

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

- I. INTRODUCTION 1-1
- II. HISTORY OF THE OFFICE OF THE 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 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, Animal Protection 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 2-12

J. State Fire Marshals and Assistants 2-12

K. Virginia Marine Patrol Officers of the Marine Resources Commission 2-12

L. Conservation Police Officers 2-13

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) 2-14

O. Private Security Officers 2-14

P. Probation and Parole Officers..... 2-15

Q. Railroad Police Agents 2-15

R. Investigators and Special Police Officers Appointed by the Governor 2-15

S. State Lottery Department Director, Director of Security, and Investigators 2-15

T. Virginia State Police Officers 2-16

U. Police Officers 2-16

V. Auxiliary Police Officers 2-17

W. Private Police Officers 2-17

X. Toll Bridge Special Police 2-18

Y. Campus Police Officers 2-18

Z. Auxiliary Campus Police Officers 2-19

AA. Capitol Police Officers 2-19

BB. Deputy Sheriffs 2-20

CC. Town Sergeants 2-20

DD. Alcoholic Beverage Control Board Members, Officers, Employees 2-20

EE. Sheriffs 2-20

FF. Litter Control Officers 2-21

GG. Members of the Enforcement Division of the Department of Motor Vehicles 2-22

HH. Certain Agents and Employees of the Department of Charitable Gaming..... 2-22

