

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 16.1-69.6:1, 17.1-400, 17.1-402, and 17.1-507 of the Code of Virginia,*
 3 *relating to maximum number of judges in each judicial district and circuit; maximum number of judges on*
 4 *the Court of Appeals of Virginia; hearing en banc; study to examine organization and boundaries of*
 5 *certain judicial circuits; report.*

6 [H 443]

7 Approved

8 **Be it enacted by the General Assembly of Virginia:**

9 **1. That §§ 16.1-69.6:1, 17.1-400, 17.1-402, and 17.1-507 of the Code of Virginia are amended and**
 10 **reenacted as follows:**

11 **§ 16.1-69.6:1. Number of judges.**

12 For the several judicial districts there shall be full-time general district court judges and juvenile and
 13 domestic relations district court judges, the maximum number as hereinafter set forth, who shall during their
 14 service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation
 15 and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile
 16 and domestic relations district court judges.

17 The maximum number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
18 First	4	4
19 Second	7	7
20 Two-A	2	1
21 Third	2	3
22 Fourth	6	5
23 Fifth	3	2
24 Sixth	5	3
25 Seventh	4	4
26 Eighth	3	3
27 Ninth	4	4
28 Tenth	3	3
29 Eleventh	3	3
30 Twelfth	5-6	6-7
31 Thirteenth	6	5
32 Fourteenth	5	5
33 Fifteenth	8	9-10
34 Sixteenth	4	6
35 Seventeenth	3	2
36 Eighteenth	2	2
37 Nineteenth	12	8
38 Twentieth	4	4
39 Twenty-first	2	2
40 Twenty-second	3	4
41 Twenty-third	4	5
42 Twenty-fourth	3	6
43 Twenty-fifth	4	5
44 Twenty-sixth	5-6	7
45 Twenty-seventh	5	5
46 Twenty-eighth	3	3
47 Twenty-ninth	2	3
48 Thirtieth	2	3
49 Thirty-first	6	6

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

51 **§ 17.1-400. Creation and organization; election and terms of judges; oath; vacancies; qualifications;**
 52 **incompatible activities prohibited; chief judge.**

53 A. The Court of Appeals of Virginia is hereby established effective January 1, 1985. It shall consist of ~~47~~
 54 ~~21~~ judges who shall be elected for terms of eight years by the majority of the members elected to each house
 55 of the General Assembly. The General Assembly shall consider regional diversity in making its elections.
 56 Before entering upon the duties of the office, a judge of the Court of Appeals shall take the oath of office
 57
 58

59 required by law. The oath shall be taken before a justice of the Supreme Court of Virginia or before any
 60 officer authorized by law to administer an oath. When any vacancy exists while the General Assembly is not
 61 in session, the Governor may appoint a successor to serve until 30 days after the commencement of the next
 62 regular session of the General Assembly. Whenever a vacancy occurs or exists in the office of a judge of the
 63 Court of Appeals while the General Assembly is in session, or when the term of office of a judge of the Court
 64 of Appeals will expire or the office will be vacant or vacated at a date certain between the adjournment of the
 65 General Assembly and the commencement of the next session of the General Assembly, a successor may be
 66 elected at any time during a session preceding the date of such vacancy by the vote of a majority of the
 67 members elected to each house of the General Assembly for a full term and, upon qualification, the successor
 68 shall enter at once upon the discharge of the duties of the office; however, such successor shall not qualify
 69 prior to the predecessor leaving office. No person shall be elected or reelected to a subsequent term under this
 70 section until he has submitted to a criminal history record search and submitted to a search of the central
 71 registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect and reports
 72 of such searches have been received by the ~~Chairmen~~ Chairs of the House and Senate Committees for Courts
 73 of Justice. If the person has not met the requirement of filing in the preceding calendar year a disclosure form
 74 prescribed in § 2.2-3117 or 30-111, he shall also provide a written statement of economic interests on the
 75 disclosure form prescribed in § 2.2-3117 to the ~~Chairmen~~ Chairs of the House and Senate Committees for
 76 Courts of Justice.

