

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 482

By Senators Trump, Woodrum, Barrett, Deeds, and

Rucker

[Introduced January 26, 2023; referred to the

Committee on the Judiciary; and then to the

Committee on Finance]

1 A BILL to amend and reenact §50-1-2 of the Code of West Virginia, 1931, as amended; to amend
2 and reenact §50-1-8, §50-1-9, and §50-1-9a of said code; to amend said code by adding
3 thereto a new section, designated §50-1-9c; to amend and reenact §51-2-1 of said code;
4 and to amend and reenact §51-2A-3 and §51-2A-6 of said code; all relating generally to the
5 circuit composition and staffing of circuit courts, family courts, and magistrates;
6 establishing the number of magistrates per county before and after a date certain;
7 establishing magisterial term length and election dates; setting forth process for Supreme
8 Court of Appeals to undertake magistrate caseload study and submit administrative order
9 regarding magistrate allocation; eliminating limit on maximum number of magistrates;
10 eliminating restriction against reducing number of magistrates; removing payment of
11 magistrates salaries based on population; establishing certain magistrate staff salaries
12 and payment periods; authorizing additional magistrate assistants per magistrate based
13 on workload, subject to certain restrictions; altering the county composition of certain
14 circuit court circuits; establishing the number of circuit court judges per circuit before and
15 after a date certain; altering the county composition of certain family court circuits;
16 establishing the number of family court judges per family court circuit before and after a
17 date certain; establishing salaries of family court judges; establishing certain family court
18 staff salaries and payment periods; permitting Supreme Court of Appeals to increase
19 number of family case coordinators; authorizing the Supreme Court of Appeals to create
20 staff classifications and to appoint additional support staff to family court judges based on
21 workload, subject to certain restrictions; and providing internal effective dates.

Be it enacted by the Legislature of West Virginia:

CHAPTER 50. MAGISTRATE COURTS.

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) Beginning on the effective date of this subsection and until December 31, 2024, the
4 number of magistrates in each county of the state shall be as follows:

5 (1) Barbour County shall have two magistrates;

6 (2) Berkeley County shall have six magistrates;

7 (3) Boone County shall have two magistrates;

8 (4) Braxton County shall have two magistrates;

9 (5) Brooke County shall have two magistrates;

10 (6) Cabell County shall have seven magistrates;

11 (7) Calhoun County shall have two magistrates;

12 (8) Clay County shall have two magistrates;

13 (9) Doddridge County shall have two magistrates;

14 (10) Fayette County shall have four magistrates;

15 (11) Gilmer County shall have two magistrates;

16 (12) Grant County shall have two magistrates;

17 (13) Greenbrier County shall have three magistrates;

18 (14) Hampshire County shall have two magistrates;

19 (15) Hancock County shall have three magistrates;

20 (16) Hardy County shall have two magistrates;

21 (17) Harrison County shall have five magistrates;

22 (18) Jackson County shall have two magistrates;

23 (19) Jefferson County shall have three magistrates;

24 (20) Kanawha County shall have 10 magistrates;

25 (21) Lewis County shall have two magistrates;

26 (22) Lincoln County shall have two magistrates;

- 27 (23) Logan County shall have three magistrates;
- 28 (24) Marion County shall have four magistrates;
- 29 (25) Marshall County shall have three magistrates;
- 30 (26) Mason County shall have two magistrates;
- 31 (27) McDowell County shall have three magistrates;
- 32 (28) Mercer County shall have five magistrates;
- 33 (29) Mineral County shall have two magistrates;
- 34 (30) Mingo County shall have three magistrates;
- 35 (31) Monongalia County shall have four magistrates: *Provided, That effective July 1, 2023,*
- 36 Monongalia County shall have five magistrates, and the initial appointment for the additional
- 37 magistrate shall be made in accordance with the provisions of §50-1-6 of this code;
- 38 (32) Monroe County shall have two magistrates;
- 39 (33) Morgan County shall have two magistrates;
- 40 (34) Nicholas County shall have three magistrates;
- 41 (35) Ohio County shall have four magistrates;
- 42 (36) Pendleton County shall have two magistrates;
- 43 (37) Pleasants County shall have two magistrates;
- 44 (38) Pocahontas County shall have two magistrates;
- 45 (39) Preston County shall have three magistrates;
- 46 (40) Putnam County shall have three magistrates;
- 47 (41) Raleigh County shall have five magistrates;
- 48 (42) Randolph County shall have three magistrates;
- 49 (43) Ritchie County shall have two magistrates;
- 50 (44) Roane County shall have two magistrates;
- 51 (45) Summers County shall have two magistrates;
- 52 (46) Taylor County shall have two magistrates;