II. Virginia Ports Authority Special Police 2-22

JJ. Jail Officers..... 2-22

IV. LAW ENFORCEMENT ARREST PROCEDURES 2-22

A. Summons Requirements and Exceptions for Violations of Title 46.2 2-22

B. Summons Requirements And Exceptions For Violations Of Any Other
Title Of The Code Of Virginia 2-24

C. Warrantless Arrests Pursuant to Va. Code § 19.2-81 2-26

D. Warrantless Arrests Pursuant to Other Provisions of the Code of Virginia 2-29

E. Execution Of Process By A Law Enforcement Officer 2-33

F. Witness Subpoenas 2-34

G. Unexecuted Warrants 2-35

H. Violation Of Parking Or Town Trash Ordinance Procedures
(Va. Code §§ 46.2-1220, 19.2-76.2 AND 19.2-76.3)..... 2-35

I. Photo-Monitoring Of Traffic Light Signal Violations..... 2-36

J. Photo Speed Monitoring Devices In Highway Work Zones And School
Crossing Zones 2-37

K. Close Pursuit Within Virginia 2-38

L. Uniform Requirement..... 2-39

M. Close Pursuit Across State Lines 2-39

N. Driver Arrested, Car Not Impounded 2-40

O. Law Enforcement’s Authority To Obtain Address Of A Defendant From The
Records Of A Public Agency 2-40

P. Failure To Surrender To Serve Sentence..... 2-40

V. ARREST PROCEDURES APPLICABLE TO MAGISTRATES 2-41

A. Certain Hearings Conducted by Means of Two-Way Electronic Video and
Audio Communication..... 2-41

B. Statute Of Limitations..... 2-42

C. Venue..... 2-43

D. Procedures For The Arrest Of A Person On An Existing Warrant Or Capias 2-44

E. Procedures For Warrantless Arrests 2-45

F. Officer To Provide Arrested Person’s Criminal History (Va. Code § 19.2-80.2).... 2-46

G. Complaint Of A Criminal Offense To A Magistrate 2-47

H. Form of the Warrant 2-52

I. Copies of Certain Warrants to be Delivered to the Attorney for the
Commonwealth..... 2-52

J. Magistrates Never Take Possession Of Evidence 2-52

K. When To Issue Summons Or Warrant Of Arrest..... 2-53

L. Process Issued Must Be In Duplicate/Copy To Person Charged..... 2-55

M. Summons Of Corporation Or Legal Entity (Misdemeanor Or Felony)..... 2-56

VI. WARRANTS OR ARRESTS FOR EXTRADITION..... 2-58

A. Introduction..... 2-58

B. Procedures for Issuance of Warrants Prior to Arrest..... 2-59

C. Procedures for Issuance of Warrants Following Arrest..... 2-63

D. Bail in Extradition Cases 2-65

VII. VIRGINIA ARREST WARRANTS ISSUED UNDER VIRGINIA
MILITARY LAW 2-65

VIII. WARRANTS OF ARREST FOR ILLEGAL ALIENS 2-66

A. Introduction..... 2-65

B. Law Enforcement Arrest Procedures 2-66

C. Magistrate Procedures 2-66

D. Recurrent Applications 2-67

IX. DANGEROUS, VICIOUS, AND DEPREDATION BY DOG PROCEDURES.....2-67

- A. Introduction.....2-67
- B. Dangerous Dog Procedures (Va. Code § 3.2-6540)2-68
- C. Vicious Dog Procedures (Va. Code § 3.2-6540.1)2-72
- D. Depredation by Dog Procedures (Va. Code § 3.2-6552).....2-75

X. DESERTION AND NONSUPPORT2-77

- A. Procedural Requirements.....2-78
- B. Elements2-80
- C. Penalty2-79

XI. CONFIDENTIALITY OF CRIME VICTIM INFORMATION2-79

- A. Introduction.....2-79
- B. Procedures for Magistrates2-80
- C. Other Statutory Non-Disclosure Provisions2-81

XII. PROCEDURES FOR CASES INVOLVING NON-ENGLISH SPEAKING, LIMITED ENGLISH PROFICIENT, DEAF, OR HARD OF HEARING INDIVIDUALS.....2-82

- A. Foreign Language Interpreter Services.....2-82
- B. Interpreters for the Deaf and Hard of Hearing.....2-83

XIII. DIPLOMATIC IMMUNITY2-83

CHAPTER 3 - JUVENILE AND DOMESTIC RELATIONS PROCEDURES.....3-1

I. INTRODUCTION3-1

II. PHILOSOPHY OF THE JUVENILE JUSTICE SYSTEM.....3-1

III. JURISDICTION OF THE JUVENILE COURT.....3-2

- A. Age Jurisdiction3-2
- B. Venue (Territorial Jurisdiction)3-3
- C. Subject Matter Jurisdiction3-4

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

- A. Arrest Warrant Procedures.....3-8
- B. Issuance Of The Warrant3-12
- 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..... 3-17

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 3-27

A. Definitions 3-27

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)..... 3-40

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 3-60

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. EMERGENCY SUBSTANTIAL RISK ORDER 19.2-152.13..... 3-65

