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**SENATE BILL NO. 244**

Offered January 9, 2008

Prefiled January 8, 2008

A *BILL to amend and reenact §§ 3.1-383, 3.1-796.93:1, 3.1-796.116, 3.1-796.126:10, 8.01-126, 8.01-537, 8.01-540, 15.2-1704, 15.2-1710, 16.1-135, 19.2-5, 19.2-34 through 19.2-39, 19.2-43, 19.2-44, 19.2-45, 19.2-46, 19.2-46.1, 19.2-48, 19.2-48.1, 19.2-77, 19.2-81.3, 19.2-119, 19.2-152.4:3, 20-70, 20-84, 27-32, 27-32.1, 27-32.2, 27-37.1, 37.2-808, 37.2-809, 37.2-1103, 37.2-1104, 43-29, 46.2-104, 49-6, 55-205, 55-230, 59.1-98, and 59.1-106 of the Code of Virginia and to repeal §§ 19.2-30 and 19.2-41 of the Code of Virginia, relating to magistrates.*

Patrons—Howell, Edwards, Marsh and Reynolds

Referred to Committee for Courts of Justice

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

**1. That §§ 3.1-383, 3.1-796.93:1, 3.1-796.116, 3.1-796.126:10, 8.01-126, 8.01-537, 8.01-540, 15.2-1704, 15.2-1710, 16.1-135, 19.2-5, 19.2-34 through 19.2-39, 19.2-43, 19.2-44, 19.2-45, 19.2-46, 19.2-46.1, 19.2-48, 19.2-48.1, 19.2-77, 19.2-81.3, 19.2-119, 19.2-152.4:3, 20-70, 20-84, 27-32, 27-32.1, 27-32.2, 27-37.1, 37.2-808, 37.2-809, 37.2-1103, 37.2-1104, 43-29, 46.2-104, 49-6, 55-205, 55-230, 59.1-98, and 59.1-106 of the Code of Virginia are amended and reenacted as follows:**

§ 3.1-383. Food forbidden to be sold; seizure; prosecution and punishment; inspection.

It shall be unlawful for any person to sell or to offer or expose for sale for human food any article which has been prepared, handled or kept where the sanitary conditions are such that the article is rendered unhealthy, unwholesome, deleterious, or otherwise unfit for human food, or which consists in whole or in part of diseased, filthy, decomposed or putrid animal or vegetable matter.

The Commissioner, his agents or assistants, and all peace and health officers shall have the power and are required to seize any and all articles which are offered or exposed for sale for human food, which have been prepared, handled or kept where the sanitary conditions are such that the article is rendered unhealthy, unwholesome, deleterious or otherwise unfit for human food, or which consist in whole or in part of diseased, filthy, decomposed or putrid animal or vegetable matter; and shall deliver ~~present~~ the same forthwith to and before the nearest a magistrate, or other officer authorized to issue such warrants, together with all information obtained, and the magistrate or other officer shall, upon sworn complaint being filed, issue a warrant, for the arrest of any person charged in any such complaint with a violation of the provisions of this section, returnable before the general district court, which shall proceed to try the case. Any person who shall violate any of the provisions of this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$10 nor more than \$100, and the article or articles of food in question shall be destroyed.

The Commissioner, his agents or assistants, and all peace and health officers in the execution of the provisions of this section, shall have full right to enter and inspect all places in which any articles of human food are stored, offered or exposed for sale; and any person who shall hinder or obstruct any of the officers in the discharge of the authority or duty imposed by the provisions of this section shall be guilty of a violation of the same.

§ 3.1-796.93:1. Control of dangerous or vicious dogs; penalties.

A. As used in this section:

"Dangerous dog" means a canine or canine crossbreed that has bitten, attacked, or inflicted injury on a person or companion animal that is a dog or cat, or killed a companion animal that is a dog or cat. However, when a dog attacks or bites a companion animal that is a dog or cat, the attacking or biting dog shall not be deemed dangerous (i) if no serious physical injury as determined by a licensed veterinarian has occurred to the dog or cat as a result of the attack or bite, (ii) if both animals are owned by the same person, (iii) if such attack occurs on the property of the attacking or biting dog's owner or custodian, or (iv) for other good cause as determined by the court. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event.

"Vicious dog" means a canine or canine crossbreed that has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior that resulted in a previous finding by a court or, on or before July 1, 2006, by an animal control officer as authorized by local ordinance, that it is a dangerous dog, provided that its owner has been given notice of that finding.

INTRODUCED

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59 B. Any law-enforcement officer or animal control officer who has reason to believe that a canine or  
60 canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate of  
61 *servi*ng the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to  
62 appear before a general district court at a specified time. The summons shall advise the owner of the  
63 nature of the proceeding and the matters at issue. If a law-enforcement officer successfully makes an  
64 application for the issuance of a summons, he shall contact the local animal control officer and inform  
65 him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous or  
66 vicious. The animal control officer shall confine the animal until such time as evidence shall be heard  
67 and a verdict rendered. If the animal control officer determines that the owner or custodian can confine  
68 the animal in a manner that protects the public safety, he may permit the owner or custodian to confine  
69 the animal until such time as evidence shall be heard and a verdict rendered. The court, through its  
70 contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If,  
71 after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the  
72 animal's owner to comply with the provisions of this section. If, after hearing the evidence, the court  
73 finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the  
74 provisions of § 3.1-796.119. The procedure for appeal and trial shall be the same as provided by law for  
75 misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title  
76 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt.

77 C. No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely  
78 because it is a particular breed, nor is the ownership of a particular breed of canine or canine crossbreed  
79 prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or  
80 damage was sustained by a person who was (i) committing, at the time, a crime upon the premises  
81 occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass upon the  
82 premises occupied by the animal's owner or custodian, or (iii) provoking, tormenting, or physically  
83 abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the  
84 animal at other times. No police dog that was engaged in the performance of its duties as such at the  
85 time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal that,  
86 at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its  
87 kennel, its offspring, a person, or its owner's or custodian's property, shall be found to be a dangerous  
88 dog or a vicious dog.

89 D. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal  
90 guardian shall be responsible for complying with all requirements of this section.

91 E. The owner of any animal found to be a dangerous dog shall, within 10 days of such finding,  
92 obtain a dangerous dog registration certificate from the local animal control officer or treasurer for a fee  
93 of \$50, in addition to other fees that may be authorized by law. The local animal control officer or  
94 treasurer shall also provide the owner with a uniformly designed tag that identifies the animal as a  
95 dangerous dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the  
96 collar and tag at all times. All certificates obtained pursuant to this subsection shall be renewed annually  
97 for the same fee and in the same manner as the initial certificate was obtained. The animal control  
98 officer shall provide a copy of the dangerous dog registration certificate and verification of compliance  
99 to the State Veterinarian.

100 F. All dangerous dog registration certificates or renewals thereof required to be obtained under this  
101 section shall only be issued to persons 18 years of age or older who present satisfactory evidence (i) of  
102 the animal's current rabies vaccination, if applicable, (ii) that the animal has been neutered or spayed,  
103 and (iii) that the animal is and will be confined in a proper enclosure or is and will be confined inside  
104 the owner's residence or is and will be muzzled and confined in the owner's fenced-in yard until the  
105 proper enclosure is constructed. In addition, owners who apply for certificates or renewals thereof under  
106 this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence  
107 that (i) their residence is and will continue to be posted with clearly visible signs warning both minors  
108 and adults of the presence of a dangerous dog on the property and (ii) the animal has been permanently  
109 identified by means of a tattoo on the inside thigh or by electronic implantation. All certificates or  
110 renewals thereof required to be obtained under this section shall only be issued to persons who present  
111 satisfactory evidence that the owner has liability insurance coverage, to the value of at least \$100,000,  
112 that covers animal bites. The owner may obtain and maintain a bond in surety, in lieu of liability  
113 insurance, to the value of at least \$100,000.

114 G. While on the property of its owner, an animal found to be a dangerous dog shall be confined  
115 indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its  
116 escape or direct contact with or entry by minors, adults, or other animals. The structure shall be  
117 designed to provide the animal with shelter from the elements of nature. When off its owner's property,  
118 an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to  
119 cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it  
120 from biting a person or another animal.

121 H. The owner of any dog found to be dangerous shall register the animal with the Commonwealth of  
122 Virginia Dangerous Dog Registry, as established under § 3.1-796.93:3, within 45 days of such a finding  
123 by a court of competent jurisdiction.

124 The owner shall also cause the local animal control officer to be promptly notified of (i) the names,  
125 addresses, and telephone numbers of all owners; (ii) all of the means necessary to locate the owner and  
126 the dog at any time; (iii) any complaints or incidents of attack by the dog upon any person or cat or  
127 dog; (iv) any claims made or lawsuits brought as a result of any attack; (v) tattoo or chip identification  
128 information or both; (vi) proof of insurance or surety bond; and (vii) the death of the dog.

129 I. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon  
130 learning of same, cause the local animal control authority to be notified if the animal (i) is loose or  
131 unconfined; or (ii) bites a person or attacks another animal; or (iii) is sold, given away, or dies. Any  
132 owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide  
133 written notice to the appropriate local animal control authority for the old address from which the  
134 animal has moved and the new address to which the animal has been moved.

