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HOUSE BILL NO. 1990

House Amendments in [] - February 7, 2011

A *BILL to amend and reenact §§ 15.2-2308, 16.1-69.9:3, 16.1-69.16, 16.1-69.18, 16.1-69.31, 16.1-266.2, 17.1-113, 17.1-114, 17.1-121, 17.1-501, 17.1-508, 17.1-510, 17.1-511, 19.2-6, and 55-168 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 16.1-69.6:01, 16.1-69.6:02, 17.1-506.1, and 17.1-507.1; and to repeal §§ 16.1-69.6, 16.1-69.6:1, 17.1-506, and 17.1-507 of the Code of Virginia, relating to judicial circuits and districts; number of judges.*

Patron Prior to Engrossment—Delegate Janis

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2308, 16.1-69.9:3, 16.1-69.16, 16.1-69.18, 16.1-69.31, 16.1-266.2, 17.1-113, 17.1-114, 17.1-121, 17.1-501, 17.1-508, 17.1-510, 17.1-511, 19.2-6, and 55-168 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 16.1-69.6:01, 16.1-69.6:02, 17.1-506.1, and 17.1-507.1 as follows:

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the ~~fifteenth~~ *Seventeenth* or ~~nineteenth~~ *judicial circuit Ninth Judicial Circuit* may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The ~~circuit court~~ *Circuit Court* for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board. Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of

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59 the board may receive such compensation as may be authorized by the respective governing bodies. Any
 60 board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or
 61 for other just cause, by the court that appointed him, after a hearing held after at least fifteen days'
 62 notice.

63 E. Notwithstanding any contrary provisions of this section, in the City of Virginia Beach, members
 64 of the board shall be appointed by the governing body. The governing body of such city shall also
 65 appoint at least one but not more than three alternates to the board.

66 § 16.1-69.6:01. *Judicial districts.*

67 *On and after July 1, 2012, the Commonwealth shall be divided into districts encompassing all*
 68 *counties and cities in the Commonwealth to provide a basis for the sound and efficient administration of*
 69 *the courts not of record, as follows:*

70 1. *The Cities of Bristol and Norton and the Counties of Dickenson, Lee, Russell, Scott, Washington,*
 71 *and Wise shall constitute the First District.*

72 2. *The Counties of Bland, Buchanan, Smyth, Tazewell, and Wythe shall constitute the Second*
 73 *District.*

74 3. *The City of Radford and the Counties of Floyd, Giles, Montgomery, and Pulaski shall constitute*
 75 *the Third District.*

76 4. *The Cities of Roanoke and Salem and the Counties of Craig and Roanoke shall constitute the*
 77 *Fourth District.*

78 5. *The Cities of Galax and Martinsville and the Counties of Carroll, Franklin, Grayson, Henry, and*
 79 *Patrick shall constitute the Fifth District.*

80 6. *The Cities of Buena Vista, Covington, and Lexington and the Counties of Alleghany, Bath,*
 81 *Botetourt, and Rockbridge shall constitute the Sixth District.*

82 7. *The Cities of Harrisonburg, Staunton, Waynesboro, and Winchester and the Counties of Augusta,*
 83 *Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, and Warren shall constitute the Seventh*
 84 *District.*

85 8. *The Cities of Manassas and Manassas Park and the Counties of Culpeper, Fauquier, Loudoun,*
 86 *Madison, Prince William, and Rappahannock shall constitute the Eighth District.*

87 9. *The City of Fairfax and the County of Fairfax shall constitute the Ninth District.*

88 10. *The Cities of Alexandria and Falls Church and the County of Arlington shall constitute the Tenth*
 89 *District.*

90 11. *The Cities of Bedford and Lynchburg and the Counties of Amherst, Appomattox, Bedford,*
 91 *Buckingham, Campbell, and Prince Edward shall constitute the Eleventh District.*

92 12. *The City of Danville and the Counties of Brunswick, Charlotte, [~~Greensville,~~] Halifax,*
 93 *Lunenburg, Mecklenburg, Nottoway, and Pittsylvania shall constitute the Twelfth District.*

94 13. *The City of Charlottesville and the Counties of Albemarle, Fluvanna, Greene, Louisa, Nelson,*
 95 *and Orange shall constitute the Thirteenth District.*

96 14. *The Cities of Colonial Heights and Petersburg and the Counties of Amelia, Chesterfield,*
 97 *Cumberland, Dinwiddie, and Powhatan shall constitute the Fourteenth District.*

