1 **Senate Bill No. 577**

2 (By Senators Kessler (Mr. President), Hall, Boley, Edgell and

3 Nohe)

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5 [Introduced February 13, 2012; referred to the Committee on the

6 Judiciary; and then to the Committee on Finance.]

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**FISCAL
NOTE**

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10 A BILL to amend and reenact §51-2-1 of the Code of West Virginia,

11 1931, as amended, relating to circuit courts; authorizing an

12 additional circuit court judge for the fifth judicial circuit

13 consisting of Calhoun, Jackson, Mason and Roane counties; and

14 providing that in circuits comprised of four or more counties

15 with more than one judge, no more than two judges may reside

16 in the same county.

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

18 That §51-2-1 of the Code of West Virginia, 1931, as amended,

19 be amended and reenacted to read as follows:

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

21 **§51-2-1. Judicial circuits; terms of office; legislative findings**

22 **and declarations; elections; terms of court.**

23 (a) The state shall be divided into the following judicial

1 circuits with the following number of judges:

2   (1) The counties of Brooke, Hancock and Ohio shall constitute

3 the first circuit and shall have four judges;

4   (2) The counties of Marshall, Tyler and Wetzel shall

5 constitute the second circuit and shall have two judges;

6   (3) The counties of Doddridge, Pleasants and Ritchie shall

7 constitute the third circuit and shall have one judge;

8   (4) The counties of Wood and Wirt shall constitute the fourth

9 circuit and shall have three judges;

10   (5) The counties of Calhoun, Jackson, Mason and Roane shall

11 constitute the fifth circuit and shall have two judges: *Provided,*

12 *That effective September 1, 2012 the fifth circuit shall have three*

13 *judges*;

14   (6) The county of Cabell shall constitute the sixth circuit

15 and shall have four judges;

16   (7) The county of Logan shall constitute the seventh circuit

17 and shall have two judges;

18   (8) The county of McDowell shall constitute the eighth circuit

19 and shall have two judges;

20   (9) The county of Mercer shall constitute the ninth circuit

21 and shall have three judges;

22   (10) The county of Raleigh shall constitute the tenth circuit

23 and shall have three judges;

1   (11) The counties of Greenbrier and Pocahontas shall

2 constitute the eleventh circuit and shall have two judges;

3   (12) The county of Fayette shall constitute the twelfth

4 circuit and shall have two judges;

5   (13) The county of Kanawha shall constitute the thirteenth

6 circuit and shall have seven judges;

7   (14) The counties of Braxton, Clay, Gilmer and Webster shall

8 constitute the fourteenth circuit and shall have two judges;

9   (15) The county of Harrison shall constitute the fifteenth

10 circuit and shall have three judges;

11   (16) The county of Marion shall constitute the sixteenth

12 circuit and shall have two judges;

13   (17) The county of Monongalia shall constitute the seventeenth

14 circuit and shall have two judges: *Provided,* That effective July

15 1, 2009, said circuit court shall have three judges.

16   (18) The county of Preston shall constitute the eighteenth

17 circuit and shall have one judge;

18   (19) The counties of Barbour and Taylor shall constitute the

19 nineteenth circuit and shall have one judge;

20   (20) The county of Randolph shall constitute the twentieth

21 circuit and shall have one judge;

22   (21) The counties of Grant, Mineral and Tucker shall

23 constitute the twenty-first circuit and shall have two judges;

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1   (22) The counties of Hampshire, Hardy and Pendleton shall

2 constitute the twenty-second circuit and shall have two judges;

3   (23) The counties of Berkeley, Jefferson and Morgan shall

4 constitute the twenty-third circuit and shall have five judges;

5   (24) The county of Wayne shall constitute the twenty-fourth

6 circuit and shall have two judges;

7   (25) The counties of Lincoln and Boone shall constitute the

8 twenty-fifth circuit and shall have two judges;

9   (26) The counties of Lewis and Upshur shall constitute the

10 twenty-sixth circuit and shall have one judge;

11   (27) The county of Wyoming shall constitute the twenty-seventh

12 circuit and shall have one judge;

13   (28) The county of Nicholas shall constitute the twenty-eighth

14 circuit and shall have one judge;

15   (29) The county of Putnam shall constitute the twenty-ninth

16 circuit and shall have two judges;

17   (30) The county of Mingo shall constitute the thirtieth

18 circuit and shall have one judge; and

19   (31) The counties of Monroe and Summers shall constitute the

20 thirty-first circuit and shall have one judge.

21   (b) The Kanawha County circuit court shall be a court of

22 concurrent jurisdiction with each single judge circuit where the

23 sitting judge in the single judge circuit is unavailable by reason

1 of sickness, vacation or other reason.

2   (c) Any judge in office on the effective date of the

3 reenactment of this section shall continue as a judge of the

4 circuit as constituted under prior enactments of this section,

5 unless sooner removed or retired as provided by law, until December

6 31, 2008.

7   (d) The term of office of all circuit court judges shall be

8 for eight years. The term of office for all circuit court judges

9 elected during the general election conducted in the year 2008

10 shall commence on January 1, 2009, and end on December 31, 2016.

11   (e) For election purposes, in every judicial circuit having

12 two or more judges there shall be numbered divisions corresponding

13 to the number of circuit judges in each circuit. Each judge shall

14 be elected at large from the entire circuit. In each numbered

15 division of a judicial circuit, the candidates for nomination or

16 election shall be voted upon and the votes cast for the candidates

17 in each division shall be tallied separately from the votes cast

18 for candidates in other numbered divisions within the circuit. The

19 candidate receiving the highest number of the votes cast within a

20 numbered division shall be nominated or elected, as the case may

21 be.

22   (f) ~~Judges serving a judicial circuit comprised of four or~~

23 ~~more counties with two or more judges shall not be residents of the~~

1 ~~same county.~~ <u>In judicial circuits comprised of four or more</u>

2 <u>counties with more than one judge, no more than two judges may be</u>

3 <u>residents of any one county of the circuit</u>.

4   (g) The Supreme Court of Appeals shall, by rule, establish the

5 terms of court of circuit judges.

    NOTE: The purpose of this bill is to authorize the Governor to appoint an additional circuit judge to the fifth judicial circuit comprised of Calhoun, Jackson, Mason and Roane counties. This bill also provides that in judicial circuits with more than four or more counties and more than one judge, no more than two judges may be residents of the same county of the circuit.

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