

denied admission or being discharged, the operator of the home shall consider the opinion of a physician as to the ability of the person to exit the home in an emergency. In enforcing regulations governing the kinds of residents accepted by a home for adults, the Department shall consider any medical opinions received by the operators of such homes as to the ability of residents to exit in an emergency and shall have the option of requiring additional medical evaluations, if deemed advisable.

For purposes of this section, an "ambulatory resident" is one who is either (i) independently mobile, meaning he is physically and mentally capable of exiting the particular home from the area thereof used by the resident without assistance in an emergency and can ascend or descend stairs if present in any necessary exit path, or (ii) semimobile, meaning he is able to exit the home with assistance of a wheel chair, walker, cane, prosthetic device or verbal command. Unless occupying a structure meeting I-2 specifications of the code published by the Building Officials and Code Administrators, semimobile persons shall be able to evacuate the building within three minutes and their bedrooms shall be located on the first floor of a facility occupied by no more than twenty residents; such bedrooms shall be located less than fifty feet from exits which are at ground level or are equipped with ramps. A nonambulatory resident is a person who by reason of physical or mental disability or condition is unable to vacate the home in case of an emergency without the assistance of another person.

CHAPTER 431

An Act to provide for the submission to the voters of a proposed amendment to Section 1 of Article VI of the Constitution of Virginia, pertaining to judicial power and jurisdiction; and to repeal Chapter 240 of the 1985 Acts of Assembly pertaining to the same matter.

[H 699]

Approved April 3, 1986

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November, 1986, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 1 of Article VI of the Constitution of Virginia as follows:

ARTICLE VI. JUDICIARY.

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 and in matters of judicial censure, retirement, and removal under Section 10 of this Article. 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.

No appeal shall be allowed to the Commonwealth in a case involving the life or liberty of a person, except that an appeal by the Commonwealth may be allowed in any case involving the violation of a law relating to the State revenue. *The General Assembly may also allow the Commonwealth a right of appeal in felony cases, before a jury is impaneled and sworn if tried by jury or, in cases tried without a jury, before the court begins to hear or receive evidence or the first witness is sworn, whichever occurs first, from (1) an order of a circuit court dismissing a warrant, information or indictment or any count or charge thereof on the grounds that a statute upon which it was based is unconstitutional and (2) an order of a circuit court proscribing the use of certain evidence at trial on the grounds such evidence was obtained in violation of the provisions of the Fourth, Fifth or Sixth Amendments to the Constitution of the United States or Article I, Sections 8, 10 or 11 of this Constitution proscribing illegal searches and seizures and protecting rights against self-incrimination, provided the Commonwealth certifies the evidence is essential to the prosecution.*

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.

§ 2. The ballot shall contain the following question:

Question: Shall the Constitution of Virginia be amended so that the state may be given a right to appeal certain preliminary dismissals and exclusions of evidence in felony cases?

☐ Yes

☐ No

The ballots shall be prepared, distributed and voted, and the results thereof ascertained and certified, in the manner prescribed by § 24.1-165 of the Code of Virginia. The State Board of Elections shall cause to be sent to the clerks of each county and city, at least thirty days before the election, a copy of this act. Each such clerk shall forthwith post a copy of such act at the courthouse of such county or city. The State Board of Elections shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office, and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall, without delay, make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on December 1, 1986.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

2. That Chapter 240 of the 1985 Acts of Assembly is repealed.

CHAPTER 432

An Act to amend and reenact § 59.1-200 of the Code of Virginia, relating to the Consumer Protection Act.