IX. VIRGINIA CODE § 19.2-387.1 3-66

X. VIRGINIA CODE § 18.2-308.1:4 3-66

XI. ENFORCEMENT OF ORDERS ISSUED BY THE DISTRICT COURTS, CIRCUIT COURTS, OR MAGISTRATES 3-67

A. Contempt Proceedings 3-67

B. Violation Of Protective Orders 3-67

C. Violations OF Va. Code § 18.2-49.1 3-73

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

XIII. REFERENCE GUIDE FOR PROCESSES IN FAMILY VIOLENCE CASES 3-79

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) 4-6

IV. GRANTING BAIL (VIRGINIA CODE § 19.2-120) 4-10

 A. General Principles Of Bail 4-10

 B. Family Violence Factors 4-11

V1. SETTING TERMS OF BAIL OR CONDITIONS OF RELEASE (§ 19.2-123)..... 4-12

VI. COURT ORDERED TERMS OF BAIL..... 4-18

 A. Bail Terms Set By Court On A Capias To Be Honored By Magistrate (Virginia Code § 19.2-130.1)..... 4-18

 B. Orders Issued Pursuant To Va. Code § 19.2-130.1 4-18

 C. Setting Terms “In Accordance” With The Court Order 4-19

 D. Magistrate Findings For More Restrictive Terms 4-20

 E. Considerations For Magistrates On Orders For Bail Terms 4-21

VII. BOND AS A CONDITION OF BAIL..... 4-22

 A. Recognizance 4-22

 B. Unsecured Bond..... 4-23

 C. Secure Bond..... 4-23

VIII. PROVING SOLVENCY THROUGH REAL OR PERSONAL PROPERTY 4-25

IX. SURETIES AND BONDSMEN 4-28

 A. Summary Of Bondsman Documentation Requirements..... 4-35

 B. Review of Virginia Criminal History by a Licensed Bail Bondsman 4-36

XI. COMMITMENT TO JAIL 4-40

XI. BAIL PROCEDURES IN EXTRADITION 4-43

 A. When Bail Not Permissible In Extradition Cases 4-43

 B. When Bail Is Permissible In Extradition Cases 4-44

XII. VIOLATIONS OF CONDITIONS OF RELEASE, PRETRIAL SERVICES
 CONDITIONS, AND LOCAL COMMUNITY-BASED PROBATION
 PROGRAM CONDITIONS 4-45

