

## **OFFICE OF THE EXECUTIVE SECRETARY LEGISLATIVE PROPOSAL PROCESS**

Each year, the Supreme Court of Virginia develops a legislative package. Legislative proposals are solicited from judges, Office of the Executive Secretary (OES) employees, and district court clerks and their staff. Proposals are reviewed and recommended by committees of the Judicial Conference of Virginia and the Judicial Conference of Virginia for District Courts, and the judicial policy making bodies (a copy of the “Court Legislative Proposal Process” is attached).

Those proposals that are approved become part of the Supreme Court's legislative package, and legislators are asked to patron these Court initiated bills. There is no fixed number of proposals that constitute the Supreme Court's legislative package each year.

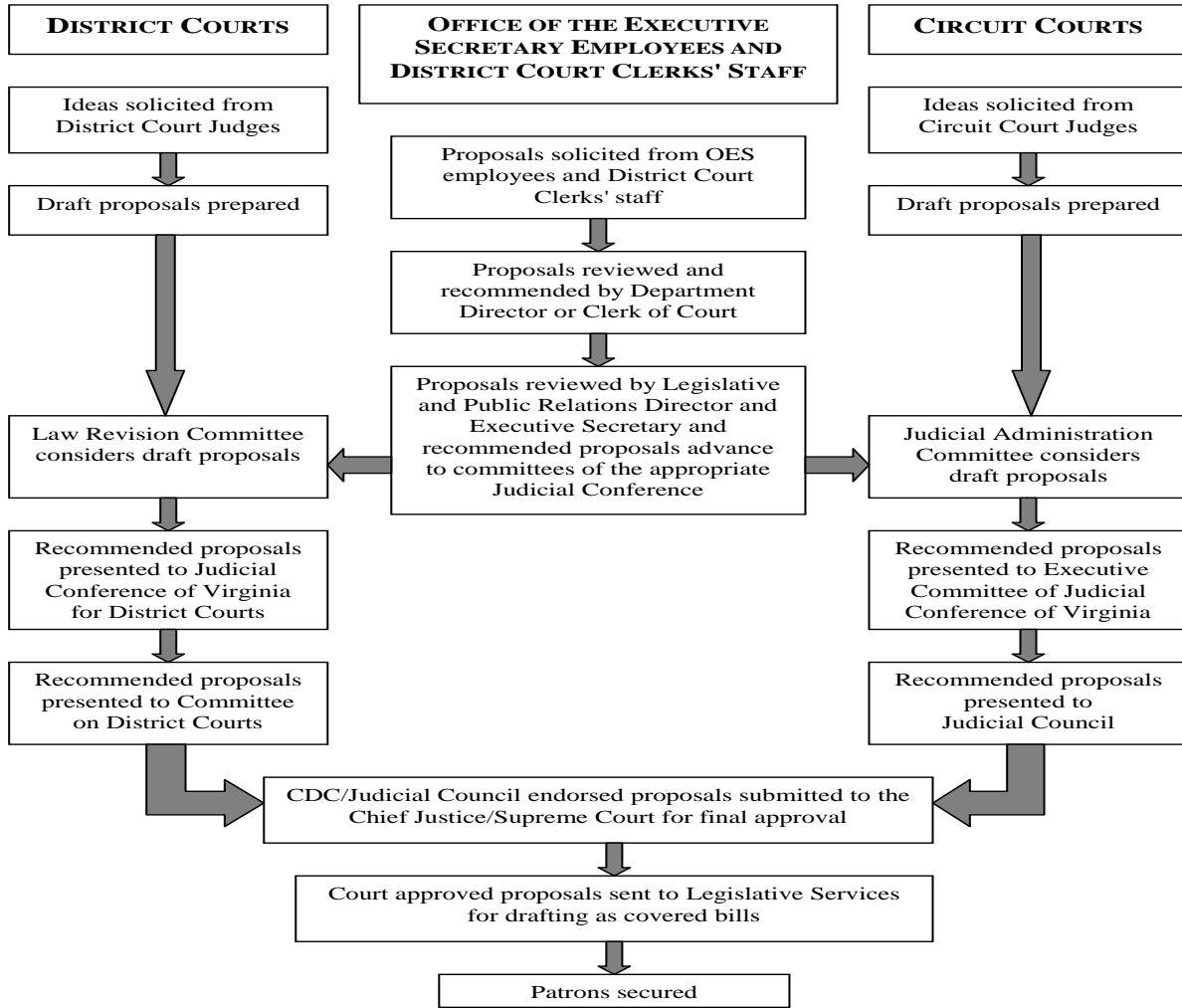
The OES Legislative Proposal Process allows OES employees and district court clerks and their staff to submit legislative proposals for consideration as part of the Supreme Court's legislative package. OES employees and district court clerks and their staff who wish to offer proposed legislation that relates to the work they perform for the Judicial System should prepare their proposals using the Employee Legislative Proposal Submission Form and submit the proposal for review to their Department Director (for OES employees) or the Clerk of Court (for district court clerks' staff). Proposals that are recommended by a Department Director or District Court Clerk must be submitted to the Department of Legislative and Public Relations and be received by the date specified on the Employee Legislative Proposal Submission Form.

