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SENATE BILL NO. 106

Offered January 12, 2022

Prefiled January 6, 2022

A BILL to amend and reenact §§ 16.1-69.22:1 and 17.1-106 of the Code of Virginia, relating to retired circuit and district court judges under recall; evaluation; qualification by the Senate Committee on the Judiciary and the House Committee for Courts of Justice.

Patrons—Surovell and Spruill

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.22:1 and 17.1-106 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.22:1. Temporary recall of retired district court judges; evaluation.

A. The Chief Justice of the Supreme Court may call upon ~~and authorize~~ any judge of a district court who is retired under the Judicial Retirement System (§ 51.1-300 et seq.) *and who has been found qualified within the preceding three years by the Senate Committee on the Judiciary and the House Committee for Courts of Justice* to (i) hear a specific case or cases pursuant to the provisions of § 16.1-69.35 with such designation to continue in effect for the duration of the case or cases or (ii) perform, for a period not to exceed ~~ninety~~ 90 days at any one time, such judicial duties in any district court as the Chief Justice of the Supreme Court shall deem in the public interest for the expeditious disposition of the business of such courts.

B. It shall be the obligation of any retired judge who is recalled to temporary service under this section and who has not attained age ~~seventy~~ 70 to accept the recall and perform the duties assigned. It shall be within the discretion of any judge who has attained age ~~seventy~~ 70 to accept such recall.

C. Any judge recalled to duty under this section shall have all the powers, duties, and privileges attendant on the position he is recalled to serve.

D. *Notwithstanding the provisions of subsection A, the Chief Justice may call upon and authorize any judge of a district court whose retirement becomes effective during the interim period between regularly scheduled sessions of the General Assembly to sit in recall either to (i) hear a specific case or cases pursuant to the provisions of § 16.1-69.35, which designation shall continue in effect for the duration of the case or cases, or (ii) perform, for a period of time not to exceed 90 days at any one time, such judicial duties in any district court as the Chief Justice shall deem in the public interest for the expeditious disposition of the business of the courts.*

E. All retired district court judges who have requested to sit in recall shall be evaluated during the final year of the three-year period following qualification by the Senate Committee on the Judiciary and the House Committee for Courts of Justice using an evaluation form prepared and distributed by the Office of the Executive Secretary of the Supreme Court of Virginia. An annual report containing the results of such evaluations conducted that year shall be prepared and transmitted to the Senate Committee on the Judiciary and the House Committee for Courts of Justice by the first day of the next regular session of the General Assembly.

§ 17.1-106. Temporary recall of retired judges; evaluation.

A. The Chief Justice of the Supreme Court may call upon any judge of a circuit court who is retired under the Judicial Retirement System (§ 51.1-300 et seq.) and who has been found qualified within the preceding three years by the House Committee for Courts of Justice and the Senate Committee on the Judiciary to sit in recall either to (i) hear a specific case or cases pursuant to the provisions of § 17.1-105, such designation to continue in effect for the duration of the case or cases, or (ii) perform for a period of time not to exceed 90 days at any one time such judicial duties in any circuit court as the Chief Justice shall deem in the public interest for the expeditious disposition of the business of the courts.

B. It shall be the obligation of any retired judge who is recalled to temporary service under this section and who has not attained age 70 to accept the recall and perform the duties assigned. It shall be within the discretion of any judge who has attained age 70 to accept such recall.

C. Any judge recalled to duty under this section shall have all the powers, duties, and privileges attendant on the position he is recalled to serve.

D. *Notwithstanding the provisions of subsection A, the Chief Justice may call upon and authorize any judge of a circuit court whose retirement becomes effective during the interim period between regularly scheduled sessions of the General Assembly to sit in recall either to (i) hear a specific case or*

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59 cases pursuant to the provisions of § 17.1-105, and such designation shall continue in effect for the
60 duration of the case or cases, or (ii) perform, for a period of time not to exceed 90 days at any one
61 time, such judicial duties in any circuit court as the Chief Justice shall deem in the public interest for
62 the expeditious disposition of the business of the courts.

63 *E. All retired circuit court judges who have requested to sit in recall shall be evaluated during the*
64 *final year of the three-year period following qualification by the Senate Committee on the Judiciary and*
65 *the House Committee for Courts of Justice using an evaluation form prepared and distributed by the*
66 *Office of the Executive Secretary of the Supreme Court of Virginia. An annual report containing the*
67 *results of such evaluations conducted that year shall be prepared and transmitted to the Senate*
68 *Committee on the Judiciary and the House Committee for Courts of Justice by the first day of the next*
69 *regular session of the General Assembly.*