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HOUSE BILL NO. 2239

Offered January 9, 2019

Prefiled January 8, 2019

A BILL to amend and reenact §§ 15.2-1638, 16.1-69.35, 16.1-77, and 16.1-123.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 16.1-69.35:01, relating to court buildings; ownership, location, and jurisdiction.

Patrons—Bell, Robert B., Toscano, Fariss and Landes; Senators: Deeds and Reeves

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1638, 16.1-69.35, 16.1-77, and 16.1-123.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 16.1-69.35:01 as follows:

§ 15.2-1638. County or city governing body to provide courthouse, clerk's office, jail and suitable facilities for attorney for the Commonwealth; acquisition of land.

The governing body of every county and city shall provide courthouses with suitable space and facilities to accommodate the various courts and officials thereof serving the county or city; within or outside such courthouses, a clerk's office, the record room of which shall be fireproof; a jail; and, upon request therefor, suitable space and facilities for the attorney for the Commonwealth to discharge the duties of his office. The costs thereof and of the land on which they may be, and of keeping the same in good order, shall be chargeable to the county or city. The fee simple of the lands and of the buildings and improvements thereon utilized for such courthouses shall be in the county or city, *or jointly in a county and a city*, and the governing body of the county or city may purchase so much of such property, as, with what it has, may be necessary for the purposes enumerated or for any other proper purpose of the county or city. However, any portion of the property owned by a county and located within a city or town and not actually occupied by the courthouse, clerk's office, or jail, may be sold or exchanged and conveyed to such city or town to be used for street or other public purposes. Any such sale or exchange by the governing body of a county shall be made in accordance with the provisions of § 15.2-1800.

The amendments contained in Chapter 90 of the 1986 Acts of Assembly shall not apply to the City of Virginia Beach.

§ 16.1-69.35. Administrative duties of chief district judge.

The chief judge of each district shall have the following administrative duties and authority with respect to his district:

1. When any district court judge is under any disability or for any other cause is unable to hold court and the chief judge determines that assistance is needed:

a. The chief district judge shall designate a judge within the district or a judge of another district court within the Commonwealth, if one is reasonably available, to hear and dispose of any action or actions properly coming before such district court for disposition;

b. If unable to designate a judge as provided in subdivision 1 a, the chief district judge may designate a retired district judge eligible for recall pursuant to § 16.1-69.22:1 for such hearing and disposition if such judge consents; or

c. If unable to assign a retired district court judge, the chief district judge may designate a retired circuit court judge eligible for recall pursuant to § 17.1-106 if such judge consents or the chief district judge may request that the Chief Justice of the Supreme Court designate a circuit judge if such judge consents.

If no judges are available under subdivision a, b or c, then a substitute judge shall be designated pursuant to § 16.1-69.21.

While acting, any judge so designated shall have all the authority and power of the judge of the court, and his order or judgment shall, to all intents and purposes, be the judgment of the court. A general district court judge designated pursuant to subdivision 1 a, may, with his consent, substitute for or replace a juvenile and domestic relations district court judge, and vice versa. The names of the judges designated under subdivisions b and c shall be selected from a list provided by the Executive Secretary and approved by the Chief Justice of the Supreme Court.

2. The chief general district court judge of a district may designate any juvenile and domestic relations district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than one year, in any of the general district courts within the

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HB2239

59 district. The chief juvenile and domestic relations district court judge of a district may designate any
60 general district court judge of the district, with the judge's consent, for an individual case or to sit and
61 hear cases for a period of not more than one year, in any of the juvenile and domestic relations district
62 courts within the district. Every judge so designated shall have the same powers and jurisdiction and be
63 authorized to perform the same duties as any judge of the district for which he is designated to assist,
64 and, while so acting, his order or judgment shall be, for all purposes, the judgment of the court to which
65 he is assigned.

66 3. If on account of congestion in the work of any district court or when in his opinion the
67 administration of justice so requires, the Chief Justice of the Supreme Court may, upon his own
68 initiative or upon written application of the chief district court judge desiring assistance, designate a
69 judge from another district or any circuit court judge, if such circuit court judge consents, or a retired
70 judge eligible for recall, to provide judicial assistance to such district. Every judge so designated shall
71 have the same powers and jurisdiction and be authorized to perform the same duties as any judge of the
72 district for which he is designated to assist and while so acting his order or judgment shall be, to all
73 intents and purposes, the judgment of the court to which he is assigned.

74 4. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge may
75 establish special divisions of any general district court when the work of the court may be more
76 efficiently handled thereby such as through the establishment of special civil, criminal or traffic
77 divisions, and he may assign the judges of the general district court with respect to serving such special
78 divisions. In the City of Richmond the general district court shall, in addition to any specialized
79 divisions, maintain a separate division of such court in that part of Richmond south of the James River
80 with concurrent jurisdiction in civil matters whenever one or more of the defendants reside or the cause
81 of action or any part thereof arises in that part of the city, concurrent jurisdiction over all traffic matters
82 arising in that part of the city and concurrent jurisdiction over all other criminal matters arising in that
83 part of the city.

