

VIRGINIA ACTS OF ASSEMBLY - 2025 RECONVENED SESSION

CHAPTER 612

An Act to amend and reenact §§ 17.1-403 and 19.2-326 of the Code of Virginia, relating to appeals; procedure on appeal.

[S 999]

Approved April 2, 2025

Be it enacted by the General Assembly of Virginia:

1. That §§ 17.1-403 and 19.2-326 of the Code of Virginia are amended and reenacted as follows:

§ 17.1-403. 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 parties agree that oral argument is not necessary or 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; *or (c) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.*

§ 19.2-326. Payment of expenses of appeals of indigent defendants.

In any felony or misdemeanor case wherein the judge of the circuit court, from the affidavit of the defendant or any other evidence certifies that the defendant is financially unable to pay his ~~attorneys'~~ attorney fees, costs, and expenses incident to an appeal, the court to which an appeal is taken shall order the payment of such ~~attorneys'~~ attorney fees in an amount not less than \$300, costs, or necessary expenses of such ~~attorneys'~~ attorney in an amount deemed reasonable by the court, by the Commonwealth out of the appropriation for criminal charges. If the conviction is upheld on appeal, the ~~attorney's~~ attorney fees, costs, and necessary expenses of such attorney paid by the Commonwealth under the provisions ~~hereof shall~~ of this section may be assessed against the defendant.

2. That the provisions of § 17.1-403 of the Code of Virginia, as amended by this act, shall expire on June 30, 2027, unless reenacted by the 2027 Session of the General Assembly.