

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 3332**

By Delegate Hanshaw (Mr. Speaker)

(By Request)

[Originating in the Committee on the Judiciary;

Reported February 23, 2023]



1 A BILL to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to  
2 creating judicial circuits and assigning the number of circuit judges in each circuit to be  
3 elected in the 2024 election; and establishing geographic divisions in some circuits.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES**

**§51-2-1. Judicial circuits; terms of office; legislative findings and declarations; elections;  
terms of court.**

1 (a) The state shall be divided into the following judicial circuits with the following number of  
2 judges:

3 (1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall  
4 have four judges;

5 (2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall  
6 have two judges;

7 (3) The counties of Doddridge, Pleasants, and Ritchie shall constitute the third circuit and  
8 shall have one judge;

9 (4) The counties of Wood and Wirt shall constitute the fourth circuit and shall have three  
10 judges;

11 (5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit  
12 and shall have two judges: *Provided*, That effective January 1, 2017, said circuit court shall have  
13 three judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be  
14 held in the year 2016 and every eighth year thereafter;

15 (6) The county of Cabell shall constitute the sixth circuit and shall have four judges;

16 (7) The county of Logan shall constitute the seventh circuit and shall have two judges;

17 (8) The county of McDowell shall constitute the eighth circuit and shall have two judges;

18 (9) The county of Mercer shall constitute the ninth circuit and shall have three judges;

19           (10) The county of Raleigh shall constitute the 10th circuit and shall have three judges:  
20   *Provided*, That effective January 1, 2017, said circuit court shall have four judges; said additional  
21 circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and  
22 every eighth year thereafter;

23           (11) The counties of Greenbrier and Pocahontas shall constitute the 11th circuit and shall  
24 have two judges;

25           (12) The county of Fayette shall constitute the 12th circuit and shall have two judges;

26           (13) The county of Kanawha shall constitute the 13th circuit and shall have seven judges;

27           (14) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the 14th circuit  
28 and shall have two judges;

29           (15) The county of Harrison shall constitute the 15th circuit and shall have three judges;

30           (16) The county of Marion shall constitute the 16th circuit and shall have two judges;

31           (17) The county of Monongalia shall constitute the 17th circuit and shall have three judges;

32           (18) The county of Preston shall constitute the 18th circuit and shall have one judge;

33           (19) The counties of Barbour and Taylor shall constitute the 19th circuit and shall have one  
34 judge: *Provided*, That effective January 1, 2019, said circuit court shall have two judges; said  
35 additional circuit judge to be appointed by the Governor and subsequently elected at the next  
36 scheduled primary election to be held in 2020 for the unexpired term pursuant to §3-10-3 of this  
37 code: *Provided, however*, That said additional circuit judge shall thereafter be elected at the  
38 regularly scheduled election(s) to be held in the year 2024 and every eighth year thereafter;

39           (20) The county of Randolph shall constitute the 20th circuit and shall have one judge;

40           (21) The counties of Grant, Mineral, and Tucker shall constitute the 21st circuit and shall  
41 have two judges;

42           (22) The counties of Hampshire, Hardy, and Pendleton shall constitute the 22nd circuit and  
43 shall have two judges;

44 (23) The counties of Berkeley, Jefferson, and Morgan shall constitute the 23rd circuit and  
45 shall have five judges: *Provided*, That effective January 1, 2017, said circuit court shall have six  
46 judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held  
47 in the year 2016 and every eighth year thereafter;

48 (24) The county of Wayne shall constitute the 24th circuit and shall have two judges;

49 (25) The counties of Lincoln and Boone shall constitute the 25th circuit and shall have two  
50 judges;

51 (26) The counties of Lewis and Upshur shall constitute the 26th circuit and shall have one  
52 judge: *Provided*, That effective January 1, 2017, said circuit court shall have two judges; said  
53 additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year  
54 2016 and every eighth year thereafter;

55 (27) The county of Wyoming shall constitute the 27th circuit and shall have one judge;

56 (28) The county of Nicholas shall constitute the 28th circuit and shall have one judge;

57 (29) The county of Putnam shall constitute the 29th circuit and shall have two judges;

58 (30) The county of Mingo shall constitute the 30th circuit and shall have one judge; and

59 (31) The counties of Monroe and Summers shall constitute the 31st circuit and shall have  
60 one judge.

61 (b) ~~The Kanawha County circuit court shall be a court of concurrent jurisdiction with each~~  
62 ~~single judge circuit where the sitting judge in the single judge circuit is unavailable by reason of~~  
63 ~~sickness, vacation, or other reason~~ Effective January 1, 2025, the state shall be divided into the  
64 following circuit court judicial circuits with the following number of circuit judges:

65 (1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall  
66 have four judges;

67 (2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall  
68 have two judges: *Provided*, That Tyler and Wetzel shall constitute one division and Marshall shall  
69 constitute one division.

