

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 19.2-37 of the Code of Virginia, relating to magistrates; requirements.*

3 [H 701]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 19.2-37 of the Code of Virginia is amended and reenacted as follows:**

7 § 19.2-37. Who may be appointed magistrate.

8 Any person may be appointed to the office of magistrate under this title subject to the limitations of
9 Chapter 4 (§ 2.1-30 et seq.) of Title 2.1 and of this section.10 A person shall be eligible for appointment to the office of magistrate under the provisions of this
11 title: (a) if such person or his spouse is not a law-enforcement officer; (b) if such person or his spouse
12 is not a clerk, deputy or assistant clerk, or employee charged with the duty of enforcing any of the laws
13 of this Commonwealth or any ordinance of any political subdivision thereof, of any such clerk of a
14 district court or police department or sheriff's office in any county or city with respect to appointment to
15 the office of magistrate of such county or city, provided that the Committee on District Courts may
16 authorize a magistrate to assist in the district court clerk's office on a part-time basis; (c) if the
17 appointment does not create a parent-child, husband-wife, or brother-sister relationship between a district
18 court judge and such person serving within the same judicial district; (c1) if such person is not the chief
19 executive officer, or a member of the board of supervisors, town or city council, or other governing
20 body for any political subdivision of this Commonwealth; (d) if such person is a United States citizen
21 and a resident of the judicial district for which he is appointed to serve as magistrate; ~~however,~~
22 ~~Arlington, Fairfax and Prince William Counties and the City of Alexandria may employ as magistrates~~
23 ~~persons residing in or an adjoining judicial districts district.~~ Any magistrate serving in the City of
24 Norfolk on July 1, 1996, shall be eligible for reappointment pursuant to this article regardless of the
25 judicial district of his residence. No magistrate shall issue any warrant or process in complaint of his
26 spouse, child, grandchild, parent, grandparent, parent-in-law, child-in-law, brother, sister, brother-in-law
27 or sister-in-law, nephew, niece, uncle, aunt, first cousin, guardian or ward. The residence provisions
28 contained in this section shall not be a bar to the reappointment of any magistrate in office on July 1,
29 1973, provided he is otherwise eligible to serve under the provisions of this chapter.

ENROLLED

HB701ER