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HOUSE BILL NO. 1713

Offered January 13, 2025

Prefiled January 4, 2025

A *BILL to amend and reenact §§ 16.1-123.1, 16.1-241, 19.2-183, and 19.2-186 of the Code of Virginia, relating to jurisdiction of district courts in felony cases; specialty dockets; Behavioral Health Docket Act.*

Patron—Watts

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-123.1, 16.1-241, 19.2-183, and 19.2-186 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-123.1. Criminal and traffic jurisdiction of general district courts.

1. Each general district court shall have, within the county, including the towns within such county, or city for which it is established, exclusive original jurisdiction for the trial of:

a. All offenses against the ordinances, laws and bylaws of such county, including the towns within such county, or city or of any service district within such county or city, except a city ordinance enacted pursuant to §§ 18.2-372 through 18.2-391.1. All offenses against the ordinances of a service district shall be prosecuted in the name of such service district;

b. All other misdemeanors and traffic infractions arising in such county, including the towns in such county, or city.

2. Each general district court which is established within a city shall also have:

a. Concurrent jurisdiction with the circuit court of such city for all violations of state revenue and election laws; and

b. Exclusive original jurisdiction, except as otherwise provided by general law or the city charter, within the area extending for one mile beyond the corporate limits thereof, for the trial of all offenses against the ordinances, laws and bylaws of the city.

3. If a city lying within a county has no general district court provided by city charter or under general law, then the general district court of the county within which such city lies shall have the same jurisdiction in such city as a general district court established for a city would have.

4. Each general district court shall have such other jurisdiction, exclusive or concurrent, as may be conferred on such court by general law or by provisions of the charter of the city for which the court was established.

5. Notwithstanding the provisions of subsection C of § 19.2-244, any county general district court authorized by § 16.1-69.35:01 to be established in a city shall have exclusive original jurisdiction for the trial of all misdemeanors committed within or upon the general district court courtroom.

6. Upon certification by the general district court of any felony charge and ancillary misdemeanor charge or when an appeal of a conviction of an offense in general 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 general district court within 10 days pursuant to § 16.1-133; or the judge of the general district court, with the consent of the accused and the attorney for the Commonwealth, has delayed a proceeding pursuant to § 19.2-183 or 19.2-186 in order for the accused to complete a specialty docket established pursuant to § 18.2-254.2 or a behavioral health docket established pursuant to § 18.2-254.3.

7. Nothing herein shall affect the jurisdiction conferred on the juvenile and domestic relations district court by Chapter 11 (§ 16.1-226 et seq.).

§ 16.1-241. Jurisdiction; consent for abortion.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

59 2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or
60 mental incapacity of his parents is without parental care and guardianship;

61 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as
62 having abused or neglected another child in the care of the parent or custodian;

63 3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases
64 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided
65 in § 16.1-244;

66 4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or
67 whose parent or parents for good cause desire to be relieved of his care and custody;

68 5. Where the termination of residual parental rights and responsibilities is sought. In such cases
69 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in §
70 16.1-244;

71 6. Who is charged with a traffic infraction as defined in § 46.2-100; or

72 7. Who is alleged to have refused to take a blood test in violation of § 18.2-268.2.

73 In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in
74 subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall
75 be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the
76 juvenile committed the act alleged and that the juvenile was 16 years of age or older at the time of the
77 commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is
78 alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all
79 charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C
80 of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to
81 determine if there is probable cause to believe that the juvenile committed the act alleged and that the
82 juvenile was 16 years of age or older at the time of the commission of the alleged offense, and any matters
83 related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection
84 B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over
85 the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A
86 of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the
87 case shall be divested as provided in § 16.1-269.6.

88 In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a
89 violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser
90 offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested
91 unless there is a transfer pursuant to subsection A of § 16.1-269.1.