Each proposal that is recommended by a Department Director or District Court Clerk will be reviewed by the Department of Legislative and Public Relations and the Executive Secretary. Proposals approved to advance will be submitted for review and approval to the committees of the appropriate Judicial Conference, the relevant judicial policy making body, and the Supreme Court. For any proposal that is not approved to advance at any point in the Court Legislative Proposal Process, the submitting employee will be provided with a brief explanation as to why the proposal was not endorsed.

Legislative proposals submitted for review must specifically identify any language that the proposal would add to or delete from the Code of Virginia. The proposal must include an explanation of the need for the change, including an explanation of why it is appropriate for the proposal to be made by representatives of the Judicial Branch (i.e., what impact it will have on courts and judicial administration). Generally, the Judicial Branch will not advocate for proposals that address policy matters, except for those that directly impact the operation of the courts or the Judiciary and would improve the administration of justice. The legislative proposal must be submitted using the attached Employee Legislative Proposal Submission Form.

For questions about the OES Legislative Proposal Process, please contact the Department of Legislative and Public Relations by phone at (804) 225-4346, or by email to the Department's administrative assistant, Jennifer Saunders, at [jsaunders@vacourts.gov](mailto:jsaunders@vacourts.gov).

## COURT LEGISLATIVE PROPOSAL PROCESS



**OFFICE OF THE EXECUTIVE SECRETARY  
EMPLOYEE LEGISLATIVE PROPOSAL SUBMISSION FORM  
2022 SESSION OF THE GENERAL ASSEMBLY**

**Name:** Virginia Magistrates' Association, Inc.

**Title:** Organization

**Date:** 5/7/2021

**OES Department/Court:**

**Existing language and Code of Virginia citation:**

Virginia Code §24.2-418(B):

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ [24.2-405](#) and [24.2-406](#), on voter registration records made available for public inspection pursuant to § [24.2-444](#), or on lists of absentee voter applicants furnished pursuant to § [24.2-706](#) or [24.2-710](#). The voter shall comply with the provisions of § [24.2-424](#) for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § [9.1-101](#) and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him;

4. Any party participating in the address confidentiality program pursuant to § [2.2-515.2](#);

5. Any active or retired federal or Virginia justice or judge and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General; and

6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ [63.2-900](#) et seq.) of Title 63.2.

