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HOUSE BILL NO. 242

Offered January 13, 2010

Prefiled January 11, 2010

A BILL to amend and reenact §§ 16.1-69.9:3, 17.1-507, and 17.1-511 of the Code of Virginia, relating to notice of judicial vacancy; certification.

Patron—Janis

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.9:3, 17.1-507, and 17.1-511 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.9:3. Investigation and certification of necessity before vacancies filled.

When a vacancy occurs in the office of any judge of any district, ~~the vacancy shall not be filled until, after investigation,~~ the Committee on District Courts certifies that the filling of the vacancy is necessary. The Committee shall publish notice *within 10 days* of such certification vacancy in a publication of general circulation among attorneys licensed to practice in the Commonwealth. No notice of retirement submitted under § 51.1-305 or § 51.1-307 shall be revoked after certification notice of the vacancy by the Committee. If the Committee certifies that the filling of the vacancy is not necessary, it shall direct the manner of distributing the work created by the vacancy, and the vacancy shall not be filled if not certified as necessary. *has been published. A vacancy shall be deemed to have occurred upon the death, resignation, removal from office, or submission of a retirement notice by any district court judge.*

§ 17.1-507. Number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The number of judges of the circuits shall be as follows:

- First - 5
- Second - 10
- Third - 5
- Fourth - 9
- Fifth - 3
- Sixth - 2
- Seventh - 5
- Eighth - 4
- Ninth - 4
- Tenth - 3
- Eleventh - 3
- Twelfth - 5
- Thirteenth - 8
- Fourteenth - 5
- Fifteenth - 8
- Sixteenth - 5
- Seventeenth - 4
- Eighteenth - 3
- Nineteenth - 15
- Twentieth - 4
- Twenty-first - 3
- Twenty-second - 4
- Twenty-third - 6
- Twenty-fourth - 5
- Twenty-fifth - 4
- Twenty-sixth - 5
- Twenty-seventh - 5
- Twenty-eighth - 3
- Twenty-ninth - 4
- Thirtieth - 3

59 Thirty-first - 5

60 B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the
61 Judicial Council has made a study of the need for such additional circuit court judge and has reported
62 its findings and recommendations to the Courts of Justice Committees of the House of Delegates and
63 Senate. The boundary of any judicial circuit shall not be changed until a study has been made by the
64 Judicial Council and a report of its findings and recommendations made to said Committees.

65 CB. If the Judicial Council finds the need for an additional circuit court judge after a study is made
66 pursuant to subsection B, the study shall be made available to the Compensation Board and the Courts
67 of Justice Committees of the House of Delegates and Senate and Council shall publish notice of such
68 finding in a publication of general circulation among attorneys licensed to practice in the
69 Commonwealth. The Compensation Board shall make a study of the need to provide additional
70 courtroom security and deputy court clerk staffing. This study shall be reported to the Courts of Justice
71 Committees of the House of Delegates and the Senate, and to the Department of Planning and Budget.

72 § 17.1-511. Investigation and certification of necessity before vacancies filled.

73 When a vacancy occurs in the office of judge of any court of record, ~~the vacancy shall not be filled~~
74 ~~until, after investigation, the Supreme Court certifies that the filling of the vacancy is or is not~~
75 ~~necessary. If the Court certifies that the filling of the vacancy is necessary, the Court shall publish~~
76 ~~notice of such certification vacancy in a publication of general circulation among attorneys licensed to~~
77 ~~practice in the Commonwealth. No notice of retirement submitted under § 51.1-305 or § 51.1-307 shall~~
78 ~~be revoked after certification notice of the vacancy by the Court. If the Court certifies that the filling of~~
79 ~~the vacancy is not necessary, it shall recommend to the General Assembly the manner of distributing the~~
80 ~~work of the judge; and the Governor shall not fill the vacancy.~~ *has been published. A vacancy shall be*
81 *deemed to have occurred upon the death, resignation, removal from office, or submission of a retirement*
82 *notice by any judge of a court of record.*