CHAPTER 1 - INTRODUCTION TO THE MAGISTRATE SYSTEM OF VIRGINIA 1-1

I. INTRODUCTION 1-1

II. HISTORY OF THE OFFICE OF MAGISTRATE 1-1

III. THE JUDICIAL SYSTEM OF VIRGINIA 1-4

IV. MAGISTRATE ELIGIBILITY AND APPOINTMENT 1-10

V. PROCEDURES UPON APPOINTMENT 1-11

VI. QUARTERS FOR MAGISTRATES 1-12

VII. AUTHORITY OF MAGISTRATES 1-12

A. Jurisdiction 1-12
B. Statutory Authority 1-13

VIII. OUTSIDE EMPLOYMENT 1-15

IX. REQUESTS FOR INFORMATION FROM THE NEWS MEDIA OR OTHERS 1-15

X. REQUESTS FOR RECORDS (OFTEN REFERRED TO AS VIRGINIA FREEDOM OF INFORMATION ACT (FOIA) REQUESTS) 1-16

XI. PROCEDURE WHEN MAGISTRATE SERVED WITH LEGAL PROCESS 1-17

CHAPTER 2 - ADULT ARREST PROCEDURES 2-1

I. INTRODUCTION 2-1

II. FACTS ESTABLISHING PROBABLE CAUSE 2-1

A. Definition 2-1
B. General Procedure 2-2
C. Citizen Complaints Of Felony Offenses 2-3
D. Prisoner Complaints Of Criminal Offenses 2-5

III. ARREST AUTHORITY IN VIRGINIA 2-6

A. Animal Control Officers And Humane Investigators 2-6
B. Conservation Officers Appointed Pursuant To Va. Code § 10.1-115 2-7
C. Conservators Of The Peace 2-7
D. Correctional Officers 2-10

E. Bailiffs And Deputy Bailiffs Of The State Corporation Commission 2-11
F. Department Of Motor Vehicles Commissioner, Assistants, Sworn Members Of The Enforcement Division 2-11
G. Chief And Assistant Arson Investigators Of The Department Of State Police 2-11
H. Local Fire Marshals And Their Assistants 2-11
I. Law Enforcement Officers Of Other States 2-11
J. State Fire Marshals And Assistants 2-11
K. Virginia Marine Patrol Officers Of The Marine Resources Commission 2-12
L. Conservation Police Officers 2-12
M. Commissioned, Warrant, And Petty Officers Of The United States Coast Guard, Or Of The United States Coast Guard Reserves 2-13
N. Officers Of Customs As Defined By 19 U.S.C § 1709 (b) 2-13
O. Private Security Officers 2-13
P. Probation And Parole Officers 2-14
Q. Railroad Police Agents 2-14
R. Investigators And Special Police Officers Appointed By The Governor 2-15
S. State Lottery Department Director, Director Of Security, Or Investigators 2-15
T. Virginia State Police Officers 2-15
U. Police Officers 2-15
V. Auxiliary Police Officers 2-16
W. Private Police Officers 2-16
X. Toll Bridge Special Police 2-17
Y. Campus Police Officers 2-17
Z. Auxiliary Campus Police Officers 2-18
AA. Capitol Police Officers 2-18
BB. Deputy Sheriffs 2-18
CC. Town Sergeants 2-18
DD. Alcoholic Beverage Control Board Members, Officers, Employees 2-19
EE. Sheriffs 2-19
FF. Litter Control Officers 2-20
GG. Members Of The Enforcement Division Of The Department Of Motor Vehicles 2-20
HH. Certain Employees Of The Department Of Charitable Gaming 2-20
II. Virginia Ports Authority Police 2-20
JJ. Jail Officers 2-20

IV. LAW ENFORCEMENT ARREST PROCEDURES 2-21

A. Arrest Procedures Under Title 46.2 2-21
B. Arrest Procedures Under Any Other Title Of The Code Of Virginia 2-23
C. Marine Resources Commission Officers Have Warrantless Arrest Authority (Va. Code § 28.2-900) 2-28
D. Correctional Officers And Designated Non-Custodial Correctional Employees May Detain A Person In Certain Situations 2-29