84 5. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge shall
85 determine when the district courts or divisions of such courts shall be open for the transaction of
86 business. The chief judge or presiding judge of any district court may authorize the clerk's office to
87 close on any date when the chief judge or presiding judge determines that operation of the clerk's office,
88 under prevailing conditions, would constitute a threat to the health or safety of the clerk's office
89 personnel or the general public. Closing of the clerk's office pursuant to this subsection shall have the
90 same effect as provided in subsection B of § 1-210. In determining whether to close because of a threat
91 to the health or safety of the general public, the chief judge or the presiding judge of the district court
92 shall coordinate with the chief judge or presiding judge of the circuit court so that, where possible and
93 appropriate, both the circuit and district courts take the same action. He shall determine the times each
94 such court shall be held for the trial of civil, criminal or traffic matters and cases. He shall determine
95 whether, in the case of district courts in counties, court shall be held at any place or places in addition
96 to the county seat *or other place expressly authorized by statute*. He shall determine the office hours
97 and arrange a vacation schedule of the judges within his district, in order to ensure the availability of a
98 judge or judges to the public at normal times of business. A schedule of the times and places at which
99 court is held shall be filed with the Executive Secretary of the Supreme Court and kept posted at the
100 courthouse, and in any county also at any such other place or places where court may be held, and the
101 clerk shall make such schedules available to the public upon request. Any matter may, in the discretion
102 of the judge, or by direction of the chief district judge, be removed from any one of such designated
103 places to another, or to or from the county seat *or other place expressly authorized by statute*, in order
104 to serve the convenience of the parties or to expedite the administration of justice; however, any town
105 having a population of over 15,000 as of July 1, 1972, having court facilities and a court with both
106 general criminal and civil jurisdiction prior to July 1, 1972, shall be designated by the chief judge as a
107 place to hold court.

108 6. Subject to the provisions of § 16.1-69.38, the chief judge of a general district court or the chief
109 judge of a juvenile and domestic relations district court may establish a voluntary civil mediation
110 program for the alternate resolution of disputes. The costs of the program shall be paid by the local
111 governing bodies within the district or by the parties who voluntarily participate in the program.

112 **§ 16.1-69.35:01. Location of district courts for Albemarle County.**

113 *The Albemarle General District Court and the Albemarle Juvenile and Domestic Relations District*
114 *Court may sit in the City of Charlottesville on property immediately across the street from the county*
115 *courthouse.*

116 **§ 16.1-77. Civil jurisdiction of general district courts.**

117 Except as provided in Article 5 (§ 16.1-122.1 et seq.), each general district court shall have, within
118 the limits of the territory it serves, civil jurisdiction as follows:

119 (1) Exclusive original jurisdiction of any claim to specific personal property or to any debt, fine or
120 other money, or to damages for breach of contract or for injury done to property, real or personal, or for

any injury to the person that would be recoverable by action at law or suit in equity, when the amount of such claim does not exceed \$4,500 exclusive of interest and any attorney fees, and concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed \$25,000, exclusive of interest and any attorney fees. However, this \$25,000 limit shall not apply with respect to distress warrants under the provisions of § 55-230, cases involving liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving forfeiture of a bond pursuant to § 19.2-143.

(2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed \$25,000 exclusive of interest and any attorney fees.

(3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01, and in Chapter 13 (§ 55-217 et seq.) of Title 55, and the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or cross-claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person obligated on the lease or guarantee of such lease.

(4) Except where otherwise specifically provided, all jurisdiction, power and authority over any civil action or proceeding conferred upon any general district court judge or magistrate under or by virtue of any provisions of the Code.

(5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment, by warrant in debt, or by other uniform court form established by the Supreme Court of Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff.

(6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions.

(7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title 46.2.

(8) Jurisdiction to try and decide cases alleging a civil violation described in § 18.2-76.

(9) Jurisdiction to try and decide any cases pursuant to § 55-79.80:2 of the Condominium Act (§ 55-79.39 et seq.) or § 55-513 of the Property Owners' Association Act (§ 55-508 et seq.).

(10) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional limits of the general district court. Any party that disagrees with an order by a general district court granting an application to compel arbitration may appeal such decision to the circuit court pursuant to § 8.01-581.016.

For purposes of this section, the territory served by a county general district court expressly authorized by statute to be established in a city includes the general district court courtroom.

§ 16.1-123.1. Criminal and traffic jurisdiction of general district courts.

1. Each general district court shall have, within the county, including the towns within such county, or city for which it is established, exclusive original jurisdiction for the trial of:

a. All offenses against the ordinances, laws and bylaws of such county, including the towns within such county, or city or of any service district within such county or city, except a city ordinance enacted pursuant to §§ 18.2-372 through 18.2-391.1. All offenses against the ordinances of a service district shall be prosecuted in the name of such service district;

b. All other misdemeanors and traffic infractions arising in such county, including the towns in such county, or city.

2. Each general district court which is established within a city shall also have:

a. Concurrent jurisdiction with the circuit court of such city for all violations of state revenue and election laws; and

b. Exclusive original jurisdiction, except as otherwise provided by general law or the city charter, within the area extending for one mile beyond the corporate limits thereof, for the trial of all offenses against the ordinances, laws and bylaws of the city.

3. If a city lying within a county has no general district court provided by city charter or under general law, then the general district court of the county within which such city lies shall have the same

182 jurisdiction in such city as a general district court established for a city would have.

183 4. Each general district court shall have such other jurisdiction, exclusive or concurrent, as may be
184 conferred on such court by general law or by provisions of the charter of the city for which the court
185 was established.

186 5. *Notwithstanding the provisions of subsection C of § 19.2-244, any county general district court*
187 *authorized by § 16.1-69.35:01 to be established in a city shall have exclusive original jurisdiction for*
188 *the trial of all misdemeanors committed within or upon the general district court courtroom.*

189 6. Nothing herein shall affect the jurisdiction conferred on the juvenile and domestic relations district
190 court by Chapter 11 (§ 16.1-226 et seq.) ~~of this title.~~