92 The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control
93 or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal
94 guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party
95 with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents,
96 step-grandparents, stepparents, former stepparents, blood relatives and family members. A party with a
97 legitimate interest shall not include any person (i) whose parental rights have been terminated by court order,
98 either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose
99 parental rights have been terminated by court order, either voluntarily or involuntarily, including, but not
100 limited to, grandparents, stepparents, former stepparents, blood relatives and family members, if the child
101 subsequently has been legally adopted, except where a final order of adoption is entered pursuant to §
102 63.2-1241, or (iii) who has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection
103 B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when
104 the child who is the subject of the petition was conceived as a result of such violation. The authority of the
105 juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where
106 the child has previously been awarded to the custody of a local board of social services.

107 A1. Making specific findings of fact required by state or federal law to enable a child to apply for or
108 receive a state or federal benefit. For the purposes of this subsection only, when the court has obtained
109 jurisdiction over the case of any child, the court may continue to exercise its jurisdiction until such person
110 reaches 21 years of age, for the purpose of entering findings of fact or amending past orders, to include
111 findings of fact necessary for the person to petition the federal government for status as a special immigrant
112 juvenile, as defined by 8 U.S.C. § 1101(a)(27)(J).

113 B. The admission of minors for inpatient treatment in a mental health facility in accordance with the
114 provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental illness or
115 judicial certification of eligibility for admission to a training center for persons with intellectual disability in
116 accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary
117 admission and certification of adults shall be concurrent with the general district court.

118 C. Except as provided in subsections D and H, judicial consent to such activities as may require parental
119 consent may be given for a child who has been separated from his parents, guardian, legal custodian or other

120 person standing in loco parentis and is in the custody of the court when such consent is required by law.

121 D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has
122 ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco
123 parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco
124 parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be
125 consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide
126 such treatment when requested by the judge to do so.

127 E. Any person charged with deserting, abandoning or failing to provide support for any person in violation
128 of law.

129 F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

130 1. Who has been abused or neglected;

131 2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is
132 otherwise before the court pursuant to subdivision A 4; or

133 3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds
134 that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of
135 the child complained of in the petition.

136 G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other
137 person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services that
138 are required by law to be provided for that child or such child's parent, guardian, legal custodian or other
139 person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that
140 of courts having equity jurisdiction as provided in § 16.1-244.

141 H. Judicial consent to apply for a work permit for a child when such child is separated from his parents,
142 legal guardian or other person standing in loco parentis.

143 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect
144 of children or with any violation of law that causes or tends to cause a child to come within the purview of
145 this law, or with any other offense against the person of a child. In prosecution for felonies over which the
146 court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

147 J. All offenses in which one family or household member is charged with an offense in which another
148 family or household member is the victim and all offenses under § 18.2-49.1.

149 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to
150 determining whether or not there is probable cause, *except that the court shall retain jurisdiction for any*
151 *felony in which the proceeding has been delayed, with the consent of the accused and the attorney for the*
152 *Commonwealth, pursuant to § 19.2-183 or 19.2-186 in order for the accused to complete a specialty docket*
153 *established pursuant to § 18.2-254.2 or a behavioral health docket established pursuant to § 18.2-254.3. Any*
154 *objection based on jurisdiction under this subsection shall be made before a jury is impaneled and sworn in a*
155 *jury trial or, in a nonjury trial, before the earlier of when the court begins to hear or receive evidence or the*
156 *first witness is sworn, or it shall be conclusively waived for all purposes. Any such objection shall not affect*
157 *or be grounds for challenging directly or collaterally the jurisdiction of the court in which the case is tried.*

158 K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished
159 pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such
160 petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

161 L. Any person who seeks spousal support after having separated from his spouse. A decision under this
162 subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit
163 court shall have concurrent original jurisdiction in all causes of action under this subdivision.

164 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4,
165 or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to §
166 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

167 N. Any person who escapes or remains away without proper authority from a residential care facility in
168 which he had been placed by the court or as a result of his commitment to the Virginia Department of
169 Juvenile Justice.

170 O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

171 P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900
172 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a juvenile and
173 domestic relations district court upon the filing of a certified copy of such order in the juvenile and domestic
174 relations district court.

175 Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. A
176 circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

177 R. [Repealed.]

178 S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

179 T. Petitions to enforce any request for information or subpoena that is not complied with or to review any
180 refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to §

181 63.2-1526.

