

1 **Senate Bill No. 415**

2 (By Senator Trump)

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4 [Originating in the Committee on the Judiciary; reported February 4, 2015.]
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7 A BILL to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to
8 adding circuit judges to certain judicial circuits; providing for currently serving circuit judges
9 to remain in office until December 31, 2016; and providing for the terms of office of circuit
10 judges elected in the year 2016.

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

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

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

15 **§51-2-1. Judicial circuits; terms of office; legislative findings and declarations; elections;**
16 **terms of court.**

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

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

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

1 have two judges;

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

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

6 (5) The counties of Calhoun, Jackson, Mason and Roane shall constitute the fifth circuit and
7 shall have two judges: Provided, That effective January 1, 2017, said circuit court shall have three
8 judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in
9 the year 2016 and every eighth year thereafter;

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

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

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

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

14 (10) The county of Raleigh shall constitute the tenth circuit and shall have three judges:
15 Provided, That effective January 1, 2017, said circuit court shall have four judges; said additional
16 circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every
17 eighth year thereafter;

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

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

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

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

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

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

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

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

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

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

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

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

15 (23) The counties of Berkeley, Jefferson and Morgan shall constitute the twenty-third circuit
16 and shall have five judges; Provided, That effective January 1, 2017, said circuit court shall have six
17 judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in
18 the year 2016 and every eighth year thereafter;

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

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

1 (26) The counties of Lewis and Upshur shall constitute the twenty-sixth circuit and shall have
2 one judge: Provided, That effective January 1, 2017, said circuit court shall have two judges; said
3 additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016
4 and every eighth year thereafter;

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

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

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

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

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

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

16 (c) Any judge in office on the effective date of the reenactment of this section shall continue
17 as a judge of the circuit as constituted under prior enactments of this section, unless sooner removed
18 or retired as provided by law, until December 31, ~~2008~~ 2016.

19 (d) The term of office of all circuit court judges shall be for eight years. The term of office
20 for all circuit court judges elected during ~~the general election~~ an election conducted in the year ~~2008~~
21 2016 shall commence on January 1, ~~2009~~ 2017, and end on December 31, ~~2016~~ 2024.

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

1 numbered divisions corresponding to the number of circuit judges in each circuit. Each judge shall
2 be elected at large from the entire circuit. In each numbered division of a judicial circuit, the
3 candidates for nomination or election shall be voted upon and the votes cast for the candidates in
4 each division shall be tallied separately from the votes cast for candidates in other numbered
5 divisions within the circuit. The candidate receiving the highest number of the votes cast within a
6 numbered division shall be nominated or elected, as the case may be.

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

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



(NOTE: This bill adds one circuit judge to each of the following judicial circuits: The Fifth Circuit (Mason, Jackson, Roane and Calhoun counties); the Tenth Circuit (Raleigh County); the Twenty-third Circuit (Morgan, Berkeley, and Jefferson Counties); and the Twenty-sixth Circuit (Lewis and Upshur Counties). These additional judges are allocated based upon the West Virginia Circuit Judge Workload Study conducted by the State Justice Institute of the National Center for State Courts. The bill further updates the provisions for the commencement and completion of terms of office for circuit judges currently serving as well as those elected in the year 2016.

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