and over the records of such courts. Any reference in this Code or in any act of the General Assembly to a corporation, hustings, law and chancery, law and equity, chancery or other court of record of a city shall apply to the circuit court thereof, mutatis mutandis.

1973, c. 544, § 17-116.1; 1974, c. 297; 1981, c. 628; 1983, c. 580; 1991, c. 189; 1998, c. [872](#); 2006, c. [861](#).

§ 17.1-501. Judges of circuit courts; selection, powers and duties of chief judges; exercise of appointive powers.

A. There shall be as many judges of the circuit courts as may be fixed by the General Assembly. The judges of each circuit shall select from their number by majority vote a chief judge of the circuit, who shall serve for the term of two years. In the event such judges cannot agree as to who shall be chief judge, the Chief Justice of the Supreme Court shall act as tie breaker.

B. The chief judge of the circuit shall ensure that the system of justice in his circuit operates smoothly and efficiently. He shall have authority to assign the work of the circuit among the judges, and in doing so he may consider the nature and categories of the cases to be assigned.

C. Unless otherwise provided by law, powers of appointment within a circuit shall be exercised by a majority of the judges of the circuit; however, the order of appointment may be signed by the chief

judge or that judge's designee on behalf of the other judges. In case of a tie, the Chief Justice of the Supreme Court shall appoint a circuit judge from another circuit who shall act as tie breaker. Where the power of appointment is to be exercised by a majority of the judges of the Second Judicial Circuit and such appointment is to a local post, board or commission in Accomack or Northampton County, the resident judge or judges of the County of Accomack or Northampton shall exercise such appointment power as if he or they comprise the majority of the judges of the circuit.

D. No person shall be appointed or reappointed under this section until he has submitted his fingerprints to be used for the conduct of a national criminal records search and a Virginia criminal history records search, submitted to a search of the central registry maintained pursuant to § [63.2-1515](#) for any founded complaint of child abuse or neglect, and provided a written statement of economic interests on the disclosure form prescribed in § [2.2-3117](#). No person with a criminal conviction for a felony shall be appointed as a judge.

1973, c. 544, § 17-116.2; 1976, c. 124; 1994, c. [407](#); 1998, c. [872](#); 2004, c. [452](#); 2005, c. [183](#); 2018, c. [578](#).

§ 17.1-502. (For contingent expiration date see cc. 524 and 542) Administrator of circuit court system.

A. The Executive Secretary of the Supreme Court shall be the administrator of the circuit court system, which includes the operation and maintenance of a case management system and financial management system and related technology improvements.

B. Any circuit court clerk may establish and maintain his own case management system, financial management system, or other independent technology using automation or technology improvements provided by a private vendor or the locality. Any data from the clerk's independent system may be provided directly from such clerk to designated state agencies. The data from the clerk's independent system may also be provided to designated state agencies through an interface with the technology systems operated by the Executive Secretary.

C. The Executive Secretary shall provide an electronic interface with his case management system, financial management system, or other technology improvements upon written request of any circuit court clerk. The circuit court clerk and the clerk's designated application service provider shall comply with the security and data standards established by the Executive Secretary for any such electronic interface. The Executive Secretary shall establish security and data standards for such electronic interfaces on or before June 30, 2013, and such standards shall be consistent with the policies, standards, and guidelines established pursuant to § [2.2-2009](#).

D. The costs of designing, implementing, and maintaining any such interface with the systems of the Executive Secretary shall be the responsibility of the circuit court clerk. Prior to incurring any costs, the Office of the Executive Secretary shall provide the circuit court clerk a written explanation of the options for providing such interfaces and provide the clerk with a proposal for such costs and enter into a written contract with the clerk to provide such services.

E. The Executive Secretary shall assist the chief judges in the performance of their administrative duties. He may employ such staff and other assistants, from state funds appropriated to him for the purpose, as may be necessary to carry out his duties, and may secure such office space as may be requisite, to be located in an appropriate place to be selected by the Executive Secretary.

1973, c. 544, § 17-116.3; 1998, c. [872](#); 2009, cc. [793](#), [858](#); 2011, c. [715](#); 2012, c. [234](#); 2013, c. [422](#).

§ 17.1-502. (For contingent effective date see cc. 524 and 542) Administrator of circuit court system.

A. The Executive Secretary of the Supreme Court shall be the administrator of the circuit court system, which includes the operation and maintenance of a case management system and financial management system and related technology improvements.

B. Any circuit court clerk may establish and maintain his own case management system, financial management system, or other independent technology using automation or technology improvements provided by a private vendor or the locality. Any data from the clerk's independent system may be provided directly from such clerk to designated state agencies. The data from the clerk's independent system may also be provided to designated state agencies through an interface with the technology systems operated by the Executive Secretary.

B1. If the data from a case management system established under subsection B is not provided to the Executive Secretary of the Supreme Court through an interface, such data shall be provided to the Department of State Police through an interface for purposes of complying with §§ [19.2-392.7](#), [19.2-392.10](#), [19.2-392.11](#), and [19.2-392.12](#). The parameters of such interface shall be determined by the Department of State Police. The costs of designing, implementing, and maintaining such interface shall be the responsibility of the circuit court clerk.

C. The Executive Secretary shall provide an electronic interface with his case management system, financial management system, or other technology improvements upon written request of any circuit court clerk. The circuit court clerk and the clerk's designated application service provider shall comply with the security and data standards established by the Executive Secretary for any such electronic interface. The Executive Secretary shall establish security and data standards for such electronic interfaces on or before June 30, 2013, and such standards shall be consistent with the policies, standards, and guidelines established pursuant to § [2.2-2009](#).

D. The costs of designing, implementing, and maintaining any such interface with the systems of the Executive Secretary shall be the responsibility of the circuit court clerk. Prior to incurring any costs, the Office of the Executive Secretary shall provide the circuit court clerk a written explanation of the options for providing such interfaces and provide the clerk with a proposal for such costs and enter into a written contract with the clerk to provide such services.

E. The Executive Secretary shall assist the chief judges in the performance of their administrative duties. He may employ such staff and other assistants, from state funds appropriated to him for the pur-

pose, as may be necessary to carry out his duties, and may secure such office space as may be requisite, to be located in an appropriate place to be selected by the Executive Secretary.

1973, c. 544, § 17-116.3; 1998, c. [872](#); 2009, cc. [793](#), [858](#); 2011, c. [715](#); 2012, c. [234](#); 2013, c. [422](#); 2021, Sp. Sess. I, cc. [524](#), [542](#).

§ 17.1-503. (Effective until January 1, 2022) Rules of practice and procedure; rules not to preclude judges from hearing certain cases.

A. The Supreme Court may formulate rules of practice and procedure for the circuit courts following consultation with the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary and the executive committee of the Judicial Conference of Virginia for courts of record. Such rules, subject to the strict construction of the provisions of § [8.01-4](#), which shall be the only rules of practice and procedure in the circuit courts of the Commonwealth, shall be included in the Code of Virginia as provided in § [8.01-3](#), subject to revision by the General Assembly.

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

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

1973, c. 544, § 17-116.4; 1976, c. 212; 1998, c. [872](#); 2004, cc. [773](#), [1021](#).

§ 17.1-503. (Effective January 1, 2022) Rules of practice and procedure; rules not to preclude judges from hearing certain cases.

A. The Supreme Court may formulate rules of practice and procedure for the circuit courts following consultation with the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary and the executive committee of the Judicial Conference of Virginia for courts of record. Such rules, subject to the strict construction of the provisions of § [8.01-4](#), which shall be the only rules of practice and procedure in the circuit courts of the Commonwealth, shall be included in the Code of Virginia as provided in § [8.01-3](#), subject to revision by the General Assembly.

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

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

1973, c. 544, § 17-116.4; 1976, c. 212; 1998, c. [872](#); 2004, cc. [773](#), [1021](#); 2021, Sp. Sess. I, c. [489](#).

§ 17.1-504. Reserved.

Reserved.

§ 17.1-505. Circuit court of county to constitute circuit court of certain cities.

The circuit court of any county, within which is situated any city which has undergone transition from a city of the second class to a city of the first class since the Constitution of 1902, went into effect, shall have concurrent jurisdiction with the circuit court of such city in all proceedings at law or in equity, except criminal prosecutions; and the circuit court of such county shall constitute the circuit court of such city. This section shall not apply to the Cities of Bristol, Colonial Heights, Fredericksburg, Martinsville, Salem and Suffolk for which separate circuit courts have heretofore been established and which are continued.

Code 1919, § 5911, § 17-118; 1920, p. 607; 1962, c. 237; 1968, c. 107; 1971, Ex. Sess., c. 27; 1998, c. [872](#).

§ 17.1-506. Judicial circuits.

1. The City of Chesapeake shall constitute the first circuit.
2. The City of Virginia Beach and the Counties of Accomack and Northampton shall constitute the second circuit.
3. The City of Portsmouth shall constitute the third circuit.
4. The City of Norfolk shall constitute the fourth circuit.

5. The Cities of Franklin and Suffolk and the Counties of Isle of Wight and Southampton shall constitute the fifth circuit.
6. The Cities of Emporia and Hopewell and the Counties of Brunswick, Greenville, Prince George, Surry and Sussex shall constitute the sixth circuit.
7. The City of Newport News shall constitute the seventh circuit.
8. The City of Hampton shall constitute the eighth circuit.
9. The Cities of Poquoson and Williamsburg and the Counties of Charles City, Gloucester, James City, King and Queen, King William, Mathews, Middlesex, New Kent and York shall constitute the ninth circuit.
10. The Counties of Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg and Prince Edward shall constitute the tenth circuit.
11. The City of Petersburg and the Counties of Amelia, Dinwiddie, Nottoway and Powhatan shall constitute the eleventh circuit.
12. The City of Colonial Heights and the County of Chesterfield shall constitute the twelfth circuit.
13. The City of Richmond shall constitute the thirteenth circuit.
14. The County of Henrico shall constitute the fourteenth circuit.
15. The City of Fredericksburg and the Counties of Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford and Westmoreland shall constitute the fifteenth circuit.
16. The City of Charlottesville and the Counties of Albemarle, Culpeper, Fluvanna, Goochland, Greene, Louisa, Madison and Orange shall constitute the sixteenth circuit.
17. The County of Arlington and the City of Falls Church shall constitute the seventeenth circuit.
18. The City of Alexandria shall constitute the eighteenth circuit.
19. The City of Fairfax and the County of Fairfax shall constitute the nineteenth circuit.
20. The Counties of Fauquier, Loudoun and Rappahannock shall constitute the twentieth circuit.
21. The City of Martinsville and the Counties of Henry and Patrick shall constitute the twenty-first circuit.
22. The City of Danville and the Counties of Franklin and Pittsylvania shall constitute the twenty-second circuit.
23. The Cities of Roanoke and Salem and the County of Roanoke shall constitute the twenty-third circuit.
24. The City of Lynchburg and the Counties of Amherst, Bedford, Campbell and Nelson shall constitute the twenty-fourth circuit.

25. The Cities of Buena Vista, Covington, Lexington, Staunton and Waynesboro and the Counties of Alleghany, Augusta, Bath, Botetourt, Craig, Highland and Rockbridge shall constitute the twenty-fifth circuit.
26. The Cities of Harrisonburg and Winchester and the Counties of Clarke, Frederick, Page, Rockingham, Shenandoah and Warren shall constitute the twenty-sixth circuit.
27. The Cities of Galax and Radford and the Counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski and Wythe shall constitute the twenty-seventh circuit.
28. The City of Bristol and the Counties of Smyth and Washington shall constitute the twenty-eighth circuit.
29. The Counties of Buchanan, Dickenson, Russell and Tazewell shall constitute the twenty-ninth circuit.
30. The City of Norton and the Counties of Lee, Scott and Wise shall constitute the thirtieth circuit.
31. The Cities of Manassas and Manassas Park and the County of Prince William shall constitute the thirty-first circuit.

