

# 2006 SESSION

INTRODUCED

064390772

## HOUSE BILL NO. 819

Offered January 11, 2006

Prefiled January 10, 2006

*A BILL to amend and reenact § 19.2-35 of the Code of Virginia, relating to appointment of magistrates.*

Patrons—May; Senator: Mims

Referred to Committee for Courts of Justice

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

#### 1. That § 19.2-35 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-35. Appointment; supervision generally.

Magistrates and any other personnel in the office of the magistrate shall be appointed by the chief judge of the circuit court having jurisdiction within the district, in consultation with both the chief general district court judge and the chief juvenile and domestic relations district court judge of that district. Each magistrate shall be appointed to serve the entire judicial district for which the appointment is made. The chief circuit court judge shall have full supervisory authority over the magistrates so appointed, but may delegate this authority to the chief general district court judge. Notwithstanding any other provision of law, the only methods for the selection of magistrates shall be as set out in this section.

The chief circuit court judge, in consultation with both the chief general district court judge and the chief juvenile and domestic relations district court judge of that district, may also appoint so many substitute magistrates as may be authorized by the Committee on District Courts. *A retired magistrate shall be eligible to serve as a substitute magistrate.* The order of appointment of such substitute magistrate shall specify the period such substitute magistrate shall serve and during this period such substitute magistrate shall exercise all the powers enumerated in § 19.2-45 in the judicial district for which the appointment is made.

If a magistrate of any district is absent or unable through sickness or other disability to perform his duties, the chief magistrate of that district may call upon any off-duty magistrate of an adjoining district to serve in a replacement capacity. When so designated, the replacement magistrate shall have all the authority and power of a magistrate of that district.

No person shall be appointed under this section until he has submitted his fingerprints to be used for the conduct of a national criminal records search and a Virginia criminal history records search. No person with a criminal conviction for a felony shall be appointed as a magistrate.

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