**Draft language (please show deleted language of the Code as stricken and show new language underscored):**

Virginia Code §24.2-418(B):

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ [24.2-405](#) and [24.2-406](#), on voter

registration records made available for public inspection pursuant to § [24.2-444](#), or on lists of absentee voter applicants furnished pursuant to § [24.2-706](#) or [24.2-710](#). The voter shall comply with the provisions of § [24.2-424](#) for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § [9.1-101](#) and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);
2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;
3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him;
4. Any party participating in the address confidentiality program pursuant to § [2.2-515.2](#);
5. Any active or retired federal or Virginia justice or judge and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General; ~~and~~
- ~~6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ [63.2-900](#) et seq.) of Title 63.2.~~
6. Any active or retired Virginia magistrate who has or had authority to utilize the authority granted pursuant to § 19.2-45, and
7. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ [63.2-900](#) et seq.) of Title 63.2.

**Explanation of proposal (please explain how proposal will improve the administration of justice in the Commonwealth, including specifics as to how the proposal will impact the operation of the courts, the clerks' offices and/or the magistrate system):**

The proposal put forth is a mechanism for providing personal security for magistrates and their decision making and neutrality. This addition improves the administration of justice in the Commonwealth because the magistrate's role and public function is protected when the magistrate can securely make decisions without their personal home address available to the public. Adding the magistrate into the class of protected professionals a necessity because as the other protected professionals (law enforcement and judges and justices and their families), the magistrate makes decisions that change lives. The decision of the magistrate directly impacts a person's entry or furtherance in the criminal justice system and these decision subject the magistrate to personal attack. The magistrate is a front-line position, and we are exposed to harassment, threats, contempt, and a person's general emotions of negativity and being upset due to the decisions or potential decisions of the magistrate. This addition would give magistrates the option to utilize the law; this is not mandatory.

**Rationale for proposal (please describe the problem the proposal is trying to address):**

Adding the magistrate allows for protection of the magistrate's personal home address. There currently is no protection for a magistrate's personal home address. Easy access to the

magistrate’s home address, allows for easy access to attempt to coerce, intimate, or harass the magistrate, in their official/public capacity.

Several high-profile events in the state (examples: Unite the Right protest, Richmond protest, hearings in general) where the magistrate’s personal home address has been released on the internet and have had to have local law enforcement perform security checks at their homes due to events that occurred due to their role as a magistrate.

**Please list any potential consequences of proposal, including identifying and explaining any potential fiscal impact (positive or negative):**

There is no fiscal impact for this proposal.

Positive consequences – Increase a sense of security for magistrates, greater protection for the role of the magistrate.

No negative consequences for this proposal.

**Please explain why the proposal should be initiated by representatives of the Judicial Branch:**

This proposal should be initiated by a representative of the Judicial Branch because magistrates are employees of the Judicial Branch in the Commonwealth of Virginia.

I would be willing to share my story with anyone that is interested in moving forward with this proposal.

**Please identify any person or entity you anticipate may be interested in the proposal, whether they are likely to support or oppose it, and why:**

Support – Commonwealth of Virginia’s Judicial Branch: Magistrates are employees under the Judicial Branch, and they would want to protect their employees.

**Recommendation from Department Director/Clerk of Court\*:**

I recommend this proposal for consideration as court initiated legislation for the 2022 Session of the General Assembly.

I do not recommend this proposal for consideration.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
 Department Director       Clerk of Court

**Directions for Submission of Recommended Proposals**

Proposals that have been recommended by a Department Director or District Court Clerk must be returned to the Department of Legislative and Public Relations by May 7, 2021. Proposals not received by the submission deadline may not be considered for the 2022 General Assembly Session. Signed\* proposals may be submitted via mail to 100 N. 9<sup>th</sup> Street, Third Floor, Richmond, VA 23219, via fax to (804) 786-4542, or via email to [jsaunders@vacourts.gov](mailto:jsaunders@vacourts.gov).

**\*If, due to the current circumstances related to COVID-19, the Director or Clerk of Court's signature cannot be obtained, the Director or Clerk of Court should send an email to Jenny Saunders at [jsaunders@vacourts.gov](mailto:jsaunders@vacourts.gov) stating the proposal is approved.**