E. Law Enforcement Procedures In Cases Of Assault And Battery Against A Family Or Household Member/Violation Of Protective Orders 2-29
F. Execution Of Process By A Law Enforcement Officer 2-32
G. Witness Subpoenas 2-33
H. Unexecuted Warrants 2-34
I. Parking Violation Or Town Trash Ordinance Procedures (Va. Code §§ 46.2-1220, 19.2-76.2 And 19.2-76.3) 2-34
J. Photo-Monitoring Of Traffic Light Signal Violations 2-35
K. Hot Pursuit Within Virginia 2-36
L. Uniform Requirement 2-37
M. Hot Pursuit Across State Lines 2-37
N. Driver Arrested, Car Not Impounded 2-37
O. Law Enforcement's Authority To Obtain Address Of A Defendant From The Records Of A Public Agency 2-37
P. Failure To Surrender To Serve Sentence 2-38

V. ARREST PROCEDURES APPLICABLE TO MAGISTRATES 2-39

A. Certain Hearings Conducted By Means Of Two-Way Electronic And Audio Communication 2-39
B. Statute Of Limitations 2-40
C. Venue 2-40
D. Arrest Of A Person On An Existing Warrant Or Capias 2-41
E. Accused To Be Forthwith Brought Before Magistrate/Judicial Officer (Arrest On Existing Warrant/Capias) 2-42
F. Procedure For Warrantless Arrest 2-42
G. Officer To Provide Arrested Person's Criminal History (Va. Code § 19.2-80.2) 2-44
H. Complaint Of A Criminal Offense To A Magistrate 2-44
I. Magistrates Never Take Possession Of Evidence 2-47
J. When To Issue Summons Or Warrant Of Arrest 2-47
K. Process Issued Must Be In Duplicate/Copy To Person Charged 2-50
L. Summons Of Corporation Or Legal Entity (Misdemeanor Or Felony) 2-50

VI. WARRANTS OR ARRESTS FOR EXTRADITION 2-52

A. Introduction 2-52
B. Procedures For Issuance Of Warrants Prior to Arrest 2-53
C. Procedures for Arrests Without A Warrant. 2-57

VII. VIRGINIA ARREST WARRANTS ISSUED UNDER VIRGINIA MILITARY LAW 2-59

VIII. WARRANTS OF ARREST FOR ILLEGAL ALIENS 2-59

IX. DANGEROUS DOG PROCEDURES (VA. CODE § 3.2-6540) 2-61

X. VICIOUS DOG PROCEDURES (VA. CODE § 3.2-6540.1) 2-66

XI. DEPREDATION BY DOG WARRANT PROCEDURES (VA. CODE § 3.2-6552) 2-69

XII. DESERTION AND NONSUPPORT 2-71

XIII. CONFIDENTIALITY OF CRIME VICTIM INFORMATION 2-72

XIV. PROCEDURES FOR CASES INVOLVING NON-ENGLISH SPEAKING, LIMITED ENGLISH PROFICIENT, DEAF, OR HARD OF HEARING INDIVIDUALS 2-75

A. Foreign Language Interpreter Services 2-75
B. Interpreters For The Deaf And Hard Of Hearing 2-75

XV. DIPLOMATIC IMMUNITY 2-76

CHAPTER 3 - JUVENILE AND DOMESTIC RELATIONS PROCEDURES 3-1

I. INTRODUCTION 3-1

II. PHILOSOPHY OF THE JUVENILE JUSTICE SYSTEM 3-1

III. JURISDICTION OF THE JUVENILE COURT 3-2

A. Age Jurisdiction 3-2
B. Venue (Territorial Jurisdiction) 3-3
C. Subject Matter Jurisdiction 3-3

IV. ARREST WARRANT AND BAIL PROCEDURES FOR JUVENILES 3-8

A. Arrest Warrant Procedures 3-8
B. Issuance Of The Warrant 3-11
C. Procedures Once The Magistrate Has Issued A Warrant For A Juvenile 3-13
D. Procedures For Juvenile Custody Once Law Enforcement Has Taken A Juvenile Into Custody Pursuant To A Warrant Issued By A Magistrate Or A Detention Order Issued By A Judge, Intake Officer, Or Clerk 3-15
E. Bail, Detention And Shelter Care Procedures 3-16