 A. Violations Of Conditions Of Release 4-45

 B. Violations Of Pretrial Services Conditions..... 4-47

 C. Violations Of Local Community-Based Probation Program Conditions 4-48

XIII. RECOGNIZANCE TO KEEP THE PEACE..... 4-50

 A. The “Peace Bond” Process 4-50

 B. Magistrate Procedures 4-51

XIV. PERSONS CHARGED WITH NON-JAILABLE OFFENSES 4-52

XV. APPEAL BONDS 4-53

XVI. BAIL PROCEDURES IN CONNECTION WITH SUPPORT CASES..... 4-55

XVII. SURETY’S CAPIAS AND BAILPIECE RELEASE..... 4-59

XVIII. WITNESS RECOGNIZANCE 4-61

XIX. ARREST UNDER MILITARY LAW..... 4-61

 A. Arrest Under Virginia Military Law 4-61

 B. Absent Without Leave From The Federal Armed Forces 4-62

XX. ARREST UPON WARRANT OF PROBATION OR PAROLE OFFICER..... 4-62

XXI. BAIL PROCEDURES FOR ILLEGAL ALIENS 4-62

 A. Introduction..... 4-62

 B. Accompanying Virginia Charges 4-62

 C. No Accompanying Virginia Charges..... 4-63

XXII. MISCELLANEOUS STATUTES ON BAIL 4-63

CHAPTER 5 - SEARCH WARRANT PROCEDURES 5-1

 I. INTRODUCTION 5-1

 II. CRIMINAL SEARCHES 5-1

III. VIRGINIA STATUTES ON SEARCH WARRANTS..... 5-2

IV. 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 5-18

 C. The Material Facts Constituting The Probable Cause 5-27

V. THE SEARCH WARRANT FORM (DC-339) 5-50

 A. Preparation Of Warrant 5-50

 B. Execution And Return Of The Search Warrant..... 5-52

 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 5-53

 E. Distribution Of The Affidavit And Copies 5-53

VI. THE AFFIDAVIT FOR SEARCH WARRANT FOR TRACKING
 DEVICE FORM (DC-340)..... 5-55

 A. Introduction..... 5-55

 B. Proper Form 5-55

 C. Magistrate’s Geographic Authority 5-55

 D. Authority To Act As Affiant..... 5-56

 E. Required Findings..... 5-56

 F. Filing The DC-340, AFFIDAVIT FOR SEARCH WARRANT FOR TRACKING
 DEVICE 5-57

VII. THE SEARCH WARRANT FOR TRACKING DEVICE FORM (DC-341) 5-58

 A. Description Of Object..... 5-58

 B. Designation Of The Circuit Court For Return Of The Executed Warrant 5-58

 C. Period Of Authorization 5-58

 D. Magistrate May Not Grant Extension..... 5-59

 E. Description Of The Offense 5-59

VIII. THE AFFIDAVIT FOR SEARCH WARRANT FOR REAL-TIME
 LOCATION DATA FORM (DC-308). 5-59

 A. Introduction..... 5-59

 B. Proper Form 5-59

 C. Required Findings..... 5-59

 D. Filing the DC-308, AFFIDAVIT FOR SEARCH WARRANT FOR REAL-TIME
 LOCATION DATA 5-60

IX. THE SEARCH WARRANT FOR REAL-TIME LOCATION DATA FORM (DC- 309)..... 5-60

- A. Identity of the Provider of Electronic Communication Service or Remote Computing Service 5-60
- B. Designation of the Circuit Court for Return of the Executed Warrant..... 5-60
- C. Identity of the Records Sought 5-60
- D. Period of Authorization 5-60
- E. No Magisterial Authority to Grant Extension 5-61
- F. Offense in Relation to Search 5-61
- G. Foreign Corporation..... 5-61

X. ADMINISTRATIVE SEARCHES 5-61

- A. Introduction..... 5-61
- B. Probable Cause 5-62
- C. Fire Inspection Warrants (Local Fire Official)..... 5-62
- D. Fire Investigation Warrants (Fire Marshal And State Police Arson Investigators) 5-65
- E. Release Of Hazardous Material Or Waste Or Regulated Substance Investigation Warrants (Fire Marshal)..... 5-67
- F. Pesticide Control Administrative Search Warrants 5-69
- G. Dam Inspections 5-72
- H. Building Code Violations (Va. Code § 36-105) 5-73
- I. Animal Cruelty Search Warrant 5-74
- J. Administrative Search or Inspection Warrants Issued Only By Courts 5-75
- K. Administrative Subpoenas 5-79

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..... 6-2

II. ECO: IN GENERAL 6-3

- A. Statutory Authority; Forms..... 6-3
- B. Purpose 6-4
- C. Unique Authority Of Magistrate..... 6-5
- D. 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)..... 6-12

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..... 6-23

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)..... 6-28

J. Changing the Transportation Provider..... 6-30

K. Time Limits 6-32

L. Successive TDOs Not Authorized 6-32

M. Designation Of Alternative Detention Facility..... 6-33

VI. FINDINGS FOR ECO AND TDO..... 6-36

A. Standard Of Proof For Findings 6-36

B. Criteria For ECO And TDO 6-36

C. Criteria Enumerated: Adults 6-36

D. Criteria Enumerated: Minors 6-37

E. Criteria Discussed..... 6-37

F. Magistrate’s Duty To Get Facts, Not Conclusions..... 6-41

G. Evidence 6-42

VII. MINORS: VOLUNTARY COMMITMENT, SPECIAL NOTE..... 6-45

- A. Introduction: Relationship To Involuntary Commitment..... 6-45
- B. Commitment Procedures Not Involving Magistrates 6-45
- C. Relationship To Magistrate’s Authority To Issue ECO Or TDO 6-46

VIII. POST-TDO DUTIES OF MAGISTRATE..... 6-46

- A. Statutory Authority; Forms..... 6-46
- B. Purpose 6-47
- C. Context..... 6-47
- D. Mandatory Examination: Refusal Or Failure To Attend 6-48
- E. MOT Noncompliance: ECO Or TDO..... 6-51

IX. INMATES..... 6-52

- A. Introduction..... 6-52
- B. Inmate Of Local Correctional Facility..... 6-52
- C. Medical Issues for Local Correctional Facility Inmates..... 6-54
- D. Inmate Of State Correctional Facility..... 6-55

X. ACQUITTEES, CONDITIONALLY RELEASED 6-55

- A. Introduction..... 6-55
- B. Statutory Authority; Forms..... 6-55
- C. Relationship To Other ECO And TDO Authority: Independent Authority 6-56
- D. Emergency Custody Order (ECO) For Conditionally Released Acquittee 6-56
- E. Temporary Detention Order (TDO) For Conditionally Released Acquittee 6-62

