

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 17.1-106 of the Code of Virginia, relating to retired Supreme Court*
3 *justices and Court of Appeals judges under recall; circuit courts.*

4 [H 2012]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 17.1-106 of the Code of Virginia is amended and reenacted as follows:**8 **§ 17.1-106. Temporary recall of retired judges; evaluation.**

9 A. The Chief Justice of the Supreme Court may call upon *any justice of the Supreme Court, any*
10 *judge of the Court of Appeals, or any judge of a circuit court who is retired under the Judicial*
11 *Retirement System (§ 51.1-300 et seq.) and who when such retired justice or judge has been found*
12 *qualified within the preceding three years by the House Committee for Courts of Justice and the Senate*
13 *Committee on the Judiciary to sit in recall either to (i) hear a specific case or cases pursuant to the*
14 *provisions of § 17.1-105, such designation to continue in effect for the duration of the case or cases, or*
15 *(ii) perform for a period of time not to exceed 90 days at any one time such judicial duties in any*
16 *circuit court as the Chief Justice shall deem in the public interest for the expeditious disposition of the*
17 *business of the courts.*

18 B. It shall be the obligation of any retired *justice or judge* who is recalled to temporary service under
19 this section and who has not attained age 70 to accept the recall and perform the duties assigned. It
20 shall be within the discretion of any *justice or judge* who has attained age 70 to accept such recall.

21 C. Any *justice or judge* recalled to duty under this section shall have all the powers, duties, and
22 privileges attendant on the position he is recalled to serve.

23 D. Notwithstanding the provisions of subsection A, the Chief Justice may call upon and authorize
24 any *justice or judge of a circuit court of record* whose retirement becomes effective during the
25 interim period between regularly scheduled sessions of the General Assembly to sit in recall either to (i)
26 hear a specific case or cases pursuant to the provisions of § 17.1-105, and such designation shall
27 continue in effect for the duration of the case or cases, or (ii) perform, for a period of time not to
28 exceed 90 days at any one time, such judicial duties in any circuit court as the Chief Justice shall deem
29 in the public interest for the expeditious disposition of the business of the courts.

30 E. All retired circuit court judges who have requested to sit in recall shall be evaluated during the
31 final year of the three-year period following qualification by the Senate Committee on the Judiciary and
32 the House Committee for Courts of Justice using an evaluation form prepared and distributed by the
33 Office of the Executive Secretary of the Supreme Court of Virginia. An annual report containing the
34 results of such evaluations conducted that year shall be prepared and transmitted to the Senate
35 Committee on the Judiciary and the House Committee for Courts of Justice by the first day of the next
36 regular session of the General Assembly.

ENROLLED

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