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WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

COMMITTEE SUBSTITUTE
FOR

ENROLLED
Senate Bill No. 291

(SENATORS HELMICK AND YODER, *original sponsors*)

[Passed March 7, 2008; in effect ninety days from passage.]

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OF THE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 291

(SENATORS HELMICK and YODER, *original sponsors*)

[Passed March 7, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to authorizing an additional circuit court judge to each of the ninth, twenty-second and twenty-fourth judicial circuits.

Be it enacted by the Legislature of West Virginia:

That §51-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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
2 judicial circuits with the following number of judges:

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

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

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

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

12 (5) The counties of Calhoun, Jackson, Mason and
13 Roane shall constitute the fifth circuit and shall have
14 two judges;

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

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

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

21 (9) The county of Mercer shall constitute the ninth
22 circuit and shall have two judges: *Provided, That*

23 effective the first day of September, two thousand eight,
24 said circuit shall have three judges;

25 (10) The county of Raleigh shall constitute the tenth
26 circuit and shall have three judges;

27 (11) The counties of Greenbrier and Pocahontas shall
28 constitute the eleventh circuit and shall have two
29 judges;

30 (12) The county of Fayette shall constitute the twelfth
31 circuit and shall have two judges;

32 (13) The county of Kanawha shall constitute the
33 thirteenth circuit and shall have seven judges;

34 (14) The counties of Braxton, Clay, Gilmer and
35 Webster shall constitute the fourteenth circuit and shall
36 have two judges;

37 (15) The county of Harrison shall constitute the
38 fifteenth circuit and shall have three judges;

39 (16) The county of Marion shall constitute the
40 sixteenth circuit and shall have two judges;

41 (17) The county of Monongalia shall constitute the
42 seventeenth circuit and shall have two judges;

43 (18) The county of Preston shall constitute the
44 eighteenth circuit and shall have one judge;

45 (19) The counties of Barbour and Taylor shall
46 constitute the nineteenth circuit and shall have one
47 judge;

48 (20) The county of Randolph shall constitute the
49 twentieth circuit and shall have one judge;

50 (21) The counties of Grant, Mineral and Tucker shall
51 constitute the twenty-first circuit and shall have two
52 judges;

53 (22) The counties of Hampshire, Hardy and Pendleton
54 shall constitute the twenty-second circuit and shall have
55 one judge: *Provided*, That effective the first day of
56 September, two thousand eight, said circuit shall have
57 two judges;

58 (23) The counties of Berkeley, Jefferson and Morgan
59 shall constitute the twenty-third circuit and shall have
60 five judges;

61 (24) The county of Wayne shall constitute the
62 twenty-fourth circuit and shall have one judge:
63 *Provided*, That effective the first day of September, two
64 thousand eight, said circuit shall have two judges;

65 (25) The counties of Lincoln and Boone shall
66 constitute the twenty-fifth circuit and shall have two
67 judges;

68 (26) The counties of Lewis and Upshur shall constitute
69 the twenty-sixth circuit and shall have one judge;

70 (27) The county of Wyoming shall constitute the
71 twenty-seventh circuit and shall have one judge;

72 (28) The county of Nicholas shall constitute the
73 twenty-eighth circuit and shall have one judge;

74 (29) The county of Putnam shall constitute the
75 twenty-ninth circuit and shall have two judges;

76 (30) The county of Mingo shall constitute the thirtieth
77 circuit and shall have one judge; and

78 (31) The counties of Monroe and Summers shall
79 constitute the thirty-first circuit and shall have one
80 judge.

81 (b) The Kanawha County circuit court shall be a court
82 of concurrent jurisdiction with each single judge circuit
83 where the sitting judge in the single judge circuit is
84 unavailable by reason of sickness, vacation or other
85 reason.

86 (c) Any judge in office on the effective date of the
87 reenactment of this section shall continue as a judge of
88 the circuit as constituted under prior enactments of this
89 section, unless sooner removed or retired as provided by
90 law, until the thirty-first day of December, two
91 thousand eight.

92 (d) The term of office of all circuit court judges shall
93 be for eight years. The term of office for all circuit court
94 judges elected during the general election conducted in
95 the year two thousand eight shall commence on the first
96 day of January, two thousand nine, and end on the
97 thirty-first day of December, two thousand sixteen.

98 (e) For election purposes, in every judicial circuit
99 having two or more judges there shall be numbered
100 divisions corresponding to the number of circuit judges
101 in each circuit. Each judge shall be elected at large
102 from the entire circuit. In each numbered division of a

103 judicial circuit, the candidates for nomination or
104 election shall be voted upon and the votes cast for the
105 candidates in each division shall be tallied separately
106 from the votes cast for candidates in other numbered
107 divisions within the circuit. The candidate receiving the
108 highest number of the votes cast within a numbered
109 division shall be nominated or elected, as the case may
110 be.

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chandy Vohate
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell E. Holm
.....
Clerk of the Senate

Suzanne D. Dow
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this
the *1st* Day of *April* 2008.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 21 2008

Time 9:40am