V. IMPLIED CONSENT AND MOTOR VEHICLE IMPOUNDMENT PROCEDURES IN JUVENILE CASES 3-25

A. Implied Consent 3-25
B. Impoundment Of A Motor Vehicle 3-26

VI. PROCEDURES FOR DOMESTIC VIOLENCE CASES 3-26

A. Definitions 3-26
B. Jurisdiction 3-29
C. Venue 3-30
D. Procedural Options For Family Or Household Member Abuse Cases 3-31
E. Family Abuse Emergency Protective Orders (Va. Code §§ 18.2-57.2 and 16.1-253.4) 3-41

VII. EMERGENCY PROTECTIVE ORDERS – ACTS OF VIOLENCE, FORCE OR THREAT (§ 19.2-152.8) 3-55

A. Subsection A 3-55
B. Subsection B 3-55
C. Subsection C 3-58
D. Subsection D 3-60
E. Subsection E 3-61
F. Subsection F 3-63
G. Subsection G 3-63
H. Subsection H 3-63
I. Subsection I 3-64
J. Subsection J 3-64

VIII. VIRGINIA CODE § 19.2-387.1 3-65

IX. VIRGINIA CODE § 18.2-308.1:4 3-65

X. ENFORCEMENT OF ORDERS ISSUED BY THE DISTRICT COURTS, CIRCUIT COURTS, OR MAGISTRATES 3-66

A. Contempt Proceedings 3-66
B. Violation of Protective Orders 3-66
C. Violations of Va. Code § 18.2-49.1 3-73

XI. PROCEDURES AND POLICY REQUIREMENTS FOR LAW ENFORCEMENT 3-78

XII. REFERENCE GUIDE FOR PROCESSES IN FAMILY VIOLENCE CASES 3-78

CHAPTER 4 - BAIL PROCEDURES 4-1

I. INTRODUCTION 4-1

II. THE BAIL HEARING REQUIREMENT 4-2

III. BAIL DETERMINATION FACTORS (VIRGINIA CODE § 19.2-121) 4-5

IV. GRANTING BAIL (VIRGINIA CODE § 19.2-120) 4-9

A. General Principles Of Bail 4-9
B. The Fourteen Category Risk Presumption List 4-11
C. The Illegal Alien Felony Presumption Against Bail 4-25
D. Review Of Virginia Criminal History Information By A Licensed Bail Bondsman 4-25
E. Risk Presumption For Illegal Aliens (§ 19.2-120.1) 4-29

V. SPECIAL CONSIDERATIONS IN FAMILY VIOLENCE CASES 4-39

VI. SETTING TERMS OF BAIL OR CONDITIONS OF RELEASE (§ 19.2-123) 4-40

VII. COURT ORDERED TERMS OF BAIL 4-46

A. Bail Terms Set By Court On A Capias To Be Honored By Magistrate (Virginia Code § 19.2-130.1) 4-46
B. Orders Issued Pursuant To Va. Code § 19.2-130.1 4-46
C. Setting Terms "In Accordance" With The Court Order 4-47
D. Magistrate Findings For More Restrictive Terms 4-48
E. Considerations For Magistrates On Orders For Bail Terms 4-49

