WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3402

By Delegates Foster, Brooks, Phillips, Steele, Fast, Maynor, Barnhart, and Kirby

[Introduced February 13, 2023; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §51-1-17 of the Code of West Virginia, 1931, as amended, relating to requiring a report of the statements of charges against a judge in this state made by Judicial Investigation Commission and the Office of Disciplinary Counsel to be sent, annually, to the Legislature's Joint Committee on the Judiciary.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-17. Administrative office of Supreme Court of Appeals -- duties of director.

The director shall, when authorized by the Supreme Court of Appeals, be the administrative officer of said court and shall have charge, under the supervision and direction of the Supreme Court of Appeals, of:

(a) All administrative matters relating to the offices of the clerks of the circuit and intermediary courts and of the offices of justice of the peace and all other clerical and administrative personnel of said courts; but nothing contained in this article shall be construed as affecting the authority of the courts to appoint their administrative or clerical personnel;

(b) Examining the state of the dockets of the various courts and securing information as to their needs for assistance, if any, and the preparation of statistical data and reports of the business transacted by the courts;

(c) The preparation of a proper budget to secure the appropriation of moneys for the maintenance, support and operation of the courts;

(d) The purchase, exchange, transfer and distribution of equipment and supplies, as may be needful or desirable;

(e) Such other matters as may be assigned to him or her by the Supreme Court of Appeals. The clerks of the circuit courts, intermediate courts and courts of the justices of the peace shall comply with any and all requests made by the director or his or her assistants for information and statistical data bearing on the state of the dockets of such courts, or such other information as may reflect the business transacted by them;

(f) *Annual report of activities and estimates of expenditures.* -- The director, when required to do so by the Supreme Court of Appeals, shall submit annually to the court a report of the activities of the administrative office and of the state of business of the courts, together with the statistical data compiled by him or her, with his or her recommendations;

(g) Serve as the chair of the court security board created under the provisions of §51-3-15 of this code.

(h) *Annual report of activities of the Judicial Investigation Commission and office of Disciplinary Counsel.* --- The director, at the direction of the Supreme Court, shall obtain from the Judicial Investigation Commission and the Office of Disciplinary Counsel statements of charges brought against a judge of this state. The report shall be submitted to the Legislature's Joint Committee on the Judiciary, annually.

NOTE: The purpose of this bill is to require a report, of the statements of charges against a judge in this state, made by Judicial Investigation Commission and the Office of Disciplinary Counsel to be sent, annually, to the Legislature's Joint Committee on the Judiciary.

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