1973, c. 544, § 17-119.1:1; 1974, c. 297; 1976, c. 126; 1977, c. 4; 1983, c. 149; 1986, c. 405; 1987, c. 624; 1991, c. 189; 1998, c. [872](#); 2006, c. [861](#); 2016, cc. [164](#), [312](#).

§ 17.1-507. Maximum number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The maximum number of judges of the circuits shall be as follows:

First – 5

Second – 8

Third – 4

Fourth – 8

Fifth – 4

Sixth – 3

Seventh – 5

Eighth – 3

Ninth – 4

Tenth – 4

Eleventh – 3

Twelfth – 6

Thirteenth – 7

Fourteenth – 5

Fifteenth – 11

Sixteenth – 6

Seventeenth – 4

Eighteenth – 3

Nineteenth – 15

Twentieth – 5

Twenty-first – 3

Twenty-second – 4

Twenty-third – 5

Twenty-fourth – 6

Twenty-fifth – 6

Twenty-sixth – 8

Twenty-seventh – 6

Twenty-eighth – 4

Twenty-ninth – 5

Thirtieth – 4

Thirty-first – 6

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to the House Committee for Courts of Justice and the Senate Committee on the Judiciary. The boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the House Committee for Courts of Justice and the Senate Committee on the Judiciary and Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the House Com-

mittee for Courts of Justice and the Senate Committee on the Judiciary, and to the Department of Planning and Budget.

1973, c. 544, § 17-119.1:2; 1974, cc. 42, 43; 1975, c. 40; 1977, c. 4; 1979, c. 6; 1980, c. 29; 1981, c. 27; 1982, c. 57; 1983, c. 2; 1985, c. 43; 1986, cc. 78, 479; 1989, c. 43; 1990, cc. 113, 114; 1991, cc. 20, 419, 623; 1992, c. 92; 1993, cc. 9, 89; 1994, cc. [89](#), [454](#); 1995, c. [20](#); 1996, c. [120](#); 1997, c. [17](#); 1998, cc. [3](#), [872](#); 1999, cc. [10](#), [319](#); 2000, c. [37](#); 2004, Sp. Sess. I, c. [4](#); 2005, cc. [190](#), [231](#), [951](#); 2006, cc. [35](#), [738](#); 2006, Sp. Sess. I, c. [2](#); 2013, c. [806](#); 2014, cc. [812](#), [822](#); 2018, cc. [126](#), [135](#).

§ 17.1-508. Judges in new or changed circuits; ratifying, validating and confirming certain actions.

In any case heretofore or hereafter arising in which a judge has been judge of a circuit created under § [17.1-506](#) as amended, and the counties and cities, or one or more of them, have been transferred to and constituted as part of a new judicial circuit and the remaining counties and cities constituted as a circuit, the judges of the respective circuits are hereby declared to be judges of said circuits in which they reside and their actions are hereby ratified, validated and confirmed.

1962, c. 3, § 17-119.2; 1978, c. 480; 1998, c. [872](#).

§ 17.1-509. Vacancies in office of judge.

Whenever a vacancy occurs in the office of judge, a successor, who shall be a resident of the same circuit, shall be elected for a full term of eight years and upon qualification shall enter at once upon the discharge of the duties of his office. No person shall be elected or reelected to a subsequent term under this section until he has submitted to a criminal history record search and submitted to a search of the central registry maintained pursuant to § [63.2-1515](#) for any founded complaint of child abuse or neglect and reports of such searches have been received by the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary. If the person has not met the requirement of filing in the preceding calendar year a disclosure form prescribed in § [2.2-3117](#) or [30-111](#), he shall also provide a written statement of economic interests on the disclosure form prescribed in § [2.2-3117](#) to the Chairman of the House Committee for Courts of Justice and the Chairman of the Senate Committee on the Judiciary. Subject to the provisions of §§ [17.1-511](#) and [17.1-512](#), the Governor shall have the power while the General Assembly is not in session to fill pro tempore vacancies in such office. Such appointment to every vacancy shall be by commission to expire at the end of 30 days after the commencement of the next regular session of the General Assembly. No person with a criminal conviction for a felony shall be appointed as a judge.

Code 1919, § 5889, § 17-120; 1920, p. 123; 1924, p. 310; 1944, p. 95; 1971, Ex. Sess., c. 27; 1973, c. 544; 1977, c. 197; 1998, c. [872](#); 2001, c. [256](#); 2004, c. [452](#); 2018, c. [578](#).

§ 17.1-510. Election of judge of new circuit; how court held meanwhile.

If a new or additional circuit is created, a judge or judges shall be elected or appointed thereto in the same manner as provided by law for the filling of vacancies or newly created judgeships in existing circuits.

During any vacancy from the creation of the new circuit until a judge has been elected or appointed to fill the vacancy and has qualified, terms of the court shall be held by a judge or by judges designated as provided by law in cases of vacancies.

Code 1919, § 5889, § 17-121; 1920, p. 123; 1924, p. 310; 1944, p. 95; 1998, c. [872](#).

§ 17.1-511. Investigation and certification of necessity before vacancies filled.

When a vacancy occurs in the office of judge of any court of record, the vacancy shall not be filled until, after investigation, the Supreme Court certifies that the filling of the vacancy is or is not necessary. If the Court certifies that the filling of the vacancy is necessary, the Court shall publish notice of such certification in a publication of general circulation among attorneys licensed to practice in the Commonwealth. No notice of retirement submitted under § [51.1-305](#) or § [51.1-307](#) shall be revoked after certification of the vacancy by the Court. If the Court certifies that the filling of the vacancy is not necessary, it shall recommend to the General Assembly the manner of distributing the work of the judge; and the Governor shall not fill the vacancy.

1940, p. 178, § 17-122; Michie Code 1942, § 5889a; 1944, p. 96; 1962, c. 287; 1973, c. 544; 1998, c. [872](#); 1999, c. [319](#); 2004, c. [331](#).

§ 17.1-512. Election of successor judge before date of vacancy.

Whenever a vacancy occurs or exists in the office of a judge of a circuit while the General Assembly is in session, or whenever the term of office of a judge of a circuit court will expire or the office will be vacated at a date certain between the adjournment of the General Assembly and the commencement of the next session of the General Assembly, a successor judge may be elected at any time during a session preceding the date of such vacancy, by the vote of a majority of the members elected to each house of the General Assembly, for a term of eight years and upon qualification, the successor judge shall enter at once upon the discharge of the duties of his office. However, such successor judge shall not enter upon the discharge of his duties prior to the commencement of his term of office. No person shall be elected or reelected to a subsequent term under this section until he has submitted to a criminal history record search and submitted to a search of the central registry maintained pursuant to § [63.2-1515](#) for any founded complaint of child abuse or neglect and reports of such searches have been received by the Chairman of the House Committee for Courts of Justice and the Chairman of the Senate Committee on the Judiciary. No person with a criminal conviction for a felony shall be appointed as a judge. If the person has not met the requirement of filing in the preceding calendar year a disclosure form prescribed in § [2.2-3117](#) or [30-111](#), he shall also provide a written statement of economic interests on the disclosure form prescribed in § [2.2-3117](#) to the Chairman of the House Committee for Courts of Justice and the Chairman of the Senate Committee on the Judiciary.

1973, c. 544, § 17-122.1; 1993, c. 368; 1998, c. [872](#); 2004, c. [452](#); 2018, c. [578](#).

§ 17.1-513. (Effective until January 1 2022) Jurisdiction of circuit courts.

The circuit courts shall have jurisdiction of proceedings by quo warranto or information in the nature of quo warranto and to issue writs of mandamus, prohibition and certiorari to all inferior tribunals created

or existing under the laws of the Commonwealth, and to issue writs of mandamus in all matters of proceedings arising from or pertaining to the action of the boards of supervisors or other governing bodies of the several counties for which such courts are respectively held or in other cases in which it may be necessary to prevent the failure of justice and in which mandamus may issue according to the principles of common law. They shall have appellate jurisdiction in all cases, civil and criminal, in which an appeal may, as provided by law, be taken from the judgment or proceedings of any inferior tribunal.

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

They shall have jurisdiction to hear motions filed for the purpose of modifying, dissolving, or extending a protective order pursuant to § [16.1-279.1](#) or [19.2-152.10](#) if the circuit court issued such order, unless the circuit court remanded the matter to the jurisdiction of the juvenile and domestic relations district court in accordance with § [16.1-297](#). They shall also have original jurisdiction of all indictments for felonies and of presentments, informations and indictments for misdemeanors.

Upon certification by the district court of any felony charge and ancillary misdemeanor charge or when an appeal of a conviction of an offense in district court is noted, jurisdiction as to such charges shall vest in the circuit court, unless such case is reopened pursuant to § [16.1-133.1](#); a final judgment, order, or decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia Rule 1:1; or the appeal has been withdrawn in the district court within 10 days pursuant to § [16.1-133](#).

They shall also have jurisdiction for bail hearings pursuant to §§ [19.2-327.2:1](#) and [19.2-327.10:1](#).

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

While a matter is pending in a circuit court, upon motion of the plaintiff seeking to decrease the amount of the claim to within the exclusive or concurrent jurisdiction of the general district court as described in subdivision 1 of § [16.1-77](#), the circuit court shall order transfer of the matter to the general district court that has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending matter shall be unaffected by the transfer. Except for good cause shown, no such order of transfer shall issue unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall pay filing and other fees as otherwise provided by law to the clerk of the

court to which the case is transferred, and such clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare and present the order of transfer to the transferring court for entry, after which time the case shall be removed from the pending docket of the transferring court and the order of transfer placed among its records. The plaintiff shall provide a certified copy of the transfer order to the receiving court.

Code 1919, § 5890, § 17-123; 1928, p. 1164; 1973, c. 544; 1977, c. 624; 1998, c. [872](#); 2005, c. [681](#); 2012, cc. [152](#), [261](#); 2015, c. [66](#); 2020, c. [903](#); 2021, Sp. Sess. I, c. [187](#).

§ 17.1-513.01. Jurisdiction of circuit courts with respect to charitable assets.

A. The circuit courts shall have the same subject matter jurisdiction over matters pertaining to assets of charitable corporations, incorporated in or doing any business in Virginia, as the circuit courts have with respect to assets held by unincorporated charitable trusts and other charitable entities, including the power to require accountings, appoint receivers, award damages, and enter injunctive relief against such charitable corporations, their officers, directors, agents, employees and others as may be necessary to protect the public interest in such assets.

B. Nothing contained in this section is intended to modify the standard of conduct applicable under existing law to the directors of charitable corporations incorporated in or doing any business in Virginia.

2002, c. [792](#); 2004, c. [289](#).

§ 17.1-513. (Effective January 1, 2022) Jurisdiction of circuit courts.

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

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

They shall have jurisdiction to hear motions filed for the purpose of modifying, dissolving, or extending a protective order pursuant to § [16.1-279.1](#) or [19.2-152.10](#) if the circuit court issued such order, unless the circuit court remanded the matter to the jurisdiction of the juvenile and domestic relations district court in accordance with § [16.1-297](#). They shall also have original jurisdiction of all indictments for

felonies and of presentments, informations and indictments for misdemeanors. They shall also have jurisdiction for bail hearings pursuant to §§ [19.2-327.2:1](#) and [19.2-327.10:1](#).

Upon certification by the district court of any felony charge and ancillary misdemeanor charge or when an appeal of a conviction of an offense in district court is noted, jurisdiction as to such charges shall vest in the circuit court, unless such case is reopened pursuant to § [16.1-133.1](#); a final judgment, order, or decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia Rule 1:1; or the appeal has been withdrawn in the district court within 10 days pursuant to § [16.1-133](#).

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

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

Code 1919, § 5890, § 17-123; 1928, p. 1164; 1973, c. 544; 1977, c. 624; 1998, c. [872](#); 2005, c. [681](#); 2012, cc. [152](#), [261](#); 2015, c. [66](#); 2020, c. [903](#); 2021, Sp. Sess. I, cc. [187](#), [489](#).

§ 17.1-513.1. Appeals from administrative proceedings; abuse and neglect; record to be sealed.