135 J. Any owner or custodian of a canine or canine crossbreed or other animal is guilty of a:

136 1. Class 2 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog  
137 pursuant to this section, when such declaration arose out of a separate and distinct incident, attacks and  
138 injures or kills a cat or dog that is a companion animal belonging to another person;

139 2. Class 1 misdemeanor if the canine or canine crossbreed previously declared a dangerous dog  
140 pursuant to this section, when such declaration arose out of a separate and distinct incident, bites a  
141 human being or attacks a human being causing bodily injury; or

142 3. Class 6 felony if any owner or custodian whose willful act or omission in the care, control, or  
143 containment of a canine, canine crossbreed, or other animal is so gross, wanton, and culpable as to show  
144 a reckless disregard for human life, and is the proximate cause of such dog or other animal attacking  
145 and causing serious bodily injury to any person.

146 The provisions of this subsection shall not apply to any animal that, at the time of the acts  
147 complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a  
148 person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the  
149 performance of its duties at the time of the attack.

150 K. The owner of any animal that has been found to be a dangerous dog who willfully fails to  
151 comply with the requirements of this section is guilty of a Class 1 misdemeanor.

152 L. All fees collected pursuant to this section, less the costs incurred by the animal control authority  
153 in producing and distributing the certificates and tags required by this section, shall be paid into a  
154 special dedicated fund in the treasury of the locality for the purpose of paying the expenses of any  
155 training course required under § 3.1-796.104:1.

156 M. The governing body of any locality may enact an ordinance parallel to this statute regulating  
157 dangerous and vicious dogs; provided, however, that no locality may impose a felony penalty for  
158 violation of such local ordinances.

159 § 3.1-796.116. Dogs killing, injuring or chasing livestock or poultry.

160 It shall be the duty of any animal control officer or other officer who may find a dog in the act of  
161 killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not.  
162 Any person finding a dog committing any of the depredations mentioned in this section shall have the  
163 right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing  
164 livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to  
165 the livestock. Any court shall have the power to order the animal control officer or other officer to kill  
166 any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third  
167 time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel  
168 the owner, custodian, or harbinger of the dog to produce the dog.

169 Any animal control officer who has reason to believe that any dog is killing livestock or poultry  
170 shall be empowered to seize such dog solely for the purpose of examining such dog in order to  
171 determine whether it committed any of the depredations mentioned herein. Any animal control officer or  
172 other person who has reason to believe that any dog is killing livestock, or committing any of the  
173 depredations mentioned in this section, shall apply to a magistrate of *servicing* the county, city or town  
174 wherein such dog may be, who shall issue a warrant requiring the owner or custodian, if known, to  
175 appear before a general district court at a time and place named therein, at which time evidence shall be  
176 heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations  
177 mentioned in this section, the district court shall order that the dog be (i) killed immediately by the  
178 animal control officer or other officer designated by the court or (ii) removed to another state which  
179 does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog  
180 ordered removed from the Commonwealth which is later found in the Commonwealth shall be ordered  
181 by a court to be killed immediately.

182 § 3.1-796.126:10. Hybrid canines killing, injuring or chasing livestock.

183 It shall be the duty of any animal control officer or other officer who may find a hybrid canine in  
184 the act of killing or injuring livestock or poultry to kill such hybrid canine forthwith, whether such  
185 hybrid canine bears a tag or not. Any person finding a hybrid canine committing any of the depredations  
186 mentioned in this section shall have the right to kill such hybrid canine on sight as shall any owner of  
187 livestock or his agent finding a hybrid canine chasing livestock on land lawfully utilized by the livestock  
188 when the circumstances show that such chasing is harmful to the livestock. Any court shall have the  
189 power to order the animal control officer or other officer to kill any hybrid canine known to be a  
190 confirmed livestock or poultry killer, and any hybrid canine killing poultry for the third time shall be  
191 considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner,  
192 custodian, or harbinger of the hybrid canine to produce the hybrid canine.

193 Any animal control officer who has reason to believe that any hybrid canine is killing livestock or  
194 poultry shall be empowered to seize such hybrid canine solely for the purpose of examining such hybrid  
195 canine in order to determine whether it committed any of the depredations mentioned herein. Any  
196 animal control officer or other person who has reason to believe that any hybrid canine is killing  
197 livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate  
198 ~~for~~ *serving* the county, city or town wherein such hybrid canine may be, who shall issue a warrant  
199 requiring the owner or custodian, if known, to appear before a general district court at a time and place  
200 named therein, at which time evidence shall be heard. If it appears that the hybrid canine is a livestock  
201 killer, or has committed any of the depredations mentioned in this section, the district court shall order  
202 that the hybrid canine be (i) killed immediately by the animal control officer or other officer designated  
203 by the court or (ii) removed to another state which does not border on the Commonwealth and  
204 prohibited from returning to the Commonwealth. Any hybrid canine ordered removed from the  
205 Commonwealth which is later found in the Commonwealth shall be ordered by a court to be killed  
206 immediately.

207 § 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general  
208 district court.

209 In any case when possession of any house, land or tenement is unlawfully detained by the person in  
210 possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may  
211 present to a magistrate, *or a* clerk or judge of a general district court a statement under oath of the facts  
212 which authorize the removal of the tenant or other person in possession, describing such premises; and  
213 thereupon such magistrate, clerk or judge ~~of a general district court~~ shall issue his summons against the  
214 person or persons named in such affidavit. The process issued upon any such summons issued by a  
215 magistrate, clerk or judge may be served as provided in §§ 8.01-293 and 8.01-296 or § 8.01-299. When  
216 issued by a magistrate it may be returned to and the case heard and determined by the judge of a  
217 general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to  
218 the Virginia Residential Landlord Tenant Act (§ 55-248.2 et seq.), the initial hearing on such summons  
219 shall occur as soon as practicable, but not more than twenty-one days from the date of filing. If the case  
220 cannot be heard within twenty-one days from the date of filing, the initial hearing shall be held as soon  
221 as practicable. If the plaintiff requests that the initial hearing be set on a date later than twenty-one days  
222 from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also  
223 available for the court. Such summons shall be served at least ten days before the return day thereof.

224 § 8.01-537. Petition for attachment; costs, fees and taxes.

225 A. Every attachment shall be commenced by a petition filed before a judge, ~~magistrate~~ or clerk of a  
226 circuit or general district court of, *or magistrate serving*, the county or city in which venue is given by  
227 subdivision 11 of § 8.01-261. If it is sought to recover specific personal property, the petition shall state  
228 (i) the kind, quantity, and estimated fair market value thereof, (ii) the character of estate therein claimed  
229 by the plaintiff, (iii) the plaintiff's claim with such certainty as will give the adverse party reasonable  
230 notice of the true nature of the claim and the particulars thereof and (iv) what sum, if any, the plaintiff  
231 claims he is entitled to recover for its detention. If it is sought to recover a debt or damages for a  
232 breach of contract, express or implied, or damages for a wrong, the petition shall set forth (i) the  
233 plaintiff's claim with such certainty as will give the adverse party reasonable notice of the true nature of  
234 the claim and the particulars thereof, (ii) a sum certain which, at the least, the plaintiff is entitled to, or  
235 ought to recover, and (iii) if based on a contract and if the claim is for a debt not then due and payable,  
236 at what time or times the same will become due and payable. The petition shall also allege the existence  
237 of one or more of the grounds mentioned in § 8.01-534, and shall set forth specific facts in support of  
238 the allegation. The petition shall ask for an attachment against the specific personal property mentioned  
239 in the petition, or against the estate, real and personal, of one or more of the principal defendants, or  
240 against the estate, real and personal, of one or more of the principal defendants, or against both the  
241 specific personal property and the estate of such defendants, real or personal. The petition shall state  
242 whether the officer is requested to take possession of the attached tangible personal property. The  
243 petition shall be sworn to by the plaintiff or his agent, or some other person cognizant of the facts

244 therein stated.

245 B. The plaintiff praying for an attachment shall, at the time that he files his petition, pay to the clerk  
246 of the court to which the return is made the proper costs, fees and taxes, and in the event of his failure  
247 to do so, the attachment shall not be issued.

248 § 8.01-540. Issuance of attachment; against what attachment to issue.

249 A judge ~~or magistrate~~ of, *or a magistrate serving*, the court in which a petition for attachment is  
250 filed shall make an ex parte review of the petition. The judge or magistrate shall issue an attachment in  
251 accordance with the prayer of the petition only upon a determination that (i) there is reasonable cause to  
252 believe that grounds for attachment may exist and (ii) the petition complies with §§ 8.01-534, 8.01-537  
253 and 8.01-538. The judge or magistrate may receive evidence only in the form of a sworn petition which  
254 shall be filed in the office of the clerk of the court. If the plaintiff seeks the recovery of specific  
255 personal property, the attachment may be (i) against such property and against the principal defendant's  
256 estate for so much as is sufficient to satisfy the probable damages for its detention or (ii) at the option  
257 of the plaintiff, against the principal defendant's estate for the value of the specific property and the  
258 damages for its detention. If the plaintiff seeks to recover a debt or damages for the breach of a  
259 contract, express or implied, or damages for a wrong, the attachment shall be against the principal  
260 defendant's estate for the amount specified in the petition as that which the plaintiff at the least is  
261 entitled to or ought to recover.

262 If the attachment is issued by a magistrate, it shall be returnable as prescribed by § 8.01-541. The  
263 magistrate shall promptly return to the clerk's office of the court to which the attachment is returnable  
264 the petition and the bond, if any, filed before him. The proceedings thereafter shall be the same as if the  
265 attachment had been issued by a judge.

266 § 15.2-1704. Powers and duties of police force.

267 A. The police force of a locality is hereby invested with all the power and authority which formerly  
268 belonged to the office of constable at common law and is responsible for the prevention and detection  
269 of crime, the apprehension of criminals, the safeguard of life and property, the preservation of peace and  
270 the enforcement of state and local laws, regulations, and ordinances.

