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SENATE BILL NO. 158
 AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee for Courts of Justice
 on March 2, 2026)

(Patrons Prior to Substitute—Senators Perry and Obenshain [SB 780])

A BILL to amend and reenact §§ 16.1-69.6:1, 17.1-400, 17.1-402, 17.1-403, as it is currently effective and as it may become effective, and 17.1-507 of the Code of Virginia, relating to maximum number of judges in each judicial district and circuit; maximum number of judges on the Court of Appeals of Virginia; hearing en banc; summary disposition of certain civil cases.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.6:1, 17.1-400, 17.1-402, 17.1-403, as it is currently effective and as it may become effective, and 17.1-507 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.6:1. Number of judges.

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The maximum number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
First	4	4
Second	7	7
Two-A	2	1
Third	2	3
Fourth	6	5
Fifth	3	2
Sixth	5	3
Seventh	4	4
Eighth	3	3
Ninth	4	4
Tenth	3	3
Eleventh	3	3
Twelfth	5-6	6-7
Thirteenth	6	5
Fourteenth	5	5
Fifteenth	8	9-10
Sixteenth	4	6
Seventeenth	3	2
Eighteenth	2	2
Nineteenth	12	8
Twentieth	4	4
Twenty-first	2	2
Twenty-second	3	4
Twenty-third	4	5
Twenty-fourth	3	6
Twenty-fifth	4	5
Twenty-sixth	5-6	7
Twenty-seventh	5	5
Twenty-eighth	3	3
Twenty-ninth	2	3
Thirtieth	2	3
Thirty-first	6	6

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

§ 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

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62 officer authorized by law to administer an oath. When any vacancy exists while the General Assembly is not
 63 in session, the Governor may appoint a successor to serve until 30 days after the commencement of the next
 64 regular session of the General Assembly. Whenever a vacancy occurs or exists in the office of a judge of the
 65 Court of Appeals while the General Assembly is in session, or when the term of office of a judge of the Court
 66 of Appeals will expire or the office will be vacant or vacated at a date certain between the adjournment of the
 67 General Assembly and the commencement of the next session of the General Assembly, a successor may be
 68 elected at any time during a session preceding the date of such vacancy by the vote of a majority of the
 69 members elected to each house of the General Assembly for a full term and, upon qualification, the successor
 70 shall enter at once upon the discharge of the duties of the office; however, such successor shall not qualify
 71 prior to the predecessor leaving office. No person shall be elected or reelected to a subsequent term under this
 72 section until he has submitted to a criminal history record search and submitted to a search of the central
 73 registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect and reports
 74 of such searches have been received by the ~~Chairmen~~ Chairs of the House and Senate Committees for Courts
 75 of Justice. If the person has not met the requirement of filing in the preceding calendar year a disclosure form
 76 prescribed in § 2.2-3117 or 30-111, he shall also provide a written statement of economic interests on the
 77 disclosure form prescribed in § 2.2-3117 to the ~~Chairmen~~ Chairs of the House and Senate Committees for
 78 Courts of Justice.

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

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

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

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

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

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

107 **§ 17.1-402. Sessions; panels; quorum; presiding judges; hearings en banc.**

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

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

116 C. Each panel shall hear and determine, independently of the others, the petitions for appeal pursuant to
 117 § 17.1-406 or 19.2-398 and appeals in criminal and civil cases assigned to that panel.

118 D. The Court of Appeals shall sit en banc (i) when there is a dissent in the panel to which the case was
 119 originally assigned and an aggrieved party requests an en banc hearing and at least ~~six~~ *eight* judges of the
 120 court vote in favor of such a hearing or (ii) when any judge of any panel shall certify that in his opinion a
 121 decision of such panel of the court is in conflict with a prior decision of the court or of any panel thereof and
 122 ~~five~~ *seven* other judges of the court concur in that view. The court may sit en banc upon its own motion at any
 123 time or upon the petition of any party, in any case in which a majority of the court determines it is appropriate

124 to do so. The court sitting en banc shall consider and decide the case and may overrule any previous decision
125 by any panel or of the full court.

126 E. The court may ~~sit~~ perform its en banc function by such number of judges as may be prescribed by rule
127 of the Supreme Court of Virginia, provided that the court sits en banc with no fewer than 13 judges. In all
128 cases decided by the court en banc, the concurrence of at least a majority of the judges sitting shall be
129 required to reverse a judgment, in whole or in part.

