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SENATE BILL NO. 1240

Offered January 12, 2011

Prefiled January 12, 2011

A BILL to amend and reenact §§ 15.2-2308, 16.1-69.9:3, 16.1-69.16, 16.1-69.18, 16.1-69.31, 16.1-266.2, 17.1-113, 17.1-114, 17.1-121, 17.1-501, 17.1-508, 17.1-510, 17.1-511, 19.2-6, and 55-168 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 16.1-69.6:01, 16.1-69.6:02, 17.1-506.1, and 17.1-507.1; and to repeal §§ 16.1-69.6, 16.1-69.6:1, 17.1-506, and 17.1-507 of the Code of Virginia, relating to judicial circuits and districts; number of judges.

Patron—Edwards

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2308, 16.1-69.9:3, 16.1-69.16, 16.1-69.18, 16.1-69.31, 16.1-266.2, 17.1-113, 17.1-114, 17.1-121, 17.1-501, 17.1-508, 17.1-510, 17.1-511, 19.2-6, and 55-168 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 16.1-69.6:01, 16.1-69.6:02, 17.1-506.1, and 17.1-507.1 as follows:

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the ~~fifteenth~~ *Seventeenth* or ~~nineteenth~~ *Ninth Judicial Circuit* may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The ~~circuit court~~ *Circuit Court* for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board. Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract

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for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least fifteen days' notice.

E. Notwithstanding any contrary provisions of this section, in the City of Virginia Beach, members of the board shall be appointed by the governing body. The governing body of such city shall also appoint at least one but not more than three alternates to the board.

§ 16.1-69.6:01. *Judicial districts.*

On and after July 1, 2012, the Commonwealth shall be divided into districts encompassing all counties and cities in the Commonwealth to provide a basis for the sound and efficient administration of the courts not of record, as follows:

1. The Cities of Bristol and Norton and the Counties of Dickenson, Lee, Russell, Scott, Washington, and Wise shall constitute the First District.

2. The Counties of Bland, Buchanan, Smyth, Tazewell, and Wythe shall constitute the Second District.

3. The City of Radford and the Counties of Floyd, Giles, Montgomery, and Pulaski shall constitute the Third District.

4. The Cities of Roanoke and Salem and the Counties of Craig and Roanoke shall constitute the Fourth District.

5. The Cities of Galax and Martinsville and the Counties of Carroll, Franklin, Grayson, Henry, and Patrick shall constitute the Fifth District.

6. The Cities of Buena Vista, Covington, and Lexington and the Counties of Alleghany, Bath, Botetourt, and Rockbridge shall constitute the Sixth District.

7. The Cities of Harrisonburg, Staunton, Waynesboro, and Winchester and the Counties of Augusta, Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, and Warren shall constitute the Seventh District.

8. The Cities of Manassas and Manassas Park and the Counties of Culpeper, Fauquier, Loudoun, Madison, Prince William, and Rappahannock shall constitute the Eighth District.

9. The City of Fairfax and the County of Fairfax shall constitute the Ninth District.

10. The Cities of Alexandria and Falls Church and the County of Arlington shall constitute the Tenth District.

11. The Cities of Bedford and Lynchburg and the Counties of Amherst, Appomattox, Bedford, Buckingham, Campbell, and Prince Edward shall constitute the Eleventh District.

12. The City of Danville and the Counties of Brunswick, Charlotte, Greensville, Halifax, Lunenburg, Mecklenburg, Nottoway, and Pittsylvania shall constitute the Twelfth District.

13. The City of Charlottesville and the Counties of Albemarle, Fluvanna, Greene, Louisa, Nelson, and Orange shall constitute the Thirteenth District.

14. The Cities of Colonial Heights and Petersburg and the Counties of Amelia, Chesterfield, Cumberland, Dinwiddie, and Powhatan shall constitute the Fourteenth District.

15. The City of Richmond and the Counties of Charles City, Goochland, Hanover, Henrico, and New Kent shall constitute the Fifteenth District.

16. The Cities of Emporia, Franklin, and Hopewell and the Counties of Prince George, Southampton, Surry, and Sussex shall constitute the Sixteenth District.

17. The City of Fredericksburg and the Counties of Caroline, Essex, Gloucester, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Spotsylvania, Stafford, and Westmoreland shall constitute the Seventeenth District.

18. The Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James City and York shall constitute the Eighteenth District.