271 B. A police officer has no authority in civil matters, except (i) to execute and serve temporary  
272 detention and emergency custody orders and any other powers granted to law-enforcement officers in  
273 § 37.2-808 or § 37.2-809, (ii) to serve an order of protection pursuant to §§ 16.1-253.1, 16.1-253.4 and  
274 16.1-279.1, (iii) to execute all warrants or summons as may be placed in his hands by any magistrate  
275 ~~for~~ *serving* the locality and to make due return thereof, and (iv) to deliver, serve, execute, and enforce  
276 orders of isolation and quarantine issued pursuant to §§ 32.1-48.09, 32.1-48.012, and 32.1-48.014 and to  
277 deliver, serve, execute, and enforce an emergency custody order issued pursuant to § 32.1-48.02. A town  
278 police officer, after receiving training under subdivision 8 of § 9.1-102, may, with the concurrence of the  
279 local sheriff, also serve civil papers, and make return thereof, only when the town is the plaintiff and the  
280 defendant can be found within the corporate limits of the town.

281 § 15.2-1710. Fees and other compensation.

282 A police officer shall not receive any fee or other compensation out of the state treasury or the  
283 treasury of a locality for any service rendered under the provisions of this chapter other than the salary  
284 paid him by the locality and a fee as a witness in cases arising under the criminal laws of the  
285 Commonwealth. A police officer shall not receive any fee as a witness in any case arising under the  
286 ordinances of his locality, nor for attendance as a witness before any magistrate ~~in~~ *serving* his locality.  
287 However, if it is necessary or expedient for him to travel beyond the limits of the locality in his  
288 capacity as a police officer, he shall be entitled to his actual expenses, as provided by law for other  
289 expenses in criminal cases.

290 Nothing in this section shall be construed as prohibiting a police officer of a locality from claiming  
291 and receiving any reward which may be offered for the arrest and detention of any offender against the  
292 criminal laws of this or any other state or nation.

293 § 16.1-135. Bail and recognizance; papers filed with circuit court.

294 A person who has been convicted of an offense in a district court and who has noted an appeal,  
295 either at the time judgment is rendered or subsequent to its entry, shall be given credit for any bond that  
296 he may have posted in the court from which he appeals and shall be treated in accordance with the  
297 provisions of Article 1 (§ 19.2-119 et seq.) of Chapter 9 of Title 19.2. Any new bond which may be  
298 required for the release of such person pending the appeal shall be given before the judge or the clerk of  
299 the district court and treated in accordance with Article 1 of Chapter 9 of Title 19.2; however, if the  
300 judge or clerk is not available to take the bond, the bond may be given before a magistrate ~~of~~ *serving*  
301 the jurisdiction. Whenever an appeal is taken and the ten-day period prescribed by § 16.1-133 has  
302 expired the papers shall be promptly filed with the clerk of the circuit court.

303 § 19.2-5. Meaning of certain terms.

304 As used in this title, unless otherwise clearly indicated by the context in which it appears:

305 "Court" means any court vested with appropriate jurisdiction under the Constitution and laws of the  
 306 Commonwealth.

307 "Judge" means any judge, associate judge or substitute judge, ~~or magistrate,~~ of any court *or any*  
 308 *magistrate.*

309 "Court not of record," and "district court" shall have the respective meanings assigned to them in  
 310 Chapter 4.1 (§ 16.1-69.1 et seq.) of Title 16.1.

311 § 19.2-34. Number of magistrates.

312 There shall be appointed ~~for each judicial district~~ as many magistrates as are necessary for the  
 313 effective administration of justice, ~~such magistrates and any other personnel in the office of the~~  
 314 ~~magistrates.~~ *The positions of all employees of the magistrate system shall be authorized by the*  
 315 *Committee on District Courts established pursuant to § 16.1-69.33.*

316 § 19.2-35. Appointment; supervision generally.

317 Magistrates and any other personnel in the office of the magistrate shall be appointed by the chief  
 318 ~~judge of the circuit court having jurisdiction within the district, in consultation with both the chief~~  
 319 ~~general district court judge and the chief juvenile and domestic relations district court judge of that~~  
 320 ~~district~~ *Executive Secretary of the Supreme Court of Virginia.* Each magistrate shall be appointed to serve  
 321 ~~the entire judicial district for which the appointment is made~~ *one or more of the magisterial regions*  
 322 *created by the Executive Secretary. Each magisterial region shall be comprised of one or more judicial*  
 323 *districts.* The chief circuit court judge ~~Executive Secretary~~ shall have full supervisory authority over the  
 324 magistrates so appointed, but may delegate this authority to the chief general district court judge ~~as set~~  
 325 ~~forth in § 19.2-43.~~ Notwithstanding any other provision of law, the only methods for the selection of  
 326 magistrates shall be as set out in this section.

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

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

337 No person shall be appointed under this section until he has submitted his fingerprints to be used for  
 338 the conduct of a national criminal records search and a Virginia criminal history records search. No  
 339 person with a criminal conviction for a felony shall be appointed as a magistrate.

340 § 19.2-36. Chief magistrates.

341 A. The chief judge of a circuit court, in consultation with both the chief general district court judge  
 342 ~~and the chief juvenile and domestic relations district court judge of that district,~~ *Executive Secretary of*  
 343 *the Supreme Court of Virginia* may appoint a chief ~~magistrate~~ *magistrates*, for the purpose of ~~maintaining~~  
 344 ~~the proper schedules,~~ assisting in the training of the magistrates ~~within such judicial district and to~~  
 345 ~~be being~~ responsible to the chief circuit court judge *Executive Secretary* for the conduct of the  
 346 magistrates and to further assist the chief circuit court judge *Office of the Executive Secretary* in the  
 347 operation of the ~~magistrate system~~ *one or more of the magisterial regions.* The chief magistrate shall  
 348 exercise direct daily supervision over the magistrates ~~within the district he supervises~~ and shall have the  
 349 power to suspend without pay a magistrate after consultation and with the concurrence of the chief  
 350 circuit court judge *Executive Secretary.*

351 B. *To be eligible for appointment as chief magistrate, a person shall meet all of the qualifications of*  
 352 *a magistrate under § 19.2-37 and must be a member in good standing of the Virginia State Bar. His*  
 353 *appointment as chief magistrate shall terminate effective on the date on which his membership in good*  
 354 *standing ceases. The requirements of this subsection relating to membership in the Virginia State Bar*  
 355 *shall not apply to any person appointed as a chief magistrate before July 1, 2008, who continues in that*  
 356 *capacity without a break in service.*

357 § 19.2-37. Magistrates; eligibility for appointment; restrictions on activities.

358 A. Any person who is a United States citizen and resident of the Commonwealth may be appointed  
 359 to the office of magistrate under this title subject to the limitations of Chapter 28 (§ 2.2-2800 et seq.) of  
 360 Title 2.2 and of this section.

361 B. *Every person appointed as a magistrate on and after July 1, 2008, shall be required to have a*  
 362 *bachelor's degree from an accredited institution of higher education. A person initially appointed as a*  
 363 *magistrate prior to July 1, 2008, who continues in office without a break in service is not required to*  
 364 *have a bachelor's degree from an accredited institution of higher education on July 1, 2008. However,*  
 365 *such magistrate shall be required to make satisfactory progress toward such degree beginning in the*  
 366 *academic year following July 1, 2009, and shall be expected to obtain a bachelor's degree on or before*

367 July 1, 2018, unless granted a waiver by the Executive Secretary.

368 C. A person shall not be eligible for appointment to the office of as a magistrate under the  
 369 provisions of this title: (a) if such person is not a law-enforcement officer; (b) if such person or his  
 370 spouse is not a clerk, deputy or assistant clerk, or employee of any such clerk of a district or circuit  
 371 court, provided that the Committee on District Courts may authorize a magistrate to assist in the district  
 372 court clerk's office on a part-time basis; (c) if the appointment does not create a parent-child,  
 373 husband-wife, or brother-sister relationship between a district court judge and such person serving within  
 374 the same judicial district; ~~(e) if the parent, child, spouse, or sibling of such person is a district or~~  
 375 ~~circuit court judge in the magisterial region where he will serve; or (d) if such person is not the chief~~  
 376 ~~executive officer, or a member of the board of supervisors, town or city council, or other governing~~  
 377 ~~body for any political subdivision of this the Commonwealth; (d) if such person is a United States~~  
 378 ~~citizen and a resident of the judicial district for which he is appointed to serve as magistrate or an~~  
 379 ~~adjoining judicial district. Any magistrate serving in the City of Norfolk on July 1, 1996, shall be~~  
 380 ~~eligible for reappointment pursuant to this article regardless of the judicial district of his residence.~~

381 D. No magistrate shall issue any warrant or process in complaint of his spouse, child, grandchild,  
 382 parent, grandparent, parent-in-law, child-in-law, brother, sister, brother-in-law or sister-in-law, nephew,  
 383 niece, uncle, aunt, first cousin, guardian or ward. The residence provisions contained in this section shall  
 384 not be a bar to the reappointment of any magistrate in office on July 1, 1973, provided he is otherwise  
 385 eligible to serve under the provisions of this chapter.

386 E. A magistrate may not engage in any other activity for financial gain during the hours that he is  
 387 serving on duty as a magistrate. A magistrate may not be employed outside his duty hours without the  
 388 prior written approval of the Executive Secretary.

389 F. A magistrate may not engage in the practice of law.

390 G. A magistrate who is designated as a marriage celebrant under § 20-25 may not accept a fee, a  
 391 gratuity, or any other thing of value for exercise of authority as a marriage celebrant.