98 15. *The City of Richmond and the Counties of Charles City, Goochland, Hanover, Henrico, and New*
 99 *Kent shall constitute the Fifteenth District.*

100 16. *The Cities of Emporia, Franklin, and Hopewell and the Counties of [~~Greensville,~~] Prince*
 101 *George, Southampton, Surry, and Sussex shall constitute the Sixteenth District.*

102 17. *The City of Fredericksburg and the Counties of Caroline, Essex, Gloucester, King and Queen,*
 103 *King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Spotsylvania,*
 104 *Stafford, and Westmoreland shall constitute the Seventeenth District.*

105 18. *The Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James*
 106 *City and York shall constitute the Eighteenth District.*

107 19. *The Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach and the Counties of*
 108 *Accomack, Isle of Wight, and Northampton shall constitute the Nineteenth District.*

109 § 16.1-69.6:02. *Number of judges.*

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

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

116		Juvenile and Domestic
117	General District Court	Relations District
118	Judges	Court Judges
119	First	4

120	Second	4	3
121	Third	3	2
122	Fourth	5	4
123	Fifth	3	3
124	Sixth	3	2
125	Seventh	6	7
126	Eighth	9	9
127	Ninth	10	8
128	Tenth	6	4
129	Eleventh	4	6
130	Twelfth	4	5
131	Thirteenth	3	3
132	Fourteenth	6	7
133	Fifteenth	13	10
134	Sixteenth	3	2
135	Seventeenth	6	7
136	Eighteenth	9	9
137	Nineteenth	21	20

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

§ 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~~ *shall certify* that the filling of the vacancy is *or is not* necessary. The Committee shall publish notice of such certification in a publication of general circulation among attorneys licensed to practice in the Commonwealth. No notice of retirement submitted under § 51.1-305 or § 51.1-307 shall be revoked after certification of the vacancy by the Committee. 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 under the provisions of § 16.1-69.9:2.~~

§ 16.1-69.16. Residence requirements.

A. Every judge or substitute judge of a district court shall, during his term of office, reside within the boundaries of the district in which he serves as set out in § ~~16.1-69.6~~; ~~provided, that judges and substitute judges in office on January 1, 1977, or who are otherwise eligible may continue in office and shall be eligible for reappointment or reelection to successive terms in accordance with the provisions of § 16.1-69.10~~ *16.1-69.6:01, except as otherwise provided by law.*

B. Notwithstanding any provision of law to the contrary, the residency requirement set out herein shall not apply to any judge whose residence prior to July 1, 1977, is outside the boundaries of a new district created by § ~~16.1-69.6~~, if such judge is a resident in the geographical area which encompassed the prior district. This provision shall also apply to any subsequent term for which he is elected.

C. When the boundary of a judicial district is changed to create a new judicial district, any duly elected or appointed judge of the existing judicial district may continue to serve as judge of the new judicial district if he resides *or presides* therein.

§ 16.1-69.18. Bonds of judges, clerks, and others handling funds.

Before entering upon the performance of his duties, every judge, substitute judge, clerk, deputy clerk or other officer or employee of a district court shall enter into bond before the clerk of a circuit court to which appeals from his court lie, except as hereinafter provided. The bond shall be in a penalty and with corporate surety approved by the judge of such appellate court. No such bond shall be in a penalty of less than \$3,000, nor more than \$75,000, and all such bonds shall be conditioned for the faithful performance of the duties of the principal. The bonds shall be made payable to the Commonwealth and shall be filed with the clerk of such appellate court. Provided, however, that instead of specific bonds being given as stipulated herein, the Committee on District Courts may in their discretion procure faithful performance of duty blanket bonds for any or all of the *judicial* districts ~~enumerated in § 16.1-69.6~~ covering the judges, substitute judges, clerks and other personnel of the several district courts included in such districts and within the penalty limits contained in this section, unless in the discretion of the Committee, bonds with a larger maximum penalty should be obtained. Provided further, that in those instances where specific bonds for judges, clerks, deputy clerks or other officers or employees of a district court are in effect, the Committee on District Courts may, whenever they deem it advisable, terminate such specific bonds upon obtaining a blanket bond covering such court personnel with appropriate refund or credit being made for the unearned premiums on the specific bonds being terminated. A copy of any such blanket bond so procured shall be filed with the Division of Risk Management within the Department of Treasury and with the clerk of the respective circuit courts to

180 which appeals from the decisions of the several district courts may lie. The premiums for such bonds
181 shall be paid by the Commonwealth.