77 All judges of the Court of Appeals shall be residents of the Commonwealth and shall, at least five years
 78 prior to the appointment or election, have been licensed to practice law in the Commonwealth. No judge of
 79 the Court of Appeals, during his continuance in office, shall engage in the practice of law within or ~~without~~
 80 *outside of* the Commonwealth or seek or accept any nonjudicial elective office, or hold any other office of
 81 public trust, or engage in any other incompatible activity.

82 B. The chief judge shall be elected by majority vote of the judges of the Court of Appeals to serve a term
 83 of four years.

84 C. If a judge of the Court of Appeals is absent or unable through sickness, disability, or any other reason
 85 to perform or discharge any official duty or function authorized or required by law, a (i) retired chief justice
 86 or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge of the Court of
 87 Appeals of Virginia, or (iii) retired judge of a circuit court of Virginia, with his ~~or her~~ prior consent, may be
 88 appointed by the chief judge of the Court of Appeals, acting upon his own initiative or upon a personal
 89 request from the absent or disabled judge, to perform or discharge the official duties or functions of the
 90 absent or disabled judge until that judge shall again be able to attend his duties. The chief judge of the Court
 91 of Appeals shall be notified forthwith at the time any absent or disabled judge is able to return to his duties.

92 D. The chief judge of the Court of Appeals may, upon his own initiative, designate a (i) retired chief
 93 justice or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge of the Court
 94 of Appeals of Virginia, or (iii) retired or active judge of a circuit court of Virginia, with the prior consent of
 95 such justice or judge, to perform or discharge the official duties or functions of a judge of the Court of
 96 Appeals if there is a need to do so due to congestion in the work of the court. Nothing in this subsection shall
 97 be construed to increase the number of judges of the Court of Appeals provided for in subsection A ~~of this~~
 98 ~~section.~~

99 E. Any retired chief justice, retired justice, retired chief judge, or active or retired judge sitting on the
 100 Court of Appeals pursuant to subsection C or D shall receive from the state treasury actual expenses for the
 101 time he or she is actually engaged in holding court.

102 F. The powers and duties herein conferred or empowered upon the chief judge of the Court of Appeals
 103 may be exercised and performed by any judge or any committee of judges of the court designated by the chief
 104 judge for such purpose.

105 **§ 17.1-402. Sessions; panels; quorum; presiding judges; hearings en banc.**

106 A. The Court of Appeals shall sit at such locations within the Commonwealth as the chief judge, upon
 107 consultation with the other judges of the court, shall designate so as to provide, insofar as feasible, convenient
 108 access to the various geographic areas of the Commonwealth. The chief judge shall schedule sessions of the
 109 court as required to discharge expeditiously the business of the court.

110 B. The Court of Appeals shall sit in panels of at least three judges each. The presence of all judges in the
 111 panel shall be necessary to constitute a quorum. The chief judge shall assign the members to panels and,
 112 insofar as practicable, rotate the membership of the panels. The chief judge shall preside over any panel of
 113 which he is a member and shall designate the presiding judges of the other panels.

114 C. Each panel shall hear and determine, independently of the others, the petitions for appeal pursuant to
 115 § 17.1-406 or 19.2-398 and appeals in criminal and civil cases assigned to that panel.

116 D. The Court of Appeals shall sit ~~en banc~~ (i) ~~when there is a dissent in the panel to which the case was~~
 117 ~~originally assigned and an aggrieved party requests an en banc hearing and at least six judges of the court~~
 118 ~~vote in favor of such a hearing or~~ (ii) ~~when any judge of any panel shall certify that in his opinion a decision~~
 119 ~~of such panel of the court is in conflict with a prior decision of the court or of any panel thereof and five other~~
 120 ~~judges of the court concur in that view. The court may sit en banc upon its own motion at any time or upon~~

121 the petition of any party, in any case in which a majority of the court determines it is appropriate to do so.
 122 The court sitting en banc shall consider and decide the case and may overrule any previous decision by any
 123 panel or of the full court.

124 E. The court ~~may~~ shall sit en banc with no fewer than 13 judges. *Three of such judges shall be the three*
 125 *judges to whom the case was originally assigned, and 10 of such judges shall be assigned pursuant to a*
 126 *randomized rotational schedule in accordance with the Rules of the Supreme Court of Virginia.* In all cases
 127 decided by the court en banc, the concurrence of at least a majority of the judges sitting shall be required to
 128 reverse a judgment, in whole or in part.