XI. SEXUALLY VIOLENT PREDATORS, CONDITIONALLY RELEASED 6-66

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

P. Time Limits 6-73

Q. Emergency Custody Initiated By Law Enforcement 6-74

XII. MEDICAL ECO AND TDO IN GENERAL 6-74

 A. Magistrate Authority 6-74

 B. Other Emergency Care Authorities For Health Care Providers 6-74

 C. Physician’s Common Law Authority 6-74

 D. Advance Directive 6-75

 E. Other Person Legally Authorized To Consent 6-76

 F. Durable Do Not Resuscitate Order 6-79

XIII. MEDICAL ECO: MEDICAL EMERGENCY CUSTODY ORDER 6-80

 A. Statutory Authority; Forms 6-80

 B. Purpose 6-80

 C. Medical ECO In Context 6-80

 D. Unique Authority Of Magistrate 6-81

 E. Case Initiation 6-81

 F. ECO Authorized, Not Required 6-81

 G. Findings Required 6-81

 H. Evidence For Findings 6-83

 I. Standard Of Proof 6-84

 J. Evaluator 6-84

 K. Location Of Medical Evaluation 6-84

 L. Execution By Law Enforcement Agency 6-84

 M. Time Limits; Extension Authority 6-85

 N. Successive ECOs Not Authorized 6-86

 O. Emergency Custody Initiated By Law Enforcement 6-86

XIV. MEDICAL TDO: MEDICAL TEMPORARY DETENTION ORDER 6-87

 A. Statutory Authority; Form 6-87

 B. Purpose 6-87

 C. Medical TDO In Context 6-87

 D. Contingent Authority Of Magistrate To Issue Medical TDO 6-88

 E. Case Initiation 6-88

 F. TDO Authorized, Not Required 6-88

 G. Findings Required 6-88

 H. Evidence 6-90

 I. Standard of Proof 6-91

 J. Actions Ordered 6-91

 K. Location Of Medical Care 6-91

 L. Service Of Order 6-91

 M. Execution By Law Enforcement Agency 6-91

 N. Time Limits’ Extension Authority 6-92

O. Successive TDOs Not Authorized 6-92

P. Appeal Of A Medical TDO..... 6-93

XV. MEDICAL TDO: INMATES..... 6-93

 A. Authority; Forms 6-93

 B. Purpose 6-94

 C. Contingent Authority Of Magistrate To Issue Medical TDO..... 6-94

 D. Case Initiation..... 6-94

 E. Issuance Of TDO Required 6-94

 F. Findings Required..... 6-95

 G. Evidence 6-96

 H. Standard Of Proof..... 6-96

 I. Actions Ordered..... 6-96

 J. Time Limits; Extension Authority..... 6-96

 K. Successive TDOs Not Authorized 6-97

XVI. CRIMES RELATED TO ECO AND TDO..... 6-98

 A. Escape 6-98

 B. Other Statutes Relating To Hospitals 6-99

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 7-3

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

 B. Permissible Venue (Va. Code § 8.01-262) 7-4

IV. CIVIL CASE PROCESS..... 7-5

V. SUITS IN DEBT 7-6

 A. Case Initiation..... 7-6

 B. Service of Process..... 7-7

 C. Pre-Trial Procedures..... 7-9

VI. SUITS IN DETINUE 7-10

 A. Detinue..... 7-10

 B. Detinue Seizure 7-11

VII. UNLAWFUL DETAINER 7-19

- A. Jurisdiction..... 7-20
- B. Case Initiation..... 7-20
- C. Service of Process..... 7-21

VIII. ATTACHMENTS 7-22

- A. Jurisdiction..... 7-22
- B. Venue..... 7-23

IX. ATTACHMENT PURSUANT TO CHAPTER 20, TITLE 8.01..... 7-23

- A. Jurisdiction..... 7-23
- B. Case Initiation and Reasonable Cause Review 7-23
- C. Plaintiff’s Bond..... 7-30
- D. Attachment Summons 7-32
- E. Service of Process..... 7-33

X. OVERWEIGHT ATTACHMENT (VA. CODE § 46.2-1134)..... 7-33

- A. Jurisdiction..... 7-33
- B. Case Initiation and Reasonable Cause Review 7-33
- C. Defendant’s Bond..... 7-34