182 U. Petitions filed in connection with parental placement adoption consent hearings pursuant to §
183 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days of
184 filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

185 V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to an
186 adoption when the consent to an adoption is executed pursuant to the laws of another state and the laws of
187 that state provide for the execution of consent to an adoption in the court of the Commonwealth.

188 W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a
189 minor elects not to seek consent of an authorized person.

190 After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without the
191 consent of any authorized person, if he finds that (i) the minor is mature enough and well enough informed to
192 make her abortion decision, in consultation with her physician, independent of the wishes of any authorized
193 person, or (ii) the minor is not mature enough or well enough informed to make such decision, but the desired
194 abortion would be in her best interest.

195 If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state
196 that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion;
197 however, no such notice shall be required if the judge finds that such notice would not be in the best interest
198 of the minor. In determining whether notice is in the best interest of the minor, the judge shall consider the
199 totality of the circumstances; however, he shall find that notice is not in the best interest of the minor if he
200 finds that (a) one or more authorized persons with whom the minor regularly and customarily resides is
201 abusive or neglectful and (b) every other authorized person, if any, is either abusive or neglectful or has
202 refused to accept responsibility as parent, legal guardian, custodian or person standing in loco parentis.

203 The minor may participate in the court proceedings on her own behalf, and the court may appoint a
204 guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall,
205 upon her request, appoint counsel for her.

206 Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings
207 relating to consent for a minor's abortion. Court proceedings under this subsection and records of such
208 proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so
209 that the court may reach a decision promptly and without delay in order to serve the best interests of the
210 minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no
211 event later than four days after the petition is filed.

212 An expedited confidential appeal to the circuit court shall be available to any minor for whom the court
213 denies an order authorizing an abortion without consent or without notice. Any such appeal shall be heard
214 and decided no later than five days after the appeal is filed. The time periods required by this subsection shall
215 be subject to subsection B of § 1-210. An order authorizing an abortion without consent or without notice
216 shall not be subject to appeal.

217 No filing fees shall be required of the minor at trial or upon appeal.

218 If either the original court or the circuit court fails to act within the time periods required by this
219 subsection, the court before which the proceeding is pending shall immediately authorize a physician to
220 perform the abortion without consent of or notice to an authorized person.

221 Nothing contained in this subsection shall be construed to authorize a physician to perform an abortion on
222 a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

223 A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has
224 been obtained or the minor delivers to the physician a court order entered pursuant to this section and the
225 physician or his agent provides such notice as such order may require. However, neither consent nor judicial
226 authorization nor notice shall be required if the minor declares that she is abused or neglected and the
227 attending physician has reason to suspect that the minor may be an abused or neglected child as defined in §
228 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical
229 emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's
230 medical record.

231 For purposes of this subsection:

232 "Authorization" means the minor has delivered to the physician a notarized, written statement signed by
233 an authorized person that the authorized person knows of the minor's intent to have an abortion and consents
234 to such abortion being performed on the minor.

235 "Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a
236 person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the
237 minor regularly and customarily resides and who has care and control of the minor. Any person who knows
238 he is not an authorized person and who knowingly and willfully signs an authorization statement consenting
239 to an abortion for a minor is guilty of a Class 3 misdemeanor.

240 "Consent" means that (i) the physician has given notice of intent to perform the abortion and has received
241 authorization from an authorized person, or (ii) at least one authorized person is present with the minor

242 seeking the abortion and provides written authorization to the physician, which shall be witnessed by the
 243 physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's
 244 medical record and maintained as a part thereof.

245 "Medical emergency" means any condition which, on the basis of the physician's good faith clinical
 246 judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate
 247 abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and
 248 irreversible impairment of a major bodily function.

249 "Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice
 250 of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24
 251 hours previous to the performance of the abortion or (ii) the physician or his agent, after a reasonable effort to
 252 notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such
 253 person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of
 254 the abortion.

255 "Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical
 256 procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

257 "Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage
 258 entered into prior to July 1, 2024, or lawfully entered into in another state or country prior to being domiciled
 259 in the Commonwealth, even though the marriage may have been terminated by dissolution; (ii) active duty
 260 with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her
 261 parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of
 262 emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

263 X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor
 264 children.

265 Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or test
 266 results.