129 **§ 17.1-507. Maximum number of judges; residence requirement; compensation; powers; etc.**

130 A. For the several judicial circuits there shall be judges, the maximum number as hereinafter set forth,
 131 who shall during their service reside within their respective circuits and whose compensation and powers
 132 shall be the same as now and hereafter prescribed for circuit judges.

133 The maximum number of judges of the circuits shall be as follows:

134 First — 6

135 Second — 8

136 Third — 4

137 Fourth — 8

138 Fifth — 4

139 Sixth — 3

140 Seventh — 5

141 Eighth — 3

142 Ninth — 5

143 Tenth — 4

144 Eleventh — 3

145 Twelfth — 6

146 Thirteenth — 7

147 Fourteenth — 5

148 Fifteenth — 12

149 Sixteenth — 6

150 Seventeenth — 4

151 Eighteenth — 3

152 Nineteenth — 15

153 Twentieth — ~~5~~ 6

154 Twenty-first — 3

155 Twenty-second — 4

156 Twenty-third — 5

157 Twenty-fourth — 6

158 Twenty-fifth — 7

159 Twenty-sixth — 8

160 Twenty-seventh — ~~6~~ 7

161 Twenty-eighth — 4

162 Twenty-ninth — 5

163 Thirtieth — 4

164 Thirty-first — 7

165 B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the
 166 Judicial Council has made a study of the need for such additional circuit court judge and has reported its
 167 findings and recommendations to the House and Senate Committees for Courts of Justice. The boundary of
 168 any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of
 169 its findings and recommendations made to said Committees.

170 C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant
 171 to subsection B, the study shall be made available to the Compensation Board and the House and Senate
 172 Committees for Courts of Justice and the Judicial Council shall publish notice of such finding in a publication
 173 of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board
 174 shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This
 175 study shall be reported to the House and Senate Committees for Courts of Justice, and to the Department of
 176 Planning and Budget.

177 **2. That the provisions of §§ 17.1-400 and 17.1-402 of the Code of Virginia, as amended by this act, shall**
 178 **become effective on September 1, 2026.**

179 **3. That the provisions of §§ 16.1-69.6:1 and 17.1-507 of the Code of Virginia, as amended by this act,**
 180 **relating to the Fifteenth and Twentieth Judicial Circuits shall become effective on July 1, 2027.**

181 **4. That the Judicial Council of Virginia (the Council) shall conduct a study examining the organization**
 182 **and boundaries of the Fifteenth and Twentieth Judicial Circuits. In conducting its study, the Council**

183 shall (i) review current caseload data, population data, other relevant data, and all calculations and
184 recommendations provided in the three judicial workload studies conducted by the National Center for
185 State Courts and submitted to the General Assembly to assess caseloads for the localities within the
186 Fifteenth and Twentieth Judicial Circuits; (ii) evaluate current court management practices and
187 judicial court assignments and provide an analysis of the impact of such practices and assignments on
188 the overall efficiency of the courts and judges; (iii) consider the geography of the Fifteenth and
189 Twentieth Judicial Circuits and time spent traveling between courthouses; (iv) analyze the composition
190 of localities currently included in the Fifteenth and Twentieth Judicial Circuits as compared to other
191 judicial circuits to determine whether they have a disproportionate number of localities with
192 significant population and caseload growth; and (v) determine if the citizens of the Fifteenth and
193 Twentieth Judicial Circuits would be better served by adjusting the boundary lines of such judicial
194 circuits in order to create additional judicial circuits. If boundary lines are not recommended to be
195 redrawn, the Council shall provide suggestions to ease burdens on judges and specify any additional
196 resources or support that the Office of the Executive Secretary of the Supreme Court of Virginia may
197 be able to provide. The Council shall complete its meetings by November 30, 2026, and shall submit to
198 the Governor and the General Assembly an executive summary and a report of its findings and
199 recommendations for publication as a House or Senate document.
200 5. That the Supreme Court of Virginia shall enact a rule implementing a randomized rotational en
201 banc panel selection system in accordance with the provisions of subsection E of § 17.1-402 of the Code
202 of Virginia, as amended by this act.