

VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

CHAPTER 318

An Act to amend and reenact § 2.1-37.12:1 of the Code of Virginia, relating to procedure for suspension of a judge.

[H 1838]

Approved March 19, 2001

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-37.12:1 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-37.12:1. Suspension of judge.

A. In any pending investigation or formal hearing, the Commission may suspend a judge with pay if it finds that there is probable cause to believe that the continued performance of judicial duties by the judge constitutes both a substantial and immediate threat to the public interest in the administration of justice.

B. The Commission shall give the judge reasonable notice of such suspension as prescribed by the rules of the Commission and, if requested by the judge or his attorney, shall schedule a hearing during the first fifteen days of the suspension in order to determine whether justice would be served for the suspension to continue until the completion of the investigation or formal hearing. ~~There shall be no investigation or formal hearing conducted or a suspension imposed relating to matters which are the subject of a pending criminal case in which a judge is the defendant until final disposition of such case by a court of competent jurisdiction, including the exhaustion of all appeals.~~

C. Any judge whose powers are suspended by the Commission shall not exercise judicial powers during such suspension, but shall continue to be bound by the Canons of Judicial Conduct.