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SENATE BILL NO. 1108

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 6, 2019)

(Patron Prior to Substitute—Senator McClellan)

A BILL to amend and reenact § 16.1-69.35 of the Code of Virginia, relating to Marsh Criminal-Traffic Division at Manchester General District Court and John Marshall Criminal-Traffic Division at Richmond General District Court; concurrent jurisdiction.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-69.35 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.35. Administrative duties of chief district judge.

The chief judge of each district shall have the following administrative duties and authority with respect to his district:

1. When any district court judge is under any disability or for any other cause is unable to hold court and the chief judge determines that assistance is needed:

a. The chief district judge shall designate a judge within the district or a judge of another district court within the Commonwealth, if one is reasonably available, to hear and dispose of any action or actions properly coming before such district court for disposition;

b. If unable to designate a judge as provided in subdivision 1 a, the chief district judge may designate a retired district judge eligible for recall pursuant to § 16.1-69.22:1 for such hearing and disposition if such judge consents; or

c. If unable to assign a retired district court judge, the chief district judge may designate a retired circuit court judge eligible for recall pursuant to § 17.1-106 if such judge consents or the chief district judge may request that the Chief Justice of the Supreme Court designate a circuit judge if such judge consents.

If no judges are available under subdivision a, b or c, then a substitute judge shall be designated pursuant to § 16.1-69.21.

While acting, any judge so designated shall have all the authority and power of the judge of the court, and his order or judgment shall, to all intents and purposes, be the judgment of the court. A general district court judge designated pursuant to subdivision 1 a, may, with his consent, substitute for or replace a juvenile and domestic relations district court judge, and vice versa. The names of the judges designated under subdivisions b and c shall be selected from a list provided by the Executive Secretary and approved by the Chief Justice of the Supreme Court.

2. The chief general district court judge of a district may designate any juvenile and domestic relations district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than one year, in any of the general district courts within the district. The chief juvenile and domestic relations district court judge of a district may designate any general district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than one year, in any of the juvenile and domestic relations district courts within the district. Every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as any judge of the district for which he is designated to assist, and, while so acting, his order or judgment shall be, for all purposes, the judgment of the court to which he is assigned.

3. If on account of congestion in the work of any district court or when in his opinion the administration of justice so requires, the Chief Justice of the Supreme Court may, upon his own initiative or upon written application of the chief district court judge desiring assistance, designate a judge from another district or any circuit court judge, if such circuit court judge consents, or a retired judge eligible for recall, to provide judicial assistance to such district. Every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as any judge of the district for which he is designated to assist and while so acting his order or judgment shall be, to all intents and purposes, the judgment of the court to which he is assigned.

4. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge may establish special divisions of any general district court when the work of the court may be more efficiently handled thereby such as through the establishment of special civil, criminal or traffic divisions, and he may assign the judges of the general district court with respect to serving such special divisions. In the City of Richmond the general district court shall, in addition to any specialized divisions, maintain a separate division of such court in that part of Richmond south of the James River with concurrent jurisdiction in civil matters whenever one or more of the defendants reside or the cause of action or any part thereof arises in that part of the city, concurrent jurisdiction over all traffic matters arising in that

60 part of the city and concurrent jurisdiction over all other criminal matters arising in that part of the city
61 over all matters arising in the City of Richmond.

62 5. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge shall
63 determine when the district courts or divisions of such courts shall be open for the transaction of
64 business. The chief judge or presiding judge of any district court may authorize the clerk's office to
65 close on any date when the chief judge or presiding judge determines that operation of the clerk's office,
66 under prevailing conditions, would constitute a threat to the health or safety of the clerk's office
67 personnel or the general public. Closing of the clerk's office pursuant to this subsection shall have the
68 same effect as provided in subsection B of § 1-210. In determining whether to close because of a threat
69 to the health or safety of the general public, the chief judge or the presiding judge of the district court
70 shall coordinate with the chief judge or presiding judge of the circuit court so that, where possible and
71 appropriate, both the circuit and district courts take the same action. He shall determine the times each
72 such court shall be held for the trial of civil, criminal or traffic matters and cases. He shall determine
73 whether, in the case of district courts in counties, court shall be held at any place or places in addition
74 to the county seat. He shall determine the office hours and arrange a vacation schedule of the judges
75 within his district, in order to ensure the availability of a judge or judges to the public at normal times
76 of business. A schedule of the times and places at which court is held shall be filed with the Executive
77 Secretary of the Supreme Court and kept posted at the courthouse, and in any county also at any such
78 other place or places where court may be held, and the clerk shall make such schedules available to the
79 public upon request. Any matter may, in the discretion of the judge, or by direction of the chief district
80 judge, be removed from any one of such designated places to another, or to or from the county seat, in
81 order to serve the convenience of the parties or to expedite the administration of justice; however, any
82 town having a population of over 15,000 as of July 1, 1972, having court facilities and a court with
83 both general criminal and civil jurisdiction prior to July 1, 1972, shall be designated by the chief judge
84 as a place to hold court.

85 6. Subject to the provisions of § 16.1-69.38, the chief judge of a general district court or the chief
86 judge of a juvenile and domestic relations district court may establish a voluntary civil mediation
87 program for the alternate resolution of disputes. The costs of the program shall be paid by the local
88 governing bodies within the district or by the parties who voluntarily participate in the program.

89 **2. That the provisions of this act are declaratory of existing law.**