

1 **H. B. 4193**

2
3 (By Delegates Hamilton, Smith, P. and Lynch)
4 [Introduced January 16, 2014; referred to the
5 Committee on the Judiciary then Finance.]
6

**FISCAL
NOTE**

7
8
9
10 A BILL to amend and reenact §51-2-1 of the Code of West Virginia,
11 1931, as amended, relating to creating a new judicial circuit
12 court for Upshur County; and providing that the court have one
13 judge.

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

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

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

18 **§51-2-1. Judicial circuits; terms of office; legislative findings
19 and declarations; elections; terms of court.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (17) The county of Monongalia shall constitute the seventeenth
8 circuit and shall have two judges: *Provided*, That effective July
9 1, 2009, said circuit court shall have three judges.

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

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

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

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

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

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

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

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

1 twenty-fifth circuit and shall have two judges;

2 (26) The ~~counties~~ county of Lewis ~~and Upshur~~ shall constitute
3 the twenty-sixth circuit and shall have one judge;

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

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

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

10 (30) The county of Mingo shall constitute the thirtieth
11 circuit and shall have one judge; ~~and~~

12 (31) The counties of Monroe and Summers shall constitute the
13 thirty-first circuit and shall have one judge; and

14 (32) The county of Upshur shall constitute the thirty-second
15 circuit and shall have one judge.

16 (b) The Kanawha County circuit court shall be a court of
17 concurrent jurisdiction with each single judge circuit where the
18 sitting judge in the single judge circuit is unavailable by reason
19 of sickness, vacation or other reason.

20 (c) Any judge in office on the effective date of the
21 reenactment of this section shall continue as a judge of the
22 circuit as constituted under prior enactments of this section,
23 unless sooner removed or retired as provided by law, until December
24 31, 2008.

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

5 (e) For election purposes, in every judicial circuit having
6 two or more judges there shall be numbered divisions corresponding
7 to the number of circuit judges in each circuit. Each judge shall
8 be elected at large from the entire circuit. In each numbered
9 division of a judicial circuit, the candidates for nomination or
10 election shall be voted upon and the votes cast for the candidates
11 in each division shall be tallied separately from the votes cast
12 for candidates in other numbered divisions within the circuit. The
13 candidate receiving the highest number of the votes cast within a
14 numbered division shall be nominated or elected, as the case may
15 be.

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

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

NOTE: The purpose of this bill is to creating a new judicial
circuit court for Upshur County. The bill provides that the court
have one judge.

Strike-throughs indicate language that would be stricken from

the present law, and underscoring indicates new language that would be added.