182 § 16.1-69.31. The duties of the Judicial Council.

183 The duties of the Judicial Council with respect to the district court system shall include those set
184 forth in §§ 16.1-69.6 through 16.1-69.13, and such other duties as may be assigned to the Council by
185 law.

186 § 16.1-266.2. Appointment of pro bono counsel by judges of the First and Second Judicial District in
187 certain cases.

188 The judges of the juvenile and domestic relations district court of the ~~First and Second Judicial~~
189 ~~District Chesapeake and Virginia Beach~~ are authorized to appoint pro bono counsel for alleged victims
190 in family abuse cases in which the court is authorized to issue a preliminary protective order under
191 § 16.1-253.1, or an emergency protective order under § 16.1-253.4. Such counsel shall have no
192 prosecutorial authority except as granted in writing by the attorney for the Commonwealth for the
193 jurisdiction in which the representation is to occur.

194 Any attorney appointed under the provisions of this section shall be a volunteer and serve without
195 compensation and shall be subject to any rules adopted by the court and approved by the Virginia
196 Supreme Court providing for the establishment and conduct of a project providing pro bono services to
197 victims of family abuse.

198 § 17.1-113. Places of holding courts; certain orders and decrees entered elsewhere.

199 Every circuit court for any county or city shall be held at the courthouse of such county or city,
200 except when some other place is prescribed by law or lawfully appointed. However, the judge of the
201 circuit court of any county or city may enter any order or decree at his home or office or elsewhere
202 within his circuit.

203 In the interest of justice, the chief judges of the ~~Twenty-first Fourth~~ and the ~~Twenty-third Fifth~~
204 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within
205 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is
206 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or
207 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided
208 by law.

209 § 17.1-114. When and how changed.

210 Whenever in the opinion of a circuit court or the judge thereof, the courthouse or other place
211 wherein it is required to hold its session cannot or should not for any reason be occupied by it, or if the
212 same has been destroyed, or is being repaired, renovated, or enlarged, the court may hold its session at
213 such places within the geographical limits of the same judicial circuit as the court may direct by an
214 order to its clerk. The court shall continue to hold its sessions in such other place until the courthouse
215 or its lawful place of session can be occupied, or until another has been built and fitted for the court's
216 occupation, or until such repairs, renovations or additions have been completed, or until some other
217 place is designated by the court. Except as provided in subsection C of § 17.1-330 or this section or as
218 agreed to by all parties to an action, no session of a circuit court shall be held outside the geographical
219 limits of the county or city of which it is the court.

220 In the interest of justice, the chief judges of the ~~Twenty-first Fourth~~ and the ~~Twenty-third Fifth~~
221 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within
222 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is
223 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or
224 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided
225 by law.

226 § 17.1-121. Effect of change of time or place of court or failure to sit generally.

227 When the place for holding any court or the day for commencing any term is changed or when a
228 court fails to sit on any day appointed for it or to which it may have adjourned there shall be no
229 discontinuance, but every notice, recognizance or process given, taken or returnable to the day on which
230 the failure occurred, or to any day between that day and the next that the court may sit, or to the day
231 and place as it was before such change, and all matters ready for the court to act upon if it had been
232 held on any such day shall be in the same condition and have the same effect as if given, taken,
233 returnable, or continued to the substituted term or place, or to the next day of the same term that the
234 court may sit, or to the next court in course, as the case may be.

235 In the interest of justice, the chief judges of the ~~Twenty-first Fourth~~ and the ~~Twenty-third Fifth~~
236 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within
237 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is
238 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or
239 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided
240 by law.

241 § 17.1-501. Judges of circuit courts; selection, powers and duties of chief judges; exercise of

242 appointive powers.

243 A. There shall be as many judges of the circuit courts as may be fixed by the General Assembly.
 244 The judges of each circuit shall select from their number by majority vote a chief judge of the circuit,
 245 who shall serve for the term of two years. In the event such judges cannot agree as to who shall be
 246 chief judge, the Chief Justice of the Supreme Court shall act as tie breaker.

247 B. The chief judge of the circuit shall ensure that the system of justice in his circuit operates
 248 smoothly and efficiently. He shall have authority to assign the work of the circuit among the judges, and
 249 in doing so he may consider the nature and categories of the cases to be assigned.

