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HOUSE BILL NO. 128
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee for Courts of Justice
on _____)
(Patron Prior to Substitute—Delegate Callsen)

A BILL to amend and reenact §§ 16.1-123.1, 16.1-241, 17.1-513, and 19.2-190.1 of the Code of Virginia, relating to certification of ancillary traffic infractions.

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-123.1, 16.1-241, 17.1-513, and 19.2-190.1 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

31 established.

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

35 6. Upon certification by the general district court of any felony charge and ancillary misdemeanor charge
36 *or traffic infraction* or when an appeal of a conviction of an offense in general district court is noted,
37 jurisdiction as to such charges shall vest in the circuit court, unless such case is reopened pursuant to
38 § 16.1-133.1; a final judgment, order, or decree is modified, vacated, or suspended pursuant to Supreme
39 Court of Virginia Rule 1:1; or the appeal has been withdrawn in the general district court within 10 days
40 pursuant to § 16.1-133.

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

43 **§ 16.1-241. Jurisdiction; consent for abortion.**

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

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

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

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

56 2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as
57 having abused or neglected another child in the care of the parent or custodian;

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

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

63 5. Where the termination of residual parental rights and responsibilities is sought. In such cases
64 jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in
65 § 16.1-244;

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

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

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

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

87 The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control
88 or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal
89 guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party
90 with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents,
91 step-grandparents, stepparents, former stepparents, blood relatives and family members. A party with a

92 legitimate interest shall not include any person (i) whose parental rights have been terminated by court order,
93 either voluntarily or involuntarily, except for purposes of this title, as otherwise provided by this paragraph;
94 (ii) whose interest in the child derives from or through a person whose parental rights have been terminated
95 by court order, either voluntarily or involuntarily, or whose interest in the child derives from or through a
96 person pursuant to clause (iii), including, but not limited to, grandparents, stepparents, former stepparents,
97 blood relatives and family members, if the child subsequently has been legally adopted, except where a final
98 order of adoption is entered pursuant to § 63.2-1241; or (iii) who has been convicted of a violation of
99 subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state,
100 the United States, or any foreign jurisdiction, or who has been found by clear and convincing evidence to
101 have engaged in the conduct prohibited by subsection A of § 18.2-61, § 18.2-63, or subsection B of
102 § 18.2-366, whether or not the person has been charged with or convicted of the alleged violation, when the
103 child who is the subject of the petition was conceived as a result of such violation or conduct. The authority
104 of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited
105 where the child has previously been awarded to the custody of a local board of social services. For purposes
106 of this title, a party with a legitimate interest shall also include a parent whose rights previously had been
107 terminated, provided that the child whose custody or visitation is at issue (a) is at least 14 years of age; (b)
108 has had a permanency goal previously achieved by adoption; (c) has had his adoptive parents die or, pursuant
109 to § 16.1-277.02, each of such child's adoptive parents has permanently been relieved of custody of such
110 child and each adoptive parent has had his parental rights terminated; and (d) is in the custody of a local
111 board of social services, and provided that the parent whose rights had previously been terminated has (1)
112 complied with the terms of any written post-adoption contact and communication agreement entered into
113 pursuant to Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2 and (2) maintained a positive,
114 continuous relationship with the child since termination.

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

121 B. The admission of minors for inpatient treatment in a mental health facility in accordance with the
122 provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental illness or

123 judicial certification of eligibility for admission to a training center for persons with intellectual disability in
124 accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary
125 admission and certification of adults shall be concurrent with the general district court.

126 C. Except as provided in subsections D and H, judicial consent to such activities as may require parental
127 consent may be given for a child who has been separated from his parents, guardian, legal custodian or other
128 person standing in loco parentis and is in the custody of the court when such consent is required by law.

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

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

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

138 1. Who has been abused or neglected;

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

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

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

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

151 I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect
152 of children or with any violation of law that causes or tends to cause a child to come within the purview of

153 this law, or with any other offense against the person of a child. In prosecution for felonies over which the
154 court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

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

157 In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to
158 determining whether or not there is probable cause. Any objection based on jurisdiction under this subsection
159 shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before the earlier of
160 when the court begins to hear or receive evidence or the first witness is sworn, or it shall be conclusively
161 waived for all purposes. Any such objection shall not affect or be grounds for challenging directly or
162 collaterally the jurisdiction of the court in which the case is tried.

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

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

169 M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4,
170 or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to
171 § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

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

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

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

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

182 R. [Repealed.]

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

184 T. Petitions to enforce any request for information or subpoena that is not complied with or to review any
185 refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to
186 § 63.2-1526.

187 U. Petitions filed in connection with parental placement adoption consent hearings pursuant to
188 § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days
189 of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

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

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

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

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

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

211 Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings

212 relating to consent for a minor's abortion. Court proceedings under this subsection and records of such
213 proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so
214 that the court may reach a decision promptly and without delay in order to serve the best interests of the
215 minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no
216 event later than four days after the petition is filed.

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

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

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

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

228 A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has
229 been obtained or the minor delivers to the physician a court order entered pursuant to this section and the
230 physician or his agent provides such notice as such order may require. However, neither consent nor judicial
231 authorization nor notice shall be required if the minor declares that she is abused or neglected and the
232 attending physician has reason to suspect that the minor may be an abused or neglected child as defined in
233 § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical
234 emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's
235 medical record.