In cases appealed to the circuit court involving child abuse and neglect pursuant to § [63.2-1526](#), proceedings shall be confidential and the record in the case shall be sealed. However, the court may, for good cause shown, unseal the record.

2000, c. [478](#).

§ 17.1-513.2. Use of telephonic communication systems or electronic video and audio communication systems to conduct hearing.

Notwithstanding any other provision of law, in any civil proceeding in which a party or a witness is incarcerated or when otherwise authorized by the court, the court may, in its discretion, conduct any

hearing using a telephonic communication system or an electronic audio and video communication system to provide for the appearance of any parties and witnesses. Any electronic audio and video communication system used to conduct such a hearing shall meet the standards set forth in subsection B of § [19.2-3.1](#).

2001, c. [513](#).

§ 17.1-514. When plaintiff entitled to less than \$100; judgment for defendant.

In any personal action in a circuit court, wherein it is ascertained that less than \$100, exclusive of interest, is due to the plaintiff, judgment shall be for the defendant, unless the court enter of record that the matter in controversy was of greater value than \$100, exclusive of interest, in which case it may render judgment for the plaintiff for what is ascertained to be due him, with or without costs, in the court's discretion.

Code 1950, § 8-511.1; 1952, c. 248; 1977, c. 624, § 17-123.1; 1998, c. [872](#).

§ 17.1-515. Jurisdiction formerly in county courts.

The jurisdiction and powers which were vested in the county courts and the judges and officers thereof, respectively, on January 31, 1904, by the laws of this Commonwealth or under any will or other instrument of writing shall be vested in, exercised by and imposed upon the circuit courts and the judges and officers thereof, except when otherwise specially provided.

All such acts and proceedings of the circuit courts, judges and officers thereof, respectively, whether de jure or de facto officers, done or had since January 31, 1904, as may hereafter be done under this section, are hereby ratified and made valid.

Code 1919, § 5891, § 17-124; 1998, c. [872](#).

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

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

Code 1919, § 5904, § 17-125; 2018, c. [164](#).

§ 17.1-515.2. Repealed.

Repealed by Acts 2018, c. [164](#), cl. 2.

§ 17.1-515.3. Designation of courtrooms within twenty-first and twenty-third circuits for trial of certain cases.

The chief judge of the twenty-first and the twenty-third judicial circuits may, by order, as in the interest of justice may appear, designate one or more of the courtrooms of any circuit court within their respective circuits as the courtroom or courtrooms in which civil and criminal cases whose venue is laid

within the circuit may be tried; provided, that in criminal cases, jurors summoned to appear at such courtroom or courtrooms shall reside in the vicinage of which the crime is laid.

1976, c. 272; 1977, c. 195, § 17-126.3.

§ 17.1-515.4. Designation of certain courtrooms within sixteenth circuit for trial of certain cases.

When it appears to one or more of the judges of the sixteenth judicial circuit that such use is appropriate, the courthouse of the Circuit Court of Albemarle County may be used for the trial of civil or criminal cases whose venue is laid in the City of Charlottesville, or the courthouse of the Circuit Court of the City of Charlottesville may be used for the trial of civil or criminal cases whose venue is laid in the County of Albemarle; provided, that in criminal cases, jurors summoned to appear at any such courtroom shall reside in the vicinage of which the crime is laid.

1978, c. 61, § 17-126.4.

§ 17.1-515.5. Designation of certain courtrooms within twenty-fifth circuit for trial of certain cases.

When it appears to one or more of the judges of the twenty-fifth judicial circuit that such use is appropriate, the courthouse of the Circuit Court of Augusta County may be used for the trial of civil and criminal cases when venue is laid in the City of Staunton; or the courthouse of the Circuit Court of the City of Staunton may be used for the trial of civil or criminal cases when venue is laid in the County of Augusta. However, jurors summoned to appear in any such courtroom shall reside in the jurisdiction where the venue is laid.

1984, c. 86, § 17-126.5.

§ 17.1-515.6. Concurrent law-enforcement jurisdiction over Joint Judicial Center in Winchester.

The Frederick County Sheriff's Department shall have, concurrently with the City of Winchester Police Department, jurisdiction to arrest perpetrators of all offenses committed in or upon the premises, buildings, rooms, or offices of the Joint Judicial Center located in the City of Winchester.

1984, c. 363, § 17-126.6.

§ 17.1-516. Jurisdiction of courts over certain waters.

Where any river, watercourse, or bay lies between any counties or any cities, or any county and city in this Commonwealth, the circuit courts for the counties and the cities, on each side, respectively, shall have concurrent territorial jurisdiction over so much thereof as shall be opposite to such counties and cities. And the circuit courts for counties and cities lying on the waters bounding the Commonwealth shall have concurrent territorial jurisdiction respectively over such waters opposite such counties and cities, as far as the jurisdiction of this Commonwealth extends. This section shall not apply to the City of Richmond.

Code 1919, § 5958, § 17-1; 1948, p. 151; 1998, c. [872](#); 2005, cc. [45](#), [114](#).

§ 17.1-517. Number of terms; how fixed.

The chief judge of each circuit shall fix the terms of each of the courts within his circuit; provided, that there shall be at least four terms of court each year, and the dockets for criminal and civil cases may

be called on the same or different days in any courtroom of the circuit. Such terms shall be fixed by order, which shall be entered in the common-law order book in each court. The order fixing or changing the terms of court shall be entered on or before January 1, to become effective July 1, and a copy of the order shall be forwarded to the Executive Secretary of the Supreme Court, who shall cause an abstract thereof to be published in the Code of Virginia, as a part of the Rules of Court.

1973, c. 544, § 17-127.21; 1976, c. 133; 1998, c. [872](#).

§ 17.1-518. Special terms; when, how and by whom appointed.

If any term of a circuit court is to end, or has ended, without the dispatch of all its business or if there be a failure to hold any term or it is expedient in the opinion of the judge of the court to hold a special term for the trial of any cause pending in such court or of issues made up in any cause by consent of parties, or if the situation of a person confined in jail for trial in such circuit court makes it proper that his case should be disposed of before the next regular term thereof, or necessity in the judge's opinion requires it, the judge of such circuit court or, if he is dead or is unable from any cause to hold his court, the judge of any other circuit court who has been designated to hold such terms, may, by order entered in such court or by a warrant directed to the clerk, appoint a special term thereof and prescribe in such order or warrant whether any venire is to be summoned to attend the term. The clerk shall inform the attorney for the Commonwealth and the sheriff of such appointment, post a copy of the warrant or order at the front door of the courthouse and issue all proper process to such special term and the sheriff shall execute the process.

Code 1919, § 5894, § 17-129; 1973, c. 544; 1998, c. [872](#).

§ 17.1-519. Adjournment thereof to a future day.

Whenever any judge of a circuit court has appointed a special term of any circuit court, by adjournment or warrant in the manner directed by § [17.1-518](#), and shall afterward ascertain that he cannot hold the special term on the day appointed for it, he may, by warrant, directed to the clerk of the court, adjourn it to such other day as he deems proper. The warrant shall be transmitted to the clerk, who shall immediately enter it in the order book of the court and, as to the special term thereafter to be held under the continuance, proceed in all other respects in the manner directed by § [17.1-518](#).

Code 1919, § 5895, § 17-130; 1998, c. [872](#).

§ 17.1-520. What tried at a special term.

At any such special term:

1. Any civil case may be tried which could lawfully have been but was not tried at the last preceding term that was or should have been held;
2. Any motion cognizable by such court may be heard and determined, whether it was pending at the preceding term or not;

3. Any criminal case may be tried at such special term as if it were a regular term, although at the preceding regular term the same may not have been pending in the court or may have been continued; and

4. Any cause or matter of controversy, then ready for hearing or which may be made ready by consent of parties, may, with the consent of the parties to such cause or controversy, be heard and determined, although it could not lawfully have been heard at the preceding term that was or should have been held.

Code 1919, § 5896, § 17-131; 1998, c. [872](#); 2005, c. [681](#).

§ 17.1-521. Who to hold special term; powers.

Every such special term may be held by the judge of the circuit court or, if he is dead or absent or is so situated in respect to any cause pending in the court as in his opinion to make it improper for him to try it, by such other circuit or city judge as may be selected or designated in the manner prescribed by law. The judge so selected or designated shall hold the special term and part of its session may be held by one judge and part of it by another. A judge selected or designated to hold a special term shall have all the powers and is authorized to discharge all the duties of the judge of such circuit court.

Code 1919, § 5896, § 17-132; 1998, c. [872](#).

§ 17.1-522. Adjournment of special term.

A special term may be adjourned from time to time during intervals between the regular terms, as necessary, for the dispatch of the business of the court.

Code 1919, § 5896, § 17-133; 1998, c. [872](#).

§ 17.1-523. Salaries of judges of circuit courts.

The judges of the circuit courts shall each receive such salary as shall be fixed from time to time in the general appropriation acts. Such salary shall be the total compensation for circuit court judges. However, any county or city which has, prior to March 1, 1976, maintained any program of supplemental retirement or insurance for the benefit of such judges, may continue the same in effect as to judges theretofore covered thereby. The whole of such salaries shall be paid out of the state treasury.

Code 1950, § 14-43; 1964, c. 386, § 14.1-33; 1972, c. 43; 1973, c. 544; 1974, c. 225; 1976, c. 667; 1978, c. 249; 1979, c. 83; 1998, c. [872](#).

§ 17.1-524. Repealed.

Repealed by Acts 2009, c. [592](#).

Chapter 6 - Costs Generally

§ 17.1-600. Laws of costs not penal; discretion of courts of equity.

The laws of costs shall not be interpreted as penal laws; nor shall anything in this chapter take away or abridge the discretion of a court of equity over the subject of costs, except as provided in § [17.1-604](#).

Code 1950, § 14-174; 1964, c. 386, § 14.1-177; 1998, c. [872](#).

§ 17.1-601. General rule as to recovery of costs on final judgment.

Except when it is otherwise provided, the party for whom final judgment is given in an action or motion shall recover his costs against the opposite party. When the action is against two or more and there is a judgment for, or discontinuance as to, some, but not all of the defendants, unless the court enter of record that there was reasonable cause for making defendants those for whom there is such judgment, or as to whom there is such discontinuance and shall order otherwise, they shall recover their costs.

Code 1950, § 14-175; 1964, c. 386, § 14.1-178; 1998, c. [872](#).

§ 17.1-602. When successful plaintiff not to recover costs.

In any personal action not on contract, if a verdict is returned for the plaintiff, on an issue or otherwise, for less damages than ten dollars, he shall not recover in respect to such verdict any costs, unless the court enter of record that the object of the action was to try a right, besides the mere right to recover damages for the trespass or grievance in respect to which the action was brought, or that the trespass or grievance was willful or malicious.

Code 1950, § 14-176; 1964, c. 386, § 14.1-179; 1998, c. [872](#).

§ 17.1-603. Costs when suit is in name of one person for another.

When a suit is in the name of one person for the benefit of any other, if judgment is entered for the defendant's costs, it shall be against such other.

Code 1950, § 14-177; 1964, c. 386, § 14.1-180; 1998, c. [872](#).

§ 17.1-604. Costs in appellate courts.

In every case in the Supreme Court or the Court of Appeals, costs shall be recovered in such court by the party substantially prevailing.

Code 1950, § 14-178; 1964, c. 386, § 14.1-181; 1971, Ex. Sess., c. 156; 1988, c. 525; 1998, c. [872](#).

§ 17.1-605. Same; printing or otherwise reproducing brief and appendix.

Any party in whose favor costs are allowed in the Supreme Court shall have taxed as part of the costs the actual cost incurred by him in printing or otherwise any brief filed with the Court, not to exceed \$500 for all briefs filed and the actual cost incurred by him in printing or otherwise reproducing the appendix containing parts of the record filed with the Court, except that the Court for good cause may direct that such party shall recover less than the entire cost incurred by him in printing or otherwise reproducing (i) briefs filed by him (even though less than \$500) or (ii) the appendix.

Code 1950, § 14-179; 1958, c. 601; 1964, c. 386, § 14.1-182; 1970, c. 250; 1971, Ex. Sess., c. 156; 1972, c. 856; 1998, c. [872](#); 2010, c. [343](#).

