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**HOUSE BILL NO. 38**

Offered January 12, 2022

Prefiled December 30, 2021

A *BILL to amend and reenact § 15.2-1603 of the Code of Virginia, relating to constitutional officers; appointed deputies; dual office holding.*

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Patron—Convirs-Fowler

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Referred to Committee on Counties, Cities and Towns

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

**1. That § 15.2-1603 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-1603. Appointment of deputies; their powers; how removed.**

The treasurer, the sheriff, the commissioner of the revenue, and the clerk of any circuit court may at the time he qualifies as provided in § 15.2-1522 or thereafter appoint one or more deputies, who may discharge any of the official duties of their principal during his continuance in office, unless it is some duty the performance of which by a deputy is expressly forbidden by law. The sheriff making an appointment of a deputy under the provisions of this section may review the record of the deputy as furnished by the Federal Bureau of Investigation prior to certification to the appropriate court as provided hereunder.

The sheriff may appoint as deputies medical and rehabilitation employees as are authorized by the State Compensation Board. Deputies appointed pursuant to this paragraph shall not be considered by the State Compensation Board in fixing the number of full-time or part-time deputies which may be appointed by the sheriff pursuant to § 15.2-1609.1.

*Any deputy appointed pursuant to this section shall be subject to the dual office holding requirements and prohibitions applicable to his principal that are provided for in Article 6 (§ 15.2-1534 et seq.) of Chapter 15.*

The officer making ~~any such~~ an appointment pursuant to this section shall certify the appointment to the court in the clerk's office of which the oath of the principal of such deputy is filed, and a record thereof shall be entered in the order book of such court. Any such deputy at the time his principal qualifies as provided in § 15.2-1522 or thereafter, and before entering upon the duties of his office, shall take and prescribe the oath now provided for in § 49-1. The oath shall be filed with the clerk of the court in whose office the oath of his principal is filed, and such clerk shall properly label and file all such oaths in his office for preservation. Any such deputy may be removed from office by his principal. The deputy may also be removed by the court as provided by § 24.2-230.

INTRODUCED

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