

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 8.01-251, 16.1-69.55, and 16.1-94.1 of the Code of Virginia, relating to*
 3 *limitations on enforcement of judgments; docketing of general district court judgments in the circuit*
 4 *court.*

5 [H 1426]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That §§ 8.01-251, 16.1-69.55, and 16.1-94.1 of the Code of Virginia are amended and reenacted as**
 9 **follows:**10 **§ 8.01-251. Limitations on enforcement of judgments.**

11 A. No execution shall be issued and no action brought on a judgment dated, extended, or renewed, prior to
 12 July 1, 2021, including a judgment in favor of the Commonwealth and a judgment rendered in another state
 13 or country, after 20 years from the date of such judgment or domestication of such judgment or 20 years from
 14 the date of such extension or renewal of such judgment, whichever is later, unless the period is extended as
 15 provided in this section. No execution shall be issued and no action brought on a judgment dated on or after
 16 July 1, 2021, including a judgment in favor of the Commonwealth and a judgment rendered in another state
 17 or country, after 10 years from the date of such judgment or domestication of such judgment, unless the
 18 period is extended as provided in this section, except that no execution shall be issued and no action brought
 19 on a judgment dated on or after July 1, 2021, that was created by nonpayment of child support after 20 years
 20 from the date of such judgment or domestication of such judgment.

21 B. The limitation prescribed in subsection A may be extended by the recordation of a certificate in the
 22 form provided in subsection G prior to the expiration of the limitation period prescribed herein in the clerk's
 23 office in which such judgment is recorded and executed by either the judgment creditor or his assignee or by
 24 the judgment creditor's or his assignee's attorney or authorized agent. Recordation of the certificate shall
 25 extend the limitations period of the right to enforce such judgment for 10 years from the date of the
 26 recordation of the certificate. A judgment creditor or his assignee may record one additional extension by
 27 recording another certificate in the form provided in subsection G prior to the expiration of the original 10-
 28 year extension of the limitation period, which shall extend the limitations period of the right to enforce such
 29 judgment for 10 years from the date of recordation of the second certificate.

30 The clerk of the court shall index the certificate in both names in the index of the judgment lien book and
 31 give reference to the book and page in which the original lien is recorded. This procedure is subject to the
 32 exception that if the action is against a personal representative of a decedent, the motion shall be within two
 33 years from the date of his qualification, the extension may be for only two years from the time of the
 34 recordation of the certificate, and there may be only one such extension.

35 C. No suit shall be brought to enforce the lien of any judgment, including judgments in favor of the
 36 Commonwealth, upon which the right to issue an execution or bring an action is barred by other subsections
 37 of this section, nor shall any suit be brought to enforce the lien of any judgment against the lands that have
 38 been conveyed by the judgment debtor to a grantee for value, unless the same be brought within five years
 39 from the due recordation of the deed from such judgment debtor to such grantee and unless a notice of lis
 40 pendens shall have been recorded in the manner provided by § 8.01-268 before the expiration of such
 41 five-year period.

42 D. In computing the time, any time during which the right to sue out execution on the judgment is
 43 suspended by the terms thereof, or by legal process, shall be omitted. §§ 8.01-230 et seq., 8.01-247 and
 44 8.01-256 shall apply to the right to bring such action in like manner as to any right.

45 E. This section shall not be construed to impair the right of subrogation to which any person may become
 46 entitled while the lien is in force, provided that he institutes proceedings to enforce such right within five
 47 years after the same accrued, nor shall the lien of a judgment be impaired by the recovery of another
 48 judgment thereon, or by a forthcoming bond taken on an execution thereon, such bond having the force of a
 49 judgment.

50 F. Limitations on enforcement of judgments entered in the general district courts shall be governed by
 51 § 16.1-94.1, ~~unless~~. *For judgments entered in a general district court prior to July 1, 2026, if an abstract of*
 52 *such judgment is docketed in the judgment book of a circuit court: Upon docketing such judgment, such*
 53 *judgment shall be treated as a judgment entered by the circuit court and may be extended in the same manner*
 54 *as a judgment entered by the circuit court, although the original date of entry of the judgment shall remain the*
 55 *date that was entered by the general district court. Notwithstanding the provisions of subsection B, for*
 56 *judgments entered in a general district court on or after July 1, 2026, for which enforcement is sought by a*

