

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 19.2-35, 19.2-36 and 19.2-38 of the Code of Virginia, relating to*
3 *appointment of magistrates.*

4 [H 1139]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 19.2-35, 19.2-36 and 19.2-38 of the Code of Virginia are amended and reenacted as**
8 **follows:**

9 § 19.2-35. Appointment; supervision generally.

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

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

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

28 § 19.2-36. Chief magistrates.

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

37 § 19.2-38. Terms; probationary period; compensation and benefits; vacancies; revocation of
38 appointment.

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