

Constitution of Virginia

ARTICLE VI

Section 1. Judicial power; jurisdiction.

The judicial power of the Commonwealth shall be vested in a Supreme Court and in such other courts of original or appellate jurisdiction subordinate to the Supreme Court as the General Assembly may from time to time establish. Trial courts of general jurisdiction, appellate courts, and such other courts as shall be so designated by the General Assembly shall be known as courts of record.

The Supreme Court shall, by virtue of this Constitution, have original jurisdiction in cases of habeas corpus, mandamus, and prohibition; to consider claims of actual innocence presented by convicted felons in such cases and in such manner as may be provided by the General Assembly; in matters of judicial censure, retirement, and removal under Section 10 of this article, and to answer questions of state law certified by a court of the United States or the highest appellate court of any other state. All other jurisdiction of the Supreme Court shall be appellate. Subject to such reasonable rules as may be prescribed as to the course of appeals and other procedural matters, the Supreme Court shall, by virtue of this Constitution, have appellate jurisdiction in cases involving the constitutionality of a law under this Constitution or the Constitution of the United States and in cases involving the life or liberty of any person.

The General Assembly may allow the Commonwealth the right to appeal in all cases, including those involving the life or liberty of a person, provided such appeal would not otherwise violate this Constitution or the Constitution of the United States.

Subject to the foregoing limitations, the General Assembly shall have the power to determine the original and appellate jurisdiction of the courts of the Commonwealth.

The amendment ratified November 4, 1986 and effective December 1, 1986—In paragraph two, after "mandamus, and prohibition", deleted "and" and added to the sentence ", and to answer questions of state law certified by a court of the United States . . .".

The amendment ratified November 4, 1986 and effective December 1, 1986—In paragraph three, after "relating to the State revenue.", added the last sentence "The General Assembly may also allow the Commonwealth . . .".

The amendment ratified November 5, 1996 and effective January 1, 1997—Deleted the third paragraph: "No appeal shall be allowed to the Commonwealth . . ." and added a next-to-the-last paragraph: "The General Assembly may allow the Commonwealth . . .".

The amendment ratified November 5, 2002 and effective November 15, 2002-In paragraph two, after "mandamus, and prohibition", deleted the comma and added "; to consider claims of actual innocence presented by convicted felons in such cases and in such manner as may be provided by the General Assembly;" and after "article", deleted the comma and added a semicolon.

Section 2. Supreme Court.

The Supreme Court shall consist of seven justices. The General Assembly may, if three-fifths of the elected membership of each house so vote at two successive regular sessions, increase or decrease the number of justices of the Court, provided that the Court shall consist of no fewer than seven and no more than eleven justices. The Court may sit and render final judgment en banc or in divisions as may be prescribed by law. No decision shall become the judgment of the Court, however, except on the concurrence of at least three justices, and no law shall be declared unconstitutional under either this Constitution or the Constitution of the United States except on the concurrence of at least a majority of all justices of the Supreme Court.