

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2938**

By Delegates Foster, Burkhammer, Keaton,  
Householder, Hardy, Mazzocchi, Espinosa, Williams,  
and Walker

[Introduced January 24, 2023; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended, relating to  
2 the allocation of magistrates serving in each county.

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

## **ARTICLE 1. COURTS AND OFFICERS.**

### **§50-1-2. Number of magistrates.**

1 (a) The number of magistrates to be elected in each county of this state shall be  
2 determined in accordance with the provisions of this section.

3 (b) The Supreme Court of Appeals shall conduct or otherwise arrange for a caseload study  
4 of the magistrate courts of this state for the purpose of determining how many magistrates are  
5 needed in each county. Based upon the results of this study and upon consideration of county  
6 population data from the most recent decennial census, the Supreme Court of Appeals shall enter  
7 an administrative order on or before January 5, 2023, containing the Supreme Court's  
8 recommendations as to the number of magistrates who are needed in each of the state's 55  
9 counties for the four-year terms of office to be filled by election in the year 2024. The  
10 administrative order shall allocate no more than 170 magistrates for the entire State of West  
11 Virginia, nor shall the allocation reduce the number of magistrates in any county below that in  
12 effect on the effective date of the amendments to this section enacted during the 2022 regular  
13 session of the Legislature. Attested copies of the administrative order shall be provided to the  
14 President of the West Virginia Senate, the Clerk of the Senate, the Clerk and the Speaker of the  
15 West Virginia House of Delegates, and the West Virginia Secretary of State.

16 (c) The West Virginia Legislature may, in the regular session of the Legislature, 2023,  
17 reject the allocation of magistrates recommended by the Supreme Court and allocate magistrates  
18 for the four-year terms commencing in January of 2025 and serving through December of 2028, as  
19 the Legislature may choose by enactment of a bill containing such an allocation.

20 (d) If the Legislature does not enact a different allocation of the magistrates to be elected in  
21 2024 pursuant to subsection (c) of this section, then the administrative order of the Supreme Court

22 of Appeals required by subsection (b) of this section shall become the certification to the ballot  
23 commissioners of each county in this state of the number of magistrates to be elected in each  
24 county of this state at the judicial elections to be held concurrently with the primary election in  
25 2024.

26 (e) The process set forth in this section shall be repeated every four years in the first and  
27 second years immediately preceding the quadrennial election of magistrates.

28 (f) Pursuant to the Final Report on the West Virginia Magistrate Judicial Workload Delphi  
29 Update, the number of magistrates as of 2023 shall be as follows:

- 30 Barbour: 2
- 31 Berkeley: 8
- 32 Boone: 2
- 33 Braxton: 2
- 34 Brooke: 2
- 35 Cabell: 8
- 36 Calhoun: 2
- 37 Clay: 2
- 38 Doddridge: 2
- 39 Fayette: 3
- 40 Gilmer: 2
- 41 Grant: 2
- 42 Greenbrier: 2
- 43 Hampshire: 2
- 44 Hancock: 2
- 45 Hardy: 2
- 46 Harrison: 5
- 47 Jackson: 2

48	<u>Jefferson:</u>	4
49	<u>Kanawha:</u>	13
50	<u>Lewis:</u>	2
51	<u>Lincoln:</u>	2
52	<u>Logan:</u>	4
53	<u>Marion:</u>	3
54	<u>Marshall:</u>	2
55	<u>Mason:</u>	2
56	<u>McDowell:</u>	2
57	<u>Mercer:</u>	5
58	<u>Mineral:</u>	2
59	<u>Mingo:</u>	2
60	<u>Monongalia:</u>	6
61	<u>Monroe:</u>	2
62	<u>Morgan:</u>	2
63	<u>Nicholas:</u>	2
64	<u>Ohio:</u>	3
65	<u>Pendleton:</u>	2
66	<u>Pleasants:</u>	2
67	<u>Pocahontas:</u>	2
68	<u>Preston:</u>	2
69	<u>Putnam:</u>	3
70	<u>Raleigh:</u>	7
71	<u>Randolph:</u>	2
72	<u>Ritchie:</u>	2
73	<u>Roane:</u>	2

74	<u>Summers:</u>	<u>2</u>
75	<u>Taylor:</u>	<u>2</u>
76	<u>Tucker:</u>	<u>2</u>
77	<u>Tyler:</u>	<u>2</u>
78	<u>Upshur:</u>	<u>2</u>
79	<u>Wayne:</u>	<u>2</u>
80	<u>Webster:</u>	<u>2</u>
81	<u>Wetzel:</u>	<u>2</u>
82	<u>Wirt:</u>	<u>2</u>
83	<u>Wood:</u>	<u>6</u>
84	<u>Wyoming:</u>	<u>2</u>

NOTE: The purpose of this bill is to establish the number of magistrates per county.

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