53 (47) Tucker County shall have two magistrates;

54 (48) Tyler County shall have two magistrates;

55 (49) Upshur County shall have two magistrates;

56 (50) Wayne County shall have three magistrates;

57 (51) Webster County shall have two magistrates;

58 (52) Wetzel County shall have two magistrates;

59 (53) Wirt County shall have two magistrates;

60 (54) Wood County shall have four magistrates; and

61 (55) Wyoming County shall have three magistrates.

62 (c) Beginning on January 1, 2025, the number of magistrates in each county of the state
63 shall be as follows:

64 (1) Barbour County shall have two magistrates, who shall be elected at the regularly
65 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

66 (2) Berkeley County shall have seven magistrates, who shall be elected at the regularly
67 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

68 (3) Boone County shall have two magistrates, who shall be elected at the regularly
69 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

70 (4) Braxton County shall have two magistrates, who shall be elected at the regularly
71 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

72 (5) Brooke County shall have two magistrates, who shall be elected at the regularly
73 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

74 (6) Cabell County shall have seven magistrates, who shall be elected at the regularly
75 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

76 (7) Calhoun County shall have two magistrates, who shall be elected at the regularly
77 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

78 (8) Clay County shall have two magistrates, who shall be elected at the regularly

79 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

80 (9) Doddridge County shall have two magistrates, who shall be elected at the regularly
81 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

82 (10) Fayette County shall have four magistrates, who shall be elected at the regularly
83 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

84 (11) Gilmer County shall have two magistrates, who shall be elected at the regularly
85 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

86 (12) Grant County shall have two magistrates, who shall be elected at the regularly
87 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

88 (13) Greenbrier County shall have three magistrates, who shall be elected at the regularly
89 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

90 (14) Hampshire County shall have two magistrates, who shall be elected at the regularly
91 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

92 (15) Hancock County shall have three magistrates, who shall be elected at the regularly
93 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

94 (16) Hardy County shall have two magistrates, who shall be elected at the regularly
95 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

96 (17) Harrison County shall have five magistrates, who shall be elected at the regularly
97 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

98 (18) Jackson County shall have two magistrates, who shall be elected at the regularly
99 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

100 (19) Jefferson County shall have four magistrates, who shall be elected at the regularly
101 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

102 (20) Kanawha County shall have 13 magistrates, who shall be elected at the regularly
103 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

104 (21) Lewis County shall have two magistrates, who shall be elected at the regularly

105 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

106 (22) Lincoln County shall have two magistrates, who shall be elected at the regularly
107 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

108 (23) Logan County shall have four magistrates, who shall be elected at the regularly
109 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

110 (24) Marion County shall have four magistrates, who shall be elected at the regularly
111 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

112 (25) Marshall County shall have three magistrates, who shall be elected at the regularly
113 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

114 (26) Mason County shall have two magistrates, who shall be elected at the regularly
115 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

116 (27) McDowell County shall have three magistrates, who shall be elected at the regularly
117 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

118 (28) Mercer County shall have five magistrates, who shall be elected at the regularly
119 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

120 (29) Mineral County shall have two magistrates, who shall be elected at the regularly
121 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

122 (30) Mingo County shall have three magistrates, who shall be elected at the regularly
123 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

124 (31) Monongalia County shall have six magistrates, who shall be elected at the regularly
125 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

126 (32) Monroe County shall have two magistrates, who shall be elected at the regularly
127 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

128 (33) Morgan County shall have two magistrates, who shall be elected at the regularly
129 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

130 (34) Nicholas County shall have three magistrates, who shall be elected at the regularly

131 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

132 (35) Ohio County shall have four magistrates, who shall be elected at the regularly
133 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

134 (36) Pendleton County shall have two magistrates, who shall be elected at the regularly
135 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

136 (37) Pleasants County shall have two magistrates, who shall be elected at the regularly
137 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

138 (38) Pocahontas County shall have two magistrates, who shall be elected at the regularly
139 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

140 (39) Preston County shall have three magistrates, who shall be elected at the regularly
141 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

