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## HOUSE BILL NO. 509

Offered January 18, 1996

*A BILL to amend and reenact § 16.1-69.33 of the Code of Virginia as it is currently effective and as it may become effective, relating to Committee on District Courts.*

Patron—Woodrum

Referred to Committee for Courts of Justice

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

**1. That § 16.1-69.33 of the Code of Virginia, as it is currently effective and as it may become effective, is amended and reenacted as follows:**

§ 16.1-69.33. Committee on District Courts.

There is hereby established a Committee on District Courts to be composed of the Majority Leader of the Senate, the Speaker of the House of Delegates, the chairmen of the House and Senate Courts of Justice Committees, two members of each of the Committees for Courts of Justice of each house, to be appointed by the chairman of their Committee, one judge of a circuit court, one judge of a general district court and one juvenile and domestic relations district court judge. The judicial members of the Committee on District Courts shall be made to give representation insofar as feasible to various geographic areas of the Commonwealth. The judicial members of the Committee on District Courts shall be appointed by, and serve at the pleasure of the Chief Justice.

The Committee shall meet at such times and places as it may from time to time designate for the purposes of authorizing the appointment of substitute judges pursuant to § 16.1-69.14, authorizing the establishment of clerks' offices in counties or cities as may be requisite, and establishing when such offices shall be open for business, authorizing the appointment of personnel for the district courts pursuant to Article 4 (§ 16.1-69.37 et seq.) of this chapter and establishing procedures for administrative review of appeals from personnel actions for district court personnel and magistrates, fixing salary classification schedules of court personnel and establishing vacation and sick leave for district court judges pursuant to Article 5 (§ 16.1-69.44 et seq.) of this chapter, and sick leave for other district court personnel and full-time magistrates, and for such other duties or matters as are now, or may hereafter be conferred upon the Committee by law.

Every clerk, deputy clerk, bailiff, clerical assistant, other employee of each district court and full-time magistrate shall be allowed an annual vacation period with pay as follows: for the first year of service, one working day for each full calendar month of service, and upon completion of the second year, and each year thereafter, in addition to the one working day per month, one additional day of vacation for each complete year of service after the first; ~~provided that~~. However, the maximum number of days' vacation earned per year shall be twenty-four, and in no case shall any clerk, deputy clerk, bailiff, clerical assistant or other employee or magistrate be allowed to accumulate more ~~than forty days'~~ vacation time *than is fixed by the policy set by the Committee on District Courts.*

The Committee on District Courts shall have sole authority and discretion in adjusting salary classification schedules for district court personnel. The Committee shall fix such salaries for the several district court personnel at least annually at such time as it deems it proper and as soon as practicable thereafter certify to the Comptroller and the Executive Secretary of the Supreme Court a detailed statement of the salaries fixed by them for the several district courts and the effective date of any salary adjustments.

The Committee on District Courts shall appoint (1*i*) a Clerk's Advisory Committee composed of two clerks from the general district courts and two clerks from the juvenile and domestic relations district courts; such appointments ~~shall~~ to be made after giving due consideration to former clerks of county and municipal courts not of record; and (2*ii*) a Magistrate's Advisory Committee composed of two magistrates; ~~such~~. Such advisory committees are to make recommendations to the Committee regarding administrative functions of the district courts.

For the performance of their duties, the Committee shall be reimbursed out of the money appropriated for the adjudication of cases in the district trial courts for their actual expenses incurred in the performance of their duties and in addition, per diem compensation allowed for members of the General Assembly for each day spent in performing such duties; ~~provided~~, however, ~~that~~ no additional compensation shall be paid to members of the judiciary serving on the Committee.

In the event of the establishment of personal liability of a district court judge or magistrate for the loss of property or money from a district court or magistrate's office by reason of robbery or burglary, the Committee on District Courts shall have the authority, after appropriate investigation and upon its

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60 determination that the individual judge or magistrate was not negligent in the performance of his duties,  
61 to reimburse such judge or magistrate to the extent of his personal liability on a warrant of the  
62 Comptroller issued as provided by law. However, such reimbursement shall not exceed \$1,000 per  
63 claim. This paragraph shall apply to all claims arising on and after July 1, 1976.