19. The Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach and the Counties of Accomack, Isle of Wight, and Northampton shall constitute the Nineteenth District.

§ 16.1-69.6:02. *Number of judges.*

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

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

	Juvenile and Domestic
General District Court	Relations District
Judges	Court Judges

120	First	3	4
121	Second	4	3
122	Third	3	2
123	Fourth	5	4
124	Fifth	3	3
125	Sixth	3	2
126	Seventh	6	7
127	Eighth	9	9
128	Ninth	10	8
129	Tenth	6	4
130	Eleventh	4	6
131	Twelfth	4	5
132	Thirteenth	3	3
133	Fourteenth	6	7
134	Fifteenth	13	10
135	Sixteenth	3	2
136	Seventeenth	6	7
137	Eighteenth	9	9
138	Nineteenth	21	20

139 *The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.*
 140 § 16.1-69.9:3. Investigation and certification of necessity before vacancies filled.

141 When a vacancy occurs in the office of any judge of any district, ~~the vacancy shall not be filled~~
 142 ~~until, after investigation,~~ the Committee on District Courts ~~certifies~~ *shall certify* that the filling of the
 143 vacancy is *or is not* necessary. The Committee shall publish notice of such certification in a publication
 144 of general circulation among attorneys licensed to practice in the Commonwealth. No notice of
 145 retirement submitted under § 51.1-305 or § 51.1-307 shall be revoked after certification of the vacancy
 146 by the Committee. If the Committee certifies that the filling of the vacancy is not necessary, it shall
 147 direct the manner of distributing the work created by the vacancy, and the vacancy shall not be filled if
 148 ~~not certified as necessary under the provisions of § 16.1-69.9:2.~~

149 § 16.1-69.16. Residence requirements.

150 A. Every judge or substitute judge of a district court shall, during his term of office, reside within
 151 the boundaries of the district in which he serves as set out in § ~~16.1-69.6~~; ~~provided, that judges and~~
 152 ~~substitute judges in office on January 1, 1977, or who are otherwise eligible may continue in office and~~
 153 ~~shall be eligible for reappointment or reelection to successive terms in accordance with the provisions of~~
 154 ~~§ 16.1-69.10 16.1-69.6:01, except as otherwise provided by law.~~

155 B. Notwithstanding any provision of law to the contrary, the residency requirement set out herein
 156 shall not apply to any judge whose residence prior to July 1, 1977, is outside the boundaries of a new
 157 district created by § 16.1-69.6, if such judge is a resident in the geographical area which encompassed
 158 the prior district. This provision shall also apply to any subsequent term for which he is elected.

159 C. When the boundary of a judicial district is changed to create a new judicial district, any duly
 160 elected or appointed judge of the existing judicial district may continue to serve as judge of the new
 161 judicial district if he resides *or presides* therein.

162 § 16.1-69.18. Bonds of judges, clerks, and others handling funds.

163 Before entering upon the performance of his duties, every judge, substitute judge, clerk, deputy clerk
 164 or other officer or employee of a district court shall enter into bond before the clerk of a circuit court to
 165 which appeals from his court lie, except as hereinafter provided. The bond shall be in a penalty and
 166 with corporate surety approved by the judge of such appellate court. No such bond shall be in a penalty
 167 of less than \$3,000, nor more than \$75,000, and all such bonds shall be conditioned for the faithful
 168 performance of the duties of the principal. The bonds shall be made payable to the Commonwealth and
 169 shall be filed with the clerk of such appellate court. Provided, however, that instead of specific bonds
 170 being given as stipulated herein, the Committee on District Courts may in their discretion procure
 171 faithful performance of duty blanket bonds for any or all of the *judicial* districts ~~enumerated in~~
 172 ~~§ 16.1-69.6~~ covering the judges, substitute judges, clerks and other personnel of the several district
 173 courts included in such districts and within the penalty limits contained in this section, unless in the
 174 discretion of the Committee, bonds with a larger maximum penalty should be obtained. Provided further,
 175 that in those instances where specific bonds for judges, clerks, deputy clerks or other officers or
 176 employees of a district court are in effect, the Committee on District Courts may, whenever they deem it
 177 advisable, terminate such specific bonds upon obtaining a blanket bond covering such court personnel
 178 with appropriate refund or credit being made for the unearned premiums on the specific bonds being
 179 terminated. A copy of any such blanket bond so procured shall be filed with the Division of Risk

180 Management within the Department of Treasury and with the clerk of the respective circuit courts to
181 which appeals from the decisions of the several district courts may lie. The premiums for such bonds
182 shall be paid by the Commonwealth.

