

HOUSE BILL NO. 197

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

on _____)

(Patron Prior to Substitute—Delegate Thomas)

A BILL to amend and reenact §§ 17.1-405 and 17.1-406 of the Code of Virginia, relating to board of zoning or governing body appeals; residential housing decisions; appellate jurisdiction upon appeal from the circuit court; sunset.

Be it enacted by the General Assembly of Virginia:**1. That §§ 17.1-405 and 17.1-406 of the Code of Virginia are amended and reenacted as follows:****§ 17.1-405. Appellate jurisdiction; administrative agency, Virginia Workers' Compensation Commission, and civil matter appeals.**

A. Unless otherwise provided by law, any aggrieved party may appeal to the Court of Appeals from:

1. Any final decision of a circuit court on appeal from (i) a decision of an administrative agency, or (ii) a grievance hearing decision issued pursuant to § 2.2-3005;

2. Any final decision of the Virginia Workers' Compensation Commission;

3. Except as provided in subsection B of § 17.1-406, any final judgment, order, or decree of a circuit court in a civil matter;

4. Any interlocutory decree or order pursuant to § 8.01-267.8 or 8.01-675.5;

5. Except as provided in subsection B, any interlocutory decree or order involving an equitable claim in which the decree or order (i) requires money to be paid or the possession or title of property to be changed or (ii) adjudicates the principles of a cause; or

6. Any final judgment, order, or decree of a circuit court (i) involving an application for a concealed weapons permit pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2, (ii) involving involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04, or (iii) for declaratory or injunctive relief under § 57-2.02.

B. Except as provided in § 8.01-675.5, no interlocutory decree or order shall be appealed if such decree or order involves:

1. Affirmance or annulment of a marriage;

2. Divorce;

3. Custody of a minor child;

4. Spousal or child support;

5. Control or disposition of a minor child;

6. Any other domestic relations matter arising under Title 16.1 or 20; or

7. Any protective order other than a final protective order issued by a circuit court.

C. The provisions of this section shall not apply to any final decision of a circuit court on appeal from a board of zoning appeals or governing body relating to individual residential housing decisions, including multifamily and single-family residential housing.

§ 17.1-406. Appeals in criminal matters; cases over which Court of Appeals does not have jurisdiction.

A. Any aggrieved party may appeal to the Court of Appeals from any final conviction in a circuit court of a traffic infraction or a crime. The Commonwealth or any county, city, or town may petition the Court of Appeals for an appeal pursuant to this subsection in any case in which such party previously could have petitioned the Supreme Court for a writ of error under § 19.2-317. The Commonwealth may also petition the Court of Appeals for an appeal in a criminal case pursuant to § 19.2-398.

B. In accordance with other applicable provisions of law, appeals lie directly to the Supreme Court from a final decision, judgment, or order of a circuit court involving a petition for a writ of habeas corpus; from any action collaterally attacking a criminal conviction, including a motion filed under § 8.01-428; from any final finding, decision, order, or judgment of the State Corporation Commission; *from any final decision of a circuit court on appeal from a board of zoning appeals or governing body relating to individual residential housing decisions, including multifamily and single-family residential housing*; and from proceedings under §§ 54.1-3935 and 54.1-3937. Complaints of the Judicial Inquiry and Review Commission shall be filed with the Supreme Court of Virginia. The Court of Appeals shall not have jurisdiction over any cases or proceedings described in this subsection.

2. That any case for which a notice of appeal to the Court of Appeals has been filed prior to July 1, 2026, shall continue in the Court of Appeals and shall not be affected by the provisions of this act.

3. That the provisions of this act shall expire on July 1, 2031.