392 § 19.2-38. Probationary period; compensation and benefits; vacancies; revocation of appointment.

393 Persons appointed as magistrates under the provisions of this chapter shall serve for a term of four  
 394 years. Such term shall commence upon appointment and qualification, provided that any magistrate  
 395 appointed for the first time to any term commencing after July 1, 1980, at the pleasure of the Executive  
 396 Secretary. Upon appointment by the Executive Secretary, every magistrate shall serve initially for a  
 397 six-month ~~nine-month~~ probationary period during which the magistrate must complete the minimum  
 398 training program as established by the Committee on District Courts and satisfactorily complete a  
 399 certification examination. ~~Failure~~ Any magistrate who fails to successfully pass the certification  
 400 examination shall preclude the magistrate from serving ~~not serve~~ beyond the six-month ~~nine-month~~  
 401 probationary period. ~~The probationary period described in this section shall not apply to any magistrate~~  
 402 ~~serving on July 1, 2008, who has successfully completed the minimum training program and passed the~~  
 403 ~~certification examination, provided there is no break in service after July 1, 2008.~~ Magistrates shall be  
 404 entitled to compensation and other benefits only from the time they take office. ~~Appointments made~~  
 405 ~~under the provisions of this chapter shall be revocable at the pleasure of the chief circuit court judge.~~

406 § 19.2-38.1. Training standards; training prerequisite to reappointment; waiver.

407 The Committee on District Courts shall establish minimum training and certification standards for  
 408 magistrates in accordance with such rules and regulations as may be established by the Committee.  
 409 Every magistrate appointed to an original term commencing on or after July 1, 1980, shall comply with  
 410 the minimum training ~~these~~ standards established by the Committee on District Courts and such  
 411 magistrates ~~must~~ shall complete the minimum training standards as a prerequisite for continuing to serve  
 412 as magistrate beyond the six-month ~~nine-month~~ probationary period as established by § 19.2-38. All  
 413 magistrates shall be required to complete the minimum training standards prior to reappointment for a  
 414 new term. The Committee on District Courts upon request may waive any portion of the minimum  
 415 training standards for an individual magistrate.

416 Every magistrate appointed to an original term commencing on or after July 1, 1985, shall be  
 417 required to have a high school diploma or General Education Development Certificate.

418 Every magistrate appointed to an original term commencing on or after July 1, 1995, shall be  
 419 required to have a bachelor's degree from an accredited institution of higher learning or equivalent  
 420 experience.

421 § 19.2-39. Bond.

422 Every magistrate appointed under the provisions of this chapter shall enter into bond in the sum of  
 423 \$5,000, made payable to the Commonwealth, before the a clerk of the a circuit court which exercises  
 424 jurisdiction over the political subdivision wherein such magistrate shall serve, for the faithful  
 425 performance of his duties. The premium for such bond shall be paid by the Commonwealth. Provided,  
 426 however, that in lieu of specific bonds, the Committee on District Courts may in its discretion procure  
 427 faithful performance of duty blanket bonds for any or all of the districts enumerated in § 16.1-69.6

428 covering all magistrates included in such districts and for the penalty contained in this section, unless in  
 429 the discretion of the Committee, bonds with a larger penalty should be obtained. Such blanket bonds  
 430 shall be made payable to the Commonwealth and shall cover all funds handled by a magistrate whether  
 431 such funds belong to the Commonwealth or any political subdivision thereof. Provided further, that in  
 432 those instances where specific bonds for magistrates are in effect, the Committee on District Courts may,  
 433 whenever it deems it advisable, terminate such specific bonds upon obtaining a blanket bond covering  
 434 such magistrates with appropriate refunds or credit being made for the unearned premiums on the  
 435 specific bonds terminated. A copy of any such blanket bond so procured shall be filed with the State  
 436 Comptroller and with the clerk of the respective circuit court which exercises jurisdiction over the  
 437 district wherein such magistrate shall serve courts. The premiums for such blanket bonds shall be paid by  
 438 the Commonwealth.

439 § 19.2-43. Duty of Executive Secretary of Supreme Court.

440 It shall be the duty of the Executive Secretary of the Supreme Court to assist the chief general  
 441 district judges and general district courts in the supervision and mandatory training of magistrates for  
 442 which purpose he exercise general supervisory power over the administration of magistrates and  
 443 promulgate such rules and regulations as are deemed necessary to supplement or clarify the provisions  
 444 of this chapter with respect to such magistrates, to include fixing the time and place such magistrates  
 445 shall serve. The Executive Secretary shall be authorized to conduct training sessions and meetings for  
 446 magistrates and provide information and materials for their use. He may appoint one or more magistrates  
 447 to assist him and, in addition, with the approval of the Chief Justice, require annual reports to be filed  
 448 by the magistrates on their work as such, fees associated therewith and other information pertinent to  
 449 their office, on forms to be furnished by him. The Executive Secretary may appoint and employ such  
 450 personnel as are needed to manage the magistrate system and carry out the duties and responsibilities  
 451 conferred upon the Executive Secretary by this chapter.

452 § 19.2-44. Territorial jurisdiction.

453 A magistrate shall be authorized to exercise the powers conferred by this title only in the judicial  
 454 district/magisterial region or regions for which he is appointed. However, a magistrate may exercise  
 455 these powers in a contiguous political subdivision throughout the Commonwealth when so authorized by  
 456 his appointing authority and the chief circuit court judge of the district to which assistance is to be  
 457 provided the Executive Secretary upon a determination that such assistance is necessary.

458 § 19.2-45. Powers enumerated.

459 A magistrate shall have the following powers only:

460 (1) To issue process of arrest in accord with the provisions of §§ 19.2-71 to 19.2-82 of the Code;

461 (2) To issue search warrants in accord with the provisions of §§ 19.2-52 to 19.2-60 of the Code;

462 (3) To admit to bail or commit to jail all persons charged with offenses subject to the limitations of  
 463 and in accord with general laws on bail;

464 (4) The same power to issue warrants and subpoenas within such county or city as is conferred upon  
 465 district courts. A copy of all felony warrants issued at the request of a citizen shall be promptly  
 466 delivered to the attorney for the Commonwealth for the county or city in which the warrant is  
 467 returnable. Upon the request of the attorney for the Commonwealth, a copy of any criminal  
 468 misdemeanor warrant issued at the request of a citizen shall be delivered to the attorney for the  
 469 Commonwealth for such county or city. All attachments, warrants and subpoenas shall be returnable  
 470 before a district court or any court of limited jurisdiction continued in operation pursuant to § 16.1-70.1;

471 (5) To issue civil warrants directed to the sheriff or constable of the county or city wherein the  
 472 defendant resides, together with a copy thereof, requiring him to summon the person against whom the  
 473 claim is, to appear before a district court on a certain day, not exceeding thirty days from the date  
 474 thereof to answer such claim. If there be two or more defendants and any defendant resides outside the  
 475 jurisdiction in which the warrant is issued, the summons for such defendant residing outside the  
 476 jurisdiction may be directed to the sheriff of the county or city of his residence, and such warrant may  
 477 be served and returned as provided in § 16.1-80;

478 (6) To administer oaths and take acknowledgments;

479 (7) To act as conservators of the peace;

480 (8), (9) —Repealed.]

481 (10) To perform such other acts or functions specifically authorized by law.

482 § 19.2-46. Compensation.

483 The salaries of all magistrates shall be fixed and paid as provided in § 19.2-46.1. The salaries  
 484 referred to herein shall be in lieu of all fees which may accrue to the recipient by virtue of his office.

485 Each substitute magistrate shall receive for his services a per diem compensation as may be  
 486 established by the Committee on District Courts.

487 § 19.2-46.1. Salaries to be fixed by the Executive Secretary; limitations; mileage allowance.

488 Salaries of magistrates and any other personnel in the office of the magistrate shall be fixed by the  
 489 Committee on District Courts established pursuant to § 16.1-69.33. Executive Secretary of the Supreme



490 *Court.* Such salaries shall be fixed by the ~~Committee~~ *Executive Secretary* at least annually at such time  
 491 as ~~it~~ *he* deems proper and as soon as practicable thereafter certified to the Comptroller and the  
 492 ~~Executive Secretary of the Supreme Court.~~

493 In addition to the salary authorized by this section, a magistrate may be reimbursed by the county or  
 494 city for reasonable mileage expenses actually incurred in the performance of his duties.

495 In determining the salary of any magistrate, the ~~Committee~~ *Executive Secretary* shall consider the  
 496 work load of and territory and population served by the magistrate and such other factors ~~it~~ *he* deems  
 497 relevant. ~~It may require of any magistrate or district judge information on the operation of the office of~~  
 498 ~~the magistrate.~~

499 The governing body of any county or city may add to the fixed compensation of magistrates such  
 500 amount as the governing body may appropriate with the total amount not to exceed fifty percent of the  
 501 amount paid by the Commonwealth to magistrates *provided such additional compensation was in effect*  
 502 *on June 30, 2008, for such magistrates and any magistrate receiving such additional compensation*  
 503 *continues in office without a break in service. However, the total amount of additional compensation*  
 504 *may not be increased after June 30, 2008.* No additional amount paid by a local governing body shall  
 505 be chargeable to the Executive Secretary of the Supreme Court, nor shall it remove or supersede any  
 506 authority, control or supervision of the Executive Secretary or Committee on District Courts.

507 § 19.2-48. Audits.

508 The Auditor of Public Accounts shall audit the records of all magistrates who serve in any county or  
 509 city when auditing the records of the district courts of such county or city or upon request of the chief  
 510 district judge of the district in which such county or city is located.