250 C. Unless otherwise provided by law, powers of appointment within a circuit shall be exercised by a
 251 majority of the judges of the circuit; however, the order of appointment may be signed by the chief
 252 judge or that judge's designee on behalf of the other judges. In case of a tie, the Chief Justice of the
 253 Supreme Court shall appoint a circuit judge from another circuit who shall act as tie breaker. Where the
 254 power of appointment is to be exercised by a majority of the judges of the ~~Second~~ *Nineteenth* Judicial
 255 Circuit and such appointment is to a local post, board or commission in Accomack or Northampton
 256 County, the ~~resident~~ judge or judges *who preside in the circuit courts* of the County of Accomack or
 257 Northampton shall exercise such appointment power as if he or they comprise the majority of the judges
 258 of the circuit.

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

262 § 17.1-506.1. *Judicial circuits.*

263 *On and after July 1, 2012, the Commonwealth shall be divided into circuits encompassing all*
 264 *counties and cities in the Commonwealth, as follows:*

265 1. *The Cities of Bristol and Norton and the Counties of Dickenson, Lee, Russell, Scott, Washington,*
 266 *and Wise shall constitute the First Circuit.*

267 2. *The Counties of Bland, Buchanan, Smyth, Tazewell, and Wythe shall constitute the Second Circuit.*

268 3. *The City of Radford and the Counties of Floyd, Giles, Montgomery, and Pulaski shall constitute*
 269 *the Third Circuit.*

270 4. *The Cities of Roanoke and Salem and the Counties of Craig and Roanoke shall constitute the*
 271 *Fourth Circuit.*

272 5. *The Cities of Galax and Martinsville and the Counties of Carroll, Franklin, Grayson, Henry, and*
 273 *Patrick shall constitute the Fifth Circuit.*

274 6. *The Cities of Buena Vista, Covington, and Lexington and the Counties of Alleghany, Bath,*
 275 *Botetourt, and Rockbridge shall constitute the Sixth Circuit.*

276 7. *The Cities of Harrisonburg, Staunton, Waynesboro, and Winchester and the Counties of Augusta,*
 277 *Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, and Warren shall constitute the Seventh*
 278 *Circuit.*

279 8. *The Cities of Manassas and Manassas Park and the Counties of Culpeper, Fauquier, Loudoun,*
 280 *Madison, Prince William, and Rappahannock shall constitute the Eighth Circuit.*

281 9. *The City of Fairfax and the County of Fairfax shall constitute the Ninth Circuit.*

282 10. *The Cities of Alexandria and Falls Church and the County of Arlington shall constitute the Tenth*
 283 *Circuit.*

284 11. *The Cities of Bedford and Lynchburg and the Counties of Amherst, Appomattox, Bedford,*
 285 *Buckingham, Campbell, and Prince Edward shall constitute the Eleventh Circuit.*

286 12. *The City of Danville and the Counties of Brunswick, Charlotte, [~~Greensville,~~] Halifax,*
 287 *Lunenburg, Mecklenburg, Nottoway, and Pittsylvania shall constitute the Twelfth Circuit.*

288 13. *The City of Charlottesville and the Counties of Albemarle, Fluvanna, Greene, Louisa, Nelson,*
 289 *and Orange shall constitute the Thirteenth Circuit.*

290 14. *The Cities of Colonial Heights and Petersburg and the Counties of Amelia, Chesterfield,*
 291 *Cumberland, Dinwiddie, and Powhatan shall constitute the Fourteenth Circuit.*

292 15. *The City of Richmond and the Counties of Charles City, Goochland, Hanover, Henrico, and New*
 293 *Kent shall constitute the Fifteenth Circuit.*

294 16. *The Cities of Emporia, Franklin, and Hopewell and the Counties of [~~Greensville,~~] Prince*
 295 *George, Southampton, Surry, and Sussex shall constitute the Sixteenth Circuit.*

296 17. *The City of Fredericksburg and the Counties of Caroline, Essex, Gloucester, King and Queen,*
 297 *King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Spotsylvania,*
 298 *Stafford, and Westmoreland shall constitute the Seventeenth Circuit.*

299 18. *The Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James*
 300 *City and York shall constitute the Eighteenth Circuit.*

301 19. *The Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach and the Counties of*
 302 *Accomack, Isle of Wight, and Northampton shall constitute the Nineteenth Circuit.*

303 § 17.1-507.1. *Number of judges; residence requirement; compensation; powers; etc.*

