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SENATE BILL NO. 389

Senate Amendments in [] — February 1, 2006

A BILL to amend and reenact § 17.1-901 of the Code of Virginia, relating to Judicial Inquiry and Review Commission membership.

Patron Prior to Engrossment—Senator Stolle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 17.1-901 of the Code of Virginia is amended and reenacted as follows:**

§ 17.1-901. Commission created; membership and terms of office.

There is created a Judicial Inquiry and Review Commission in the judiciary branch of government, composed of seven persons who shall be citizens and residents of the Commonwealth. [~~Recommendations of candidates for election to the Commission shall be made by the Supreme Court of Virginia to the General Assembly. At the request of the General Assembly, the Supreme Court of Virginia may recommend candidates for election.~~] The members of the Commission shall be chosen by the vote of a majority of the members elected to each house of the General Assembly. The Commission shall elect a chairman and vice-chairman annually from its membership.

The Commission shall consist of three judicial members, who shall be (i) one active judge of a circuit court, (ii) one active judge of a general district court and (iii) one active judge of a juvenile and domestic relations district court; two lawyer members, who shall be active members of the Virginia State Bar who are not judges and who have practiced law in the Commonwealth for 15 or more years immediately preceding their appointment; and two public members who shall not be active or retired judges and shall never have been licensed lawyers.

After the initial appointments, the term of office of each member shall be four years commencing on July 1. No member of the Commission shall be eligible to serve more than two consecutive terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

Commission membership terminates whenever a member resigns or ceases to possess the qualifications that made him eligible for appointment. During any vacancy, which may exist while the General Assembly is not in session, the Governor may appoint a successor to serve until 30 days after the commencement of the next session of the General Assembly. Upon election of a successor by the General Assembly, the new member of the Commission shall serve for the remainder of the term of office of his predecessor.

Any member of the Commission who is the subject of an investigation or hearing by it or is otherwise personally involved therein shall be disqualified by the Commission from acting in such proceedings. In such a case the Governor shall appoint a person possessing the original qualifications of such member as prescribed by this section to serve temporarily as a substitute member of the Commission in such proceedings.

ENGROSSED

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