142 (40) Putnam County shall have three magistrates, who shall be elected at the regularly
143 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

144 (41) Raleigh County shall have six magistrates, who shall be elected at the regularly
145 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

146 (42) Randolph County shall have three magistrates, who shall be elected at the regularly
147 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

148 (43) Ritchie County shall have two magistrates, who shall be elected at the regularly
149 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

150 (44) Roane County shall have two magistrates, who shall be elected at the regularly
151 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

152 (45) Summers County shall have two magistrates, who shall be elected at the regularly
153 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

154 (46) Taylor County shall have two magistrates, who shall be elected at the regularly
155 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

156 (47) Tucker County shall have two magistrates, who shall be elected at the regularly

157 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

158 (48) Tyler County shall have two magistrates, who shall be elected at the regularly
159 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

160 (49) Upshur County shall have two magistrates, who shall be elected at the regularly
161 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

162 (50) Wayne County shall have three magistrates, who shall be elected at the regularly
163 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

164 (51) Webster County shall have two magistrates, who shall be elected at the regularly
165 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

166 (52) Wetzel County shall have two magistrates, who shall be elected at the regularly
167 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

168 (53) Wirt County shall have two magistrates, who shall be elected at the regularly
169 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

170 (54) Wood County shall have six magistrates, who shall be elected at the regularly
171 scheduled election(s) to be held in the year 2024, and every fourth year thereafter; and

172 (55) Wyoming County shall have three magistrates, who shall be elected at the regularly
173 scheduled election(s) to be held in the year 2024, and every fourth year thereafter.

174 (b) (d) In the year 2026, the Supreme Court of Appeals shall conduct or otherwise arrange
175 for a caseload study of the magistrate courts of this state for the purpose of determining how many
176 magistrates are needed in each county. Based upon the results of this study and upon
177 consideration of county population data from the most recent decennial census, the Supreme
178 Court of Appeals shall enter an administrative order on or before January 5, ~~2023~~ 2027, containing
179 the Supreme Court of Appeal's recommendations as to the number of magistrates who are
180 needed in each of the state's 55 counties for the four-year terms of office to be filled by election in
181 the year ~~2024~~ 2028. ~~The administrative order shall allocate no more than 170 magistrates for the~~
182 ~~entire State of West Virginia, nor shall the allocation reduce the number of magistrates in any~~

183 ~~county below that in effect on the effective date of the amendments to this section enacted during~~
184 ~~the 2022 regular session of the Legislature~~ Attested copies of the administrative order shall be
185 provided to the President of the West Virginia Senate, the Clerk of the Senate, the Clerk and the
186 Speaker of the West Virginia House of Delegates, and the West Virginia Secretary of State.

187 ~~(c)~~ (e) The West Virginia Legislature may ~~in the regular session of the Legislature, 2023~~
188 reject the allocation of magistrates recommended by the Supreme Court of Appeals in its
189 administrative order entered for the judicial elections to be held in 2028, and allocate magistrates
190 for the four-year terms commencing in January of ~~2025~~ 2029, and serving through December of
191 ~~2028~~ 2032, as the Legislature may choose by enactment of a bill containing such an allocation.

192 ~~(d)~~ (f) If the Legislature does not enact a different allocation of the magistrates to be elected
193 in ~~2024~~ 2028, pursuant to subsection ~~(c)~~ (e) of this section, then the administrative order of the
194 Supreme Court of Appeals required by subsection ~~(b)~~ (d) of this section shall become the
195 certification to the ballot commissioners of each county in this state of the number of magistrates to
196 be elected in each county of this state at the judicial elections to be held concurrently with the
197 primary election ~~in 2024~~.

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

§50-1-8. Magistrate court clerks; salaries; duties; duties of circuit clerk.

1 (a) In each county having three or more magistrates, the judge of the circuit court or the
2 chief judge of the circuit court, if there is more than one judge of the circuit court, shall appoint a
3 magistrate court clerk. In all other counties the judge may appoint a magistrate court clerk or may,
4 by rule, require the duties of the magistrate court clerk to be performed by the clerk of the circuit
5 court, in which event the circuit court clerk is entitled to additional compensation in the amount of
6 \$2,500 per year. The magistrate court clerk serves at the will and pleasure of the circuit judge.

