

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 319

An Act to amend and reenact §§ 16.1-69.9:3, 16.1-69.10, 17.1-507, and 17.1-511 of the Code of Virginia, relating to notice of judicial vacancies.

[H 2297]

Approved March 22, 1999

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.9:3, 16.1-69.10, 17.1-507, and 17.1-511 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.9:3. Investigation and certification of necessity before vacancies filled.

When a vacancy occurs in the office of any judge of any district, the vacancy shall not be filled until, after investigation, the Committee on District Courts certifies that the filling of the vacancy is necessary. *The Committee shall publish notice of such certification in a publication of general circulation among attorneys licensed to practice in the Commonwealth.* If the Committee certifies that the filling of the vacancy is not necessary, it shall direct the manner of distributing the work created by the vacancy, and the vacancy shall not be filled if not certified as necessary.

§ 16.1-69.10. Number of judges.

The number of general district court judges and juvenile and domestic relations district court judges, excluding substitute judges, shall be determined as follows:

(a) Judges in office on January 1, 1973, shall be permitted to complete their terms pursuant to § 16.1-69.9;

(b) [Repealed.]

(c) On and after January 1, 1974, the number of judges authorized in each district shall be determined by the General Assembly based on the requirement that all judges whose terms commence on and after July 1, 1980, serve on a full-time basis; and

(d) On and after July 1, 1980, the number of judges authorized in each district by the General Assembly shall be based on the requirement that no district judge whose term commences on or after July 1, 1980, shall be elected to serve in more than one district or to serve both a general district court and juvenile and domestic relations district court in any district; provided, however, that a judge may serve more than one general district court or more than one juvenile and domestic relations district court in one district. The Committee on District Courts shall make a study and report to the General Assembly on or before December 1 of each year on the number of judges needed and the districts for which they should be authorized. *If the Committee recommends the creation of an additional judgeship in any district, it shall publish notice of such recommendation in a publication of general circulation among attorneys licensed to practice in the Commonwealth.*

§ 17.1-507. Number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

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

First - 4

Second - 10

Third - 4

Fourth - 9

Fifth - 3

Sixth - 2

Seventh - 5

Eighth - 4

Ninth - 4

Tenth - 3

Eleventh - 3

Twelfth - 4

Thirteenth - 8

Fourteenth - 4

Fifteenth - 6

Sixteenth - 5

Seventeenth - 4

Eighteenth - 3

Nineteenth - 15

Twentieth - 4
 Twenty-first - 3
 Twenty-second - 3
 Twenty-third - 6
 Twenty-fourth - 5
 Twenty-fifth - 4
 Twenty-sixth - 5
 Twenty-seventh - 4
 Twenty-eighth - 2
 Twenty-ninth - 3
 Thirtieth - 3
 Thirty-first - 5

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to the Courts of Justice Committees of the House of Delegates and Senate. In its study, the Judicial Council shall consider, and report its findings regarding, the reduced case load that will occur if family court judgeships are authorized in accordance with the provisions of Article 2 (§ 16.1-69.6:1 et seq.) of Chapter 4.1 of Title 16.1. Additionally, the boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the Courts of Justice Committees of the House of Delegates and Senate *and Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth.* The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the Courts of Justice Committees of the House of Delegates and the Senate, and to the Department of Planning and Budget.

§ 17.1-511. Investigation and certification of necessity before vacancies filled.

When a vacancy occurs in the office of judge of any court of record, the vacancy shall not be filled until, after investigation, the Supreme Court certifies that the filling of the vacancy is or is not necessary. *If the Court certifies that the filling of the vacancy is necessary, the Court shall publish notice of such certification in a publication of general circulation among attorneys licensed to practice in the Commonwealth.* If the Court certifies that the filling of the vacancy is not necessary, it shall recommend to the General Assembly the manner of distributing the work of the judge; and the Governor shall not fill the vacancy.