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SENATE BILL NO. 1127

Senate Amendments in [] — February 6, 2007

A BILL to amend and reenact § 19.2-37 of the Code of Virginia, relating to issuance of warrants by magistrate.

Patron Prior to Engrossment—Senator Norment

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-37 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-37. Who may be appointed magistrate.

Any person may be appointed to the office of magistrate under this title subject to the limitations of Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 and of this section.

A person shall be eligible for appointment to the office of magistrate under the provisions of this title: (a) if such person is not a law-enforcement officer; (b) if such person or his spouse is not a clerk, deputy or assistant clerk, or employee of any such clerk of a district court, provided that the Committee on District Courts may authorize a magistrate to assist in the district court clerk's office on a part-time basis; (c) if the appointment does not create a parent-child, husband-wife, or brother-sister relationship between a district court judge and such person serving within the same judicial district; (c1) if such person is not the chief executive officer, or a member of the board of supervisors, town or city council, or other governing body for any political subdivision of this Commonwealth; (d) if such person is a United States citizen and a resident of the judicial district for which he is appointed to serve as magistrate or an adjoining judicial district. Any magistrate serving in the City of Norfolk on July 1, 1996, shall be eligible for reappointment pursuant to this article regardless of the judicial district of his residence. No magistrate shall issue any warrant or process in complaint of his spouse, child, grandchild, parent, grandparent, parent-in-law, child-in-law, brother, sister, brother-in-law or sister-in-law, nephew, niece, uncle, aunt, first cousin, guardian or ward, [~~unless~~ , however, this restriction shall not apply in any county with a population between 56,000 and 57,000 according to the U.S. Census of 2000 where] the complainant is a law-enforcement officer acting within the scope of his official duties. The residence provisions contained in this section shall not be a bar to the reappointment of any magistrate in office on July 1, 1973, provided he is otherwise eligible to serve under the provisions of this chapter.

ENGROSSED

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