§ 17.1-606. Persons allowed services without fees or costs.

A. Any person who is (i) a plaintiff in a civil action in a court of the Commonwealth and a resident of the Commonwealth or (ii) a defendant in a civil action in a court of the Commonwealth, and who is on

account of his poverty unable to pay fees or costs, may be allowed by a court to sue or defend a suit therein, without paying fees or costs; whereupon he shall have, from any counsel whom the court may assign him, and from all officers, all needful services and process, without any fees, except what may be included in the costs recovered from the opposite party.

B. In determining a person's inability to pay fees or costs on account of his poverty, the court shall consider whether such person is a current recipient of a state or federally funded public assistance program for the indigent or is represented by a legal aid society, subject to § [54.1-3916](#), including an attorney appearing as counsel, pro bono, or assigned or referred by a legal aid society. If so, such person shall be presumed unable to pay such fees or costs. Except in the case of a no-fault divorce proceeding under subdivision A (9) of § [20-91](#), such presumption shall be rebuttable where the court finds that a more thorough examination of the person's financial resources is necessary.

C. If a person claims indigency but is not presumptively unable to pay under subsection B, or a court, where applicable, finds that a more thorough examination of the financial resources of the petitioner is needed, the court shall consider:

1. The net income of such person, which shall include his total salary and wages, less deductions required by law and tax withholdings;
2. Such person's liquid assets, including all cash on hand as well as assets in checking, savings, and similar accounts; and
3. Any exceptional expenses of such person and his dependents, including costs for medical care, family support obligations, and child care payments.

The available funds of the person shall be calculated as the sum of his total income and liquid assets less exceptional expenses as provided in subdivision 3. If the available funds are equal to or less than 125 percent of the federal poverty income guidelines prescribed for the size of the household of such person by the federal Department of Health and Human Services, he shall be presumed unable to pay. The Supreme Court of Virginia shall be responsible for distributing to all courts the annual updates of the federal poverty income guidelines made by the Department.

Code 1950, § 14-180; 1964, c. 386, § 14.1-183; 1972, c. 839; 1987, c. 197; 1998, c. [872](#); 2017, cc. [226](#), [227](#); 2019, cc. [411](#), [730](#); 2020, c. [654](#).

§ 17.1-607. Security for costs upon suit by nonresident.

In any suit or action, except when an indigent is plaintiff, there may be a suggestion on the record in court, or, if the case be at rules, on the rule docket, by a defendant, or any officer of the court, that the plaintiff is not a resident of this Commonwealth and the security is required of him. After sixty days from such suggestion, the suit or action shall, by order of the court, be dismissed, unless, before the dismissal, it is proven that plaintiff is a resident of the Commonwealth or security be given before the court, or its clerk, for the payment of the costs and damages in the court in which the suit or action is instituted which may be awarded to the defendant, and of the fees due, or to become due, in such suit

or action to the officers of the court. The security shall be by bond, payable to the Commonwealth, but there need only be one obligor therein, if he be sufficient and a resident of the Commonwealth. The court before whom, or before whose clerk, such bond is given, may, on motion by a defendant or officer, give judgment for so much as he is entitled to by virtue of such bond.

Code 1950, § 14-182; 1964, c. 386, § 14.1-185; 1998, c. [872](#).

§ 17.1-608. How obligor in such bond may obtain indemnity.

On the motion of an obligor in such bond, after reasonable notice to the plaintiff, his attorney-at-law or agent, the court may order bond to be given, with sufficient surety, in a penalty equal to the penalty of the former bond, payable to the applicant and with condition to indemnify and save harmless the applicant against all loss or damage, in consequence of executing the former bond. If the bond required under this section is not given within such time as the court may prescribe, it may order the suit to be dismissed.

Code 1950, § 14-183; 1964, c. 386, § 14.1-186; 1998, c. [872](#).

§ 17.1-609. Costs on certain motions and interlocutory orders.

Upon any motion, other than for a judgment for money, or upon any interlocutory order or proceeding, the court may give or refuse costs, at its discretion, unless otherwise provided. It may, when a demurrer is sustained to a plea in abatement, give judgment for the plaintiff for his full costs, to the time of sustaining it, an attorney's fee only excepted; and when any other part of the pleading is adjudged insufficient, order all costs occasioned by such insufficient pleading to be paid by him who committed the fault.

Code 1950, § 14-184; 1964, c. 386, § 14.1-187; 1998, c. [872](#).

§ 17.1-610. Payment of costs when new trial granted.

The party to whom a new trial is granted shall, prior to such new trial, pay the costs of the former trial, unless the court enter that the new trial is granted for misconduct of the opposite party, who, in such case, may be ordered to pay any costs which seem to the court reasonable. Such costs shall include the allowances to witnesses as provided in § [17.1-612](#). If the party who is to pay the costs of the former trial fails to pay the same at or before the next term after the new trial is granted, the court may, on the motion of the opposite party, set aside the order granting it, and proceed to judgment on the verdict or award execution for the costs, whichever seems best.

Code 1950, § 14-185; 1962, c. 227; 1964, c. 386, § 14.1-188; 1998, c. [872](#).

§ 17.1-611. Allowances to witnesses for Commonwealth.

All witnesses summoned for the Commonwealth shall be entitled to receive for each day's attendance all necessary tolls, and such reimbursement for his daily mileage as prescribed in § [2.2-2823](#). All allowances to witnesses summoned on behalf of the Commonwealth shall be paid by the treasurer of the county or corporation in which the trial is held or in which the grand jury is summoned and the amount so paid by such treasurer shall be refunded to him out of the state treasury, on a certificate of the clerk of the court in which the trial was held or before which the grand jury was summoned.

Code 1950, § 14-186; 1954, c. 709; 1964, c. 386, § 14.1-189; 1972, c. 719; 1976, c. 308; 1977, c. 483; 1998, c. [872](#).

§ 17.1-612. Allowances to other witnesses.

A person attending as a witness under a summons not covered by § [17.1-611](#), whether he is a witness from within or without the Commonwealth, shall be reimbursed for his daily mileage as prescribed in § [2.2-2823](#), and expenses for the tolls. On his oath an entry of the sum he is entitled to and for what and by what party it is to be paid shall be made: (i) by the clerk of either house or a committee of the General Assembly when the attendance is before such house or committee and (ii) in other cases by the clerk of the court in which the case is or the person before whom the witness attended. When the attendance was on behalf of the Commonwealth before a court, the entry shall be made upon the minutes of the court in which the case is docketed. A witness from outside the Commonwealth in any civil action may be allowed the same mileage and attendance fee as any other witness in any such action. However, no sums for attendance and mileage shall be allowed a witness from outside the Commonwealth, in any civil action, unless the judge of the court determines and certifies that the witness is a material witness in the matter for which he appeared. The court may allow such mileage and attendance fee or any portion thereof as the court may determine to be reasonable under the circumstances of the case. A witness summoned to attend in several cases may have the entry made against either of the parties by whom he is summoned, but no witness shall be allowed reimbursement for his attendance in more than one case at the same time. Every witness who qualifies as an expert witness, when compelled to attend and testify, shall be allowed such compensation and mileage as the court may, if requested in its discretion, order without regard to any limitation described above, but the same shall be paid by the party in whose behalf he shall testify.

Code 1950, § 14-187; 1952, c. 701; 1954, c. 709; 1962, c. 227; 1964, c. 386, § 14.1-190; 1966, c. 671; 1972, c. 719; 1976, c. 308; 1977, c. 483; 1998, c. [872](#).

§ 17.1-613. By whom and upon what certificate allowances to witnesses paid.

The sum to which a witness is entitled shall be paid out of the state treasury in any case of attendance before either house or a committee of the General Assembly and in any other case in which the attendance is for the Commonwealth except when it is otherwise specially provided. In all other cases it shall be paid by the party for whom the summons issued. The payment shall be on a certificate of the person required by § [17.1-612](#) to make the entry or the clerk of the court in whose minutes the entry is made. The certificate shall express by letters and not by figures the separate amount to which the witness is entitled for his attendance, traveling, and tolls which he may have to pay and the aggregate thereof. No clerk or other person authorized to make such entry or give such certificate shall become interested by purchase in any claim payable out of the state treasury which by law he is authorized to certify.

Code 1950, § 14-188; 1964, c. 386, § 14.1-191; 1998, c. [872](#).

§ 17.1-614. List of entries made on behalf of witnesses.

The clerk shall, immediately after the adjournment of any court, make out two lists of all entries made on behalf of witnesses attending for the Commonwealth, and certify one to the Supreme Court and the other to the county or city treasurer, to which lists shall be attached a certificate to the correctness of the allowances therein and the aggregate amount thereof signed by the judge of the court and by the clerk. Any dispute before or after issuing the certificate between the witness and the party against whom his claim is made as to its justice or amount may, when the case is in a court, be determined by such court. The Comptroller shall not issue a warrant for any claim allowed by a court to a witness unless it appears upon the list certified as herein provided, and, upon the payment of any such claim, the date of approval by the Supreme Court shall be noted on such list.

Code 1950, § 14-189; 1964, c. 386, § 14.1-192; 1978, c. 195; 1998, c. [872](#).

§ 17.1-615. Time within which witnesses may be paid out of state treasury.

No payment out of the state treasury shall be made to witnesses unless their claims are presented within two years from the time of rendering the service.

Code 1950, § 14-190; 1964, c. 386, § 14.1-193; 1998, c. [872](#).

§ 17.1-616. Restriction of costs for witnesses generally; when entry for witness not allowed.

The court may restrict the taxation in the costs for witnesses to so many as may be deemed just. No entry for a witness shall be made against a party recovering costs, after execution has issued for such party. In no case shall there be an entry of a witness for attendance at a term, after sixty days from the end of such term.

Code 1950, § 14-191; 1964, c. 386, § 14.1-194; 1998, c. [872](#).

§ 17.1-617. Number of witnesses paid fees in criminal cases.

Not more than the maximum number of witnesses provided for herein shall be paid out of the state treasury in criminal cases.

The maximum number that may be (i) caused to be summoned by an attorney for the Commonwealth in any one case to go before a grand jury -- five; (ii) used before a court not of record in the trial of any criminal case -- five; and (iii) caused to be summoned by an attorney for the Commonwealth for the trial of any criminal case -- ten.

Nothing herein shall be construed to limit (i) the number of witnesses that may be authorized by any court or the judge thereof to be used when the necessity for additional witnesses appears to the court or judge and the consent of the court or judge is first obtained or (ii) the number of witnesses that a grand jury may of its own motion summon.

Code 1950, § 14-192; 1964, c. 386, § 14.1-195; 1998, c. [872](#).

§ 17.1-618. Allowances for jurors; expenses of keeping jury together; fees of jury commissioners and commissioner in chancery for drawing of juries.

Every person summoned as a juror in a civil or criminal case shall be entitled to thirty dollars for each day of attendance upon the court for expenses of travel incident to jury service and other necessary

and reasonable costs as the court may direct. Jurors summoned from another political subdivision pursuant to § [8.01-363](#) may be allowed by the court, in addition to the above allowance, their actual expenses. When kept together overnight under the supervision of the court, the jurors and the sheriff or his deputies keeping the jury shall be furnished suitable board and lodging. Reimbursement for board and lodging shall be set by the judge in an amount not to exceed the amount authorized by travel regulations promulgated pursuant to § [2.2-2823](#). Allowances and other costs will be allowed a juror in only one case the same day.

Every person serving as a jury commissioner and every person serving as a commissioner in chancery for the drawing of juries for a circuit court of this Commonwealth may be allowed, by the court appointing him, a fee not exceeding thirty dollars per day for the time actually engaged in such work and such other necessary and reasonable costs as the court may direct.