VIII. BOND AS A CONDITION OF BAIL 4-50

A. Recognizance 4-50
B. Unsecured Bond 4-51
C. Secure Bond 4-51

IX. PROVING SOLVENCY THROUGH REAL OR PERSONAL PROPERTY 4-52

X. SURETIES AND BONDSMEN 4-56

A. Summary Of Bondsman Documentation Requirements 4-63

XI. COMMITMENT TO JAIL 4-64

XII. BAIL PROCEDURES IN EXTRADITION 4-67

A. When Bail Not Permissible In Extradition Cases 4-67
B. When Bail Is Permissible In Extradition Cases 4-68

XIII. VIOLATIONS OF CONDITIONS OF RELEASE, PRETRIAL SERVICES CONDITIONS, AND LOCAL COMMUNITY-BASED PROBATION ..... PROGRAM CONDITIONS 4-70

A. Violations Of Conditions Of Release 4-70
B. Violations Of Pretrial Services Conditions 4-71
C. Violations Of Local Community-Based Probation Program Conditions 4-73

XIV. RECOGNIZANCE TO KEEP THE PEACE 4-75

A. The "Peace Bond" Process 4-75
B. Magistrate Procedures 4-75

XV. PERSONS CHARGED WITH NON-JAILABLE OFFENSES 4-76

XVI. APPEAL BONDS 4-77

XVII. BAIL PROCEDURES IN CONNECTION WITH SUPPORT CASES 4-79

XVIII. SURETY'S CAPIAS AND BAILPIECE RELEASE 4-83

XIX. WITNESS RECOGNIZANCE 4-85

XX. ARREST UNDER MILITARY LAW 4-85

A. Arrest Under Virginia Military Law 4-85
B. Absent Without Leave From The Federal Armed Forces 4-86

XXI. ARREST UPON WARRANT OF PROBATION OR PAROLE OFFICER 4-86

XXII. BAIL PROCEDURES FOR ILLEGAL ALIENS 4-86

A. Introduction 4-86
B. Accompanying Virginia Charges 4-86
C. No Accompanying Virginia Charges 4-87

XXIII. MISCELLANEOUS STATUTES ON BAIL 4-88

CHAPTER 5 - SEARCH WARRANT PROCEDURES 5-1

I. INTRODUCTION 5-1

A. Criminal Searches 5-1

II. VIRGINIA STATUTES ON SEARCH WARRANTS 5-2

III. THE AFFIDAVIT FOR SEARCH WARRANT FORM (DC-338) 5-16

A. A Description Of The Place, Thing, Or Person To Be Searched 5-18
B. The Things Or Persons That Are The Subject Of The Search 5-19
C. The Material Facts Constituting the Probable Cause 5-27

IV. THE SEARCH WARRANT FORM (DC-339) 5-49

A. Preparation Of Warrant 5-49
B. Execution And Return Of The Search Warrant 5-51
C. The Offense In Relation To Such Search 5-52

D. The Object, Thing Or Person Searched For Constitutes Evidence Of The Commission Of Such Offense 5-52
E. Distribution Of The Affidavit And Copies 5-52

V. THE AFFIDAVIT FOR SEARCH WARRANT FOR TRACKING DEVICE FORM (DC-340) 5-54

A. Introduction 5-54
B. Proper Form 5-54
C. Magistrate's Geographic Authority 5-54
D. Authority To Act As Affiant 5-55
E. Required Findings 5-55
F. Filing The DC-340, AFFIDAVIT FOR SEARCH WARRANT FOR TRACKING DEVICE 5-56

VI. THE SEARCH WARRANT FOR TRACKING DEVICE FORM (DC-341) 5-57

A. Description Of Object 5-57
B. Designation Of The Circuit Court For Return Of The Executed Warrant 5-57
C. Period Of Authorization 5-57
D. Magistrate May Not Grant Extension 5-58
E. Description Of The Offense 5-58

VII. THE AFFIDAVIT FOR SEARCH WARRANT FOR REAL-TIME LOCATION DATA FORM (DC-308). 5-58

A. Introduction 5-58
B. Proper Form 5-58
C. Required Findings 5-58
D. Filing the DC-308, AFFIDAVIT FOR SEARCH WARRANT FOR REAL-TIME LOCATION DATA 5-59

