1 **Senate Bill No. 128**

2 (By Senators Unger and Beach)

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4 [Introduced February 13, 2013; referred to the Committee

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

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FISCAL NOTE

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

12   1931, as amended, relating to authorizing an additional

13   circuit court judge for the twenty-third judicial circuit

14   consisting of Berkeley, Jefferson and Morgan counties.

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

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

17 be amended and reenacted to read as follows:

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

19 **§51-2-1. Judicial circuits; terms of office; legislative findings**

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

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

22 circuits with the following number of judges:

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

2 the first circuit and shall have four judges;

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

4 constitute the second circuit and shall have two judges;

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

6 constitute the third circuit and shall have one judge;

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

8 circuit and shall have three judges;

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

10 constitute the fifth circuit and shall have two judges;

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

12 and shall have four judges;

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

14 and shall have two judges;

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

16 and shall have two judges;

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

18 and shall have three judges;

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

20 and shall have three judges;

21   (11) The counties of Greenbrier and Pocahontas shall

22 constitute the eleventh circuit and shall have two judges;

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

1 circuit and shall have two judges;

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

3 circuit and shall have seven judges;

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

5 constitute the fourteenth circuit and shall have two judges;

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

7 circuit and shall have three judges;

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

9 circuit and shall have two judges;

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

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

12 1, 2009, said circuit court shall have three judges.

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

14 circuit and shall have one judge;

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

16 nineteenth circuit and shall have one judge;

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

18 circuit and shall have one judge;

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

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

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

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

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

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1 constitute the twenty-third circuit and shall have ~~five~~ <u>six</u> judges;

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

3 circuit and shall have two judges;

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

5 twenty-fifth circuit and shall have two judges;

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

7 twenty-sixth circuit and shall have one judge;

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

9 circuit and shall have one judge;

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

11 circuit and shall have one judge;

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

13 circuit and shall have two judges;

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

15 circuit and shall have one judge; and

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

17 thirty-first circuit and shall have one judge.

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

19 concurrent jurisdiction with each single judge circuit where the

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

21 of sickness, vacation or other reason.

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

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

1 circuit as constituted under prior enactments of this section,

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

3 31, 2008.

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

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

6 elected during the general election conducted in the year 2008

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

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

9 two or more judges there shall be numbered divisions corresponding

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

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

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

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

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

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

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

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

18 be.

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

20 more counties with two or more judges ~~shall~~ <u>may</u> not be residents of

21 the same county.

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

23 terms of court of circuit judges.

NOTE: The purpose of this bill is to authorize an additional circuit court judge for the 23rd Judicial Circuit consisting of Berkeley, Jefferson and Morgan counties.

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