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HOUSE JOINT RESOLUTION NO. 403

Offered January 11, 1995

Prefiled January 10, 1995

Creating a joint subcommittee to study Virginia's magistrate system.

Patrons—Davies, Johnson and Mayer; Senator: Houck

Referred to Committee on Rules

WHEREAS, the Commission on the Future of Virginia's Judicial System recommended that "an expanded range of magistrate services" be established using full-time magistrates in the Commonwealth; and

WHEREAS, the Commission reasoned that a full-time system would ensure that citizens in all jurisdictions would have equal access to qualified magistrate services and that such a system, if broadened to include arbitration of small claims, could help create a more effective judicial system; and

WHEREAS, many rural areas of the Commonwealth are currently experiencing trouble maintaining their employment levels in magistrate positions which are part time and compensated at a low level; and

WHEREAS, the lack of an adequately staffed and trained magistrate system is creating problems for law enforcement as well as the citizenry at large; and

WHEREAS, suggested requests for improvement have been logged with various public officials, such as, increasing office hours, having a better compensation package, conducting background investigations, and requiring legal experience and additional education and training for magistrates; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study Virginia's magistrate system. The study shall include (i) determining the efficacy of establishing full-time magistrate coverage across the Commonwealth, (ii) requiring certain prerequisite experience and education along with preemployment training for all magistrates, (iii) conducting background investigations in the same manner as are conducted for other law-enforcement personnel, (iii) offering an appropriate compensation package which both attracts and retains competent personnel in magistrate positions, (iv) requiring legal education for all magistrates to be conducted on a regular and continuing basis, and (v) broadening the scope of a magistrate's responsibilities, e.g., administrative license revocation and arbitration of small claims.

The joint subcommittee shall consist of seven members, to be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House; and three members of the Senate to be appointed by the Senate Committee on Privileges and Elections.

The direct costs of this study shall not exceed \$ 6,300.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Office of the Executive Secretary of the Supreme Court, if requested. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1996 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for processing legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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