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HOUSE BILL NO. 73

Offered January 10, 1996

A BILL to amend and reenact §§ 14.1-123, 14.1-125, and 16.1-69.6:1, as it is currently effective, of the Code of Virginia, relating to funding and judges for creation of family court.

Patrons—Almand and Cooper

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. That §§ 14.1-123, 14.1-125 and 16.1-69.6:1, as it is currently effective, of the Code of Virginia are amended and reenacted as follows:

§ 14.1-123. Fees for services performed by judges or clerks of district courts in criminal or traffic cases.

Fees for services performed by the judges or clerks of district courts in criminal or traffic actions and proceedings shall be as follows and such fees shall be included in the taxed costs:

1. For processing a case of a misdemeanor or a traffic violation, including a case in which there has been written appearance and waiver of court hearing, and including swearing witnesses and taxing costs, ~~twenty-seven~~ *thirty-one* dollars.

Assessment of this fee shall be based on:

(i) An appearance for court hearing in which there has been a finding of guilty;

(ii) A written appearance with waiver of court hearing and entry of guilty plea;

(iii) For a defendant failing to appear, a trial in his or her absence resulting in a finding of guilty. In addition to any other fee prescribed by this subsection, a fee of five dollars shall be taxed as costs whenever a defendant, charged with a traffic infraction, fails to appear, unless, after a hearing requested by such person, good cause is shown for such failure to appear. No defendant with multiple charges arising from a single incident shall be taxed the fee provided in this subsection more than once for a single appearance or trial in absence related to that incident. A defendant with charges which arise from separate incidents shall be taxed a fee for each incident even if the charges from the multiple incidents are disposed of in a single appearance or trial in absence; or

(iv) An appearance for court hearing in which the court requires that the defendant successfully complete traffic school or a driver improvement clinic, in lieu of a finding of guilty.

2. For processing any check tendered in a case of traffic violation that has been returned unpaid by any banking institution, such fee as is determined pursuant to § 19.2-353.3.

§ 14.1-125. Fees for services of district court judges and clerks and magistrates in civil cases.

Fees in civil cases for services performed by the judges or clerks of general district courts or magistrates in the event any such services are performed by magistrates in civil cases shall be as provided in this section, and, unless otherwise provided, shall be included in the taxed costs and shall not be refundable, except in case of error or as herein provided.

For all court and magistrate services in each distress, detinue, interrogatory summons, unlawful detainer, civil warrant, notice of motion, garnishment, attachment issued, or other civil proceeding, the fee shall be ~~twelve~~ *sixteen* dollars unless otherwise provided in this section. No such fee shall be collected (i) in any tax case instituted by any county, city or town except in a case instituted by any city having a population of not less than 300,000 or (ii) in any case instituted by a school board for collection of overdue book rental fees.

The judge or clerk shall collect the foregoing fee at the time of issuing process. Any magistrate or other issuing officer shall collect the foregoing fee at the time of issuing process, and shall remit the entire fee promptly to the court to which such process is returnable, or to its clerk. When no service of process is had on a defendant named in any civil process other than a notice of motion for judgment, such process may be reissued once by the court or clerk at the court's direction by changing the return day of such process, for which service by the court or clerk there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

The clerk of any district court may charge a fee for making a copy of any paper of record to go out of his office which is not otherwise specifically provided for. The amount of this fee shall be set in the discretion of the clerk but shall not exceed one dollar for the first two pages and fifty cents for each page thereafter.

The fees prescribed in this section shall be the only fees charged in civil cases for services performed by such judges and clerks, and when the services referred to herein are performed by magistrates such fees shall be the only fees charged by such magistrates for the prescribed services.

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§ 16.1-69.6:1. Number of judges.

For the several judicial districts there shall be full-time general district court judges and ~~juvenile and domestic relations district~~ family court judges, the number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and ~~juvenile and domestic relations district~~ family court judges.

The number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Family Court Judges
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First	3	3 4
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Second	6	5 8
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The family court judges of the second district shall render assistance on a regular basis to the family court judge of district Two-A as specified by the Committee on District Courts.

Two-A	1	1
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Third	3	2 3
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The family court judges of the third district shall render assistance on a regular basis to the family court judges of the fifth district as specified by the Committee on District Courts.

Fourth	6	4 6
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Fifth	3	2
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Sixth	3	2 3
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The family court judges of the sixth district shall render assistance on a regular basis to the family court judges of the eleventh district as specified by the Committee on District Courts.

Seventh	3	3 4
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Eighth	3	2 3
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Ninth	3	2 3
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Tenth	3	2 3
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Eleventh	2	2
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Twelfth	4	3 4
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Thirteenth	8	4 5
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Fourteenth	4	3 4
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Fifteenth	5	5 6
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Sixteenth	4	3 4
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Seventeenth	3	2 3
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Eighteenth	2	2 3
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Nineteenth	10	7 11
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Twentieth	3	2 3
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The family court judges of the twentieth district shall render assistance on a regular basis to the family court judges of the thirty-first district as specified by the Committee on District Courts.

Twenty-first	2	2 3
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The family court judges of the twenty-first district shall render assistance on a regular basis to the family court judges of the twenty-second district as specified by the Committee on District Courts.

Twenty-second	2	3
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Twenty-third	5	4 5
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Twenty-fourth	4	4 5
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118 Twenty-fifth 5 3 4

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120 The general district court judges of the twenty-fifth district shall render assistance on a regular basis
121 to the general district court judges of the twenty-sixth district by appropriate designation.

122 Twenty-sixth 4 3 4

123

124 Twenty-seventh 4 3 4

125 Twenty-eighth 2 2

126 Twenty-ninth 3 2 3

127

128 *The family court judges of the twenty-ninth district shall render assistance on a regular basis to the*
129 *family court judges of the twenty-eighth district as specified by the Committee on District Courts.*

130

131 Thirtieth 2 2 3

132

133 Thirty-first 4 4 5

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135 The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

136 **2. That the provisions of this act amending § 16.1-69.6:1 shall become effective October 1, 1996.**

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