

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 331

An Act to amend and reenact §§ 16.1-69.9:3 and 17.1-511 of the Code of Virginia, relating to notice of retirement.

[S 328]

Approved April 8, 2004

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.9:3 and 17.1-511 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.9:3. Investigation and certification of necessity before vacancies filled.

When a vacancy occurs in the office of any judge of any district, the vacancy shall not be filled until, after investigation, the Committee on District Courts certifies that the filling of the vacancy is necessary. The Committee shall publish notice of such certification in a publication of general circulation among attorneys licensed to practice in the Commonwealth. *No notice of retirement submitted under § 51.1-305 or § 51.1-307 shall be revoked after certification of the vacancy by the Committee.* If the Committee certifies that the filling of the vacancy is not necessary, it shall direct the manner of distributing the work created by the vacancy, and the vacancy shall not be filled if not certified as necessary.

§ 17.1-511. Investigation and certification of necessity before vacancies filled.

When a vacancy occurs in the office of judge of any court of record, the vacancy shall not be filled until, after investigation, the Supreme Court certifies that the filling of the vacancy is or is not necessary. If the Court certifies that the filling of the vacancy is necessary, the Court shall publish notice of such certification in a publication of general circulation among attorneys licensed to practice in the Commonwealth. *No notice of retirement submitted under § 51.1-305 or § 51.1-307 shall be revoked after certification of the vacancy by the Court.* If the Court certifies that the filling of the vacancy is not necessary, it shall recommend to the General Assembly the manner of distributing the work of the judge; and the Governor shall not fill the vacancy.