VIII. THE SEARCH WARRANT FOR REAL-TIME LOCATION DATA FORM (DC-309). 5-59

A. Identity of the Provider of Electronic Communication Service or Remote Computing Service 5-59
B. Designation of the Circuit Court for Return of the Executed Warrant. 5-59
C. Identity of the Records Sought 5-59
D. Period of Authorization 5-59
E. No Magisterial Authority to Grant Extension 5-59
F. Offense in Relation to Search 5-60
G. Foreign Corporation 5-60

IX. ADMINISTRATIVE SEARCHES 5-60

A. Introduction 5-60

B. Probable Cause 5-60
C. Fire Inspection Warrants (Local Fire Official) 5-61
D. Fire Investigation Warrants (Fire Marshal And State Police Arson Investigators) 5-64
E. Release Of Hazardous Material Or Waste Or Regulated Substance Investigation Warrants (Fire Marshal) 5-65
F. Pesticide Control Administrative Search Warrants 5-67
G. Dam Inspections 5-71
H. Building Code Violations (Va. Code § 36-105) 5-72
I. Animal Cruelty Search Warrant 5-73
J. Administrative Search or Inspection Warrants Issued Only By Courts 5-74
K. Administrative Subpoenas 5-77

CHAPTER 6 - EMERGENCY CUSTODY AND TEMPORARY DETENTION ORDERS 6-1

I. INTRODUCTION 6-1

A. Authority; Distinction Between Adults And Juveniles 6-1
B. Applicable Statutes 6-1
C. Orders And Petitions Concerning Magistrates 6-3

II. ECO: IN GENERAL 6-3

A. Statutory Authority; Forms 6-3
B. Purpose 6-4
C. ECO In Context: Potential Outcomes 6-4
D. Unique Authority Of Magistrate 6-5
E. Jurisdiction; Venue 6-5

III. ECO PROCEDURES 6-6

A. Case Initiation 6-6
B. Requirement To Issue 6-8
C. Findings Required 6-8
D. Who Performs The Evaluation 6-8
E. Location Of Mental Evaluation 6-9
F. Associated Medical Services 6-10
G. Selecting A Law Enforcement Agency To Execute ECO 6-10
H. Alternative Transportation Provider (ATP) 6-11
I. Time Limits; Extension Authority 6-14
J. Successive ECOs Not Authorized 6-14
K. Emergency Custody Initiated By Law Enforcement Without ECO 6-15
L. Order Not To Be Issued In Cases Of Consent 6-17

IV. TDO: IN GENERAL 6-17

A. Statutory Authority; Forms 6-17
B. Purpose 6-18
C. TDO In Context 6-18
D. Unique Authority Of Magistrate 6-19
E. Jurisdiction; Venue 6-19

V. TDO PROCEDURES 6-20

A. Case Initiation 6-20
B. Findings Required 6-22
C. Evaluation Before Hearing 6-22
D. Requirement To Issue TDO 6-24
E. Action If CSB Evaluator Recommends No TDO 6-24
F. Designation Of Mental Health Facility 6-24
G. Associated Medical Services 6-25
H. Selection Of Law Enforcement Agency 6-26
I. Alternative Transportation Provider (ATP) 6-29
J. Time Limits 6-31
K. Successive TDOs Not Authorized 6-32
L. Designation Of Alternative Detention Facility 6-32

VI. FINDINGS FOR ECO AND TDO 6-35

A. Standard Of Proof For Findings 6-35
B. Criteria For ECO And TDO 6-35
C. Criteria Enumerated: Adults 6-35
D. Criteria Enumerated: Minors 6-36
E. Criteria Discussed 6-36
F. Magistrate's Duty To Get Facts, Not Conclusions 6-40
G. Evidence 6-41

VII. MINORS: VOLUNTARY COMMITMENT, SPECIAL NOTE 6-44

A. Introduction: Relationship To Involuntary Commitment 6-44
B. Commitment Procedures Not Involving Magistrates 6-44
C. Relationship To Magistrate's Authority To Issue ECO Or TDO 6-45