130 **§ 17.1-403. (For contingent expiration date, see Acts 2025, c. 612, cl. 2) Rules of practice, procedure,**
131 **and internal processes; promulgation by Supreme Court; amendments; summary disposition of**
132 **appeals.**

133 A. The Supreme Court shall prescribe and publish the initial rules governing practice, procedure, and
134 internal processes for the Court of Appeals designed to achieve the just, speedy, and inexpensive disposition
135 of all litigation in that court consistent with the ends of justice and to maintain uniformity in the law of the
136 Commonwealth. Before amending the rules thereafter, the Supreme Court shall receive and consider
137 recommendations from the Court of Appeals.

138 B. The rules shall prescribe procedures (i) authorizing the Court of Appeals to prescribe truncated record
139 or appendix preparation and (ii) permitting the Court of Appeals to dispense with oral argument if the parties
140 agree that oral argument is not necessary or if the panel has examined the briefs and record and unanimously
141 agrees that oral argument is unnecessary because (a) the appeal is wholly without merit; (b) the dispositive
142 issue or issues have been authoritatively decided, and the appellant has not argued that the case law should be
143 overturned, extended, modified, or reversed; or (c) the facts and legal arguments are adequately presented in
144 the briefs and record, and the decisional process would not be significantly aided by oral argument.

145 C. In a civil case, if the panel unanimously agrees that the case is wholly without merit and the record
146 below contains reasoned bases resolving the issues raised on appeal, the Court of Appeals may summarily
147 affirm the decision below.

148 **§ 17.1-403. (For contingent effective date, see Acts 2025, c. 612, cl. 2) Rules of practice, procedure,**
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160 issue or issues have been authoritatively decided, and the appellant has not argued that the case law should be
161 overturned, extended, modified, or reversed.

162 C. In a civil case, if the panel unanimously agrees that the case is wholly without merit and the record
163 below contains reasoned bases resolving the issues raised on appeal, the Court of Appeals may summarily
164 affirm the decision below.

165 **§ 17.1-507. Maximum number of judges; residence requirement; compensation; powers; etc.**

166 A. For the several judicial circuits there shall be judges, the maximum number as hereinafter set forth,
167 who shall during their service reside within their respective circuits and whose compensation and powers
168 shall be the same as now and hereafter prescribed for circuit judges.

169 The maximum number of judges of the circuits shall be as follows:

- 170 First — 6
- 171 Second — 8
- 172 Third — 4
- 173 Fourth — 8
- 174 Fifth — 4
- 175 Sixth — 3
- 176 Seventh — 5
- 177 Eighth — 3
- 178 Ninth — 5
- 179 Tenth — 4
- 180 Eleventh — 3
- 181 Twelfth — 6
- 182 Thirteenth — 7
- 183 Fourteenth — 5
- 184 Fifteenth — 12
- 185 Sixteenth — 6

186	Seventeenth — 4
187	Eighteenth — 3
188	Nineteenth — 15
189	Twentieth — 5 6
190	Twenty-first — 3
191	Twenty-second — 4
192	Twenty-third — 5
193	Twenty-fourth — 6
194	Twenty-fifth — 7
195	Twenty-sixth — 8
196	Twenty-seventh — 6 7
197	Twenty-eighth — 4
198	Twenty-ninth — 5
199	Thirtieth — 4
200	Thirty-first — 7

201 B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the
202 Judicial Council has made a study of the need for such additional circuit court judge and has reported its
203 findings and recommendations to the House and Senate Committees for Courts of Justice. The boundary of
204 any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of
205 its findings and recommendations made to said Committees.

206 C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant
207 to subsection B, the study shall be made available to the Compensation Board and the House and Senate
208 Committees for Courts of Justice and the Judicial Council shall publish notice of such finding in a publication
209 of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board
210 shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This
211 study shall be reported to the House and Senate Committees for Courts of Justice, and to the Department of
212 Planning and Budget.

213 **2. That the provisions of §§ 17.1-400, 17.1-402, and 17.1-403 of the Code of Virginia, as amended by**
214 **this act, shall become effective on September 1, 2026.**