

HOUSE BILL NO. 1396

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Hope)

A BILL to amend and reenact § 17.1-207 of the Code of Virginia, relating to days of operation of clerks' offices; clerks' authority to close office.

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-207 of the Code of Virginia is amended and reenacted as follows:

§ 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 the circuit court to~~ of any county or city may close the such 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

26 clerk's office personnel or the general public. Closing of the clerk's office pursuant to this subdivision
27 shall have the same effect as provided in subsection B of § 1-210;

28 4. ~~The judge or judges of the circuit court of any county or city may authorize the clerk of such~~
29 the circuit court to of any county or city may close the such clerk's office on any day or portion of a day
30 ~~which that~~ the Governor declares as a holiday for state employees, or on any day or portion of a day on
31 which the Governor, Supreme Court, or Judicial Council authorizes state offices to be closed; provided
32 that such closing of any clerk's office shall have the same force and effect as a legal holiday as set forth
33 in subsection B of § 1-210.

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

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

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

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