Code 1950, § 8-208.33; 1954, c. 709; 1958, cc. 216, 303; 1960, c. 366; 1964, c. 268, § 14.1-195.1; 1968, c. 632; 1969, Ex. Sess., c. 20; 1972, c. 719; 1973, c. 439; 1974, c. 220; 1975, c. 193; 1976, c. 308; 1977, c. 624; 1978, c. 230; 1980, cc. 593, 594; 1982, c. 610; 1983, c. 495; 1984, c. 512; 1993, cc. 345, 635; 1996, c. [332](#); 1998, c. [872](#).

§ 17.1-619. How jurors paid.

A. The compensation and allowances of persons attending the court as jurors in all felony cases shall be paid by the Commonwealth. Jurors in misdemeanor cases shall be paid by the Commonwealth unless the charge is written on a local warrant or summons, in which case the jurors shall be paid by the political subdivision in which the summons is issued. Jurors in all civil cases shall be paid by the political subdivision in which the summons is issued. Payment in all cases shall be by negotiable check, warrant, cash, credit to a prepaid debit card or card account from which the juror is able to withdraw or transfer funds, or electronic transfer upon the Commonwealth, or the political subdivision, as the case may be. If payment is made by credit to a prepaid debit card or card account from which the juror is able to withdraw or transfer funds, such card or card account shall permit the juror to withdraw or transfer funds without incurring any fee for such withdrawal or transfer.

When, during the same day any juror is entitled to compensation from both the Commonwealth and from the political subdivision in which he has served, the court shall divide the pay for such day between the Commonwealth and the political subdivision. It shall be the duty of the sheriff at the term of the court during which an allowance is made or has been made under this section, to furnish the clerk of the court with a statement showing the number and names of the jurors in attendance upon the court.

B. A county or city may provide by local ordinance that a juror may direct in writing that compensation due him be paid to the court service unit or to any other agency, authority or organization which is ancillary to and provides services to the courts of the county or city.

Code 1950, § 8-208.34; 1954, c. 709; 1958, c. 303; 1960, c. 366; 1968, c. 632, § 14.1-195.2; 1969, Ex. Sess., c. 20; 1972, c. 719; 1973, c. 739; 1974, c. 208; 1975, c. 193; 1977, c. 624; 1982, c. 610; 1991, c. 78; 1998, c. [872](#); 2005, c. [173](#); 2017, c. [799](#).

§ 17.1-620. When juror not entitled to compensation.

No person shall be entitled to receive any compensation for service as a juror if he departs without the leave of the court, or, being summoned as a witness for the Commonwealth, charges for his attendance as such.

Code 1950, § 8-208.35; 1973, c. 439, § 14.1-195.3; 1977, c. 624; 1998, c. [872](#).

§ 17.1-621. Clerk to make entry on minutes stating amount due and by whom payable.

The clerk of any court in which juries are impaneled shall, before its final adjournment at each term, and under the direction of the court, make an entry upon its minutes stating the amount to which each juror is entitled for his services or attendance during the term, and specifying how much is payable by the Commonwealth, and how much by the political subdivision.

Code 1950, § 8-208.36; 1973, c. 439, § 14.1-195.4; 1977, c. 624; 1998, c. [872](#).

§ 17.1-622. Clerk to transmit orders making allowances to Supreme Court, treasurer and jurors.

Such clerk shall immediately, after the adjournment of the court, transmit to the Supreme Court a list of all orders under § [17.1-621](#) making allowances against the Commonwealth, and to the treasurer of the political subdivision a list of all such orders making allowances against the political subdivision, with a certificate to the correctness of the list and the aggregate amount thereof annexed thereto and signed by the judge of the court and himself, and such clerk shall also deliver to each juror copies of any orders making an allowance to him, whether the same be payable by the Commonwealth or by the political subdivision.

Code 1950, § 8-208.37; 1973, c. 439, § 14.1-195.5; 1977, c. 624; 1978, c. 195; 1998, c. [872](#).

§ 17.1-623. Payment of allowances.

The treasurer of such political subdivision shall upon demand pay to such juror the amount allowed him by negotiable check, cash, or electronic transfer which shall be repaid to such treasurer out of the public treasury or out of the political subdivision levy, as the case may be, upon the production of satisfactory proof that the same has been actually paid by him. But such treasurer shall not be repaid any allowance made against the Commonwealth unless it appear on the list directed to be sent to the Supreme Court. No such allowance shall be paid unless presented within two years from the time of rendering the service.

Code 1950, § 8-208.38; 1973, c. 439, § 14.1-195.6; 1975, c. 193; 1977, c. 624; 1978, c. 195; 1998, c. [872](#); 2005, c. [173](#).

§ 17.1-624. Who to tax costs.

The clerk of the court wherein any party recovers costs shall tax the same.

Code 1950, § 14-193; 1952, c. 616; 1954, c. 99; 1964, c. 386, § 14.1-196; 1984, c. 703; 1998, c. [872](#); 2014, c. [315](#).

§ 17.1-625. Repealed.

Repealed by Acts 2018, c. [35](#), cl. 1.

§ 17.1-626. Other items to be taxed in costs.

The clerk shall tax in the costs all taxes on process, and all fees of officers which the party appears to be chargeable with in the case wherein the recovery is, except that when in any court, on the same side, more than one copy of anything is obtained or taken out, there shall be taxed only the fee for one copy of the same thing. He shall also tax the costs of executing any order of publication made in the case for such party and of any advertisement from him in the case, made in pursuance of law, allowing the amount charged by the publisher, provided such publisher shall file with his certificate of publication or account a printed copy of his fixed rates of advertising, and his charge shall not exceed them, and the allowances to his witnesses, and every further sum which the court may deem reasonable and direct to be taxed for depositions taken out of the Commonwealth, or for any other matter.

Code 1950, § 14-195; 1964, c. 386, § 14.1-198; 1994, c. [432](#); 1998, c. [872](#).

§ 17.1-626.1. Recovery of costs in civil actions for bad checks.

A. In any civil action by a holder to recover the sum payable of a check drawn by the defendant on which payment has been refused by the payor bank because the drawer had no account or insufficient funds, or in any civil action following an arrest under § [18.2-181](#) or [18.2-182](#), the court, upon a determination that the plaintiff has prevailed, shall add the following amounts, as costs, to the amount due to the plaintiff for the check: (i) the sum of \$30 to defray the cost of processing the returned check; and (ii) the base wage of one employee for time actually spent acting as a witness for the Commonwealth; provided, however, that the total amount of allowable costs granted under the provisions of this section shall not exceed the sum of \$250 excluding restitution for the amount of the check.

B. Such award of costs shall be contingent upon a finding (i) that the plaintiff complied with the provisions in § [18.2-183](#) relating to notice and (ii) that the defendant failed to deliver payment or evidence of bank error to the plaintiff within five days after receipt of such notice.

1977, c. 329, § 6.1-118.1; 2010, cc. [343](#), [794](#).

§ 17.1-627. Premium on indemnifying bond taxed as costs.

In case of any attachment or any levy pursuant to a judgment, where the attaching or judgment creditor is required to give bond to indemnify and save harmless the officer executing such attachment or levy, the clerk shall tax in the costs of the proceeding wherein such attachment is had or judgment is entered the reasonable cost of such bond, such costs to be recovered as provided in § [17.1-601](#).

Code 1950, § 14-195.1; 1954, c. 470; 1964, c. 386, § 14.1-199; 1998, c. [872](#).

§ 17.1-628. Judgment or decree for costs on behalf of Commonwealth; costs to be paid into state treasury.

In a case wherein there is judgment or decree on behalf of the Commonwealth for costs, there shall be taxed in the costs the charge actually incurred to give any notice, although it be more than fifty cents; and the fees of attorneys and other officers for services, and allowances for attendance, as if such fees and allowances were payable out of the state treasury. What is so taxed for fees of, or allowance to, any person, shall be paid by the sheriff or officer who may receive such costs into the state treasury.

Code 1950, § 14-196; 1964, c. 386, § 14.1-200; 1998, c. [872](#).

§ 17.1-629. No judgment for costs against Commonwealth; exception.

In no case, civil or criminal, whether in a court of record or a court not of record, except when otherwise specially provided, shall there be a judgment for costs against the Commonwealth.

Code 1950, § 14-197; 1964, c. 386, § 14.1-201; 1998, c. [872](#).

Chapter 7 - JUDICIAL POLICY-MAKING BODIES

§ 17.1-700. Composition of Council; committees.

The Judicial Council shall be established in the judiciary branch of state government and composed of 14 members consisting of the Chief Justice of the Supreme Court, one judge of the Court of Appeals, six circuit court judges, one general district court judge, one juvenile and domestic relations district court judge, two attorneys qualified to practice in the Supreme Court, and the Chairman of the House Committee for Courts of Justice and the Chairman of the Senate Committee on the Judiciary or their designees who shall be members of the Courts of Justice committees. The Council may appoint committees to aid it in the performance of its duties, and members of such committees need not be members of the Council.

1930, p. 788, § 17-222; Michie Code 1942, § 6571f; 1968, c. 387; 1972, c. 708; 1973, c. 546; 1984, c. 703; 1987, c. 141; 1998, c. [872](#); 2004, c. [1000](#); 2008, c. [115](#).

§ 17.1-701. Appointment and terms of members.

The Chief Justice of the Supreme Court and the legislative members shall serve terms coincident with their terms of office. The other members of the Council shall be appointed by the Chief Justice of the Supreme Court, to serve for four years, or at his pleasure. No member appointed by the Chief Justice shall be eligible to serve more than two consecutive terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

1930, p. 789, § 17-223; Michie Code 1942, § 6571f; 1980, c. 177; 1998, c. [872](#); 2004, c. [1000](#).

§ 17.1-702. Meetings of Council and committees.

The Chief Justice, or, in case of his inability to do so, one of the other justices of the Supreme Court, shall summon the Council to meet at Richmond during the month of October in each year, and at such other times and places as the Chief Justice, or such other justice, may designate. If any member, when so summoned, shall for any cause be unable to attend, he shall promptly notify the justice who

issued the summons, of such fact, and such justice shall thereupon summon some other person possessing similar qualifications to attend and act in his stead.

Each member or other person, when so summoned, shall attend and remain throughout the proceedings of the Council, unless excused by the presiding officer, and shall advise as to any matters in respect to which, in his opinion, the administration of justice in the courts of this Commonwealth may be improved.

The Chief Justice or, in case of his inability to do so, one of the other justices of the Supreme Court, may summon the chairman or members of any committee to meet at such time and place as the Chief Justice, or such other justice, may designate.

1930, p. 789, § 17-224; Michie Code 1942, § 6571g; 1966, c. 23; 1968, c. 387; 1998, c. [872](#).

§ 17.1-703. Presiding officer; study of procedure.

The Chief Justice of the Supreme Court, or the other justice summoning the Council, shall be its presiding officer.

The Council shall, during each of its meetings, make a continuous study of the organization and the rules and methods of procedure and practice of the judicial system of the Commonwealth, the work accomplished and the results produced by the system and its various parts; and shall make studies of the need, or lack of need, of additional judges or justices of the Supreme Court of Virginia, the Court of Appeals of Virginia, and the circuit courts.

On the request of the presiding officer, the Attorney General shall attend the Council and confer with the members thereof, more particularly on the Commonwealth's business in the courts, and for the purpose of devising methods for the prevention of undue delay in the trial of such cases.

1930, p. 789, § 17-225; Michie Code 1942, § 6571h; 1968, c. 387; 1991, c. 406; 1995, c. [41](#); 1998, c. [872](#).

§ 17.1-704. Expenses; Secretary and assistants; printing.

Each member of the Council shall serve without compensation, and each member of the Council and of its committees summoned and attending its meetings shall be reimbursed for all reasonable and necessary expenses in the performance of his duties as provided in §§ [2.2-2813](#) and [2.2-2825](#). Funding for the costs of expenses of the members shall be paid by the Virginia Supreme Court. As provided by § [17.1-315](#) the Executive Secretary of the Supreme Court shall be the Secretary of the Judicial Council. The Council may engage such consultants or other assistants as it deems necessary for the performance of its duties.

1930, p. 789, § 17-226; Michie Code 1942, § 6571i; 1964, c. 9; 1968, c. 387; 1973, c. 544; 1998, c. [872](#); 2004, c. [1000](#).

