

1 **H. B. 4205**

2
3 (By Delegates Hamilton, Smith, P., and Lynch)
4 [Introduced January 16, 2014; referred to the
5 Committee on the Judiciary then 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 adding a second judge to the
12 twenty-sixth judicial circuit.

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

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

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

17 **§51-2-1. Judicial circuits; terms of office; legislative findings
18 and declarations; elections; terms of court.**

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

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

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

1 constitute the second circuit and shall have two judges;

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

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

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

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

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

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

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

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

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

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

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

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

1 constitute the fourteenth circuit and shall have two judges;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (d) The term of office of all circuit court judges shall be
23 for eight years. The term of office for all circuit court judges
24 elected during the general election conducted in the year 2008

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

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

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

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

NOTE: The purpose of this bill is to add a second judge to the
twenty-sixth judicial circuit court.

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