511 § 19.2-48.1. Quarters for magistrates.

512 A. ~~Each county and city having a general district court or juvenile and domestic relations district~~  
 513 ~~court and having one or more magistrates appointed pursuant to Article 3 (§ 19.2-33 et seq.) of this~~  
 514 ~~chapter.~~ *The counties and cities served by a magistrate or magistrates shall provide suitable quarters for*  
 515 *such magistrates, including a site for any videoconferencing equipment necessary to provide remote*  
 516 *access to such magistrates.* Insofar as possible, such quarters should be located in a public facility and  
 517 should be appropriate to conduct the affairs of a judicial officer as well as provide convenient access to  
 518 the public and law-enforcement officers. The county or city shall also provide all furniture and other  
 519 equipment necessary for the efficient operation of the office.

520 B. Wherever practical, the office of magistrate shall be located at the county seat. However, offices  
 521 may be located at other locations in the county, or city adjacent thereto, whenever such additional  
 522 offices are necessary to effect the efficient administration of justice.

523 § 19.2-77. Escape, flight and pursuit; arrest anywhere in Commonwealth.

524 Whenever a person in the custody of an officer shall escape or whenever a person shall flee from an  
 525 officer attempting to arrest him, such officer, with or without a warrant, may pursue such person  
 526 anywhere in the Commonwealth and, when actually in close pursuit, may arrest him wherever he is  
 527 found. If the arrest is made in a county or city adjoining that from which the accused fled, or in any  
 528 area of the Commonwealth within one mile of the boundary of the county or city from which he fled,  
 529 the officer may forthwith return the accused before the proper official of the county or city from which  
 530 he fled. If the arrest is made beyond the foregoing limits, the officer shall proceed according to the  
 531 provisions of § 19.2-76, and if such arrest is made without a warrant, the officer shall procure a warrant  
 532 from the magistrate ~~of~~ *of* ~~servng~~ *of* the county or city wherein the arrest was made, charging the accused  
 533 with the offense committed in the county or city from which he fled.

534 § 19.2-81.3. Arrest without a warrant authorized in cases of assault and battery against a family or  
 535 household member and stalking and for violations of protective orders; procedure, etc.

536 A. Any law-enforcement officer, as defined in § 19.2-81, may arrest without a warrant for an alleged  
 537 violation of §§ 18.2-57.2, 18.2-60.4 or § 16.1-253.2 regardless of whether such violation was committed  
 538 in his presence, if such arrest is based on probable cause or upon personal observations or the  
 539 reasonable complaint of a person who observed the alleged offense or upon personal investigation.

540 B. A law-enforcement officer having probable cause to believe that a violation of § 18.2-57.2 or  
 541 § 16.1-253.2 has occurred shall arrest and take into custody the person he has probable cause to believe,  
 542 based on the totality of the circumstances, was the predominant physical aggressor unless there are  
 543 special circumstances which would dictate a course of action other than an arrest. The standards for  
 544 determining who is the predominant physical aggressor shall be based on the following considerations:  
 545 (i) who was the first aggressor, (ii) the protection of the health and safety of family and household  
 546 members, (iii) prior complaints of family abuse by the allegedly abusing person involving the family or  
 547 household members, (iv) the relative severity of the injuries inflicted on persons involved in the  
 548 incident, (v) whether any injuries were inflicted in self-defense, (vi) witness statements, and (vii) other  
 549 observations.

550 C. Regardless of whether an arrest is made, the officer shall file a written report with his department,

551 which shall state whether any arrests were made, and if so, the number of arrests, specifically including  
552 any incident in which he has probable cause to believe family abuse has occurred, and, where required,  
553 including a complete statement in writing that there are special circumstances that would dictate a course  
554 of action other than an arrest. The officer shall provide the allegedly abused person, both orally and in  
555 writing, information regarding the legal and community resources available to the allegedly abused  
556 person. Upon request of the allegedly abused person, the department shall make a summary of the report  
557 available to the allegedly abused person.

558 D. In every case in which a law-enforcement officer makes an arrest under this section, he shall  
559 petition for an emergency protective order as authorized in § 16.1-253.4 when the person arrested and  
560 taken into custody is brought before the magistrate, except if the person arrested is a minor, a petition  
561 for an emergency protective order shall not be required. Regardless of whether an arrest is made, if the  
562 officer has probable cause to believe that a danger of acts of family abuse exists, the law-enforcement  
563 officer shall seek an emergency protective order under § 16.1-253.4, except if the suspected abuser is a  
564 minor, a petition for an emergency protective order shall not be required.

565 E. A law-enforcement officer investigating any complaint of family abuse, including but not limited  
566 to assault and battery against a family or household member shall, upon request, transport, or arrange  
567 for the transportation of an abused person to a hospital; *or* safe shelter, or *to appear before a* magistrate.  
568 Any local law-enforcement agency may adopt a policy requiring an officer to transport or arrange for  
569 transportation of an abused person as provided in this subsection.

570 F. The definition of "family or household member" in § 16.1-228 applies to this section.

571 G. As used in this section, a "law-enforcement officer" means (i) any full-time or part-time employee  
572 of a police department or sheriff's office which is part of or administered by the Commonwealth or any  
573 political subdivision thereof and who is responsible for the prevention and detection of crime and the  
574 enforcement of the penal, traffic or highway laws of this Commonwealth and (ii) any member of an  
575 auxiliary police force established pursuant to subsection B of § 15.2-1731. Part-time employees are  
576 compensated officers who are not full-time employees as defined by the employing police department or  
577 sheriff's office.

578 § 19.2-119. Definitions.

579 As used in this chapter:

580 "Bail" means the pretrial release of a person from custody upon those terms and conditions specified  
581 by order of an appropriate judicial officer.

582 "Bond" means the posting by a person or his surety of a written promise to pay a specific sum,  
583 secured or unsecured, ordered by an appropriate judicial officer as a condition of bail to assure  
584 performance of the terms and conditions contained in the recognizance.

585 "Criminal history" means records and data collected by criminal justice agencies or persons  
586 consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations or  
587 other formal charges, and any deposition arising therefrom.

588 "Judicial officer" means, unless otherwise indicated, any magistrate ~~within his~~ *within his serving the*  
589 jurisdiction, any judge of a district court and the clerk or deputy clerk of any district court or circuit  
590 court within their respective cities and counties, any judge of a circuit court, any judge of the Court of  
591 Appeals and any justice of the Supreme Court of Virginia.

592 "Person" means any accused, or any juvenile taken into custody pursuant to § 16.1-246.

593 "Recognizance" means a signed commitment by a person to appear in court as directed and to adhere  
594 to any other terms ordered by an appropriate judicial officer as a condition of bail.

595 § 19.2-152.4:3. Duties and responsibilities of local pretrial services officers.

596 A. Each local pretrial services officer, for the jurisdictions served, shall:

597 1. Investigate and interview defendants arrested on state and local warrants and who are detained in  
598 jails located in jurisdictions served by the agency while awaiting a hearing before any court that is  
599 considering or reconsidering bail, at initial appearance, advisement or arraignment, or at other  
600 subsequent hearings;

601 2. Present a pretrial investigation report with recommendations to assist courts in discharging their  
602 duties related to granting or reconsidering bail;

603 3. Supervise and assist all defendants residing within the jurisdictions served and placed on pretrial  
604 supervision by any judicial officer within the jurisdictions to ensure compliance with the terms and  
605 conditions of bail;

606 4. Conduct random drug and alcohol tests on any defendant under supervision for whom a judicial  
607 officer has ordered testing or who has been required to refrain from excessive use of alcohol or use of  
608 any illegal drug or controlled substance or other defendant-specific condition of bail related to alcohol or  
609 substance abuse;

610 5. Seek a *caus* *caus* from any judicial officer pursuant to § 19.2-152.4:1 for any defendant placed under  
611 supervision or the custody of the agency who fails to comply with the conditions of bail or supervision,  
612 when continued liberty or noncompliance presents a risk of flight, a risk to public safety or risk to the

613 defendant;

614 6. Seek an order to show cause why the defendant should not be required to appear before the court  
615 in those cases requiring a subsequent hearing before the court;

616 7. Provide defendant-based information to assist any law-enforcement officer with the return to  
617 custody of defendants placed on supervision for which a *capias* has been sought; and

618 8. Keep such records and make such reports as required by the Commonwealth of Virginia  
619 Department of Criminal Justice Services.

620 B. Each local pretrial services officer, for the jurisdictions served, may provide the following optional  
621 services, as appropriate and when available resources permit:

622 1. Conduct, subject to court approval, drug and alcohol screenings, or tests at investigation pursuant  
623 to subsection B of § 19.2-123 or following release to supervision, and conduct or facilitate the  
624 preparation of screenings or assessments or both pursuant to state approved protocols;

625 2. Facilitate placement of defendants in a substance abuse education or treatment program or services  
626 or other education or treatment service when ordered as a condition of bail;

627 3. Sign for the custody of any defendant investigated by a pretrial services officer, and released by a  
628 court to pretrial supervision as the sole term and condition of bail or when combined with an unsecured  
629 bond;

630 4. Provide defendant information and investigation services for those who are detained in jails  
631 located in jurisdictions served by the agency and are awaiting an initial bail hearing before a local  
632 magistrate;

633 5. Supervise defendants placed by any judicial officer on home electronic monitoring as a condition  
634 of bail and supervision;

635 6. Prepare, for defendants investigated, the financial statement-eligibility determination form for  
636 indigent defense services; and

637 7. Subject to approved procedures and if so requested by the court, coordinate for defendants  
638 investigated, services for court-appointed counsel and for interpreters for foreign-language speaking and  
639 hearing-impaired defendants.