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57 *debt buyer that has purchased any such judgment from the judgment creditor, the judgment creditor's*
 58 *assignee, or another debt buyer, the 10-year limitation period specified by § 16.1-94.1 shall apply regardless*
 59 *of whether an abstract of such judgment is docketed in the judgment book of a circuit court.*

60 G. Any extension of the limitations of the right to enforce a judgment shall conform substantially with the
 61 following form:

62 CERTIFICATE OF EXTENSION OF LIMITATION OF RIGHT TO ENFORCE JUDGMENT LIEN

63 Place of Record _____

64 Date Judgment Docketed _____

65 Judgment Lien Book _____ Book Page _____

66 Name of Judgment Creditor(s) or Assignee(s) _____

67 Address of Judgment Creditor(s) or Assignee(s) _____

68 Phone number of Judgment Creditors(s) or Assignee(s) (if available) _____

69 _____

70 Name of Judgment Creditor(s) or Assignee(s)' attorney or agent _____

71 _____

72 Address of Creditor(s) or Assignee(s)' attorney or agent _____

73 _____

74 Name of Debtor(s) _____

75 _____

76 I/we, the undersigned [] judgment creditor(s) [] agent of judgment creditor(s) [] attorney for judgment
 77 creditor(s), do hereby certify that the aforementioned judgment lien be extended 10 years from the date of
 78 my/our endorsement upon this certificate.

79 [] Judgment creditor(s) or assignee(s) [] agent of judgment creditor(s) or assignee(s) [] attorney for
 80 judgment creditor(s) or assignee(s): _____

81 Commonwealth of Virginia

82 County/City of _____

83 Subscribed, sworn to and acknowledged before me by

84 _____, this _____ day of _____, 20 _____

85 My Commission expires: _____

86 Notary Public: _____

87 **§ 16.1-69.55. Retention of case records; limitations on enforcement of judgments; extensions.**

88 A. Criminal and traffic infraction proceedings:

89 1. In misdemeanor and traffic infraction cases, except misdemeanor cases under § 16.1-253.2, 18.2-57.2,
 90 or 18.2-60.4, all documents shall be retained for 10 years, including cases sealed in expungement proceedings
 91 under § 19.2-392.2. In misdemeanor cases under § 16.1-253.2, 18.2-57.2, or 18.2-60.4, all documents shall be
 92 retained for 20 years. In misdemeanor cases under §§ 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346,
 93 18.2-346.01, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-374, 18.2-386.1, 18.2-387, and
 94 18.2-387.1, all documents shall be retained for 50 years. Documents in misdemeanor and traffic infraction
 95 cases for which an appeal has been made shall be returned to and filed with the clerk of the appropriate circuit
 96 court pursuant to § 16.1-135;

97 2. In felony cases that are certified to the grand jury, all documents shall be certified to the clerk of the
 98 appropriate circuit court pursuant to §§ 19.2-186 and 19.2-190. All other felony case documents shall be
 99 handled as provided in subdivision 1;

100 3. Dockets and indices shall be retained for 10 years.

101 B. Civil proceedings:

102 1. All documents in civil proceedings in district court that are dismissed, including dismissal under
 103 § 8.01-335, shall be retained until completion of the Commonwealth's audit of the court records.
 104 Notwithstanding § 8.01-275.1, the clerks of the district courts may destroy documents in civil proceedings in
 105 which no service of process is had 24 months after the last return date;

106 2. In civil actions that result in a judgment, all documents in the possession of the general district court
 107 shall be retained for 10 years and, unless sooner satisfied, the judgment shall remain in force for a period of
 108 10 years;

109 3. In civil cases that are appealed to the circuit court pursuant to § 16.1-112, all documents pertaining
 110 thereto shall be transferred to the circuit court in accordance with those sections;

111 4. ~~The~~ *For judgments entered in a general district court before July 1, 2026, the limitations on*
 112 *enforcement of general district court judgments provided in § 16.1-94.1 shall not apply if the plaintiff, prior*
 113 *to the expiration of that period for enforcement, pays the circuit court docketing and indexing fees on*
 114 *judgments from other courts together with any other required filing fees and docketed the judgment in the*
 115 *circuit court having jurisdiction in the same geographic area as the general district court. However, a*
 116 *Notwithstanding the provisions of subsection B of § 8.01-251, for judgments entered in a general district*
 117 *court on or after July 1, 2026, for which enforcement is sought by a debt buyer that has purchased any such*
 118 *judgment from the judgment creditor, the judgment creditor's assignee, or another debt buyer, the 10-year*