70           (3) The counties of Doddridge, Pleasants, Ritchie, and Wirt shall constitute the third circuit  
71 and shall have two judges with the additional circuit judge to be elected at the regularly scheduled  
72 election held in 2024 and every eighth year thereafter;

73           (4) The county of Wood shall constitute the fourth circuit and shall have three judges;

74           (5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit  
75 and shall have three judges;

76           (6) The county of Cabell shall constitute the sixth circuit and shall have four judges;

77           (7) The county of Putnam shall constitute the seventh circuit and shall have two judges;

78           (8) The county of Kanawha shall constitute the eighth circuit and shall have eight judges  
79 with the additional circuit judge to be elected at the regularly scheduled election held in 2024 and  
80 every eighth year thereafter. The Kanawha County circuit court shall be a court of concurrent  
81 jurisdiction with each single judge circuit where the sitting judge in the single judge circuit is  
82 unavailable by reason of sickness, vacation, or other reason.

83           (9) The counties of Boone and Lincoln shall constitute the ninth circuit and shall have two  
84 judges;

85           (10) The county of Wayne shall constitute the 10th circuit and shall have two judges;

86           (11) The counties of Logan and Mingo shall constitute the 11th circuit and shall have three  
87 judges;

88           (12) The counties of McDowell and Wyoming shall constitute the 12th circuit and shall have  
89 two judges; *Provided*, That McDowell shall constitute one division and Wyoming shall constitute  
90 one division.

91           (13) The county of Mercer shall constitute the thirteenth circuit and shall have three judges;

92           (14) The county of Raleigh shall constitute the 14th circuit and shall have four judges;

93           (15) The county of Fayette shall constitute the 15th circuit and shall have two judges;

94           (16) The county of Nicholas shall constitute the 16th circuit and shall have two judges with  
95 the additional circuit judge to be elected at the regularly scheduled election held in 2024 and every  
96 eighth year thereafter;

97           (17) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the 17th circuit  
98 and shall have two judges;

99           (18) The counties of Lewis and Upshur shall constitute the 18th circuit and shall have two  
100 judges: *Provided*, that Lewis shall constitute one division and Upshur shall constitute one division.

101           (19) The county of Harrison shall constitute the 19th circuit and shall have three judges;

102           (20) The county of Marion shall constitute the 20th circuit and shall have two judges;

103           (21) The county of Monongalia shall constitute the 21st circuit and shall have three judges;

104           (22) The counties of Preston and Tucker shall constitute the 22nd circuit and shall have two  
105 judges with the additional circuit judge to be elected at the regularly scheduled election held in  
106 2024 and every eighth year thereafter;

107           (23) The counties of Barbour and Taylor shall constitute the 23rd circuit and shall have two  
108 judges;

109           (24) The county of Randolph shall constitute the 24th circuit and shall have two judges with  
110 the additional circuit judge to be elected at the regularly scheduled election held in 2024 and every  
111 eighth year thereafter;

112           (25) The counties of Grant and Mineral shall constitute the 25th circuit and shall have two  
113 judges;

114           (26) The counties of Hampshire, Hardy, and Pendleton shall constitute the 26th circuit and  
115 shall have two judges;

116           (27) The counties of Berkeley, Morgan, Jefferson shall constitute the 27th circuit and shall  
117 have six judges;

118           (28) The counties of Greenbrier, Monroe, Pocahontas and Summers shall constitute the  
119 28th circuit and shall have three judges;

120 (c) Any judge in office on the effective date of the reenactment of this section shall continue  
121 as a judge of the circuit as constituted under prior enactments of this section, unless sooner  
122 removed or retired as provided by law, until ~~December 31, 2016~~ December 31, 2024.

123 (d) The term of office of all circuit court judges shall be for eight years. The term of office for  
124 all circuit court judges elected during an election conducted in the year 2016 shall commence on  
125 January 1, 2017, and end on December 31, 2024. The term of office for all circuit judges elected  
126 during an election conducted in 2024 shall commence on January 1, 2025 and shall end on  
127 December 31, 2032.

128 (e) For election purposes, in every judicial circuit having two or more judges there shall be  
129 numbered divisions corresponding to the number of circuit judges in each circuit. Each judge shall  
130 be elected at large from the entire circuit. In each numbered division of a judicial circuit, the  
131 candidates for nomination or election shall be voted upon, and the votes cast for the candidates in  
132 each division shall be tallied separately from the votes cast for candidates in other numbered  
133 divisions within the circuit. The candidate receiving the highest number of the votes cast within a  
134 numbered division shall be nominated or elected, as the case may be.

135 (f) Judges serving a judicial circuit comprised of four or more counties with two or more  
136 judges shall not be residents of the same county.

137 (g) The Supreme Court of Appeals shall, by rule, establish the terms of court of circuit  
138 judges.

NOTE: The purpose of this bill is to create the judicial circuits and to allocate the number of circuit court judges in each circuit to be elected in the 2024 election.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.