

# **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]

1 A BILL to amend and reenact §51-1-17 of the Code of West Virginia, 1931, as amended, relating to  
 2 requiring a report of the statements of charges against a judge in this state made by  
 3 Judicial Investigation Commission and the Office of Disciplinary Counsel to be sent,  
 4 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.**

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

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

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

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

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

15 (e) Such other matters as may be assigned to him or her by the Supreme Court of Appeals.

16 The clerks of the circuit courts, intermediate courts and courts of the justices of the peace shall  
 17 comply with any and all requests made by the director or his or her assistants for information and  
 18 statistical data bearing on the state of the dockets of such courts, or such other information as may  
 19 reflect the business transacted by them;

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

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

26 (h) Annual report of activities of the Judicial Investigation Commission and office of  
27 Disciplinary Counsel. --- The director, at the direction of the Supreme Court, shall obtain from the  
28 Judicial Investigation Commission and the Office of Disciplinary Counsel statements of charges  
29 brought against a judge of this state. The report shall be submitted to the Legislature's Joint  
30 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.