119 *limitation period specified by § 16.1-94.1 shall apply regardless of whether the plaintiff, prior to the*
 120 *expiration of that period for enforcement, pays the circuit court docketing and indexing fees on judgments*
 121 *from other courts together with any other required filing fees and docket the judgment in the circuit court*
 122 *having jurisdiction in the same geographic area as the general district court. A judgment debtor wishing to*
 123 *discharge a judgment pursuant to the provisions of § 8.01-456, when the judgment creditor cannot be located,*
 124 *may, prior to the expiration of that period for enforcement, pay the circuit court docketing and indexing fees*
 125 *on judgments from other courts together with any other required filing fees and docket the judgment in the*
 126 *circuit court having jurisdiction in the same geographic area as the general district court. After the expiration*
 127 *of the period provided in § 16.1-94.1, executions on such docketed civil judgments may issue from the*
 128 *general district court wherein the judgment was obtained upon the filing in the general district court of an*
 129 *abstract from the circuit court. In all other respects, the docketing of a general district court judgment in a*
 130 *circuit court confers upon such judgment the same status as if the judgment were a circuit court judgment;*

131 5. Dockets for civil cases shall be retained for 10 years;

132 6. Indices in civil cases shall be retained for 10 years.

133 C. Juvenile and domestic relations district court proceedings:

134 1. In adult criminal cases, all records shall be retained as provided in subdivision A 1;

135 2. In juvenile cases, all documents and indices shall be governed by the provisions of § 16.1-306;

136 3. In all cases involving support arising under Title 16.1, 20, or 63.2, all documents and indices shall be
 137 retained until the last juvenile involved, if any, has reached 19 years of age and 10 years have elapsed from
 138 either dismissal or termination of the case by court order or by operation of law. Financial records in
 139 connection with such cases shall be subject to the provisions of § 16.1-69.56;

140 4. In all cases involving sexually violent offenses, as defined in § 37.2-900, and in all misdemeanor cases
 141 under §§ 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-346, 18.2-346.01, 18.2-347, 18.2-348, 18.2-349, 18.2-370,
 142 18.2-370.01, 18.2-374, 18.2-386.1, 18.2-387, and 18.2-387.1, all documents shall be retained for 50 years;

143 5. In cases transferred to circuit court for trial as an adult or appealed to circuit court, all documents
 144 pertaining thereto shall be transferred to circuit court;

145 6. All dockets in juvenile cases shall be governed by the provisions of subsection F of § 16.1-306.

146 D. At the direction of the chief judge of a district court, the clerk of that court may cause any or all papers
 147 or documents pertaining to civil and criminal cases that have been ended to be destroyed if such records,
 148 papers, or documents will no longer have administrative, fiscal, historical, or legal value to warrant continued
 149 retention, provided such records, papers, or documents have been microfilmed or converted to an electronic
 150 format. Such microfilm and microphotographic processes and equipment shall meet state archival microfilm
 151 standards pursuant to § 42.1-82, or such electronic format shall follow state electronic records guidelines, and
 152 such records, papers, or documents so converted shall be placed in conveniently accessible files and
 153 provisions made for examining and using the same. The provisions of this subsection shall not apply to the
 154 documents for misdemeanor cases under §§ 16.1-253.2, 18.2-57.2, 18.2-60.4, 18.2-67.4, 18.2-67.4:1,
 155 18.2-67.4:2, 18.2-346, 18.2-346.01, 18.2-347, 18.2-348, 18.2-349, 18.2-370, 18.2-370.01, 18.2-374,
 156 18.2-386.1, 18.2-387, and 18.2-387.1, which shall be retained as provided in subsection A.

157 **§ 16.1-94.1. Limitations on enforcement of district court judgments.**

158 For judgments entered in a general district court on or after January 1, 1985, no execution shall be issued
 159 or action brought on such judgment, including a judgment in favor of the Commonwealth, after ~~ten~~ 10 years
 160 from the date of such judgment ~~except as provided in § 16.1-69.55 B 4.~~ However, for judgments entered in a
 161 general district court on or after January 1, 1985, and before July 1, 2026, the provisions of this section shall
 162 not apply if the plaintiff, prior to the expiration of the period for enforcement pursuant to this section, pays
 163 the circuit court docketing and indexing fees on judgments from other courts together with any other required
 164 filing fees and docket the judgment in the circuit court having jurisdiction in the same geographic area as
 165 the general district court.