VIII. POST-TDO DUTIES OF MAGISTRATE 6-45

A. Statutory Authority; Forms 6-45
B. Purpose 6-46
C. Context 6-46
D. Mandatory Examination: Refusal Or Failure To Attend 6-47
E. MOT Noncompliance: ECO Or TDO 6-50

IX. INMATES 6-51

A. Introduction 6-51
B. Inmate Of Local Correctional Facility 6-51
C. Inmate Of State Correctional Facility 6-53

X. ACQUITTEES, CONDITIONALLY RELEASED 6-54

A. Introduction 6-54
B. Statutory Authority; Forms 6-54
C. Relationship To Other ECO And TDO Authority: Independent Authority 6-54
D. Emergency Custody Order (ECO) For Conditionally Released Acquittee 6-55
E. Temporary Detention Order (TDO) For Conditionally Released Acquittee 6-61

XI. SEXUALLY VIOLENT PREDATORS, CONDITIONALLY RELEASED 6-65

A. Statutory Authority; Forms 6-65
B. Definitions 6-66
C. Authority Of Magistrate 6-66
D. Relationship To Other ECO Authority 6-67
E. Issuance Authorized, Not Required 6-67
F. Returnable Court 6-67
G. Case Initiation 6-67
H. Findings 6-68
I. Standard Of Proof 6-69
J. Evaluator 6-69
K. Location Of Evaluation 6-69
L. Custody 6-70
M. Associated Medical Services 6-71
N. Execution By Law Enforcement Agency 6-71
O. Notification Requirements 6-72
P. Time Limits 6-72
Q. Emergency Custody Initiated By Law Enforcement 6-73

XII. MEDICAL ECO AND TDO IN GENERAL 6-73

A. Magistrate Authority 6-73
B. Other Emergency Care Authorities For Health Care Providers 6-73
C. Physician's Common Law Authority 6-73
D. Advance Directive 6-74
E. Other Person Legally Authorized To Consent 6-75
F. Durable Do Not Resuscitate Order 6-78

XIII. MEDICAL ECO: MEDICAL EMERGENCY CUSTODY ORDER 6-79

A. Statutory Authority; Forms 6-79
B. Purpose 6-79

C. Medical ECO In Context 6-79
D. Unique Authority Of Magistrate 6-80
E. Case Initiation 6-80
F. ECO Authorized, Not Required 6-80
G. Findings Required 6-81
H. Evidence For Findings 6-82
I. Standard Of Proof 6-83
J. Evaluator 6-83
K. Location Of Medical Evaluation 6-83
L. Execution By Law Enforcement Agency 6-83
M. Time Limits; Extension Authority 6-84
N. Successive ECOs Not Authorized 6-85
O. Emergency Custody Initiated By Law Enforcement 6-86

XIV. MEDICAL TDO: MEDICAL TEMPORARY DETENTION ORDER 6-86

A. Statutory Authority; Form 6-86
B. Purpose 6-86
C. Medical TDO In Context 6-86
D. Contingent Authority Of Magistrate To Issue Medical TDO 6-87
E. Case Initiation 6-87
F. TDO Authorized, Not Required 6-87
G. Findings Required 6-88
H. Evidence 6-89
I. Standard Of Proof 6-90
J. Actions Ordered 6-90
K. Location Of Medical Care 6-90
L. Service Of Order 6-90
M. Execution By Law Enforcement Agency 6-90
N. Time Limits' Extension Authority 6-91
O. Successive TDOs Not Authorized 6-91
P. Appeal Of A Medical TDO 6-92

