

1 **Senate Bill No. 573**

2 (By Senators Trump, Carmichael, Nohe, D. Hall, Palumbo and Gaunch)

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4 [Originating in the Committee on the Judiciary;
5 reported February 23, 2015.]
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11 A BILL to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to
12 the number of magistrates to be seated in each county of the state; and providing for the
13 election thereof.

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

15 That §50-1-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted
16 to read as follows:

17 **CHAPTER 50. MAGISTRATE COURTS.**

18 **ARTICLE 1. COURTS AND OFFICERS**

19 **§50-1-2. Number of Magistrates.**

20 (a) The number of magistrates to be seated in each county of this State shall be determined
21 in accordance with the provisions of this section.

1 (b) Any magistrate in office as of the effective date of this section shall remain in office until
2 the expiration of the term for which he or she was elected or appointed. Vacancies in office for
3 magistrates elected in the year 2012 shall be filled pursuant to the provisions of section six of this
4 article for the remainder of the term thereof.

5 (c) Beginning on the first day of January, 2017, the number of magistrates sitting in each
6 county of the state shall be as follows:

7 (1) Barbour County shall sit two magistrates.

8 (2) Berkeley County shall sit six magistrates: *Provided*, That as of January 1, 2021 it shall
9 sit seven magistrates.

10 (3) Boone County shall sit two magistrates.

11 (4) Braxton County shall sit two magistrates.

12 (5) Brooke County shall sit two magistrates.

13 (6) Cabell County shall sit seven magistrates.

14 (7) Calhoun County shall sit two magistrates.

15 (8) Clay County shall sit two magistrates.

16 (9) Doddridge County shall sit two magistrates.

17 (10) Fayette County shall sit three magistrates.

18 (11) Gilmer County shall sit two magistrates.

19 (12) Grant County shall sit two magistrates.

20 (13) Greenbrier County shall sit two magistrates.

21 (14) Hampshire County shall sit two magistrates.

22 (15) Hancock County shall two magistrates.

- 1 (16) Hardy County shall sit two magistrates.
- 2 (17) Harrison County shall sit four magistrates.
- 3 (18) Jackson County shall sit two magistrates.
- 4 (19) Jefferson County shall sit four magistrates.
- 5 (20) Kanawha County shall sit eleven magistrates.
- 6 (21) Lewis County shall sit two magistrates.
- 7 (22) Lincoln County shall sit two magistrates.
- 8 (23) Logan County shall sit three magistrates.
- 9 (24) Marion County shall sit three magistrates: *Provided*, That as of January 1, 2021 it shall
10 sit two magistrates.
- 11 (25) Marshall County shall sit two magistrates.
- 12 (26) Mason County shall sit two magistrates.
- 13 (27) McDowell County shall sit three magistrates.
- 14 (28) Mercer County shall sit five magistrates.
- 15 (29) Mineral County shall sit two magistrates.
- 16 (30) Mingo County shall sit two magistrates.
- 17 (31) Monongalia County shall sit five magistrates.
- 18 (32) Monroe County shall sit two magistrates.
- 19 (33) Morgan County shall sit two magistrates.
- 20 (34) Nicholas County shall sit two magistrates.
- 21 (35) Ohio County shall sit three magistrates.
- 22 (36) Pendleton County shall sit two magistrates.

- 1 (37) Pleasants County shall sit two magistrates.
- 2 (38) Pocahontas County shall sit two magistrates.
- 3 (39) Preston County shall sit two magistrates.
- 4 (40) Putnam County shall two magistrates.
- 5 (41) Raleigh County shall sit six magistrates.
- 6 (42) Randolph County shall sit two magistrates.
- 7 (43) Ritchie County shall sit two magistrates.
- 8 (44) Roane County shall sit two magistrates.
- 9 (45) Summers County shall sit two magistrates.
- 10 (46) Taylor County shall sit two magistrates.
- 11 (47) Tucker County shall sit two magistrates.
- 12 (48) Tyler County shall sit two magistrates.
- 13 (49) Upshur County shall sit two magistrates.
- 14 (50) Wayne County shall sit two magistrates.
- 15 (51) Webster County shall sit two magistrates.
- 16 (52) Wetzel County shall sit two magistrates.
- 17 (53) Wirt County shall sit two magistrates.
- 18 (54) Wood County shall sit four magistrates.
- 19 (55) Wyoming County shall sit two magistrates.
- 20 (d) Magistrates whose terms commence on January 1, 2017, or every fourth year thereafter,
- 21 shall be elected during the regularly scheduled election(s) taking place in the year 2016, or every
fourth year thereafter.

Note: Currently, magistrates are apportioned based upon an administrative order issued by the Supreme Court of Appeals. This bill codifies the apportionment of magistrates existing in the state as of the effective date of the legislation, for the remainder of the elective terms of those magistrates. The apportionment of magistrates provided in this bill is made in accordance with the Magistrate Court Workload Study, conducted by the State Justice Institute of the National Center for State Courts. This apportionment maintains at least two magistrates in each county.

The bill provides that during the 2016 election cycle, one magistrate less will be elected in each of the following counties: Fayette, Preston, Harrison, Marion (these first four eliminated positions are based upon anticipated retirements), Greenbrier, Hancock, Marshall, Mingo, Nicholas, Ohio, Putnam, Randolph, Wayne, and Wyoming. During the 2020 election cycle, the bill makes a further reduction of one magistrate position in Marion County.

The bill provides for additional magistrates beginning in the 2016 election cycle in the following counties: Berkeley, Jefferson, Kanawha, Monongalia, and Raleigh. The bill adds a second magistrate to Berkeley County during the 2020 election cycle.

Currently, 158 magistrates are seated around the state; following the 2016 elections, 149 magistrates will be seated.

This section has been completely rewritten; therefore, strike-throughs and underlining have been omitted.