7 (b) Magistrate court clerks shall be paid at least twice per month by the state. ~~Magistrate~~
8 ~~court clerks serving magistrates who serve less than seven thousand three hundred in population~~

9 shall be paid up to \$39,552 per year and magistrate court clerks serving magistrates who serve
10 seven thousand three hundred or more in population shall be paid up to \$44,712 per year:
11 *Provided*, That after the effective date of this section, any general salary increase granted to all
12 state employees, whose salaries are not set by statute, expressed as a percentage increase or an
13 across-the-board increase, may also be granted to magistrate court clerks. For the purpose of
14 determining the population served by each magistrate, the number of magistrates authorized for
15 each county shall be divided into the population of each county. The salary of the magistrate court
16 clerk shall be established by the judge of the circuit court, or the chief judge of the circuit court if
17 there is more than one judge of the circuit court, within the limits set forth in this section The annual
18 salary of all magistrate court clerks is \$52,296. Beginning July 1, 2023, the annual salary of a
19 magistrate court clerk shall be \$54,846. Magistrate court clerks may receive any general salary
20 increase granted to state employees, whose salaries are not set by statute, expressed as a
21 percentage increase or an across-the-board increase, implemented after July 1, 2023.

22 (c) In addition to other duties that may be imposed by the provisions of this chapter or by
23 the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the
24 circuit court if there is more than one judge of the circuit court, it is the duty of the magistrate court
25 clerk to establish and maintain appropriate dockets and records in a centralized system for the
26 magistrate court, to assist in the preparation of the reports required of the court and to carry out on
27 behalf of the magistrates or chief magistrate if a chief magistrate is appointed, the administrative
28 duties of the court.

29 (d) The magistrate court clerk, or if there is no magistrate court clerk in the county, the clerk
30 of the circuit court, may issue all manner of civil process and require the enforcement of
31 subpoenas and subpoenas duces tecum in magistrate court.

32 (e) ~~Notwithstanding any provision of this code to the contrary, the amendments made to~~
33 ~~this section during the 2013 first extraordinary session are effective upon passage and are~~
34 ~~retroactive to January 1, 2013.~~

1 ~~(f) Beginning January 1, 2017, the annual salary of all magistrate court clerks is \$44,720.~~
2 ~~After the effective date of this section, a general salary increase granted to state employees,~~
3 ~~whose salaries are not set by statute, expressed as a percentage increase or an across-the-board~~
4 ~~increase, may also be granted to magistrate court clerks~~

§50-1-9. Magistrate assistants; salary; duties.

1 (a) In each county there shall be at least one magistrate assistant for each magistrate;
2 however, the Supreme Court of Appeals may authorize additional magistrate assistants if the
3 workload of a county's magistrate court requires extra staff support. Each magistrate assistant
4 shall be appointed by the magistrate under whose authority and supervision and at whose will and
5 pleasure he or she shall serve. If more than one magistrate assistant per magistrate is approved
6 by the Supreme Court of Appeals, then the chief magistrate, or chief circuit judge if no chief
7 magistrate is designated, shall appoint, supervise, and assign job duties for any additional
8 magistrate assistant as needed for that county. The assistant shall not be a member of the
9 immediate family of any magistrate and shall not have been convicted of a felony or any
10 misdemeanor involving moral turpitude and shall reside in the State of West Virginia. For the
11 purpose of this section, "immediate family" means the relationships of mother, father, sister,
12 brother, child, or spouse.

13 (b) A magistrate assistant shall have the duties, clerical or otherwise, assigned by the
14 magistrate and prescribed by the rules of the Supreme Court of Appeals or the judge of the circuit
15 court, or the chief judge of the circuit court if there is more than one judge of the circuit court. In
16 addition to these duties, magistrate assistants shall perform and are accountable to the magistrate
17 court clerks with respect to the following duties:

- 18 (1) The preparation of summons in civil actions;
19 (2) The assignment of civil actions to the various magistrates;
20 (3) The collection of all costs, fees, fines, forfeitures, and penalties which are payable to
21 the court;

22 (4) The submission of moneys, along with an accounting of the moneys, to appropriate
23 authorities as provided by law;

24 (5) The daily disposition of closed files which are to be located in the magistrate clerk's
25 office;

26 (6) All duties related to the gathering of information and documents necessary for the
27 preparation of administrative reports and documents required by the rules of the Supreme Court of
28 Appeals, or the judge of the circuit court or the chief judge of the circuit court if there is more than
29 one judge of the circuit court;

30 (7) All duties relating to the notification, certification, and payment of jurors serving
31 pursuant to the terms of this chapter; and

32 (8) All other duties or responsibilities whereby the magistrate assistant is accountable to
33 the magistrate court clerk as determined by the magistrate.