640 § 20-70. No warrant of arrest to issue.

641 Except as otherwise in this chapter provided, no warrant of arrest shall be issued by a magistrate  
642 against any person within the terms of this chapter, but all proceedings shall be instituted upon petition  
643 as aforesaid, provided that upon affidavit of the spouse or other person that there is reasonable cause to  
644 believe that the spouse or parent is about to leave the jurisdiction of the court with intent to desert the  
645 spouse, child or children, the court *of*, or any magistrate *of serving*, the city or county may issue a  
646 warrant for the spouse or parent returnable before the court.

647 § 20-84. Extradition.

648 Whenever the judge *of*, or magistrate ~~within whose~~ *serving, the jurisdiction wherein* such offense is  
649 alleged to have been committed shall, after an investigation of the facts and circumstances thereof,  
650 certify that in his opinion the charge is well founded and the case a proper one for extradition, or in any  
651 case if the cost of extradition is borne by the parties interested in the case, the person charged with  
652 having left the Commonwealth with the intention of evading the terms of his or her probation or of  
653 abandoning or deserting his or her spouse, or his or her child or children, or failing to support them,  
654 shall be apprehended and brought back to the county or city having jurisdiction of the case in  
655 accordance with the law providing for the apprehension and return to the Commonwealth of fugitives  
656 from justice, and upon conviction punished as hereinabove provided.

657 § 27-32. Summoning witnesses and taking evidence.

658 In making investigations pursuant to § 27-31, the fire marshal may issue a summons directed to a  
659 sheriff or sergeant of any county, city or town commanding the officer to summon witnesses to attend  
660 before him at such time and place as he may direct. Any such officer to whom the summons is  
661 delivered, shall forthwith execute it, and make return thereof to the fire marshal at the time and place  
662 named therein.

663 Witnesses, on whom the summons before mentioned is served, may be compelled by the fire marshal  
664 to attend and give evidence, and shall be liable in like manner as if the summons had been issued by a  
665 justice of the peace ~~magistrate~~ in a criminal case. They shall be sworn by the fire marshal before giving  
666 evidence, and their evidence shall be reduced to writing by him, or under his direction, and subscribed  
667 by them respectively.

668 § 27-32.1. Right of entry to investigate cause of fire or explosion.

669 If in making such an investigation, the fire marshal shall make complaint under oath that there is  
670 good cause of suspicion or belief that the burning of or explosion on any land, building or vessel or of  
671 any object was caused by any act constituting a crime as defined in Article 1 (§ 18.2-77 et seq.) of  
672 Chapter 5 of Title 18.2 and that he has been refused admittance to the land, building or vessel or to  
673 examine the object in or on which any fire or explosion occurred within fifteen days after the

674 extinguishment of such, any justice of the peace of magistrate serving the city or county where the land,  
675 building, vessel or object is located may issue a warrant to the sheriff of the county or the sergeant of  
676 the city requiring him to enter such land, building or vessel or the premises upon which the object is  
677 located in the company of the fire marshal for the purposes of conducting a search for evidence showing  
678 that such fire or explosion was caused by any act defined in Article 1 of Chapter 5, of Title 18.2.

679 § 27-32.2. Issuance of fire investigation warrant.

680 If, in undertaking such an investigation, the fire marshal makes an affidavit under oath that the origin  
681 or cause of any fire or explosion on any land, building, or vessel, or of any object is undetermined and  
682 that he has been refused admittance thereto, or is unable to gain permission to enter such land, building,  
683 or vessel, or to examine such object, within fifteen days after the extinguishing of such, any magistrate  
684 of serving the city or county where the land, building, vessel, or object is located may issue a fire  
685 investigation warrant to the fire marshal authorizing him to enter such land, building, vessel, or the  
686 premises upon which the object is located for the purpose of determining the origin and source of such  
687 fire or explosion. If the fire marshal, after gaining access to any land, building, vessel, or other premises  
688 pursuant to such a fire investigation warrant, has probable cause to believe that the burning or explosion  
689 was caused by any act constituting a criminal offense, he shall discontinue the investigation until a  
690 search warrant has been obtained pursuant to § 27-32.1, or consent to conduct the search has otherwise  
691 been given.

692 § 27-37.1. Right of entry to investigate releases of hazardous material, hazardous waste, or regulated  
693 substances.

694 The fire marshal shall have the right, if authorized by the governing body of the county, city, or  
695 town appointing the fire marshal, to enter upon any property from which a release of any hazardous  
696 material, hazardous waste, or regulated substance, as defined in § 10.1-1400 or § 62.1-44.34:8, has  
697 occurred or is reasonably suspected to have occurred and which has entered into the ground water,  
698 surface water or soils of the county, city or town in order to investigate the extent and cause of any  
699 such release. If, in undertaking such an investigation, the fire marshal makes an affidavit under oath that  
700 the origin or cause of any such release is undetermined and that he has been refused admittance to the  
701 property, or is unable to gain permission to enter the property, any magistrate of serving the city or  
702 county where the property is located may issue an investigation warrant to the fire marshal authorizing  
703 him to enter such property for the purpose of determining the origin and source of the release. If the fire  
704 marshal, after gaining access to any property pursuant to such investigation warrant, has probable cause  
705 to believe that the release was caused by any act constituting a criminal offense, he shall discontinue the  
706 investigation until a search warrant has been obtained or consent to conduct the search has otherwise  
707 been given.

708 § 37.2-808. Emergency custody; issuance and execution of order.

709 A. Any magistrate may issue, upon the sworn petition of any responsible person or upon his own  
710 motion, an emergency custody order when he has probable cause to believe that any person within his  
711 judicial district (i) has mental illness, (ii) presents an imminent danger to himself or others as a result of  
712 mental illness or is so seriously mentally ill as to be substantially unable to care for himself, (iii) is in  
713 need of hospitalization or treatment, and (iv) is unwilling to volunteer or incapable of volunteering for  
714 hospitalization or treatment.

715 B. Any person for whom an emergency custody order is issued shall be taken into custody and  
716 transported to a convenient location to be evaluated to assess the need for hospitalization or treatment.  
717 The evaluation shall be made by a person designated by the community services board or behavioral  
718 health authority who is skilled in the diagnosis and treatment of mental illness and who has completed a  
719 certification program approved by the Department.

720 C. The magistrate issuing an emergency custody order shall specify the primary law-enforcement  
721 agency and jurisdiction to execute the emergency custody order and provide transportation.  
722 Transportation under this section shall include transportation to a medical facility as may be necessary to  
723 obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance  
724 with state and federal law. Transportation under this section shall include transportation to a medical  
725 facility for a medical evaluation if a physician at the hospital in which the person subject to the  
726 emergency custody order may be detained requires a medical evaluation prior to admission.

727 D. The magistrate shall order the primary law-enforcement agency from the jurisdiction served by the  
728 community services board or behavioral health authority that designated the person to perform the  
729 evaluation required in subsection B to execute the order and provide transportation. If the community  
730 services board or behavioral health authority serves more than one jurisdiction, the magistrate shall  
731 designate the primary law-enforcement agency from the particular jurisdiction within the community  
732 services board's or behavioral health authority's service area where the person who is the subject of the  
733 emergency custody order was taken into custody or, if the person has not yet been taken into custody,  
734 the primary law-enforcement agency from the jurisdiction where the person is presently located to  
735 execute the order and provide transportation.

736 E. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the  
737 county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing  
738 an emergency custody order pursuant to this section.

739 F. A law-enforcement officer who, based upon his observation or the reliable reports of others, has  
740 probable cause to believe that a person meets the criteria for emergency custody as stated in this section  
741 may take that person into custody and transport that person to an appropriate location to assess the need  
742 for hospitalization or treatment without prior authorization. Such evaluation shall be conducted  
743 immediately.

744 G. Nothing herein shall preclude a law-enforcement officer from obtaining emergency medical  
745 treatment or further medical evaluation at any time for a person in his custody as provided in this  
746 section.

747 H. The person shall remain in custody until a temporary detention order is issued or until the person  
748 is released, but in no event shall the period of custody exceed four hours.

749 I. If an emergency custody order is not executed within four hours of its issuance, the order shall be  
750 void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is  
751 not open, to any magistrate ~~thereof~~ *serving the jurisdiction of the issuing court.*

752 § 37.2-809. Involuntary temporary detention; issuance and execution of order.

753 A. For the purposes of this section:

754 "Designee of the local community services board" means an examiner designated by the local  
755 community services board or behavioral health authority who (i) is skilled in the assessment and  
756 treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii)  
757 is able to provide an independent examination of the person, (iv) is not related by blood or marriage to  
758 the person being evaluated, (v) has no financial interest in the admission or treatment of the person  
759 being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under  
760 this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans  
761 Affairs, is not employed by the facility.

762 "Employee" means an employee of the local community services board or behavioral health authority  
763 who is skilled in the assessment and treatment of mental illness and has completed a certification  
764 program approved by the Department.

765 "Investment interest" means the ownership or holding of an equity or debt security, including shares  
766 of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or  
767 debt instruments.

768 B. A magistrate may issue, upon the sworn petition of any responsible person or upon his own  
769 motion and only after an in-person evaluation by an employee or a designee of the local community  
770 services board, a temporary detention order if it appears from all evidence readily available, including  
771 any recommendation from a physician or clinical psychologist treating the person, that the person (i) has  
772 mental illness, (ii) presents an imminent danger to himself or others as a result of mental illness or is so  
773 seriously mentally ill as to be substantially unable to care for himself, (iii) is in need of hospitalization  
774 or treatment, and (iv) is unwilling to volunteer or incapable of volunteering for hospitalization or  
775 treatment. The magistrate shall also consider the recommendations of any treating or examining  
776 physician licensed in Virginia if available either verbally or in writing prior to rendering a decision.

