

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 4632

FISCAL  
NOTE

BY DELEGATES MANCHIN, SKINNER, HAMILTON, MILEY

AND P. SMITH

[Introduced February 20, 2016; Referred  
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating  
2 to providing a six month term for the four new circuit judges by gubernatorial appointment  
3 prior to the beginning of the regular eight year term.

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

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

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

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

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

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

5 (2) The counties of Marshall, Tyler and Wetzel shall constitute the second circuit and shall  
6 have two judges;

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

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

11 (5) The counties of Calhoun, Jackson, Mason and Roane shall constitute the fifth circuit  
12 and shall have two judges: *Provided*, That effective ~~January 1, 2017~~ July 1, 2016, said circuit  
13 court shall have three judges; said additional circuit judge to be elected at the regularly scheduled  
14 election(s) to be held in the year 2016 for a term beginning January 1, 2017, and every eighth  
15 year thereafter: *Provided, however*, That the Governor shall appoint a judge to serve from July 1,  
16 2016, through December 30, 2016.

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

- 18 (7) The county of Logan shall constitute the seventh circuit and shall have two judges;
- 19 (8) The county of McDowell shall constitute the eighth circuit and shall have two judges;
- 20 (9) The county of Mercer shall constitute the ninth circuit and shall have three judges;
- 21 (10) The county of Raleigh shall constitute the tenth circuit and shall have three judges:
- 22 *Provided*, That effective ~~January 1, 2017~~ July 1, 2016, said circuit court shall have four judges;
- 23 said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the
- 24 year 2016 for a term beginning January 1, 2017, and every eighth year thereafter: *Provided*,
- 25 however, That the Governor shall appoint a judge to serve from July 1, 2016, through December
- 26 30, 2016.
- 27 (11) The counties of Greenbrier and Pocahontas shall constitute the eleventh circuit and
- 28 shall have two judges;
- 29 (12) The county of Fayette shall constitute the twelfth circuit and shall have two judges;
- 30 (13) The county of Kanawha shall constitute the thirteenth circuit and shall have seven
- 31 judges;
- 32 (14) The counties of Braxton, Clay, Gilmer and Webster shall constitute the fourteenth
- 33 circuit and shall have two judges;
- 34 (15) The county of Harrison shall constitute the fifteenth circuit and shall have three judges;
- 35 (16) The county of Marion shall constitute the sixteenth circuit and shall have two judges;
- 36 (17) The county of Monongalia shall constitute the seventeenth circuit and shall have three
- 37 judges;
- 38 (18) The county of Preston shall constitute the eighteenth circuit and shall have one judge;
- 39 (19) The counties of Barbour and Taylor shall constitute the nineteenth circuit and shall
- 40 have one judge;
- 41 (20) The county of Randolph shall constitute the twentieth circuit and shall have one judge;
- 42 (21) The counties of Grant, Mineral and Tucker shall constitute the twenty-first circuit and
- 43 shall have two judges;

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

46 (23) The counties of Berkeley, Jefferson and Morgan shall constitute the twenty-third  
47 circuit and shall have five judges: *Provided*, That effective ~~January 1, 2017~~ July 1, 2016, said  
48 circuit court shall have six judges; said additional circuit judge to be elected at the regularly  
49 scheduled election(s) to be held in the year 2016 for a term beginning January 1, 2017, and every  
50 eighth year thereafter: *Provided, however*, That the Governor shall appoint a judge to serve from  
51 July 1, 2016 through December 30, 2016.

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

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

56 (26) The counties of Lewis and Upshur shall constitute the twenty-sixth circuit and shall  
57 have one judge: *Provided*, That effective ~~January 1, 2017~~ July 1, 2016, said circuit court shall  
58 have two judges; said additional circuit judge to be elected at the regularly scheduled election(s)  
59 to be held in the year 2016 for a term beginning January 1, 2017, and every eighth year thereafter:  
60 *Provided, however*, That the Governor shall appoint a judge to serve from July 1, 2016 through  
61 December 30, 2016.

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

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

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

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

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

70 have one judge.

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

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

77 (d) The term of office of all circuit court judges shall be for eight years. The term of office  
78 for all circuit court judges elected during an election conducted in the year 2016 shall commence  
79 on January 1, 2017, and end on December 31, 2024.

80 (e) For election purposes, in every judicial circuit having two or more judges there shall be  
81 numbered divisions corresponding to the number of circuit judges in each circuit. Each judge shall  
82 be elected at large from the entire circuit. In each numbered division of a judicial circuit, the  
83 candidates for nomination or election shall be voted upon and the votes cast for the candidates  
84 in each division shall be tallied separately from the votes cast for candidates in other numbered  
85 divisions within the circuit. The candidate receiving the highest number of the votes cast within a  
86 numbered division shall be nominated or elected, as the case may be.

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

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

NOTE: The purpose of this bill is to provide a six month term for the four new circuit judges by gubernatorial appointed prior to the beginning of the regular eight year term.

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