34 (c) Magistrate assistants shall be paid at least twice per month by the state. The annual
35 salary of all magistrate assistants is \$46,932. Beginning July 1, 2023, the annual salary of a
36 magistrate assistant shall be \$49,482. Magistrate assistants may receive any general salary
37 increase granted to state employees, whose salaries are not set by statute, expressed as a
38 percentage increase or an across-the-board increase enacted after July 1, 2023. Magistrate
39 ~~assistants serving magistrates who serve less than seven thousand three hundred in population~~
40 ~~shall be paid up to \$36,048 per year and magistrate assistants serving magistrates who serve~~
41 ~~seven thousand three hundred or more in population shall be paid up to \$39,348 per year:~~
42 ~~Provided, That after the effective date of this section, any general salary increase granted to all~~
43 ~~state employees, whose salaries are not set by statute, expressed as a percentage increase or an~~
44 ~~across-the-board increase, may also be granted to magistrate assistants. For the purpose of~~
45 ~~determining the population served by each magistrate, the number of magistrates authorized for~~
46 ~~each county shall be divided into the population of each county. The salary of the magistrate~~
47 ~~assistant shall be established by the magistrate within the limits set forth in this section.~~

48 ~~(d) Notwithstanding any provision of this code to the contrary, the amendments made to~~
49 ~~this section during the 2013 first extraordinary session are effective upon passage and are~~
50 ~~retroactive to January 1, 2013.~~

51 ~~(e) Beginning January 1, 2017, the annual salary of all magistrate assistants is \$39,348.~~
52 ~~After the effective date of this section, a general salary increase granted to state employees,~~
53 ~~whose salaries are not set by statute, expressed as a percentage increase or an across-the-board~~
54 ~~increase, may also be granted to magistrate assistants~~

§50-1-9a. Magistrate court deputy clerks; duties; salary.

1 (a) Whenever required by workload and upon the recommendation of the judge of the
2 circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court,
3 the Supreme Court of Appeals may ~~by rule~~ provide by rule for the appointment of magistrate court
4 deputy clerks. ~~not to exceed seventy-two in number~~ The magistrate court deputy clerks shall be
5 appointed by the judge of the circuit court, or the chief judge of the circuit court if there is more than
6 one judge of the circuit court, to serve at his or her will and pleasure under the immediate
7 supervision of the magistrate court clerk.

8 (b) Magistrate court deputy clerks shall have the duties, clerical or otherwise, as may be
9 assigned by the magistrate court clerk and as may be prescribed by the rules of the Supreme
10 Court of Appeals, ~~or~~ the judge of the circuit court, or the chief judge of the circuit court, if there is
11 more than one judge of the circuit court. Magistrate court deputy clerks may also exercise the
12 power and perform the duties of the magistrate court clerk as may be delegated or assigned by the
13 magistrate court clerk.

14 (c) A magistrate court deputy clerk may not be an immediate family member of any
15 magistrate, magistrate court clerk, magistrate assistant, or judge of the circuit court within the
16 same county; may not have been convicted of a felony or any misdemeanor involving moral
17 turpitude; and must reside in this state. For purposes of this subsection, "immediate family
18 member" means a mother, father, sister, brother, child, or spouse.

19 ~~(d) Magistrate court deputy clerks shall be paid an annual salary by the state on the same~~
20 ~~basis and in the same amounts established for magistrate assistants in each county, as provided~~
21 ~~in section nine of this article~~ Magistrate court deputy clerks shall be paid at least twice per month
22 by the state. The annual salary of all magistrate court deputy clerks is \$46,932. Beginning July 1,
23 2023, the annual salary of a magistrate court deputy clerk shall be \$49,482. Magistrate court
24 deputy clerks may receive any general salary increase granted to state employees whose salaries
25 are not set by statute, expressed as a percentage increase or an across-the-board increase
26 implemented after July 1, 2023.