183 § 16.1-69.31. The duties of the Judicial Council.

184 The duties of the Judicial Council with respect to the district court system shall include those set
185 forth in §§ 16.1-69.6 through 16.1-69.13, and such other duties as may be assigned to the Council by
186 law.

187 § 16.1-266.2. Appointment of pro bono counsel by judges of the First and Second Judicial District in
188 certain cases.

189 The judges of the juvenile and domestic relations district court of the ~~First and Second Judicial~~
190 ~~District~~ *Chesapeake and Virginia Beach* are authorized to appoint pro bono counsel for alleged victims in
191 family abuse cases in which the court is authorized to issue a preliminary protective order under
192 § 16.1-253.1, or an emergency protective order under § 16.1-253.4. Such counsel shall have no
193 prosecutorial authority except as granted in writing by the attorney for the Commonwealth for the
194 jurisdiction in which the representation is to occur.

195 Any attorney appointed under the provisions of this section shall be a volunteer and serve without
196 compensation and shall be subject to any rules adopted by the court and approved by the Virginia
197 Supreme Court providing for the establishment and conduct of a project providing pro bono services to
198 victims of family abuse.

199 § 17.1-113. Places of holding courts; certain orders and decrees entered elsewhere.

200 Every circuit court for any county or city shall be held at the courthouse of such county or city,
201 except when some other place is prescribed by law or lawfully appointed. However, the judge of the
202 circuit court of any county or city may enter any order or decree at his home or office or elsewhere
203 within his circuit.

204 In the interest of justice, the chief judges of the ~~Twenty-first Fourth~~ and the ~~Twenty-third Fifth~~
205 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within
206 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is
207 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or
208 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided
209 by law.

210 § 17.1-114. When and how changed.

211 Whenever in the opinion of a circuit court or the judge thereof, the courthouse or other place
212 wherein it is required to hold its session cannot or should not for any reason be occupied by it, or if the
213 same has been destroyed, or is being repaired, renovated, or enlarged, the court may hold its session at
214 such places within the geographical limits of the same judicial circuit as the court may direct by an
215 order to its clerk. The court shall continue to hold its sessions in such other place until the courthouse
216 or its lawful place of session can be occupied, or until another has been built and fitted for the court's
217 occupation, or until such repairs, renovations or additions have been completed, or until some other
218 place is designated by the court. Except as provided in subsection C of § 17.1-330 or this section or as
219 agreed to by all parties to an action, no session of a circuit court shall be held outside the geographical
220 limits of the county or city of which it is the court.

221 In the interest of justice, the chief judges of the ~~Twenty-first Fourth~~ and the ~~Twenty-third Fifth~~
222 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within
223 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is
224 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or
225 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided
226 by law.

227 § 17.1-121. Effect of change of time or place of court or failure to sit generally.

228 When the place for holding any court or the day for commencing any term is changed or when a
229 court fails to sit on any day appointed for it or to which it may have adjourned there shall be no
230 discontinuance, but every notice, recognizance or process given, taken or returnable to the day on which
231 the failure occurred, or to any day between that day and the next that the court may sit, or to the day
232 and place as it was before such change, and all matters ready for the court to act upon if it had been
233 held on any such day shall be in the same condition and have the same effect as if given, taken,
234 returnable, or continued to the substituted term or place, or to the next day of the same term that the
235 court may sit, or to the next court in course, as the case may be.

236 In the interest of justice, the chief judges of the ~~Twenty-first Fourth~~ and the ~~Twenty-third Fifth~~
237 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within
238 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is
239 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or
240 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided
241 by law.

§ 17.1-501. Judges of circuit courts; selection, powers and duties of chief judges; exercise of appointive powers.

A. There shall be as many judges of the circuit courts as may be fixed by the General Assembly. The judges of each circuit shall select from their number by majority vote a chief judge of the circuit, who shall serve for the term of two years. In the event such judges cannot agree as to who shall be chief judge, the Chief Justice of the Supreme Court shall act as tie breaker.

B. The chief judge of the circuit shall ensure that the system of justice in his circuit operates smoothly and efficiently. He shall have authority to assign the work of the circuit among the judges, and in doing so he may consider the nature and categories of the cases to be assigned.