777 C. A magistrate may issue a temporary detention order without an emergency custody order  
778 proceeding. A magistrate may issue a temporary detention order without a prior in-person evaluation if  
779 (i) the person has been personally examined within the previous 72 hours by an employee or a designee  
780 of the local community services board or (ii) there is a significant physical, psychological, or medical  
781 risk to the person or to others associated with conducting such evaluation.

782 D. An employee or a designee of the local community services board shall determine the facility of  
783 temporary detention for all individuals detained pursuant to this section. The facility of temporary  
784 detention shall be one that has been approved pursuant to regulations of the Board. The facility shall be  
785 identified on the preadmission screening report and indicated on the temporary detention order. Except  
786 as provided in § 37.2-811 for defendants requiring hospitalization in accordance with subdivision A 2 of  
787 § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged  
788 with criminal offenses.

789 E. Any facility caring for a person placed with it pursuant to a temporary detention order is  
790 authorized to provide emergency medical and psychiatric services within its capabilities when the facility  
791 determines that the services are in the best interests of the person within its care. The costs incurred as a  
792 result of the hearings and by the facility in providing services during the period of temporary detention  
793 shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the  
794 Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance  
795 Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by  
796 regulation, establish a reasonable rate per day of inpatient care for temporary detention.

797 F. The employee or the designee of the local community services board who is conducting the  
798 evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention  
799 order, the insurance status of the person. Where coverage by a third party payor exists, the facility  
800 seeking reimbursement under this section shall first seek reimbursement from the third party payor. The  
801 Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances  
802 covered by the third party payor have been received.

803 G. The duration of temporary detention shall not exceed 48 hours prior to a hearing. If the 48-hour  
804 period herein specified terminates on a Saturday, Sunday, or legal holiday, the person may be detained,  
805 as herein provided, until the next day that is not a Saturday, Sunday, or legal holiday.

806 H. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter  
807 period as is specified in the order, the order shall be void and shall be returned unexecuted to the office  
808 of the clerk of the issuing court or, if the office is not open, to any magistrate ~~thereof~~ *exercising the*  
809 *jurisdiction of the issuing court*. Subsequent orders may be issued upon the original petition within 96  
810 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a  
811 designee of the local community services board prior to issuing a subsequent order upon the original  
812 petition. Any petition for which no temporary detention order or other process in connection therewith is  
813 served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be  
814 returned to the office of the clerk of the issuing court.

815 I. The chief judge of each general district court shall establish and require that a magistrate, as  
816 provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing  
817 the duties established by this section. Each community services board or behavioral health authority  
818 shall provide to each general district court and magistrate's office within its service area a list of its  
819 employees and designees who are available to perform the evaluations required herein.

820 § 37.2-1103. Emergency custody orders for adult persons who are incapable of making an informed  
821 decision as a result of physical injury or illness.

822 A. Based upon the opinion of a licensed physician that an adult person is incapable of making an  
823 informed decision as a result of a physical injury or illness and that the medical standard of care  
824 indicates that testing, observation, and treatment are necessary to prevent imminent and irreversible  
825 harm, a magistrate may issue, for good cause shown, an emergency custody order for the adult person to  
826 be taken into custody and transported to a hospital emergency room for testing, observation, or  
827 treatment.

828 B. Prior to issuance of an emergency custody order pursuant to this section, the magistrate shall  
829 ascertain that there is no legally authorized person available to give consent to necessary treatment for  
830 the adult person and that the adult person (i) is incapable of making an informed decision regarding  
831 obtaining necessary treatment, (ii) has refused transport to obtain such necessary treatment, (iii) has  
832 indicated an intention to resist such transport, and (iv) is unlikely to become capable of making an  
833 informed decision regarding obtaining necessary treatment within the time required for such decision.

834 C. An opinion by the licensed physician that an adult person is incapable of making an informed  
835 decision as a result of physical injury or illness shall only be rendered after the licensed physician has  
836 communicated electronically or personally with the emergency medical services personnel on the scene  
837 and has attempted to communicate electronically or personally with the adult person to obtain  
838 information and medical data concerning the cause of the adult person's incapacity, has attempted to  
839 obtain consent from the adult person, and has failed to obtain consent.

840 D. If there is a change in the person's condition, the emergency medical services personnel shall  
841 contact the licensed physician. If at any time the licensed physician determines that a person subject to  
842 an order under this subsection has become capable of making and communicating an informed decision,  
843 the physician shall rely on the person's decision on whether to consent to further observation, testing, or  
844 treatment.

845 E. Upon reaching the emergency room, the person shall be evaluated by a licensed physician. If the  
846 physician determines that the person meets the requirements of § 37.2-1104, the physician may apply for  
847 a temporary detention order pursuant to that that section. If the physician determines that the person  
848 does not meet the requirements of § 37.2-1104, the person shall be released from custody immediately.  
849 The person shall remain in custody until this evaluation is performed, but in no event shall the period of  
850 custody under this section exceed four hours.

851 F. The law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the  
852 county, city or town in which he serves to any point in the Commonwealth for the purpose of executing  
853 an emergency custody order pursuant to this section. Nothing herein shall preclude a law-enforcement  
854 officer from obtaining emergency medical treatment or further medical evaluation at any time for a  
855 person in his custody as provided in this section.

856 G. If an emergency custody order is not executed within four hours of its issuance, the order shall be  
857 void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is  
858 not open, to any magistrate ~~thereof~~ *exercising the jurisdiction of the issuing court*.

859 § 37.2-1104. Temporary detention in hospital for testing, observation or treatment.  
 860 Upon the advice of a licensed physician who has attempted to obtain consent and upon a finding of  
 861 probable cause to believe that an adult person within the court's ~~or a magistrate's~~ jurisdiction is  
 862 incapable of making an informed decision regarding treatment of a physical or mental disorder or is  
 863 incapable of communicating such a decision due to a physical or mental disorder and that the medical  
 864 standard of care calls for testing, observation, or treatment of the disorder within the next 24 hours to  
 865 prevent death, disability, or a serious irreversible condition, the court or, if the court is unavailable, a  
 866 magistrate *servicing the jurisdiction* may issue an order authorizing temporary detention of the person by  
 867 a hospital emergency room or other appropriate facility and authorizing such testing, observation, or  
 868 treatment. The detention may not be for a period exceeding 24 hours, unless extended by the court as  
 869 part of an order authorizing treatment under § 37.2-1101. If, before completion of authorized testing,  
 870 observation, or treatment, the physician determines that a person subject to an order under this  
 871 subsection has become capable of making and communicating an informed decision, the physician shall  
 872 rely on the person's decision on whether to consent to further testing, observation, or treatment. If,  
 873 before issuance of an order under this subsection or during its period of effectiveness, the physician  
 874 learns of an objection by a member of the person's immediate family to the testing, observation, or  
 875 treatment, he shall so notify the court or magistrate, who shall consider the objection in determining  
 876 whether to issue, modify, or terminate the order.

877 § 43-29. Liens of landlords and farmers for advances to tenants and laborers.

878 (1) Provision for lien; enforcement and priority. - If any owner or occupier of land contract with any  
 879 person to cultivate or raise livestock on such land as his tenant for rent either in money or a share of  
 880 the crop or livestock; or if any person engaged in the cultivation of land contract with any laborer  
 881 thereon for a share of the crop or the livestock raised thereon as his wages; and such owner or occupier  
 882 of the land, or such person engaged in the cultivation of land, shall make any advances in money,  
 883 supplies, or other thing to such tenant or laborer, he shall have a lien to the extent of such advances on  
 884 all the crops or livestock, or the share of such laborer in the crops or livestock that are made or seeded  
 885 or raised, grown or fed on the land during the year in which the advances are made, which shall be  
 886 prior to all other liens on such crops or livestock or such portion thereof, or share therein. And he shall  
 887 have the same remedy for the enforcement of such lien by distress when the claim is due, or by  
 888 attachment when the claim is not yet payable, as is given a landlord for the recovery of rent under  
 889 § 55-230; provided, that he or his agent, shall, before suing out the distress warrant, make affidavit  
 890 before the ~~justice of the peace~~ magistrate issuing the same to the amount of his claim, that it is then due  
 891 and is for advances made under contract to a tenant cultivating or raising livestock on his land, or a  
 892 laborer working or raising livestock on the same; and before suing out the attachment, make the like  
 893 affidavit, and also at what time the claim will become payable, and that the debtor intends to remove, or  
 894 is removing from such land such crops or livestock, or his portion thereof, or share therein, so that there  
 895 will not be left enough to satisfy the claim. The person, whose crops or livestock are so distrained or  
 896 attached, shall have all the rights and be entitled to all the remedies allowed a tenant against a distress  
 897 or attachment for rent.

898 (2) When verified statement of advances required. - However, when the crops or livestock are subject  
 899 to a lien of a fieri facias or attachment, whether a levy be actually made or not, it shall be the duty of  
 900 the person claiming a lien under this section, upon the request of the sheriff, or any other party in  
 901 interest, to render to the sheriff of the county wherein the crops or livestock are raised or grown, a  
 902 complete and itemized statement under oath of the claims for advances, showing the nature of the  
 903 claims, the dates of advancement and the respective amounts. And in case the person claiming advances  
 904 fails to render to the sheriff of such county the verified itemized statement above provided for within ten  
 905 days after the request has been made, he shall forever lose the benefit of the lien on the crops or  
 906 livestock for advances granted him under this section.