27 ~~(e) Notwithstanding any provision of this code to the contrary, the amendments made to~~
28 ~~section nine of this article during the 2013 First Extraordinary Session, and the effects of those~~
29 ~~amendments on subsection (d) of this section, are effective upon passage and are retroactive to~~
30 ~~January 1, 2013.~~

31 ~~(f) Beginning January 1, 2017, the annual salary of all magistrate court deputy clerks is~~
32 ~~\$39,348. After the effective date of this section, a general salary increase granted to state~~
33 ~~employees, whose salaries are not set by statute, expressed as a percentage increase or an~~
34 ~~across-the-board increase, may also be granted to magistrate court deputy clerks~~

§50-1-9c. Additional magistrate court support staff; duties; salary.

1 The Supreme Court of Appeals is authorized to create additional classifications of support
2 staff that it deems necessary to adequately and efficiently staff the magistrate courts of this state,
3 including, but not limited to cashiers, data entry clerks, and deputy magistrate assistants. The
4 Supreme Court of Appeals may determine the authority to hire and terminate, supervise, and
5 assign job duties for these positions pursuant to its own employment rules, policies, and
6 procedures. The annual salary of additional support staff authorized by this section shall not
7 exceed the regular annual salary of a magistrate assistant and shall be paid by the state on the
8 same basis and in the same amounts established for magistrate assistants in each county, as
9 provided in §50-1-9 of this code.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.

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

1 (a) Beginning on the effective date of this subsection and until December 31, 2024, the
2 state shall be divided into the following judicial circuits with the following number 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~~ three judges ~~Provided, That effective January 1, 2017, said circuit court shall~~
13 ~~have three judges; said additional circuit judge to be elected at the regularly scheduled election(s)~~
14 ~~to be held in the year 2016 and every eighth year thereafter;~~

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

16 (7) The county of Logan shall constitute the seventh circuit and shall have two judges;

17 (8) The county of McDowell shall constitute the eighth circuit and shall have two judges;

18 (9) The county of Mercer shall constitute the ninth circuit and shall have three judges;

19 (10) The county of Raleigh shall constitute the tenth circuit and shall have ~~three~~ four judges
20 ~~Provided, That effective January 1, 2017, said circuit court shall have four judges; said additional~~
21 ~~circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and~~

22 ~~every eighth year thereafter;~~

23 (11) The counties of Greenbrier and Pocahontas shall constitute the eleventh circuit and
24 shall have two judges;

25 (12) The county of Fayette shall constitute the twelfth circuit and shall have two judges;

26 (13) The county of Kanawha shall constitute the thirteenth circuit and shall have seven
27 judges;

28 (14) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the fourteenth
29 circuit and shall have two judges;

30 (15) The county of Harrison shall constitute the fifteenth circuit and shall have three judges;

31 (16) The county of Marion shall constitute the sixteenth circuit and shall have two judges;

32 (17) The county of Monongalia shall constitute the seventeenth circuit and shall have three
33 judges;

34 (18) The county of Preston shall constitute the eighteenth circuit and shall have one judge;

35 (19) The counties of Barbour and Taylor shall constitute the nineteenth circuit and shall
36 have ~~one judge~~ two judges ~~Provided, That effective January 1, 2019, said circuit court shall have~~
37 ~~two judges; said additional circuit judge to be appointed by the Governor and subsequently elected~~
38 ~~at the next scheduled primary election to be held in 2020 for the unexpired term pursuant to §3-10-~~
39 ~~3 of this code: Provided, however, That said additional circuit judge shall thereafter be elected at~~
40 ~~the regularly scheduled election(s) to be held in the year 2024 and every eighth year thereafter;~~

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~~ six judges; ~~Provided, That effective January 1, 2017, said circuit court~~

48 ~~shall have six judges; said additional circuit judge to be elected at the regularly scheduled~~
49 ~~election(s) to be held in the year 2016 and every eighth year thereafter~~

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

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

54 (26) The counties of Lewis and Upshur shall constitute the twenty-sixth circuit and shall
55 have ~~one judge~~ two judges ~~Provided, That effective January 1, 2017, said circuit court shall have~~
56 ~~two judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be~~
57 ~~held in the year 2016 and every eighth year thereafter;~~

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

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

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

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

65 (31) The counties of Monroe and Summers shall constitute the thirty-first circuit and shall
66 have one judge.