64 § 16.1-69.33. (Delayed effective date) Committee on District Courts.

65 There is hereby established a Committee on District Courts to be composed of the Majority Leader  
66 of the Senate, the Speaker of the House of Delegates, the chairmen of the House and Senate Courts of  
67 Justice Committees, two members of each of the Committees for Courts of Justice of each house, to be  
68 appointed by the chairman of their Committee, one judge of a circuit court, one judge of a general  
69 district court and one family court judge. The judicial members of the Committee on District Courts  
70 shall be made to give representation insofar as feasible to various geographic areas of the  
71 Commonwealth. The judicial members of the Committee on District Courts shall be appointed by, and  
72 serve at the pleasure of the Chief Justice.

73 The Committee shall meet at such times and places as it may from time to time designate for the  
74 purposes of authorizing the appointment of substitute judges pursuant to § 16.1-69.14, authorizing the  
75 establishment of clerks' offices in counties or cities as may be requisite, and establishing when such  
76 offices shall be open for business, authorizing the appointment of personnel for the district courts  
77 pursuant to Article 4 (§ 16.1-69.37 et seq.) of this chapter and establishing procedures for administrative  
78 review of appeals from personnel actions for district court personnel and magistrates, fixing salary  
79 classification schedules of court personnel and establishing vacation and sick leave for district court  
80 judges pursuant to Article 5 (§ 16.1-69.44 et seq.) of this chapter, and sick leave for other district court  
81 personnel and full-time magistrates, and for such other duties or matters as are now, or may hereafter be  
82 conferred upon the Committee by law.

83 Every clerk, deputy clerk, bailiff, clerical assistant, other employee of each district court and full-time  
84 magistrate shall be allowed an annual vacation period with pay as follows: for the first year of service,  
85 one working day for each full calendar month of service, and upon completion of the second year, and  
86 each year thereafter, in addition to the one working day per month, one additional day of vacation for  
87 each complete year of service after the first; ~~provided that~~ *However,* the maximum number of days'  
88 vacation earned per year shall be twenty-four, and in no case shall any clerk, deputy clerk, bailiff,  
89 clerical assistant or other employee or magistrate be allowed to accumulate more ~~than forty days'~~  
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93 district court personnel at least annually at such time as it deems it proper and as soon as practicable  
94 thereafter certify to the Comptroller and the Executive Secretary of the Supreme Court a detailed  
95 statement of the salaries fixed by them for the several district courts and the effective date of any salary  
96 adjustments.

97 The Committee on District Courts shall appoint (4i) a Clerk's Advisory Committee composed of two  
98 clerks from the general district courts and two clerks from the family courts and (2ii) a Magistrate's  
99 Advisory Committee composed of two magistrates. Such advisory committees are to make  
100 recommendations to the Committee regarding administrative functions of the district courts.

101 For the performance of their duties, the Committee shall be reimbursed out of the money  
102 appropriated for the adjudication of cases in the district trial courts for their actual expenses incurred in  
103 the performance of their duties and in addition, per diem compensation allowed for members of the  
104 General Assembly for each day spent in performing such duties; ~~provided,~~ however, ~~that~~ no additional  
105 compensation shall be paid to members of the judiciary serving on the Committee.

106 In the event of the establishment of personal liability of a district court judge or magistrate for the  
107 loss of property or money from a district court or magistrate's office by reason of robbery or burglary,  
108 the Committee on District Courts shall have the authority, after appropriate investigation and upon its  
109 determination that the individual judge or magistrate was not negligent in the performance of his duties,  
110 to reimburse such judge or magistrate to the extent of his personal liability on a warrant of the  
111 Comptroller issued as provided by law. However, such reimbursement shall not exceed \$1,000 per  
112 claim. This paragraph shall apply to all claims arising on and after July 1, 1976.