

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4361

BY DELEGATES MARCUM, PHILLIPS, J. NELSON, FRICH, P.

WHITE, R. SMITH, WESTFALL, RODIGHIERO, HICKS,

FAIRCLOTH AND WAGNER

[Introduced February 2, 2016; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §51-3-19, relating to requiring that senior status circuit judges only fill
 3 vacancies in districts or counties in which they were not previously elected.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §51-3-19, to read as follows:

ARTICLE 3. COURTS GENERALLY.

§51-3-19. Senior status circuit judge assignments.

1 Upon the occurrence of a vacancy in the office of a circuit court judge or a family court
 2 judge that requires the assignment of a judge to hear and determine matters pending before that
 3 court, the Chief Justice of the Supreme Court of Appeals shall not assign a senior status circuit
 4 judge to fill a vacancy in a district or county in which the senior status circuit judge was elected
 5 and previously served.

NOTE: The purpose of this bill is to prohibit a senior status judge from filling a vacancy in the district or county in which they were formerly elected.

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