67 (b) Effective January 1, 2025, the state shall be divided into the following judicial circuits
68 with the following number of judges:

69 (1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall
70 have four judges, who shall be elected at the regularly scheduled election(s) to be held in the year
71 2024, and every eighth year thereafter;

72 (2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall
73 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year

74 2024, and every eighth year thereafter;

75 (3) The counties of Doddridge, Pleasants, Ritchie, and Wirt shall constitute the third circuit
76 and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in
77 the year 2024, and every eighth year thereafter;

78 (4) The county of Wood shall constitute the fourth circuit and shall have three judges, who
79 shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth
80 year thereafter;

81 (5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit
82 and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held
83 in the year 2024, and every eighth year thereafter;

84 (6) The county of Cabell shall constitute the sixth circuit and shall have four judges, who
85 shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth
86 year thereafter;

87 (7) The county of Putnam shall constitute the seventh circuit and shall have two judges,
88 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
89 eighth year thereafter;

90 (8) The county of Kanawha shall constitute the eighth circuit and shall have eight judges,
91 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
92 eighth year thereafter;

93 (9) The counties of Boone and Lincoln shall constitute the ninth circuit and shall have two
94 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and
95 every eighth year thereafter;

96 (10) The county of Wayne shall constitute the tenth circuit and shall have two judges, who
97 shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth
98 year thereafter;

99 (11) The counties of Logan and Mingo shall constitute the eleventh circuit and shall have

100 three judges, who shall be elected at the regularly scheduled election(s) to be held in the year
101 2024, and every eighth year thereafter;

102 (12) The counties of McDowell and Wyoming shall constitute the twelfth circuit and shall
103 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
104 2024, and every eighth year thereafter;

105 (13) The county of Mercer shall constitute the thirteenth circuit and shall have three judges,
106 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
107 eighth year thereafter;

108 (14) The county of Raleigh shall constitute the fourteenth circuit and shall have four judges,
109 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
110 eighth year thereafter;

111 (15) The county of Fayette shall constitute the fifteenth circuit and shall have two judges,
112 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
113 eighth year thereafter;

114 (16) The county of Nicholas shall constitute the sixteenth circuit and shall have two judges,
115 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
116 eighth year thereafter;

117 (17) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the seventeenth
118 circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be
119 held in the year 2024, and every eighth year thereafter;

120 (18) The counties of Lewis and Upshur shall constitute the eighteenth circuit and shall have
121 two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024,
122 and every eighth year thereafter;

123 (19) The county of Harrison shall constitute the nineteenth circuit and shall have three
124 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and
125 every eighth year thereafter;

126 (20) The county of Marion shall constitute the twentieth circuit and shall have two judges,
127 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every
128 eighth year thereafter;

129 (21) The county of Monongalia shall constitute the twenty-first circuit and shall have three
130 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and
131 every eighth year thereafter;

132 (22) The counties of Preston and Tucker shall constitute the twenty-second circuit and
133 shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the
134 year 2024, and every eighth year thereafter;

135 (23) The counties of Barbour and Taylor shall constitute the twenty-third circuit and shall
136 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
137 2024, and every eighth year thereafter;

138 (24) The county of Randolph shall constitute the twenty-fourth circuit and shall have two
139 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and
140 every eighth year thereafter;

141 (25) The counties of Grant and Mineral shall constitute the twenty-fifth circuit and shall
142 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
143 2024, and every eighth year thereafter;

144 (26) The counties of Hampshire, Hardy, and Pendelton shall constitute the twenty-sixth
145 circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be
146 held in the year 2024, and every eighth year thereafter;

147 (27) The counties of Berkley and Morgan shall constitute the twenty-seventh circuit and
148 shall have five judges, who shall be elected at the regularly scheduled election(s) to be held in the
149 year 2024, and every eighth year thereafter;

150 (28) The county of Jefferson shall constitute the twenty-eighth circuit and shall have two
151 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and

152 every eighth year thereafter;

153 (29) The counties of Greenbrier and Pocahontas shall constitute the twenty-ninth circuit
154 and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in
155 the year 2024, and every eighth year thereafter; and

156 (30) The counties of Monroe and Summers shall constitute the thirtieth circuit and shall
157 have one judge.

158 ~~(b)~~ (c) The Kanawha County circuit court shall be a court of concurrent jurisdiction with
159 each single-judge circuit where the sitting judge in the single-judge circuit is unavailable by reason
160 of sickness, vacation, or other reason.

