

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 407

An Act to amend and reenact §§ 17-116.2 and 19.2-6 of the Code of Virginia, relating to appointments by judges.

[S 596]

Approved April 7, 1994

Be it enacted by the General Assembly of Virginia:

1. That §§ 17-116.2 and 19.2-6 of the Code of Virginia is amended and reenacted as follows:

§ 17-116.2. Judges of courts of record to become circuit judges; selection, powers and duties of chief judges; exercise of appointive powers.

(a) A. There shall be so many judges of courts of record as may be fixed by the General Assembly. On July 1, 1973, each judge of a court of record shall become circuit judge of the judicial circuit established by this chapter in which his residence is located; provided, that notwithstanding any provision of law to the contrary, the residency requirement shall not apply to any judge whose residence prior to July 1, 1973, is outside the boundaries of a new circuit created by § 17-119.1:1, if such judge is a resident of the circuit to which he was previously elected or appointed. This proviso shall also apply to any subsequent term to which he is elected. The judges of each circuit shall select from their number by majority vote a judge who shall be the 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, such fact shall be communicated to the Chief Justice of the Supreme Court, who shall act as tie breaker.

(b) 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 as between judges, and in doing so he may consider the nature and categories of the cases to be assigned.

(c) C. Unless otherwise provided by law, powers of appointment within a circuit shall be exercised by a majority of the judges of the circuit. In case of a tie, such fact shall be communicated by the chief judge of such circuit to the Chief Justice of the Supreme Court, who 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 Judicial Circuit and such appointment is to a local post, board or commission in Accomack or Northampton County, the resident judge or judges 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.*

§ 19.2-6. Appointive power of circuit courts.

Unless otherwise specifically provided, whenever an appointive power is given to the judge of a circuit court, that power shall be exercised by a majority of the judges of the circuit. In case of a tie, such fact shall be communicated to the Chief Justice of the Supreme Court, who shall appoint a circuit judge from another circuit who shall act as a tie breaker. *Where the power of appointment is to be exercised by a majority of the judges of the Second Judicial Circuit and such appointment is to a local post, board or commission in Accomack or Northampton County, the resident judge or judges 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.*