§ 17.1-705. Report and recommendations.

A report of the proceedings of the Council shall be made to the General Assembly and to the Supreme Court, with such recommendations as may be agreed upon. However, this authority to make

recommendations shall in no event be construed to establish rules for the judicial system of the Commonwealth.

1930, p. 789, § 17-227; Michie Code 1942, § 6571i; 1991, c. 406; 1998, c. [872](#).

§ 17.1-705.1. Civil immunity for investigation of commissioners of accounts, etc.

All members of the Standing Committee on Commissioners of Accounts of the Judicial Council of Virginia shall be immune from civil liability for, or resulting from, any act, decision, omission, communication, finding, opinion or conclusion done or made in connection with the investigation of complaints against any commissioner of accounts, assistant commissioner of accounts or deputy commissioner of accounts, if such act, decision, omission, communication, finding, opinion or conclusion is done in good faith and without malicious intent.

2004, c. [976](#).

§ 17.1-705.2. Days when circuit courts shall be open.

Subject to §§ [2.2-3300](#) and [17.1-207](#), the Judicial Council may determine when the circuit courts of the Commonwealth shall be open for business. Any closing of the circuit courts pursuant to this section shall have the same effect as provided in subsection B of § [1-210](#).

2016, cc. [237](#), [548](#).

Article 2 - Judicial Conference of Virginia

§ 17.1-706. Establishment and membership.

There is hereby established the Judicial Conference of Virginia, which shall have as its active members the Chief Justice and justices of the Supreme Court of Virginia, the chief judge and judges of the Court of Appeals, all other judges of the circuit courts of the Commonwealth and all retired justices and judges of such courts. The honorary membership shall consist of the Attorney General of Virginia, the the Chairman of the House Committee for Courts of Justice or his designee and the Chairman of the Senate Committee on the Judiciary or his designee who shall be members of the Courts of Justice committees, the president and secretary of the Virginia State Bar, the president and secretary of the Virginia Bar Association, the president and secretary of the Virginia Trial Lawyers Association, the president and secretary of the Virginia Association of Defense Attorneys, the president and secretary of the Old Dominion Bar Association, the president and secretary of the Virginia Association of Commonwealth's Attorneys, the president and secretary of the Virginia Women Attorneys Association, the president and secretary of the Virginia Association of Criminal Defense Lawyers, the deans of the law schools of The College of William and Mary in Virginia, University of Richmond, University of Virginia, Washington and Lee University, George Mason University, Regent University, Liberty University, and the Appalachian School of Law, and the two attorneys appointed by the Chief Justice of the Supreme Court as members of the Judicial Council. The honorary members shall not have voting privileges.

1950, p. 69, § 17-228; 1964, c. 9; 1970, c. 404; 1980, c. 447; 1981, c. 231; 1984, c. 703; 1989, c. 597; 1990, c. 249; 1998, cc. [38](#), [872](#); 2008, c. [115](#); 2012, c. [76](#).

§ 17.1-707. President; executive committee.

The Chief Justice of the Supreme Court shall be the president of the Judicial Conference. The Conference shall be served by an executive committee composed of eight judges. The Chief Justice, or a justice of the Supreme Court designated by him, shall be chairman of the executive committee.

1950, p. 70, § 17-229; 1964, c. 9; 1980, c. 178; 1987, c. 161; 1998, c. [872](#).

§ 17.1-708. Meetings.

The Conference shall meet at least once in each calendar year at the call of the president and at such other times as may be designated by him or by the executive committee for the purpose of discussing and considering means and methods of improving the administration of justice in this Commonwealth. If any active member shall for any cause be unable to attend, he shall promptly notify the president. Unless excused from attendance, it shall be the duty of each active member to attend and remain throughout the proceedings of the Conference.

1950, p. 70, § 17-230; 1964, c. 9; 1998, c. [872](#).

§ 17.1-709. Expenses of members.

The active members and honorary members shall receive their reasonable expenses while in attendance at the meetings of the Conference, and of the executive committee.

1950, p. 70, § 17-231; 1964, c. 9; 1998, c. [872](#).

Chapter 8 - Virginia Criminal Sentencing Commission

§ 17.1-800. Virginia Criminal Sentencing Commission created.

There is hereby created within the judicial branch as an agency of the Supreme Court of Virginia, the Virginia Criminal Sentencing Commission, hereinafter referred to in this chapter as the Commission.

1994, 2nd Sp. Sess., cc. [1](#), [2](#), § 17-232; 1998, c. [872](#).

§ 17.1-801. Purpose.

The General Assembly, to ensure the imposition of appropriate and just criminal penalties, and to make the most efficient use of correctional resources, especially for the effective incapacitation of violent criminal offenders, has determined that it is in the best interest of the Commonwealth to develop, implement, and revise discretionary sentencing guidelines. The purposes of the Commission established under this chapter are to assist the judiciary in the imposition of sentences by establishing a system of discretionary guidelines and to establish a discretionary sentencing guidelines system which emphasizes accountability of the offender and of the criminal justice system to the citizens of the Commonwealth.

The Commission shall develop discretionary sentencing guidelines to achieve the goals of certainty, consistency, and adequacy of punishment with due regard to the seriousness of the offense, the dangerousness of the offender, deterrence of individuals from committing criminal offenses and the use of alternative sanctions, where appropriate.

1994, 2nd Sp. Sess., cc. [1](#), [2](#), § 17-233; 1998, c. [872](#).

§ 17.1-802. Membership; terms; compensation and expenses.

A. The Commission shall be composed of 17 members as follows:

1. Six judges or justices, who may be judges of a circuit court who regularly hear criminal cases or judges or justices of the Supreme Court or the Court of Appeals, to be appointed by the Chief Justice of the Supreme Court of Virginia;
2. One person who is not an active member of the judiciary, to be appointed as Chairman by the Chief Justice of the Supreme Court of Virginia for a term of four years subject to confirmation by the General Assembly. The Chairman shall designate a vice-chairman from among the other members to serve a term commensurate with that of the Chairman;
3. The Chairman of the House Committee for Courts of Justice or his designee who shall be a member of the committee and two persons to be appointed by the Speaker of the House of Delegates;
4. The Chairman of the Senate Committee on the Judiciary or his designee who shall be a member of the committee and one person to be appointed by the Senate Committee on Rules;
5. Four persons to be appointed by the Governor, at least one of whom shall be a representative of a crime victims' organization or a victim of crime as defined in subsection B of § [19.2-11.01](#); and
6. The Attorney General of Virginia or his designee for a term commensurate with his term of office.

All members shall be citizens of the Commonwealth.

B. Except for legislative members and gubernatorial appointments, appointments to the Commission made on and after January 1, 2001, shall be for terms of four years. Legislative members shall serve terms coincident with their terms of office. Appointments to the Commission made by the Governor on and after January 1, 2006, shall be for terms of four years. Members initially appointed to the Commission prior to January 1, 1998, may serve no more than three consecutive terms. Members initially appointed on and after January 1, 1998, shall not be eligible to serve more than two consecutive terms except for the Attorney General who shall serve by virtue of his office. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The remainder of any term to which a member is appointed to fill a vacancy or the service of an initial term of three years or less shall not constitute a term in determining the member's eligibility for reappointment.

C. Legislative members of the Commission shall receive compensation as provided in § [30-19.12](#) and nonlegislative citizen members of the Commission shall receive compensation as provided in § [2.2-2813](#) and all members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-2813](#) and [2.2-2825](#). Funding for the costs of compensation and expenses of the members shall be provided by the Virginia Sentencing Commission.

1994, 2nd Sp. Sess., cc. [1](#), [2](#), § 17-234; 1997, cc. [795](#), [883](#); 1998, cc. [226](#), [872](#); 2002, c. [79](#); 2004, c. [1000](#); 2005, c. [596](#).

§ 17.1-803. Powers and duties.

The Commission shall:

1. Develop, maintain and modify as may be deemed necessary, a proposed system of statewide discretionary sentencing guidelines for use in all felony cases which will take into account historical data, when available, concerning time actually served for various felony offenses committed prior to January 1, 1995, and sentences imposed for various felony offenses committed on or after January 1, 1995, and such other factors as may be deemed relevant to sentencing.
2. Prepare, periodically update, and distribute sentencing worksheets for the use of sentencing courts which, when used, will produce a recommended sentencing range for a felony offense in accordance with the discretionary sentencing guidelines established pursuant to subdivision 1.
3. Prepare, periodically update, and distribute a form for the use of sentencing courts which will assist such courts in recording the reason or reasons for any sentence imposed in a felony case which is greater or less than the sentence recommended by the discretionary sentencing guidelines.
4. Prepare guidelines for sentencing courts to use in determining appropriate candidates for alternative sanctions which may include, but not be limited to (i) fines and day fines, (ii) boot camp incarceration, (iii) local correctional facility incarceration, (iv) diversion center incarceration, (v) detention center incarceration, (vi) home incarceration/electronic monitoring, (vii) day or evening reporting, (viii) probation supervision, (ix) intensive probation supervision, and (x) performance of community service.
5. Develop an offender risk assessment instrument for use in all felony cases, based on a study of Virginia felons, that will be predictive of the relative risk that a felon will become a threat to public safety.
6. Apply the risk assessment instrument to offenders convicted of any felony that is not specified in (i) subdivision 1, 2 or 3 of subsection A of § [17.1-805](#) or (ii) subsection C of § [17.1-805](#) under the discretionary sentencing guidelines, and shall determine, on the basis of such assessment and with due regard for public safety needs, the feasibility of achieving the goal of placing 25 percent of such offenders in one of the alternative sanctions listed in subdivision 4. If the Commission so determines that achieving the 25 percent or a higher percentage goal is feasible, it shall incorporate such goal into the discretionary sentencing guidelines, to become effective on January 1, 1996. If the Commission so determines that achieving the goal is not feasible, the Commission shall report that determination to the General Assembly, the Governor and the Chief Justice of the Supreme Court of Virginia on or before December 1, 1995, and shall make such recommendations as it deems appropriate.
7. Monitor sentencing practices in felony cases throughout the Commonwealth, including the use of the discretionary sentencing guidelines, and maintain a database containing the information obtained.
8. Monitor felony sentence lengths, crime trends, correctional facility population trends and correctional resources and make recommendations regarding projected correctional facilities capacity requirements and related correctional resource needs.

9. Study felony statutes in the context of judge-sentencing and jury-sentencing patterns as they evolve after January 1, 1995, and make recommendations for the revision of general criminal offense statutes to provide more specific offense definitions and more narrowly prescribed ranges of punishment.

10. Report upon its work and recommendations annually on or before December 1 to the General Assembly, the Governor and the Chief Justice of the Supreme Court of Virginia. Such report shall include any modifications to the discretionary sentencing guidelines adopted by the Commission pursuant to subdivision 1 and shall be accompanied by a statement of the reasons for those modifications.

11. Perform such other functions as may be otherwise required by law or as may be necessary to carry out the provisions of this chapter.

1994, 2nd Sp. Sess., cc. [1](#), [2](#), § 17-235; 1998, c. [872](#); 2003, c. [139](#).

§ 17.1-804. Meetings; staff support.

A. Regular meetings of the Commission shall be held on a quarterly basis and at such other times as the Chairman may determine. Nine members of the Commission shall constitute a quorum. The Commission may hold public hearings.

B. The Commission may appoint a director and fix his duties and compensation. The Director may with prior approval of the Commission employ and fix the duties and compensation of such adequate staff as may be requisite to carry out the duties of the Commission. Other professional personnel, consultants and secretarial and clerical employees may be employed or contracted upon such terms and conditions as set forth by the Commission. The salaries, per diem and other expenses necessary to the functions of the Commission shall be payable from funds appropriated to the Commission. Adequate office space shall be provided by the Executive Secretary of the Supreme Court.

C. All agencies of the Commonwealth, their staffs and employees shall provide the Commission with necessary information for the performance of its duties.

1994, 2nd Sp. Sess., cc. [1](#), [2](#), § 17-236; 1998, c. [872](#).