XV. MEDICAL TDO: INMATE OF STATE CORRECTIONAL FACILITY 6-92

A. Authority; Forms 6-92
B. Purpose 6-93
C. Contingent Authority Of Magistrate To Issue Medical TDO 6-93
D. Case Initiation 6-93
E. Issuance Of TDO Required 6-93
F. Findings Required 6-94
G. Evidence 6-95
H. Standard Of Proof 6-95
I. Actions Ordered 6-95
J. Time Limits; Extension Authority 6-95
K. Successive TDOs Not Authorized 6-96

XVI. CRIMES RELATED TO ECO AND TDO 6-97

A. Escape 6-97
B. Other Statutes Relating To Hospitals 6-98

CHAPTER 7 - CIVIL PROCEDURES 7-1

I. OVERVIEW 7-1

A. Who May Sue 7-1
B. Who May Be Sued 7-2

II. JURISDICTION 7-2

III. VENUE 7-2

A. Preferred Venue (Va. Code § 8.01-261) 7-3
B. Permissible Venue (Va. Code § 8.01-262) 7-3

IV. CIVIL CASE PROCESS 7-4

V. SUITS IN DEBT 7-6

A. Case Initiation 7-6
B. Service Of Process 7-7
C. Pre-Trial Procedures 7-8

VI. SUITS IN DETINUE 7-9

A. Detinue 7-10
B. Detinue Seizure 7-11

VII. UNLAWFUL DETAINER 7-19

A. Jurisdiction 7-19
B. Case Initiation 7-20
C. Service Of Process 7-22

VIII. ATTACHMENTS 7-22

A. Jurisdiction 7-23
B. Venue 7-23

IX. ATTACHMENT PURSUANT TO CHAPTER 20, TITLE 8.01 7-24

A. Jurisdiction 7-24
B. Case Initiation And Reasonable Cause Review 7-24
C. Plaintiff's Bond 7-31

D. Attachment Summons 7-33
E. Service Of Process 7-33

X. OVERWEIGHT ATTACHMENT (VA. CODE § 46.2-1134) 7-34

A. Jurisdiction 7-34
B. Case Initiation And Reasonable Cause Review 7-34
C. Defendant's Bond 7-35

XI. ATTACHMENTS FOR UNPAID FEES AND PENALTIES 7-36

A. Jurisdiction 7-36
B. Case Initiation And Reasonable Cause Review 7-36
C. Defendant's Bond 7-37

XII. DISTRESS FOR RENT 7-38

A. Jurisdiction 7-39
B. Case Initiation And Reasonable Cause Review 7-39
C. Plaintiff's Bond 7-44
D. Distress Warrant 7-45
E. Appeal 7-46
F. Service Of Process 7-46

XIII. TENANT'S ASSERTION AND COMPLAINT 7-46

A. Jurisdiction 7-46
B. Procedure 7-47

XIV. TENANT'S PETITION FOR RELIEF FROM UNLAWFUL EXCLUSION 7-47

A. Jurisdiction 7-47
B. Procedure 7-48

XV. VIRGINIA INDOOR CLEAN AIR ACT 7-48

A. Case Initiation 7-49
B. Service Of Process 7-50

XVI. CHECKLISTS 7-50

A. Suits In Debt 7-50
B. Suits In Detinue 7-50
C. Detinue Seizure 7-51
D. Detinue Seizure Order 7-52
E. Summons For Unlawful Detainer 7-53
F. Pre-Trial Attachments (Levy or Seizure) 7-53
G. Attachment Summons 7-54

H. Overweight Attachments 7-55
I. Attachments For Unpaid Fees And Penalties 7-56
J. Distress Petition And Distress Warrant 7-57
K. Tenant's Assertion And Complaint 7-58

XVII. TABLES AND SUPPLEMENTARY INFORMATION 7-60

A. Civil Fee And Payment Exemptions And Unique Case Type Issues 7-60
B. List Of Facts 7-63
C. Civil Processes 7-64

CHAPTER 8 - ACCOUNTING & PREPAYMENTS 8-1

I. INTRODUCTION 8-1

II. STATUTES GOVERNING ACCOUNTING PROCEDURES 8-1

III. MAGISTRATE CHECKING ACCOUNTS 8-2

A. Chief Magistrate Procedures For One Checking Account Per District 8-2
B. Chief Magistrate Procedures For One Checking Account Per Office 8-4