C. Unless otherwise provided by law, powers of appointment within a circuit shall be exercised by a majority of the judges of the circuit; however, the order of appointment may be signed by the chief judge or that judge's designee on behalf of the other judges. In case of a tie, the Chief Justice of the Supreme Court shall appoint a circuit judge from another circuit who shall act as tie breaker. Where the power of appointment is to be exercised by a majority of the judges of the ~~Second~~ *Nineteenth* Judicial Circuit and such appointment is to a local post, board or commission in Accomack or Northampton County, the ~~resident~~ judge or judges *who preside in the circuit courts* of the County of Accomack or Northampton shall exercise such appointment power as if he or they comprise the majority of the judges of the circuit.

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

§ 17.1-506.1. *Judicial circuits.*

On and after July 1, 2012, the Commonwealth shall be divided into circuits encompassing all counties and cities in the Commonwealth, as follows:

1. The Cities of Bristol and Norton and the Counties of Dickenson, Lee, Russell, Scott, Washington, and Wise shall constitute the First Circuit.

2. The Counties of Bland, Buchanan, Smyth, Tazewell, and Wythe shall constitute the Second Circuit.

3. The City of Radford and the Counties of Floyd, Giles, Montgomery, and Pulaski shall constitute the Third Circuit.

4. The Cities of Roanoke and Salem and the Counties of Craig and Roanoke shall constitute the Fourth Circuit.

5. The Cities of Galax and Martinsville and the Counties of Carroll, Franklin, Grayson, Henry, and Patrick shall constitute the Fifth Circuit.

6. The Cities of Buena Vista, Covington, and Lexington and the Counties of Alleghany, Bath, Botetourt, and Rockbridge shall constitute the Sixth Circuit.

7. The Cities of Harrisonburg, Staunton, Waynesboro, and Winchester and the Counties of Augusta, Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, and Warren shall constitute the Seventh Circuit.

8. The Cities of Manassas and Manassas Park and the Counties of Culpeper, Fauquier, Loudoun, Madison, Prince William, and Rappahannock shall constitute the Eighth Circuit.

9. The City of Fairfax and the County of Fairfax shall constitute the Ninth Circuit.

10. The Cities of Alexandria and Falls Church and the County of Arlington shall constitute the Tenth Circuit.

11. The Cities of Bedford and Lynchburg and the Counties of Amherst, Appomattox, Bedford, Buckingham, Campbell, and Prince Edward shall constitute the Eleventh Circuit.

12. The City of Danville and the Counties of Brunswick, Charlotte, Greensville, Halifax, Lunenburg, Mecklenburg, Nottoway, and Pittsylvania shall constitute the Twelfth Circuit.

13. The City of Charlottesville and the Counties of Albemarle, Fluvanna, Greene, Louisa, Nelson, and Orange shall constitute the Thirteenth Circuit.

14. The Cities of Colonial Heights and Petersburg and the Counties of Amelia, Chesterfield, Cumberland, Dinwiddie, and Powhatan shall constitute the Fourteenth Circuit.

15. The City of Richmond and the Counties of Charles City, Goochland, Hanover, Henrico, and New Kent shall constitute the Fifteenth Circuit.

16. The Cities of Emporia, Franklin, and Hopewell and the Counties of Prince George, Southampton, Surry, and Sussex shall constitute the Sixteenth Circuit.

17. The City of Fredericksburg and the Counties of Caroline, Essex, Gloucester, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Spotsylvania, Stafford, and Westmoreland shall constitute the Seventeenth Circuit.

18. The Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James City and York shall constitute the Eighteenth Circuit.

19. The Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach and the Counties of

303 *Accomack, Isle of Wight, and Northampton shall constitute the Nineteenth Circuit.*

304 *§ 17.1-507.1. Number of judges; residence requirement; compensation; powers; etc.*

305 *A. For the several judicial circuits there shall be judges, the number as hereinafter set forth, who*
306 *shall during their service reside within their respective circuits, subject to the provisions of § 17.1-508,*
307 *and whose compensation and powers shall be the same as now and hereafter prescribed for circuit*
308 *judges.*

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

310 *First - 6*

311 *Second - 4*

312 *Third - 3*

313 *Fourth - 6*

314 *Fifth - 5*

315 *Sixth - 3*

316 *Seventh - 6*

317 *Eighth - 10*

318 *Ninth - 15*

319 *Tenth - 5*

320 *Eleventh - 5*

321 *Twelfth - 5*

322 *Thirteenth - 4*

323 *Fourteenth - 7*

324 *Fifteenth - 13*

325 *Sixteenth - 2*

326 *Seventeenth - 8*

327 *Eighteenth - 10*

328 *Nineteenth - 29*

329 *B. The Judicial Council of Virginia periodically shall make a study of the need for additional circuit*
330 *court judges and report its findings and recommendations to the Committees for Courts of Justice of the*
331 *House of Delegates and Senate.*