§ 17.1-805. Adoption of initial discretionary sentencing guideline midpoints.

A. The Commission shall adopt an initial set of discretionary felony sentencing guidelines which shall become effective on January 1, 1995. The initial recommended sentencing range for each felony offense shall be determined first, by computing the actual time-served distribution for similarly situated offenders, in terms of their conviction offense and prior criminal history, released from incarceration during the base period of calendar years 1988 through 1992, increased by 13.4 percent, and second, by eliminating from this range the upper and lower quartiles. The midpoint of each initial recommended sentencing range shall be the median time served for the middle two quartiles and subject to the following additional enhancements:

1. The midpoint of the initial recommended sentencing range for first degree murder, second degree murder, rape in violation of § [18.2-61](#), forcible sodomy, object sexual penetration, and aggravated

sexual battery shall be further increased by (i) 125 percent in cases in which the defendant has no previous conviction of a violent felony offense; (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years; or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of 40 years or more, except that the recommended sentence for a defendant convicted of first degree murder who has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more shall be imprisonment for life;

2. The midpoint of the initial recommended sentencing range for voluntary manslaughter, robbery, aggravated malicious wounding, malicious wounding, and any burglary of a dwelling house or statutory burglary of a dwelling house or any burglary committed while armed with a deadly weapon or any statutory burglary committed while armed with a deadly weapon shall be further increased by (i) 100 percent in cases in which the defendant has no previous conviction of a violent felony offense, (ii) 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of less than 40 years, or (iii) 500 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more;

3. The midpoint of the initial recommended sentencing range for manufacturing, selling, giving, or distributing, or possessing with the intent to manufacture, sell, give, or distribute a Schedule I or II controlled substance, shall be increased by (i) 200 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years or (ii) 400 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more; and

4. The midpoint of the initial recommended sentencing range for felony offenses not specified in subdivision 1, 2, or 3 shall be increased by 100 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum punishment of less than 40 years and by 300 percent in cases in which the defendant has previously been convicted of a violent felony offense punishable by a maximum term of imprisonment of 40 years or more.

B. For purposes of this chapter, previous convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, or the United States or its territories.

C. For purposes of this chapter, violent felony offenses shall include any felony violation of § [16.1-253.2](#); solicitation to commit murder under § [18.2-29](#); any violation of § [18.2-31](#), [18.2-32](#), [18.2-32.1](#), [18.2-32.2](#), [18.2-33](#), or [18.2-35](#); any violation of subsection B of § [18.2-36.1](#); any violation of § [18.2-40](#) or [18.2-41](#); any violation of clause (c)(i) or (ii) of subsection B of § [18.2-46.3](#); any violation of § [18.2-46.5](#), [18.2-46.6](#), or [18.2-46.7](#); any Class 5 felony violation of § [18.2-47](#); any felony violation of § [18.2-](#)

[48](#), [18.2-48.1](#), or [18.2-49](#); any violation of § [18.2-51](#), [18.2-51.1](#), [18.2-51.2](#), [18.2-51.3](#), [18.2-51.4](#), [18.2-51.6](#), [18.2-52](#), [18.2-52.1](#), [18.2-53](#), [18.2-53.1](#), [18.2-54.1](#), [18.2-54.2](#), or [18.2-55](#); any violation of subsection B of § [18.2-57](#); any felony violation of § [18.2-57.2](#); any violation of § [18.2-58](#) or [18.2-58.1](#); any felony violation of § [18.2-60.1](#), [18.2-60.3](#), or [18.2-60.4](#); any violation of § [18.2-61](#), [18.2-64.1](#), [18.2-67.1](#), [18.2-67.2](#), former § [18.2-67.2:1](#), [18.2-67.3](#), [18.2-67.5](#), or [18.2-67.5:1](#) involving a third conviction of either sexual battery in violation of § [18.2-67.4](#) or attempted sexual battery in violation of subsection C of § [18.2-67.5](#); any Class 4 felony violation of § [18.2-63](#); any violation of subsection A of § [18.2-67.4:1](#); any violation of subsection A of § [18.2-77](#); any Class 3 felony violation of § [18.2-79](#); any Class 3 felony violation of § [18.2-80](#); any violation of § [18.2-85](#), [18.2-89](#), [18.2-90](#), [18.2-91](#), [18.2-92](#), or [18.2-93](#); any felony violation of § [18.2-152.7](#); any Class 4 felony violation of § [18.2-153](#); any Class 4 felony violation of § [18.2-154](#); any Class 4 felony violation of § [18.2-155](#); any felony violation of § [18.2-162](#); any violation of § [18.2-279](#) involving an occupied dwelling; any felony violation of subsection A or B of § [18.2-280](#); any violation of § [18.2-281](#); any felony violation of subsection A of § [18.2-282](#); any felony violation of § [18.2-282.1](#); any violation of § [18.2-286.1](#), [18.2-287.2](#), [18.2-289](#), or [18.2-290](#); any violation of subsection A of § [18.2-300](#); any felony violation of subsection C of § [18.2-308.1](#) or § [18.2-308.2](#); any violation of § [18.2-308.2:1](#) or subsection M or N of § [18.2-308.2:2](#); any violation of § [18.2-308.3](#) or [18.2-312](#); any former felony violation of § [18.2-346](#); any felony violation of § [18.2-346.01](#), [18.2-348](#), or [18.2-349](#); any violation of § [18.2-355](#), [18.2-356](#), [18.2-357](#), or [18.2-357.1](#); any violation of former § [18.2-358](#); any violation of subsection B of § [18.2-361](#); any violation of subsection B of § [18.2-366](#); any violation of § [18.2-368](#), [18.2-370](#), or [18.2-370.1](#); any violation of subsection A of § [18.2-371.1](#); any felony violation of § [18.2-369](#) resulting in serious bodily injury or disease; any violation of § [18.2-374.1](#); any felony violation of § [18.2-374.1:1](#); any violation of § [18.2-374.3](#) or [18.2-374.4](#); any second or subsequent offense under §§ [18.2-379](#) and [18.2-381](#); any felony violation of § [18.2-405](#) or [18.2-406](#); any violation of § [18.2-408](#), [18.2-413](#), [18.2-414](#), [18.2-423](#), [18.2-423.01](#), [18.2-423.1](#), [18.2-423.2](#), or [18.2-433.2](#); any felony violation of § [18.2-460](#), [18.2-474.1](#), or [18.2-477.1](#); any violation of § [18.2-477](#), [18.2-478](#), [18.2-480](#), [18.2-481](#), or [18.2-485](#); any violation of § [37.2-917](#); any violation of § [52-48](#); any violation of § [53.1-203](#); any conspiracy or attempt to commit any offense specified in this subsection, or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories.

1994, 2nd Sp. Sess., cc. [1](#), [2](#), § 17-237; 1995, c. [482](#); 1998, cc. [277](#), [872](#); 1999, c. [349](#); 2004, cc. [459](#), [866](#); 2005, c. [631](#); 2011, c. [282](#); 2013, cc. [424](#), [647](#); 2015, cc. [690](#), [691](#); 2019, c. [617](#); 2021, Sp. Sess. I, c. [188](#).

§ 17.1-806. Sentencing guidelines modifications; effective date.

After adoption of the initial guidelines, any modification to the discretionary sentencing guidelines adopted by the Commission shall be contained in the annual report required under § [17.1-803](#) and shall, unless otherwise provided by law, become effective on the next following July 1.

1994, 2nd Sp. Sess., cc. [1](#), [2](#), § 17-238; 1998, c. [872](#).

Chapter 9 - Judicial Inquiry and Review Commission

§ 17.1-900. Definitions and application of chapter.

As used in this chapter, unless the context requires a different meaning:

"Commission" means the Judicial Inquiry and Review Commission provided for in Article VI, Section 10 of the Constitution of Virginia.

"Judge" means a justice of the Supreme Court, judge of the Court of Appeals, judge of a circuit or district court, member of the State Corporation Commission, or a member of the Virginia Workers' Compensation Commission and includes (i) persons who have been elected or appointed to be judges but have not taken the oath of office as judge as well as persons who have taken such oath, (ii) judges designated under § [17.1-105](#), (iii) judges under temporary recall under § [17.1-106](#), (iv) judges pro tempore under § [17.1-109](#) and (v) special justices appointed pursuant to § [37.2-803](#), all of whom shall be subject to investigations and proceedings under the provisions of this chapter.

"Term" means (i) the period of time between either election or appointment of service as a judge and the first taking of the oath of office, (ii) each period of time for which the person was either elected or appointed as a judge, and (iii) any period of time after retirement during which the person hears cases as a retired judge.

1971, Ex. Sess., c. 154, § 2.1-37.1; 1984, c. 703; 2001, cc. [113](#), [844](#); 2004, c. [363](#).

§ 17.1-901. Commission created; membership and terms of office.

There is created a Judicial Inquiry and Review Commission in the judiciary branch of government, composed of seven persons who shall be citizens and residents of the Commonwealth. The members of the Commission shall be chosen by the vote of a majority of the members elected to each house of the General Assembly. The Commission shall elect a chairman and vice-chairman annually from its membership.

The Commission shall consist of three judicial members, who shall be (i) one active judge of a circuit court, (ii) one active judge of a general district court and (iii) one active judge of a juvenile and domestic relations district court; two lawyer members, who shall be active members of the Virginia State Bar who are not judges and who have practiced law in the Commonwealth for 15 or more years immediately preceding their appointment; and two public members who shall not be active or retired judges and shall never have been licensed lawyers.

After the initial appointments, the term of office of each member shall be four years commencing on July 1. No member of the Commission shall be eligible to serve more than two consecutive terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

Commission membership terminates whenever a member resigns or ceases to possess the qualifications that made him eligible for appointment. During any vacancy, which may exist while the General Assembly is not in session, the Governor may appoint a successor to serve until 30 days after the

commencement of the next session of the General Assembly. Upon election of a successor by the General Assembly, the new member of the Commission shall serve for the remainder of the term of office of his predecessor.

Any member of the Commission who is the subject of an investigation or hearing by it or is otherwise personally involved therein shall be disqualified by the Commission from acting in such proceedings. In such a case the Governor shall appoint a person possessing the original qualifications of such member as prescribed by this section to serve temporarily as a substitute member of the Commission in such proceedings.

1971, Ex. Sess., c. 154, § 2.1-37.3; 1978, c. 452; 2001, c. [844](#); 2004, c. [1000](#).

§ 17.1-902. Powers and duties of Commission generally.

The Commission is vested with the power, and it shall be its duty, to investigate charges arising out of the present or any prior term of office which would be the basis for retirement, censure, or removal of a judge under Article VI, Section 10 of the Constitution of Virginia and the provisions of this chapter even though the subject judge may have been reelected to a new term of office.

The Commission, after such investigation as it deems necessary, may order and conduct hearings at such times and places in the Commonwealth as it shall determine.

If the Commission finds the charges to be well-founded, and sufficient to constitute the basis for retirement, censure, or removal of a judge, it may file a formal complaint before the Supreme Court.

The Commission shall have the authority to make rules, not in conflict with the provisions of this chapter or of general law, to govern investigations and hearings conducted by it.

No act of the Commission shall be valid unless concurred with by a majority of its members.

1971, Ex. Sess., c. 154, §§ 2.1-37.4, 2.1-37.5, 2.1-37.6; 2001, c. [844](#).

§ 17.1-903. Officers and employees; experts and reporters; witnesses; legal counsel.

The Commission may (i) employ such officers, assistants, and other employees it deems necessary for the performance of its duties; (ii) arrange for and compensate medical and other experts and reporters; (iii) arrange for attendance of witnesses, including witnesses not subject to subpoena; and (iv) pay from funds available to it all expenses reasonably necessary for effectuating the purposes of Article VI, Section 10 of the Constitution of Virginia and the provisions of this chapter, whether or not specifically enumerated herein. The Attorney General shall, if requested by the Commission, act as its counsel generally or in any particular investigation or proceeding.

The Commission may employ counsel, notwithstanding the provisions of § [2.2-510](#).

