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HOUSE BILL NO. 1802

Offered January 13, 2021

Prefiled January 4, 2021

A *BILL to amend and reenact § 15.2-1542 of the Code of Virginia, relating to local government attorneys; prohibiting the handling of matters related to certain wills.*

Patron—Freitas

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 15.2-1542 of the Code of Virginia is amended and reenacted as follows:****§ 15.2-1542. Creation of office of county, city or town attorney authorized; appointment, salary and duties.**

A. Every county, city or town, not otherwise authorized to create the office, may create the office of county, city or town attorney. Such attorney shall be appointed by the governing body to serve at the pleasure of the governing body. He shall serve at a salary or at an hourly rate to be fixed by the governing body and shall be allowed to recover his reasonable costs expended. Any such attorney serving at an hourly rate shall provide the locality with an itemized list of fees and expenses. In the event of the appointment of such attorney, the attorney for the Commonwealth for such locality shall be relieved of any duty imposed upon him by law in civil matters of advising the governing body and all boards, departments, agencies, officials and employees of the locality, of drafting or preparing ordinances, of defending or bringing actions in which the local government or any of its boards, departments or agencies, or officials or employees, thereof, shall be a party, and in any other manner advising or representing the local government, its boards, departments, agencies, officials and employees, and all such duties shall be performed by the local government attorney. Nothing herein, however, shall relieve such attorney for the Commonwealth from any of the other duties imposed on him by law including those imposed by § 2.2-3126. *In addition to any rule or provision prohibiting the same, any attorney appointed pursuant to this subsection or pursuant to a local charter shall be prohibited from handling any matter related to a will on behalf of such governing body wherein he was privately retained by an individual to prepare or alter such will or otherwise represent such individual with respect to such will.*

B. The county attorney may prosecute violations of the Uniform Statewide Building Code, the Statewide Fire Prevention Code and all other ordinances as may be agreed upon with the attorney for the Commonwealth. Such attorney shall be accountable to the governing body in the performance of his duties.

C. The county attorney of Montgomery, Fairfax or Prince William Counties may prosecute violations of county ordinances, except those ordinances which regulate, in a manner similar to State statute, the operation of motor vehicles on the highway.

D. City and town attorneys, if so authorized by their local governing bodies, and with the concurrence of the attorney for the Commonwealth for the locality, may prosecute criminal cases charging either the violation of city or town ordinances, or the commission of misdemeanors within the city or town, notwithstanding the provisions of § 15.2-1627.

INTRODUCED

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