

SB 338

FILED

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WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

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ENROLLED

Senate Bill No. 338

(BY SENATORS OLIVERIO, PREZIOSO, WILLIAMS,
SYPOLT, EDGELL AND KESSLER)

[Passed April 9, 2009; to take effect July 1, 2009.]

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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Senate Bill No. 338

(BY SENATORS OLIVERIO, PREZIOSO, WILLIAMS, SYPOLT,
EDGELL AND KESSLER)

[Passed April 9, 2009; to take effect July 1, 2009.]

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 the seventeenth judicial circuit.

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 judicial
- 2 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 judge;

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

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

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

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

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

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

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

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

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

27 (13) The county of Kanawha shall constitute the thir-
28 teenth circuit and shall have seven judges;

29 (14) The counties of Braxton, Clay, Gilmer and Webster
30 shall constitute the fourteenth circuit and shall have two
31 judges;

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

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

36 (17) The county of Monongalia shall constitute the
37 seventeenth circuit and shall have two judges: *Provided*,
38 That effective July 1, 2009, said circuit court shall have
39 three judges.

40 (18) The county of Preston shall constitute the eigh-
41 tenth circuit and shall have one judge;

42 (19) The counties of Barbour and Taylor shall constitute
43 the nineteenth circuit and shall have one judge;

44 (20) The county of Randolph shall constitute the twenti-
45 eth circuit and shall have one judge;

46 (21) The counties of Grant, Mineral and Tucker shall
47 constitute the twenty-first circuit and shall have two
48 judges;

49 (22) The counties of Hampshire, Hardy and Pendleton
50 shall constitute the twenty-second circuit and shall have
51 two judges;

52 (23) The counties of Berkeley, Jefferson and Morgan
53 shall constitute the twenty-third circuit and shall have
54 five judges;

55 (24) The county of Wayne shall constitute the
56 twenty-fourth circuit and shall have two judges;

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

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

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

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

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

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

69 (31) The counties of Monroe and Summers shall consti-
70 tute the thirty-first circuit and shall have one judge.

71 (b) The Kanawha County circuit court shall be a court of
72 concurrent jurisdiction with each single judge circuit
73 where the sitting judge in the single judge circuit is
74 unavailable by reason of sickness, vacation or other
75 reason.

76 (c) Any judge in office on the effective date of the
77 reenactment of this section shall continue as a judge of the
78 circuit as constituted under prior enactments of this
79 section, unless sooner removed or retired as provided by
80 law until December 31, 2008.

81 (d) The term of office of all circuit court judges shall be
82 for eight years. The term of office for all circuit court
83 judges elected during the general election conducted in the
84 year 2008 shall commence on January 1, 2009, and end on
85 December 31, 2016.

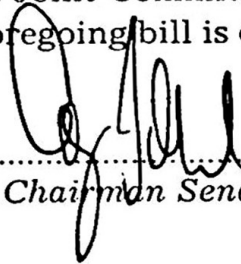
86 (e) For election purposes, in every judicial circuit having
87 two or more judges there shall be numbered divisions
88 corresponding to the number of circuit judges in each
89 circuit. Each judge shall be elected at large from the
90 entire circuit. In each numbered division of a judicial
91 circuit, the candidates for nomination or election shall be
92 voted upon and the votes cast for the candidates in each
93 division shall be tallied separately from the votes cast for
94 candidates in other numbered divisions within the circuit.
95 The candidate receiving the highest number of the votes

96 cast within a numbered division shall be nominated or
97 elected, as the case may be.

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

101 (g) The Supreme Court of Appeals shall, by rule, estab-
102 lish the terms of court of circuit judges.


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


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Chairman Senate Committee

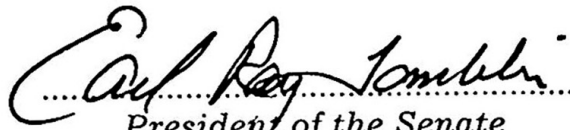

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Chairman House Committee

Originated in the Senate.

Takes effect July 1, 2009.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within *is approved* this the *11th*
Day of *May*, 2009.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAY 5 2009

Time 11:05 am