

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-69.21 of the Code of Virginia, relating to substitute judges.*

3 [S 928]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 16.1-69.21 of the Code of Virginia is amended and reenacted as follows:**7 **§ 16.1-69.21. When substitute to serve; his powers and duties.**

8 In the event of the inability of the judge to perform the duties of his office or any of them by reason
9 of sickness, absence, vacation, interest in the proceeding or parties before the court, or otherwise, such
10 judge or a person acting on his behalf shall promptly notify the appropriate chief district judge of such
11 inability. If the chief district judge determines that the provisions of § 16.1-69.35 have been complied
12 with or cannot reasonably be done within the time permitted and that no other full-time or retired judge
13 is reasonably available to serve, the chief district judge may direct a substitute judge to serve as a judge
14 of the court, which substitute may serve concurrently with one or more of the judges of the court or
15 alone. ~~In designating a substitute judge to serve, the chief district judge shall, whenever possible, select~~
16 ~~a substitute judge who does not regularly practice law in the court requiring the substitute. Where~~
17 ~~reasonably available~~ *When reasonably necessary*, the chief district judge may designate a substitute
18 judge from another district within the Commonwealth. The committee on district courts may adopt
19 policies and procedures governing the utilization of substitute judges. In such event, those policies and
20 procedures will, where applicable, control. While acting as judge, a substitute judge shall perform the
21 same duties, exercise the same power and authority, and be subject to the same obligations as prescribed
22 herein for the judge. While serving as judge of the court, the judge or the substitute judge may perform
23 all acts with respect to the proceedings, judgments and acts of any other judge in connection with any
24 action or proceeding then pending or theretofore disposed of in the court except as otherwise provided
25 in this chapter in the same manner and with the same force and effect as if they were his own.

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