1971, Ex. Sess., c. 154, § 2.1-37.7; 1978, c. 260; 2001, c. [844](#).

§ 17.1-904. Compensation and expenses.

Members of the Commission shall receive compensation for their services and shall be allowed all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ [2.2-](#)

[2813](#) and [2.2-2825](#). The compensation and expenses of members and all other necessary expenses of the Commission shall be provided from existing appropriations to the Commission.

1971, Ex. Sess., c. 154, § 2.1-37.8; 1978, c. 452; 1979, c. 316; 2001, c. [844](#); 2004, c. [1000](#).

§ 17.1-905. Annual report.

On or before December 1 of each year, the Commission shall publish a report detailing the activities of the Commission for the prior year. The report shall include the number of complaints filed with the Commission; the number of complaints originating from attorneys, judges, court employees, or the general public; the number of complaints dismissed based on (i) failure to fall within the jurisdiction of the Commission, (ii) failure to state a violation of the Canons of Judicial Conduct, or (iii) failure of the Commission to reach a conclusion that the Canons were breached; the number of complaints for which the Commission concluded that the Canons of Judicial Conduct were breached; and the number of cases from which the staff or any member of the Commission recused himself due to an actual or possible conflict.

1997, cc. [914](#), [921](#), § 2.1-37.8:1; 2001, c. [844](#).

§ 17.1-906. Jurisdiction of Supreme Court.

In addition to the jurisdiction conferred on the Supreme Court by Article VI, Section 1 and Section 10 of the Constitution of Virginia, to conduct hearings and impose sanctions upon the filing by the Commission of complaints against justices of the Supreme Court, judges of other courts of record, and members of the State Corporation Commission, the Supreme Court by virtue of this chapter shall have the same jurisdiction, to be exercised in the same manner, upon the filing by the Commission of complaints against all other judges as defined in this chapter.

1971, Ex. Sess., c. 154, § 2.1-37.2; 2001, c. [844](#).

§ 17.1-907. Oaths; inspection of books and records; subpoenas.

In the conduct of investigations and formal hearings, the Commission may (i) administer oaths and affirmations; (ii) order and otherwise provide for the inspection of books and records; and (iii) issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and other records or tangible evidence relevant to any such investigation or formal hearing.

The power to administer oaths and affirmations, to issue subpoenas, or to make orders for or concerning the inspection of books and records may be exercised by any member of the Commission, unless the Commission shall otherwise determine.

1971, Ex. Sess., c. 154, § 2.1-37.9; 2001, c. [844](#).

§ 17.1-908. Scope of process.

In any investigation or formal proceeding in any part of the Commonwealth, any process issued pursuant to the provisions of § [17.1-907](#) shall be effective throughout the Commonwealth.

1971, Ex. Sess., c. 154, § 2.1-37.10; 2001, c. [844](#).

§ 17.1-909. Order compelling witness to attend and testify.

If any person refuses to attend or testify or produce any writings or things required by any such subpoena, the Commission may petition any court of record in the Commonwealth for an order compelling such person to attend and testify or produce the writings or things required by the subpoena before the Commission. The court shall order such person to appear before it at a specified time and place and show cause why he had not attended or testified or produced the writings or things as required. A copy of the order shall be served upon him. If it appears to the court that the subpoena was regularly issued, the court shall order such person to appear before the Commission at the time and place fixed in the order and testify or produce the required writings or things. Upon failure to obey the order, such person shall be dealt with by such court as for contempt of court.

All process in any such case may be served in the manner prescribed by law for service of process in civil actions.

1971, Ex. Sess., c. 154, § 2.1-37.11; 2001, c. [844](#).

§ 17.1-910. Depositions.

In any pending investigation or formal hearing, the Commission may order the deposition of a person residing within or without the Commonwealth to be taken in such form and subject to such limitations as may be prescribed in the order. If the subject judge and counsel for the Commission do not stipulate as to the manner of taking the deposition, either the judge or counsel for the Commission may file in a trial court of record a petition entitled "In the Matter of Proceeding of Judicial Inquiry and Review Commission No..... (state number)" and stating generally, without identifying the judge, the nature of the pending matter, the name and residence of the person whose testimony is desired, and directions, if any, of the Commission, asking that an order be made requiring such person to appear and testify before a designated officer. Upon the filing of the petition, the court may make an order requiring such person to appear and testify. A subpoena for such deposition shall be issued by the clerk of the court and the deposition shall be taken and returned, in the manner prescribed by law for depositions in civil actions. Upon failure of the person named in the subpoena to appear and testify, he shall be dealt with by such court as for contempt of court. If the deposition is that of a person residing or present within this Commonwealth, the petition shall be filed in the court of record of the county or corporation in which such person resides or is present; otherwise in the Circuit Court of the City of Richmond.

1971, Ex. Sess., c. 154, § 2.1-37.12; 2001, c. [844](#).

§ 17.1-911. Suspension of judge.

A. In any pending investigation or formal hearing, the Commission may suspend a judge with pay if it finds that there is probable cause to believe that the continued performance of judicial duties by the judge constitutes both a substantial and immediate threat to the public interest in the administration of justice.

B. The Commission shall give the judge reasonable notice of such suspension as prescribed by the rules of the Commission and, if requested by the judge or his attorney, shall schedule a hearing during

the first fifteen days of the suspension in order to determine whether justice would be served for the suspension to continue until the completion of the investigation or formal hearing.

C. Any judge whose powers are suspended by the Commission shall not exercise judicial powers during such suspension, but shall continue to be bound by the Canons of Judicial Conduct.

1998, cc. [672](#), [862](#), § 2.1-37.12:1; 2001, cc. [309](#), [318](#), [844](#).

§ 17.1-912. Physical or mental examination.

A. Whenever the Commission has probable cause to believe a judge is unable to perform his duties as a judge because of excessive use of alcohol or drugs or physical or mental illness, the Commission, after preliminary investigation by informal conference, may direct that the judge submit to a mental or physical examination by a health care provider approved by the Commission after consultation with the judge. The health care provider's report shall be in writing. Upon request, the judge shall provide the Commission with all waivers and releases necessary to authorize the Commission to receive all medical records, reports, and information from any health care provider regarding the judge's mental or physical condition.

B. Any judge ordered to be examined pursuant to this section shall be afforded reasonable notice and an opportunity for a hearing before such examination is conducted as to any matters regarding the examination and as to whether there is probable cause to believe that the judge is unable to perform his duties as a judge because of excessive use of alcohol or drugs or physical or mental illness. During such hearing, the judge shall have the right to call witnesses on his behalf.

C. All costs related to examinations conducted at the direction of the Commission shall be paid out of sums appropriated for the operation of the Commission. The failure of a judge to submit to an examination ordered pursuant to this section or to provide waivers and releases required by this section shall constitute grounds for a new charge.

1998, cc. [672](#), [862](#), § 2.1-37.12:2; 2001, c. [844](#).

§ 17.1-913. Confidentiality of papers and proceedings.

A. All papers filed with and proceedings before the Commission, and under §§ [17.1-909](#) and [17.1-910](#), including the identification of the subject judge as well as all testimony and other evidence and any transcript thereof made by a reporter, shall be confidential and shall not be divulged, other than to the Commission, by any person who (i) either files a complaint with the Commission, or receives such complaint in an official capacity; (ii) investigates such complaint; (iii) is interviewed concerning such complaint by a member, employee or agent of the Commission; or (iv) participates in any proceeding of the Commission or in the official recording or transcription thereof, except that the record of any proceeding filed with the Supreme Court shall lose its confidential character. However, if the Commission finds cause to believe that any witness under oath has willfully and intentionally testified falsely, the Commission may direct the chairman or one of its members to report such finding and the details leading thereto including any transcript thereof to the attorney for the Commonwealth of the city or county where such act occurred for such disposition as to a charge of perjury as the Commonwealth may be

advised. In any subsequent prosecution for perjury based thereon, the proceedings before the Commission relevant thereto shall lose their confidential character.

All records of proceedings before the Commission which are not filed with the Supreme Court in connection with a formal complaint filed with that tribunal, shall be kept in the confidential files of the Commission.

However, a judge who is under investigation by the Commission, or any person authorized by him, may divulge information pertaining to a complaint filed against such judge as may be necessary for the judge to investigate the allegations in the complaint in preparation for the proceedings before the Commission.

B. Advice on judicial ethics given by an attorney employed by the Commission to a judge and the records of such advice shall be confidential and not be divulged except as permitted in subsection A. However, the Commission may share such advice, but not the identity of the judge to whom the advice was given, with a committee established by the Supreme Court for the development of formal judicial ethics advisory opinions. Any such shared information shall remain confidential within such committee.

1971, Ex. Sess., c. 154, § 2.1-37.13; 1979, c. 11; 1984, c. 650; 1993, c. 92; 2001, c. [844](#); 2005, c. [508](#).

§ 17.1-914. Privilege.

The filing of papers with and the giving of testimony before the Commission shall be privileged, except where such filing of papers or giving of testimony is motivated or accompanied by actual malice. No other publication of such papers or proceedings shall be privileged in any action for defamation except that (i) the record filed by the Commission with the Supreme Court, in support of a formal complaint filed therewith, continues to be privileged and (ii) a writing which was privileged before its filing with the Commission shall not lose such privilege by such filing.

1971, Ex. Sess., c. 154, § 2.1-37.14; 2001, c. [844](#).

§ 17.1-915. Witness fees; mileage; exception.

A. Each witness, shall receive for his attendance the same fees and all witnesses shall receive the same mileage allowed by law to a witness in civil cases. The amount shall be paid by the Commission from funds appropriated for the use of the Commission.

B. This section shall not apply to an officer or employee of the Commonwealth or a political subdivision thereof, or an officer or an employee of a court of the Commonwealth.

1971, Ex. Sess., c. 154, § 2.1-37.15; 2001, c. [844](#).

§ 17.1-916. Costs.

No award of costs shall be made in any proceeding before the Commission or the Supreme Court.

1971, Ex. Sess., c. 154, § 2.1-37.16; 2001, c. [844](#).

§ 17.1-917. Assistance and information.

State and local public bodies and departments, officers and employees thereof, and officials and all personnel of the courts of the Commonwealth shall cooperate with and give reasonable assistance and information to the Commission and any authorized representative thereof, in connection with any investigations or proceedings within the jurisdiction of the Commission.

1971, Ex. Sess., c. 154, § 2.1-37.17; 2001, c. [844](#).

§ 17.1-918. Transmission of certain information to Virginia State Bar, House Committee for Courts of Justice, the Senate Committee on the Judiciary, and other members of the General Assembly.

A. The Judicial Inquiry and Review Commission shall transmit to the appropriate District Committee of the Virginia State Bar any complaint or evidence that may come to its attention with reference to the alleged misconduct of a judge, substitute judge or pro tempore judge which relates to his private practice of law.

B. The Commission shall also transmit any evidence that it has in its possession with reference to the alleged misconduct of any judge whose election is to be considered at the next session of the General Assembly to (i) the House Committee for Courts of Justice and the Senate Committee on the Judiciary and (ii) any member of the General Assembly, upon request. Such evidence shall include the nature of the complaint, the current status of the complaint, the duration of any suspension and the evidence supporting the probable cause finding therefor, a description of any remedial course of action, and a statement concluding whether any such remedial course was successfully undertaken. A copy of any evidence in whatever form so transmitted shall be sent to the judge in question. Any such evidence transmitted to the House Committee for Courts of Justice and the Senate Committee on the Judiciary or to any member of the General Assembly shall lose its confidential character.

1973, c. 387, § 2.1-37.17:1; 1993, c. 92; 1997, c. [914](#); 1998, cc. [757](#), [804](#); 2001, c. [844](#); 2004, cc. [332](#), [363](#).

§ 17.1-919. Service of process; execution of orders.

It shall be the duty of the sheriffs and sergeants in the several counties, cities, and towns, upon request of the Commission or its authorized representative, to serve process and execute all lawful orders of the Commission or entered by the court at its request without costs therefor.

1971, Ex. Sess., c. 154, § 2.1-37.18; 2001, c. [844](#).