304 A. *For the several judicial circuits there shall be judges, the number as hereinafter set forth, who*
305 *shall during their service reside within their respective circuits, subject to the provisions of § 17.1-508,*
306 *and whose compensation and powers shall be the same as now and hereafter prescribed for circuit*
307 *judges.*

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

309 *First - 6*

310 *Second - 4*

311 *Third - 3*

312 *Fourth - 6*

313 *Fifth - 5*

314 *Sixth - 3*

315 *Seventh - 6*

316 *Eighth - 10*

317 *Ninth - 15*

318 *Tenth - 5*

319 *Eleventh - 5*

320 *Twelfth - 5*

321 *Thirteenth - 4*

322 *Fourteenth - 7*

323 *Fifteenth - 13*

324 *Sixteenth - 2*

325 *Seventeenth - 8*

326 *Eighteenth - 10*

327 *Nineteenth - 29*

328 B. *The Judicial Council of Virginia periodically shall make a study of the need for additional circuit*
329 *court judges and report its findings and recommendations to the Committees for Courts of Justice of the*
330 *House of Delegates and Senate.*

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

339 § 17.1-508. *Judges in new or changed circuits; ratifying, validating and confirming certain actions.*

340 In any case heretofore or hereafter arising in which a judge has been judge of a circuit created under
341 § 17.1-506 as amended, or § 17.1-506.1 as amended, and the counties and cities, or one or more of
342 them, have been transferred to and constituted as part of a new judicial circuit and the remaining
343 counties and cities constituted as a circuit, the judges of the respective circuits are hereby declared to be
344 judges of said circuits in which they reside or in which they preside and their actions are hereby ratified,
345 validated and confirmed.

346 § 17.1-510. *Election of judge of new circuit; how court held meanwhile.*

347 If a new or additional circuit is created, a judge or judges shall be elected or appointed thereto in the
348 same manner as provided by law for the filling of vacancies or newly created judgeships in existing
349 circuits.

350 During any vacancy from the creation of the new circuit until a judge has been elected or appointed
351 to fill the vacancy and has qualified, terms of the court shall be held by a judge or by judges designated
352 as provided by law in cases of vacancies.

353 *Nothing herein shall require the election or reelection of any judge who has been duly elected or*
354 *appointed as a judge simply due to a change in the geographical boundaries of a circuit.*

355 § 17.1-511. *Investigation and certification of necessity before vacancies filled.*

356 When a vacancy occurs in the office of judge of any court of record, ~~the vacancy shall not be filled~~
357 ~~until, after investigation,~~ the Supreme Court ~~certifies~~ shall certify that the filling of the vacancy is or is
358 not necessary. If the Court certifies that the filling of the vacancy is necessary, the Court shall publish
359 notice of such certification in a publication of general circulation among attorneys licensed to practice in
360 the Commonwealth. No notice of retirement submitted under § 51.1-305 or § 51.1-307 shall be revoked
361 after certification of the vacancy by the Court. If the Court certifies that the filling of the vacancy is not
362 necessary, it shall recommend to the General Assembly the manner of distributing the work of the
363 judge; and the Governor shall not fill the vacancy.

364 § 19.2-6. *Appointive power of circuit courts.*

Unless otherwise specifically provided, whenever an appointive power is given to the judge of a circuit court, that power shall be exercised by a majority of the judges of the circuit. In case of a tie, such fact shall be communicated to the Chief Justice of the Supreme Court, who shall appoint a circuit judge from another circuit who shall act as a tie breaker. Where the power of appointment is to be exercised by a majority of the judges of the ~~Second~~ *Nineteenth* Judicial Circuit and such appointment is to a local post, board or commission in Accomack or Northampton County, the ~~resident~~ judge or judges *who preside in the circuit courts* of the County of Accomack or Northampton shall exercise such appointment power as if he or they comprise the majority of the judges of the Circuit.

§ 55-168. Appointment of escheators.

The Governor shall appoint one escheator for every judicial circuit ~~as set forth in § 17.1-506~~, to serve at the pleasure of the Governor. Such escheator shall reside within a *the* circuit to which he is appointed.

2. That §§ 16.1-69.6, 16.1-69.6:1, 17.1-506, and 17.1-507 of the Code of Virginia are repealed.

3. [That the provisions of this act shall become effective on July 1, 2012. That the provisions of this act shall not become effective unless reenacted by the 2012 Session of the General Assembly.]

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