XI. ATTACHMENTS FOR UNPAID FEES AND PENALTIES 7-35

- A. Jurisdiction..... 7-35
- B. Case Initiation and Reasonable Cause Review 7-35
- C. Defendant’s Bond..... 7-36

XII. DISTRESS FOR RENT 7-37

- A. Jurisdiction..... 7-38
- B. Case Initiation and Reasonable Cause Review..... 7-38
- C. Plaintiff’s Bond..... 7-43
- D. Distress Warrant 7-44
- E. Appeal..... 7-45
- F. Service of Process..... 7-45

XIII. TENANT’S ASSERTION AND COMPLAINT 7-45

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

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

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

XV. VIRGINIA INDOOR CLEAN AIR ACT 7-47

- A. Case Initiation..... 7-48
- B. Service of Process..... 7-49

XVI. CHECKLISTS 7-49

- A. Suits in Debt 7-49
- B. Suits in Detinue..... 7-50
- C. Detinue Seizure 7-51
- D. Detinue Seizure Order 7-52
- E. Summons for Unlawful Detainer 7-52
- 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 7-59

- A. List of Facts 7-59
- B. Civil Processes..... 7-60

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..... 8-5

- IV. MAGISTRATE ACCOUNTING PROCEDURES FOR CHECKING ACCOUNTS 8-8

 - A. Procedures For One Checking Account Per District 8-8
 - B. Procedures For One Checking Account Per Office..... 8-10

V. PREPARATION OF AUTOMATED RECEIPTS..... 8-11

 A. Automated Receipts For Cash Bonds 8-12

 B. Other Receipts 8-13

VI. PREPARATION OF DC-7, RECEIPT 8-14

VII. TRANSMITTAL OF FUNDS 8-16

VIII. ACCEPTANCE OF CASH BONDS FOR DEFENDANTS JAILED IN ANOTHER LOCALITY 8-17

IX. CRIMINAL HISTORY FEE PROCEDURES..... 8-18

X. SURETY’S CAPIAS PROCEDURES FOR DEPOSIT BY BAIL BONDMAN 8-19

XI. PREPAYMENT PROCEDURES 8-21

 A. Prepayable Offenses 8-21

 B. Non-prepayable Offenses 8-28

XII. CASH CRIMINAL BONDS..... 8-29

XIII. INTERNAL REVENUE SERVICE FORM 8300 8-30

XIV. CASH CRIMINAL APPEAL BONDS..... 8-32

 A. Within Ten(10)Days Of Conviction 8-32

 B. After Ten(10)Days Of Conviction 8-33

XV. ATTACHMENTS OF VEHICLES FOR OVERWEIGHT OR FOR UNPAID FEES OR PENALTY CASES..... 8-34

XVI. CIVIL FEES..... 8-35

XVII. ON-LINE BANKING POLICY..... 8-35

XVIII. BANK STATEMENT RECONCILIATION 8-36

XIX. BANK RECONCILIATION..... 8-37

XX. RECORDS RETENTION 8-39

XXI. GUIDELINES FOR CLAIMS RESULTING FROM LOSS 8-39

XXII. YEARLY FINANCIAL STATEMENT 8-40

XXIII. SUPERVISION AND INTERNAL CONTROLS 8-42

XXIV. POLICIES AND PROCEDURES UPON VOLUNTARY OR
INVOLUNTARY TERMINATION OF MAGISTRATES 8-42

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-1

IV. CRIMINAL HISTORY TO BAIL BONDSMAN A-3

V. CIVIL PROCESSES IN GENERAL DISTRICT COURT A-3

VI. CIVIL PROCESSES IN CIRCUIT COURT A-3

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

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

IX. 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-7

E. Gross Permit Violations A-7

F. Charges Assessed In All Cases In Addition To Liquated Damages: A-7

X. 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

XI. PREPAYABLE OFFENSES AND UNIFORM FINE SCHEDULE A-13

APPENDIX B - MANUAL UPDATES B-1