

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend and reenact § 16.1-77 of the Code of Virginia and to amend the Code of Virginia by  
2 adding a section numbered 2.2-3713.1, relating to the Virginia Freedom of Information Act;  
3 declaratory judgment.

4 **Be it enacted by the General Assembly of Virginia:**

5 **1. That § 16.1-77 of the Code of Virginia is amended and reenacted and that the Code of Virginia is**  
6 **amended by adding a section numbered 2.2-3713.1 as follows:**

7 **§ 2.2-3713.1. Declaratory judgment.**

8 A. In cases of actual controversy, circuit courts and general district courts within the scope of their  
9 respective jurisdictions shall have power to make binding adjudications of right, whether or not a petition  
10 for mandamus or injunction under § 2.2-3713 is, or at the time could be, filed against a public body, and  
11 no action or proceeding shall be open to objection on the ground that a judgment order or decree merely  
12 declaratory of right is prayed for. Controversies involving the interpretation of this chapter may be so  
13 determined, and this enumeration does not exclude other instances of actual antagonistic assertion and  
14 denial of right.

15 B. Venue for a declaratory judgment action under this section shall be the same as the venue for a  
16 petition for mandamus or injunction as set forth in § 2.2-3713.

17 C. In any action brought before a general district court, a corporate petitioner may appear through  
18 its officer, director, or managing agent without the assistance of counsel, notwithstanding any provision  
19 of law or Rule of the Supreme Court of Virginia to the contrary.

20 D. Further relief based on a declaratory judgment order or decree may be granted whenever  
21 necessary or proper. The application shall be by motion to a court having jurisdiction to grant the relief.  
22 If the application is deemed sufficient, the court shall, on reasonable notice, require an adverse party whose  
23 rights have been adjudicated by the declaration of right to show cause why further relief should not be  
24 granted forthwith.

25 E. An action for declaratory judgment under this section shall be heard within seven days of the  
26 date when the same is made, provided that the party against whom the action is brought has received a  
27 copy of the pleading for declaratory judgment at least three working days prior to filing. The hearing on  
28 any action for declaratory judgment under this section made outside of the regular terms of the circuit  
29 court of a locality that is included in a judicial circuit with another locality shall be given precedence on  
30 the docket of such court over all cases that are not otherwise given precedence by law.

31 F. Reasonable costs, including costs and reasonable fees for expert witnesses, and attorney fees,  
32 or such part thereof as the court may deem proper and just in view of the particular circumstances of the  
33 case, may be awarded to any party.

34 **§ 16.1-77. Civil jurisdiction of general district courts.**

35 Except as provided in Article 5 (§ 16.1-122.1 et seq.), each general district court shall have, within  
36 the limits of the territory it serves, civil jurisdiction as follows:

37 (1) Exclusive original jurisdiction of any claim to specific personal property or to any debt, fine or  
38 other money, or to damages for breach of contract or for injury done to property, real or personal, or for  
39 any injury to the person that would be recoverable by action at law or suit in equity, when the amount of  
40 such claim does not exceed \$4,500 exclusive of interest and any attorney fees, and concurrent jurisdiction  
41 with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof  
42 exceeds \$4,500 but does not exceed \$25,000, exclusive of interest and any attorney fees. However, this  
43 \$25,000 limit shall not apply with respect to distress warrants under the provisions of § 55-230, cases  
44 involving liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor cases  
45 involving forfeiture of a bond pursuant to § 19.2-143.

46 (2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does  
47 not exceed \$25,000 exclusive of interest and any attorney fees.

48 (3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et  
49 seq.) of Chapter 3 of Title 8.01, and in Chapter 13 (§ 55-217 et seq.) of Title 55, and the maximum  
50 jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or cross-

51 claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person  
52 obligated on the lease or guarantee of such lease.

53 (4) Except where otherwise specifically provided, all jurisdiction, power and authority over any  
54 civil action or proceeding conferred upon any general district court judge or magistrate under or by virtue  
55 of any provisions of the Code.

56 (5) Jurisdiction to try and decide suits in interpleader involving personal or real property where  
57 the amount of money or value of the property is not more than the maximum jurisdictional limits of the  
58 general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not  
59 apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition  
60 of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in  
61 accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district  
62 court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the  
63 stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment, by warrant  
64 in debt, or by other uniform court form established by the Supreme Court of Virginia. The initial pleading  
65 shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who  
66 are not parties plaintiff.

67 (6) Jurisdiction to try and decide any cases pursuant to ~~§ 2.2-3713 of the Virginia Freedom of~~  
68 ~~Information Act (§ 2.2-3700 et seq.) or~~ § 2.2-3809 of the Government Data Collection and Dissemination  
69 Practices Act (§ 2.2-3800 et seq.); for writs of mandamus or for injunctions.

70 (7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate  
71 habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title 46.2.

72 (8) Jurisdiction to try and decide cases alleging a civil violation described in § 18.2-76.

73 (9) Jurisdiction to try and decide any cases pursuant to § 55-79.80:2 of the Condominium Act (§  
74 55-79.39 et seq.) or § 55-513 of the Property Owners' Association Act (§ 55-508 et seq.).

75 (10) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to  
76 Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional  
77 limits of the general district court. Any party that disagrees with an order by a general district court

78 granting an application to compel arbitration may appeal such decision to the circuit court pursuant to §  
79 8.01-581.016.

80 (11) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of  
81 Information Act (§ 2.2-3700 et seq.) for writs of mandamus or for injunctions and jurisdiction to try and  
82 decide any cases pursuant to § 2.2-3713.1 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.)  
83 for declaratory judgment.

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