332 *C. If the Judicial Council finds the need for an additional circuit court judge after a study is made*
333 *pursuant to subsection B, the study shall be made available to the Compensation Board and the*
334 *Committees for Courts of Justice of the House of Delegates and Senate, and the Judicial Council shall*
335 *publish notice of such finding in a publication of general circulation among attorneys licensed to*
336 *practice in the Commonwealth. The Compensation Board shall make a study of the need to provide*
337 *additional courtroom security and deputy court clerk staffing. This study shall be reported to the*
338 *Committees for Courts of Justice of the House of Delegates and the Senate and to the Department of*
339 *Planning and Budget.*

340 *§ 17.1-508. Judges in new or changed circuits; ratifying, validating and confirming certain actions.*

341 *In any case heretofore or hereafter arising in which a judge has been judge of a circuit created under*
342 *§ 17.1-506 as amended, or § 17.1-506.1 as amended, and the counties and cities, or one or more of*
343 *them, have been transferred to and constituted as part of a new judicial circuit and the remaining*
344 *counties and cities constituted as a circuit, the judges of the respective circuits are hereby declared to be*
345 *judges of said circuits in which they reside or in which they preside and their actions are hereby ratified,*
346 *validated and confirmed.*

347 *§ 17.1-510. Election of judge of new circuit; how court held meanwhile.*

348 *If a new or additional circuit is created, a judge or judges shall be elected or appointed thereto in the*
349 *same manner as provided by law for the filling of vacancies or newly created judgeships in existing*
350 *circuits.*

351 *During any vacancy from the creation of the new circuit until a judge has been elected or appointed*
352 *to fill the vacancy and has qualified, terms of the court shall be held by a judge or by judges designated*
353 *as provided by law in cases of vacancies.*

354 *Nothing herein shall require the election or reelection of any judge who has been duly elected or*
355 *appointed as a judge simply due to a change in the geographical boundaries of a circuit.*

356 *§ 17.1-511. Investigation and certification of necessity before vacancies filled.*

357 *When a vacancy occurs in the office of judge of any court of record, ~~the vacancy shall not be filled~~*
358 *~~until, after investigation,~~ the Supreme Court certifies shall certify that the filling of the vacancy is or is*
359 *not necessary. If the Court certifies that the filling of the vacancy is necessary, the Court shall publish*
360 *notice of such certification in a publication of general circulation among attorneys licensed to practice in*
361 *the Commonwealth. No notice of retirement submitted under § 51.1-305 or § 51.1-307 shall be revoked*
362 *after certification of the vacancy by the Court. If the Court certifies that the filling of the vacancy is not*
363 *necessary, it shall recommend to the General Assembly the manner of distributing the work of the*
364 *judge; and the Governor shall not fill the vacancy.*

365 § 19.2-6. Appointive power of circuit courts.

366 Unless otherwise specifically provided, whenever an appointive power is given to the judge of a
367 circuit court, that power shall be exercised by a majority of the judges of the circuit. In case of a tie,
368 such fact shall be communicated to the Chief Justice of the Supreme Court, who shall appoint a circuit
369 judge from another circuit who shall act as a tie breaker. Where the power of appointment is to be
370 exercised by a majority of the judges of the ~~Second~~ *Nineteenth* Judicial Circuit and such appointment is
371 to a local post, board or commission in Accomack or Northampton County, the ~~resident~~ judge or judges
372 *who preside in the circuit courts* of the County of Accomack or Northampton shall exercise such
373 appointment power as if he or they comprise the majority of the judges of the Circuit.

374 § 55-168. Appointment of escheators.

375 The Governor shall appoint one escheator for every judicial circuit as ~~set forth in § 17.1-506~~, to
376 serve at the pleasure of the Governor. Such escheator shall reside within a *the* circuit to which he is
377 appointed.

378 2. That §§ 16.1-69.6, 16.1-69.6:1, 17.1-506, and 17.1-507 of the Code of Virginia are repealed.

379 3. That the provisions of this act shall become effective on July 1, 2012.