IV. MAGISTRATE ACCOUNTING PROCEDURES FOR CHECKING ACCOUNTS 8-6

A. Procedures For One Checking Account Per District 8-7
B. Procedures For One Checking Account Per Office 8-8

V. PREPARATION OF AUTOMATED RECEIPTS 8-10

A. Automated Receipts For Cash Bonds 8-10
B. Other Receipts 8-11

VI. PREPARATION OF DC-7, RECEIPT 8-13

VII. TRANSMITTAL OF FUNDS 8-15

VIII. ACCEPTANCE OF CASH BONDS FOR DEFENDANTS JAILED IN ANOTHER LOCALITY 8-15

IX. CRIMINAL HISTORY FEE PROCEDURES 8-16

X. PREPAYMENT PROCEDURES 8-17

A. Prepayable Offenses 8-17
B. Non-prepayable Offenses 8-24

XI. CASH CRIMINAL BONDS 8-25

A. Instructions For Processing A Cash Criminal Bond 8-25
B. Internal Revenue Service Form 8300 8-26
C. Preparing The Internal Revenue Service Form 8300 8-27

XII. CASH CRIMINAL APPEAL BONDS 8-28

A. Within Ten (10) Days Of Conviction 8-28
B. After Ten (10) Days Of Conviction 8-29

XIII. ATTACHMENTS OF VEHICLES FOR OVERWEIGHT OR FOR UNPAID FEES OR PENALTY CASES 8-30

XIV. CIVIL FEES 8-31

XV. ON-LINE BANKING POLICY 8-31

XVI. BANK STATEMENT RECONCILIATION 8-31

XVII. RECORDS RETENTION 8-35

XVIII. GUIDELINES FOR CLAIMS RESULTING FROM A SHORTAGE OF MONEY: ACTION REQUIRED 8-35

XIX. YEARLY FINANCIAL STATEMENT 8-36

XX. SUPERVISION AND INTERNAL CONTROLS 8-38

XXI. POLICIES AND PROCEDURES UPON VOLUNTARY OR INVOLUNTARY TERMINATION OF MAGISTRATES 8-38

APPENDIX A—FEE AND PREPAYMENT SCHEDULES A-1

I. BONDS A-1

II. TRAFFIC AND CRIMINAL FINES A-1

III. TRAFFIC FEES AND COSTS ASSESSED A-2

IV. CRIMINAL FEES AND COSTS A-2

V. CRIMINAL HISTORY TO BAIL BONDSMAN A-3

VI. CIVIL PROCESSES IN GENERAL DISTRICT COURT A-3

VII. CIVIL PROCESSES IN CIRCUIT COURT A-4

VIII. OVERWEIGHT VEHICLE ATTACHMENTS - FINE, FEES AND DAMAGES A-5

IX. VEHICLE ATTACHMENTS FOR UNPAID FEES AND PENALTIES - FINE AND FEES A-5

X. LIQUIDATED DAMAGES SCHEDULE - VA. CODE § 46.2-1135 ..... A-6

A. Overweight Limit Non-Forest Or Non-Farm Vehicle A-6
B. Over Axle Weight Non-Forest Or Non-Farm Vehicle A-6
C. Overweight Limit Forest Or Farm Vehicle A-6
D. Over Axle Weight Forest Or Farm Vehicle A-6
E. Gross Permit Violations A-7
F. Charges Assessed In All Cases In Addition To Liquated Damages: A-7

XI. HUNTING, FISHING, AND TRAPPING LICENSE SCHEDULE A-7

A. Hunting License Types A-7
B. Freshwater Fishing License Types A-10
C. Saltwater Recreational Fishing Licenses A-12

XII. PREPAYABLE OFFENSES AND UNIFORM FINE SCHEDULE A-12

APPENDIX B—MANUAL UPDATES B-1