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HOUSE BILL NO. 701

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on November 23, 1998)

(Patron Prior to Substitute—Delegate Davies)

*A BILL to amend and reenact § 19.2-37 of the Code of Virginia, relating to magistrates; requirements.***Be it enacted by the General Assembly of Virginia:****1. That § 19.2-37 of the Code of Virginia is amended and reenacted as follows:**

§ 19.2-37. Who may be appointed magistrate.

Any person may be appointed to the office of magistrate under this title subject to the limitations of Chapter 4 (§ 2.1-30 et seq.) of Title 2.1 and of this section.

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