907 (3) When further showing as to advances required. - If the execution creditor or attachment creditor  
 908 desires to contest the validity of the claims for advances, he may cause the clerk of the circuit court of  
 909 the county in which such crops are grown or livestock raised to summon the person claiming the lien  
 910 for advances to appear before such court and show to the satisfaction of the court that such money,  
 911 supplies or other things of value were advanced for the purpose of, and were necessary in and about the  
 912 cultivation of the crops or the raising of the livestock upon which the lien is claimed.

913 § 46.2-104. Possession of registration cards; exhibiting registration card and licenses; failure to carry  
 914 license or registration card.

915 The operator of any motor vehicle, trailer, or semitrailer being operated on the highways in the  
 916 Commonwealth, shall have in his possession: (i) the registration card issued by the Department or the  
 917 registration card issued by the state or country in which the motor vehicle, trailer, or semitrailer is  
 918 registered, and (ii) his driver's license, learner's permit, or temporary driver's permit.

919 The owner or operator of any motor vehicle, trailer, or semitrailer shall stop on the signal of any

920 law-enforcement officer who is in uniform or shows his badge or other sign of authority and shall, on  
 921 the officer's request, exhibit his registration card, driver's license, learner's permit, or temporary driver's  
 922 permit and write his name in the presence of the officer, if so required, for the purpose of establishing  
 923 his identity.

924 Every person licensed by the Department as a driver or issued a learner's or temporary driver's  
 925 permit who fails to carry his license or permit, and the registration card for the vehicle which he  
 926 operates, shall be guilty of a traffic infraction and upon conviction punished by a fine of ten dollars.  
 927 However, if any person summoned to appear before a court for failure to display his license, permit, or  
 928 registration card presents to the officer issuing the summons or a magistrate ~~of~~ *of serving* the county or  
 929 city in which the summons was issued, before the return date of the summons, a license or permit  
 930 issued to him prior to the time the summons was issued or a registration card, as the case may be, or  
 931 appears pursuant to the summons and produces before the court a license or permit issued to him prior  
 932 to the time the summons was issued or a registration card, as the case may be, he shall have complied  
 933 with the provisions of this section.

934 § 49-6. Oath or affidavit required of purchaser of fuel, etc.

935 Whenever the purchaser of any fuel, provisions or other thing, whether of like kind with fuel and  
 936 provisions or not, is required to make oath or affidavit as to the quantity or value of such fuel,  
 937 provisions or other thing then in the possession of such purchaser, or to make any other oath or affidavit  
 938 in relation thereto before he is allowed to purchase the same, such oath or affidavit may be administered  
 939 by the seller with like effect, and with the same penalties for false swearing, as if the same had been  
 940 administered by a ~~justice of the peace~~ *magistrate*.

941 § 55-205. Right of recovery by former owner.

942 The former owner may at any time after recover the valuation money except the amount of the  
 943 clerk's and printer's fees and such compensation for keeping the property as shall be certified under oath  
 944 by any two freeholders in the county or corporation where the property was valued to be reasonable,  
 945 and also fees of ~~the justice of the peace~~ and the freeholders for services rendered by them.

946 § 55-230. When and by whom distress made.

947 A distress action for rent may be brought within five years from the time the rent becomes due, and  
 948 not afterwards, whether the lease is ended or not. The distress shall be made by a sheriff or high  
 949 constable of the county or city wherein the premises yielding the rent, or some part thereof, may be, or  
 950 the goods liable to distress may be found, under warrant from a judge ~~of~~, or a magistrate ~~for~~ *of serving*,  
 951 the judicial district. Such warrant shall be founded upon a sworn petition of the person claiming the  
 952 rent, or his agent, that (i) the petitioner believes the amount of money or other thing by which the rent  
 953 is measured (to be specified in the petition in accordance with § 55-231) is justly due to the claimant for  
 954 rent reserved upon contract from the person of whom it is claimed, (ii) the petitioner alleges one or  
 955 more of the grounds mentioned in § 8.01-534 and sets forth in the petition specific facts in support of  
 956 such allegation and (iii) the rent claimed is for rent due within five years from the time that it becomes  
 957 due. The petition shall also specify the amount of the rent claimed and request either levy or seizure of  
 958 the affected property prior to trial. The plaintiff shall, at the time of suing out a distress, give bond in  
 959 conformity with the provisions of § 8.01-537.1. The plaintiff praying for a distress warrant shall, at the  
 960 time that he files his petition, pay the proper costs, fees and taxes, and in the event of his failure to do  
 961 so, the distress warrant shall not be issued.

962 A judge or magistrate shall make an ex parte review of the petition and may receive evidence only  
 963 in the form of a sworn petition which shall be filed in the office of the clerks of court. The warrant may  
 964 be issued in accordance with the prayer of the petition by a judge or magistrate only upon a  
 965 determination that there appears from the petition that there is reasonable cause to believe that one of  
 966 the grounds mentioned in § 8.01-534 exists, the allegations required to be in the petition are true and  
 967 that bond which complies with § 8.01-537.1 has been posted.

968 Each copy of the distress warrant shall be issued and served on each defendant together with (i) a  
 969 form for requesting a hearing of exemption from levy or seizure, as provided in § 8.01-546.1, and (ii) a  
 970 copy of the bond. The distress warrant may be issued or executed on any day, including a Saturday,  
 971 Sunday or other legal holiday. Service shall be made in accordance with the methods described in  
 972 § 8.01-487.1. The provisions of § 8.01-546.2 shall govern claims for exemption.

973 The officer into whose hands the warrant is delivered shall levy or seize as directed in the warrant,  
 974 except as may be otherwise provided by statute, the property found on the premises of the tenant as  
 975 provided by § 55-231. The officer shall return the warrant of distress to the court to which the warrant  
 976 of distress is returnable by the return date unless otherwise notified by the court to make return by an  
 977 earlier date.

978 § 59.1-98. Procedure when violation charged; awarding possession of property to owner.

979 Whenever any person mentioned in § 59.1-94 or his agent shall make oath before any ~~justice of the~~  
 980 ~~peace~~ *magistrate*, or other officer empowered to issue criminal warrants, that he has reason to believe,  
 981 and does believe, that within the city, town or county ~~of such justice of the peace~~ *served by such*



982 *magistrate* or other officer, any of his bottles, boxes, siphons, siphon heads, crates, tins, kegs, or clean  
 983 laundered or soiled articles mentioned in this chapter a description of the names, marks or devices  
 984 whereon has been filed and published as aforesaid, are being unlawfully used or filled or had, by any  
 985 person manufacturing or selling soda, mineral or aerated waters, cider, ginger ale, milk, cream, soft  
 986 drinks or other beverages or medicines, medical preparations, perfumery, oils, compounds or mixtures,  
 987 or that any junk dealer or dealer in secondhand articles, vendor of bottles, or any other person has any  
 988 such bottles, boxes, siphons, siphon heads, crates, tins, kegs or clean laundered or soiled articles  
 989 mentioned in this chapter in his possession or secreted in any place, the ~~justice of the peace~~*magistrate*  
 990 or other officer, before whom such oath is made must thereupon issue a search warrant to discover and  
 991 obtain the same, and may also issue his warrant stating the offense charged, and cause to be brought  
 992 before any ~~county or municipal~~*general district* court having jurisdiction the person in whose possession  
 993 such bottles, boxes, siphons, siphon heads, crates, tins, kegs or clean laundered or soiled articles  
 994 mentioned in this chapter may be found, and shall then inquire into the circumstances of such  
 995 possession and if such ~~county or municipal~~*general district* court finds such person has been guilty of a  
 996 violation of § 59.1-96, it must impose the punishment therein prescribed, and it shall award possession  
 997 of the property taken upon such warrant to the owner thereof.

998 § 59.1-106. Sale of unclaimed timber, etc., found adrift; disposition of proceeds.

999 Any person, except the owner thereof, taking up and securing any sawlog, pile, hewn timber or  
 1000 square timber detached from any raft and found adrift or aground on any of the waters or streams  
 1001 mentioned in § 59.1-103, shall promptly report such fact to the owner thereof, or shall lodge a list  
 1002 containing a description of the quantity, quality, and marks, if any, of such timber with a ~~justice of the~~  
 1003 ~~peace living nearest to the place~~*magistrate serving the jurisdiction* where such timber was so found and  
 1004 secured, which ~~justice of the peace~~*magistrate* shall promptly advertise the same for five consecutive  
 1005 days in a newspaper published in the City of Norfolk. If such timber shall not be claimed by the owner  
 1006 thereof within thirty days after such publication it shall be lawful for the ~~justice of the peace~~*magistrate*  
 1007 to order the sale thereof at public auction by an officer after giving five days' notice of the time, place,  
 1008 and terms of such sale by not less than six handbills posted in the most public places in the vicinity  
 1009 where the same was found and within the county wherein the ~~justice of the peace~~*may reside**magistrate*  
 1010 *serves*. Out of the proceeds of such sale the ~~justice of the peace~~*magistrate*, after paying the expenses of  
 1011 the advertisement and handbills, together with all the other costs of such proceeding at law, shall pay to  
 1012 the person or persons who found and secured the timber ten cents for each piece thereof so taken and  
 1013 secured, and the residue of such proceeds of sale shall be paid into the state treasury for the benefit of  
 1014 the Commonwealth.

1015 **2. That §§ 19.2-30 and 19.2-41 of the Code of Virginia are repealed.**