267 Z. Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of services
 268 and support for persons who meet the eligibility criteria for the Fostering Futures program set forth in §
 269 63.2-919.

270 The ages specified in this law refer to the age of the child at the time of the acts complained of in the
 271 petition.

272 Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any
 273 process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of § 17.1-272, or
 274 subsection B, D, M, or R.

275 Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of
 276 subsection W ~~shall be~~ is guilty of a Class 3 misdemeanor.

277 Upon certification by the juvenile and domestic relations district court of any felony charge and ancillary
 278 misdemeanor charge committed by an adult or when an appeal of a conviction or adjudication of delinquency
 279 of an offense in the juvenile and domestic relations district court is noted, jurisdiction as to such charges shall
 280 vest in the circuit court, unless such case is reopened pursuant to § 16.1-133.1; a final judgment, order, or
 281 decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia Rule 1:1; or the appeal has
 282 been withdrawn in the juvenile and domestic relations district court within 10 days pursuant to § 16.1-133.

283 **§ 19.2-183. Examination of witnesses; assistance of counsel; evidentiary matters and remedies;**
 284 **power to adjourn case.**

285 A. The judge before whom any person is brought for an offense shall, as soon as may be practical, in the
 286 presence of such person, examine on oath the witnesses for and against him. Before conducting the hearing or
 287 accepting a waiver of the hearing, the judge shall advise the accused of his right to counsel and, if the accused
 288 is indigent and the offense charged be punishable by confinement in jail or the state correctional facility, the
 289 judge shall appoint counsel as provided by law.

290 B. At the hearing the judge shall, in the presence of the accused, hear testimony presented for and against
 291 the accused in accordance with the rules of evidence applicable to criminal trials in this Commonwealth. In
 292 felony cases, the accused shall not be called upon to plead, but he may cross-examine any witness who
 293 testifies on behalf of the Commonwealth or on behalf of any other defendant, introduce witnesses in his own
 294 behalf, and testify in his own behalf.

295 C. A judge may adjourn a trial, pending before him, not exceeding 10 days at one time, without the
 296 consent of the accused. *A judge may, for an offense that he does not have jurisdiction to try and with the*
 297 *consent of the accused and the attorney for the Commonwealth, delay a proceeding in order for the accused*
 298 *to complete a specialty docket established pursuant to § 18.2-254.2 or a behavioral health docket established*
 299 *pursuant to § 18.2-254.3. However, if the accused fails to complete such specialty docket or behavioral*
 300 *health docket, the court shall proceed pursuant to this section and § 19.2-186.*

301 D. At any preliminary hearing under this section, certificates of analysis and reports prepared pursuant to
 302 §§ 19.2-187 and 19.2-188 shall be admissible without the testimony of the person preparing such certificate

303 or report.

304 **§ 19.2-186. When accused to be discharged, tried, committed or bailed by judge.**

305 The judge shall discharge the accused if he considers that there is not sufficient cause for charging him
306 with the offense.

307 If a judge considers that there is sufficient cause only to charge the accused with an offense which the
308 judge has jurisdiction to try, then he shall try the accused for such offense and convict him if he deems him
309 guilty and pass judgment upon him in accordance with law just as if the accused had first been brought before
310 him on a warrant charging him with such offense.

311 If a judge considers that there is sufficient cause to charge the accused with an offense that he does not
312 have jurisdiction to try then he shall certify the case to the appropriate court having jurisdiction and shall
313 commit the accused to jail or let him to bail pursuant to the provisions of Article 1 (§ 19.2-119 et seq.) of
314 Chapter 9 of this title. *However, a judge may, for an offense that he does not have jurisdiction to try and with
315 the consent of the accused and the attorney for the Commonwealth, delay a proceeding under this section in
316 order for the accused to complete a specialty docket established pursuant to § 18.2-254.2 or a behavioral
317 health docket established pursuant to § 18.2-254.3. However, if the accused fails to complete such specialty
318 docket or behavioral health docket, the court shall proceed pursuant to § 19.2-183 and this section.*