236 For purposes of this subsection:

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

240 "Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a
241 person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the

242 minor regularly and customarily resides and who has care and control of the minor. Any person who knows
243 he is not an authorized person and who knowingly and willfully signs an authorization statement consenting
244 to an abortion for a minor is guilty of a Class 3 misdemeanor.

245 "Consent" means that (i) the physician has given notice of intent to perform the abortion and has received
246 authorization from an authorized person, or (ii) at least one authorized person is present with the minor
247 seeking the abortion and provides written authorization to the physician, which shall be witnessed by the
248 physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's
249 medical record and maintained as a part thereof.

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

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

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

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

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

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

272 Z. Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of services
273 and support for persons who meet the eligibility criteria for the Fostering Futures program set forth in
274 § 63.2-919.

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

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

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

282 Upon certification by the juvenile and domestic relations district court of any felony charge and ancillary
283 misdemeanor charge *or traffic infraction* committed by an adult or when an appeal of a conviction or
284 adjudication of delinquency of an offense in the juvenile and domestic relations district court is noted,
285 jurisdiction as to such charges shall vest in the circuit court, unless such case is reopened pursuant to
286 § 16.1-133.1; a final judgment, order, or decree is modified, vacated, or suspended pursuant to Supreme
287 Court of Virginia Rule 1:1; or the appeal has been withdrawn in the juvenile and domestic relations district
288 court within 10 days pursuant to § 16.1-133.

289 **§ 17.1-513. Jurisdiction of circuit courts.**

290 The circuit courts shall have jurisdiction of proceedings by quo warranto or information in the nature of
291 quo warranto and to issue writs of mandamus, prohibition and certiorari to all inferior tribunals created or
292 existing under the laws of the Commonwealth, and to issue writs of mandamus in all matters of proceedings
293 arising from or pertaining to the action of the boards of supervisors or other governing bodies of the several
294 counties for which such courts are respectively held or in other cases in which it may be necessary to prevent
295 the failure of justice and in which mandamus may issue according to the principles of common law. They
296 shall have appellate jurisdiction in all cases, civil and criminal, in which an appeal may, as provided by law,
297 be taken from the judgment or proceedings of any inferior tribunal.

298 They shall have original and general jurisdiction of all civil cases, except cases upon claims to recover
299 personal property or money not of greater value than \$100, exclusive of interest, and except such cases as are
300 assigned to some other tribunal; also in all cases for the recovery of fees in excess of \$100; penalties or cases
301 involving the right to levy and collect toll or taxes or the validity of an ordinance or bylaw of any

302 corporation; and also, of all cases, civil or criminal, in which an appeal may be had to the Court of Appeals.

303 They shall have jurisdiction to hear motions filed for the purpose of modifying, dissolving, or extending a
304 protective order pursuant to § 16.1-279.1 or 19.2-152.10 if the circuit court issued such order, unless the
305 circuit court remanded the matter to the jurisdiction of the juvenile and domestic relations district court in
306 accordance with § 16.1-297. They shall also have original jurisdiction of all indictments for felonies and of
307 presentments, informations and indictments for misdemeanors. They shall also have jurisdiction for bail
308 hearings pursuant to §§ 19.2-327.2:1 and 19.2-327.10:1.

309 Upon certification by the district court of any felony charge and ancillary misdemeanor charge *or traffic*
310 *infraction* or when an appeal of a conviction of an offense in district court is noted, jurisdiction as to such
311 charges shall vest in the circuit court, unless such case is reopened pursuant to § 16.1-133.1; a final judgment,
312 order, or decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia Rule 1:1; or the
313 appeal has been withdrawn in the district court within 10 days pursuant to § 16.1-133.

314 They shall have appellate jurisdiction of all cases, civil and criminal, in which an appeal, writ of error or
315 supersedeas may, as provided by law, be taken to or allowed by such courts, or the judges thereof, from or to
316 the judgment or proceedings of any inferior tribunal. They shall also have jurisdiction of all other matters,
317 civil and criminal, made cognizable therein by law and when a motion to recover money is allowed in such
318 tribunals, they may hear and determine the same, although it is to recover less than \$100.

319 While a matter is pending in a circuit court, upon motion of the plaintiff seeking to decrease the amount of
320 the claim to within the exclusive or concurrent jurisdiction of the general district court as described in
321 subdivision 1 of § 16.1-77, the circuit court shall order transfer of the matter to the general district court that
322 has jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or
323 that the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the
324 pending matter shall be unaffected by the transfer. Except for good cause shown, no such order of transfer
325 shall issue unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall
326 pay filing and other fees as otherwise provided by law to the clerk of the court to which the case is
327 transferred, and such clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare
328 and present the order of transfer to the transferring court for entry, after which time the case shall be removed
329 from the pending docket of the transferring court and the order of transfer placed among its records. The
330 plaintiff shall provide a certified copy of the transfer order to the receiving court.

331 **§ 19.2-190.1. Certification of ancillary misdemeanor offenses or traffic infractions.**

332 Upon certification of any felony offense pursuant to this chapter, the court shall also certify any ancillary

333 misdemeanor offense *or traffic infraction* to the clerk of the circuit court, provided that the attorney for the
334 Commonwealth and the accused consent to such certification. Any misdemeanor offense *or traffic infraction*
335 certified pursuant to this section shall proceed in the same manner as a misdemeanor appealed to circuit court
336 pursuant to § 16.1-136.