1   **H. B. 2782**

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3   (By Delegate Skinner)

4   [Introduced February 17, 2015; referred to the

5   Committee on the Judiciary then Finance.]

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10   A BILL to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to

11   adjusting the judicial circuits of West Virginia; removing Jefferson County from the twenty-

12   third judicial circuit; creating a new thirty-second judicial circuit consisting of Jefferson

13   County; and assigning two judges to the thirty-second circuit.

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

15   That §51-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted

16   to read as follows:

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

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

19   **terms of court.**

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

21   of judges:

1   (1) The counties of Brooke, Hancock and Ohio shall constitute the first circuit and shall have

2 four judges;

3   (2) The counties of Marshall, Tyler and Wetzel shall constitute the second circuit and shall

4 have two judges;

5   (3) The counties of Doddridge, Pleasants and Ritchie shall constitute the third circuit and

6 shall have one judge;

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

8 judges;

9   (5) The counties of Calhoun, Jackson, Mason and Roane shall constitute the fifth circuit and

10 shall have two judges;

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

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

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

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

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

16   (11) The counties of Greenbrier and Pocahontas shall constitute the eleventh circuit and shall

17 have two judges;

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

19   (13) The county of Kanawha shall constitute the thirteenth circuit and shall have seven

20 judges;

21   (14) The counties of Braxton, Clay, Gilmer and Webster shall constitute the fourteenth circuit

1 and shall have two judges;

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

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

4   (17) The county of Monongalia shall constitute the seventeenth circuit and shall have two

5 judges: *Provided,* That effective July 1, 2009, said circuit court shall have three judges.

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

7   (19) The counties of Barbour and Taylor shall constitute the nineteenth circuit and shall have

8 one judge;

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

10   (21) The counties of Grant, Mineral and Tucker shall constitute the twenty-first circuit and

11 shall have two judges;

12   (22) The counties of Hampshire, Hardy and Pendleton shall constitute the twenty-second

13 circuit and shall have two judges;

14   (23) The counties of Berkeley ~~Jefferson~~ and Morgan shall constitute the twenty-third circuit

15 and shall have five judges;

16   (24) The county of Wayne shall constitute the twenty-fourth circuit and shall have two

17 judges;

18   (25) The counties of Lincoln and Boone shall constitute the twenty-fifth circuit and shall have

19 two judges;

20   (26) The counties of Lewis and Upshur shall constitute the twenty-sixth circuit and shall have

21 one judge;

1   (27) The county of Wyoming shall constitute the twenty-seventh circuit and shall have one

2 judge;

3   (28) The county of Nicholas shall constitute the twenty-eighth circuit and shall have one

4 judge;

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

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

7   (31) The counties of Monroe and Summers shall constitute the thirty-first circuit and shall

8 have one judge; and

9   (32) The county of Jefferson shall constitute the thirty-second circuit and shall have two

10 judges.

11   (b) The Kanawha County circuit court shall be a court of concurrent jurisdiction with each

12 single judge circuit where the sitting judge in the single judge circuit is unavailable by reason of

13 sickness, vacation or other reason.

14   (c) Any judge in office on the effective date of the reenactment of this section shall continue

15 as a judge of the circuit as constituted under prior enactments of this section, unless sooner removed

16 or retired as provided by law, until December 31, 2008.

17   (d) The term of office of all circuit court judges shall be for eight years. The term of office

18 for all circuit court judges elected during the general election conducted in the year 2008 shall

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

20   (e) For election purposes, in every judicial circuit having two or more judges there shall be

21 numbered divisions corresponding to the number of circuit judges in each circuit. Each judge shall

1 be elected at large from the entire circuit. In each numbered division of a judicial circuit, the

2 candidates for nomination or election shall be voted upon and the votes cast for the candidates in

3 each division shall be tallied separately from the votes cast for candidates in other numbered

4 divisions within the circuit. The candidate receiving the highest number of the votes cast within a

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

6   (f) Judges serving a judicial circuit comprised of four or more counties with two or more

7 judges shall not be residents of the same county.

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

9 terms of court of circuit judges.

NOTE: The purpose of this bill is to split the twenty-third circuit into two circuits and assign two judges to Jefferson County.

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