

# 1995 SESSION

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## HOUSE JOINT RESOLUTION NO. 403

*Directing the Joint Legislative Audit and Review Commission to study Virginia's magistrate system.*

Agreed to by the House of Delegates, February 4, 1995

Agreed to by the Senate, February 21, 1995

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 the Joint Legislative Audit and Review Commission be directed 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, (iv) offering an appropriate compensation package which both attracts and retains competent personnel in magistrate positions, including the disparity in salaries, (v) requiring legal education for all magistrates to be conducted on a regular and continuing basis, and (vi) broadening the scope of a magistrate's responsibilities, e.g., administrative license revocation and arbitration of small claims.

The Commission is requested to include the findings and recommendations of this study in its report on the administration of justice, pursuant to Senate Joint Resolution No. 263 (1995), as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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