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## HOUSE BILL NO. 1139

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact §§ 19.2-35, 19.2-36 and 19.2-38 of the Code of Virginia, relating to appointment of magistrates.

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Patron—McDonnell

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Referred to Committee for Courts of Justice

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

**1. That §§ 19.2-35, 19.2-36 and 19.2-38 of the Code of Virginia are amended and reenacted as follows:**

§ 19.2-35. Appointment; supervision generally.

Magistrates and any other personnel in the office of the magistrate shall be appointed by the chief judge of the circuit court having jurisdiction within the district, *in consultation with both the chief general district court judge and the chief juvenile and domestic relations district court judge of that district*. Each magistrate shall be appointed to serve the entire judicial district for which the appointment is made. The chief circuit court judge shall have full supervisory authority over the magistrates so appointed, but may delegate this authority to the chief general district court judge. Notwithstanding any other provision of law, the only methods for the selection of magistrates shall be as set out in this section.

The chief circuit court judge, *in consultation with both the chief general district court judge and the chief juvenile and domestic relations district court judge of that district*, may also appoint so many substitute magistrates as may be authorized by the Committee on District Courts. The order of appointment of such substitute magistrate shall specify the period such substitute magistrate shall serve and during this period such substitute magistrate shall exercise all the powers enumerated in § 19.2-45 in the judicial district for which the appointment is made.

If a magistrate of any district is absent or unable through sickness or other disability to perform his duties, the chief magistrate of that district may call upon any off-duty magistrate of an adjoining district to serve in a replacement capacity. When so designated, the replacement magistrate shall have all the authority and power of a magistrate of that district.

§ 19.2-36. Chief magistrates.

The chief circuit judge of a circuit court, *in consultation with both the chief general district court judge and the chief juvenile and domestic relations district court judge of that district*, may appoint a chief magistrate, for the purpose of maintaining the proper schedules, assisting in the training of the magistrates within such judicial district and to be responsible to the chief circuit court judge for the conduct of the magistrates and to further assist the chief circuit court judge in the operation of the magistrate system. The chief magistrate shall exercise direct daily supervision over the magistrates within the district and shall have the power to suspend without pay a magistrate after consultation and with the concurrence of the chief circuit court judge.

§ 19.2-38. Terms; probationary period; compensation and benefits; vacancies; revocation of appointment.

Persons appointed as magistrates under the provisions of this chapter shall serve for a term of four years. Such term shall commence upon appointment and qualification, provided that any magistrate appointed for the first time to any term commencing after July 1, 1980, shall serve initially for a six-month probationary period during which the magistrate must complete the minimum training program as established by the Committee on District Courts and satisfactorily complete a certification examination. Failure to successfully pass the certification examination shall preclude the magistrate from serving beyond the six-month probationary period. Magistrates shall be entitled to compensation and other benefits only from the time they take office. ~~Vacancies shall be filled for the unexpired term by the chief circuit judge.~~ Appointments made under the provisions of this chapter shall be revocable at the pleasure of the chief circuit court judge.

INTRODUCED

HB1139