161 ~~(e)~~ (d) Any judge in office on the effective date of the reenactment of this section shall
162 continue as a judge of the circuit as constituted under prior enactments of this section, unless
163 sooner removed or retired as provided by law, until December 31, ~~2016~~ 2024.

164 ~~(d)~~ (e) The term of office of all circuit court judges shall be for eight years. The term of office
165 for all circuit court judges elected during an election conducted in the year ~~2016~~ 2024, shall
166 commence on January 1, ~~2017~~, 2025, and end on December 31, ~~2024~~ 2032.

167 ~~(e)~~ (f) For election purposes, in every judicial circuit having two or more judges there shall
168 be numbered divisions corresponding to the number of circuit judges in each circuit. Each judge
169 shall be elected at large from the entire circuit. In each numbered division of a judicial circuit, the
170 candidates for nomination or election shall be voted upon, and the votes cast for the candidates in
171 each division shall be tallied separately from the votes cast for candidates in other numbered
172 divisions within the circuit. The candidate receiving the highest number of the votes cast within a
173 numbered division shall be ~~nominated or elected, as the case may be.~~

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

176 ~~(g)~~ (h) The Supreme Court of Appeals shall, by rule, establish the terms of court of circuit
177 judges.

ARTICLE 2A. FAMILY COURTS.

§51-2A-3. Number of family court judges; assignment of family court judges by family court circuits.

1 ~~(a) Beginning on January 1, 2009, forty-five family court judges shall serve throughout the~~
2 ~~state, allocated among a total of twenty-seven family court circuits as follows:~~

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

5 ~~(2) The counties of Marshall, Wetzel and Tyler shall constitute the second family court~~
6 ~~circuit and have one family court judge;~~

7 ~~(3) The counties of Pleasants and Wood shall constitute the third family court circuit and~~
8 ~~have two family court judges;~~

9 ~~(4) The counties of Roane, Calhoun, Gilmer and Ritchie shall constitute the fourth family~~
10 ~~court circuit and have one family court judge;~~

11 ~~(5) The counties of Mason, Jackson and Wirt shall constitute the fifth family court circuit~~
12 ~~and have two family court judges;~~

13 ~~(6) The county of Cabell shall constitute the sixth family court circuit and have two family~~
14 ~~court judges;~~

15 ~~(7) The county of Wayne shall constitute the seventh family court circuit and have one~~
16 ~~family court judge;~~

17 ~~(8) The county of Mingo shall constitute the eighth family court circuit and have one family~~
18 ~~court judge;~~

19 ~~(9) The county of Logan shall constitute the ninth family court circuit and have two family~~
20 ~~court judges;~~

21 ~~(10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and~~
22 ~~have two family court judges;~~

23 ~~(11) The county of Kanawha shall constitute the eleventh family court circuit and have five~~

24 family court judges;

25 ~~(12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit~~
26 ~~and have three family court judges;~~

27 ~~(13) The counties of Raleigh, Summers and Wyoming shall constitute the thirteenth family~~
28 ~~court circuit and have three family court judges;~~

29 ~~(14) The county of Fayette shall constitute the fourteenth family court circuit and have one~~
30 ~~family court judge;~~

31 ~~(15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit~~
32 ~~and have one family court judge;~~

33 ~~(16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit and~~
34 ~~have one family court judge;~~

35 ~~(17) The counties of Braxton, Lewis and Upshur shall constitute the seventeenth family~~
36 ~~court circuit and have one family court judge;~~

37 ~~(18) The counties of Harrison and Doddridge shall constitute the eighteenth family court~~
38 ~~circuit and have two family court judges;~~

39 ~~(19) The county of Marion shall constitute the nineteenth family court circuit and have one~~
40 ~~family court judge;~~

41 ~~(20) The counties of Monongalia and Preston shall constitute the twentieth family court~~
42 ~~circuit and have two family court judges;~~

43 ~~(21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit~~
44 ~~and have one family court judge;~~

45 ~~(22) The counties of Tucker and Randolph shall constitute the twenty-second family court~~
46 ~~circuit and have one family court judge;~~

47 ~~(23) The counties of Mineral, Hampshire and Morgan shall constitute the twenty-third~~
48 ~~family court circuit and have one family court judge;~~

49 ~~(24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court~~

50 ~~circuit and have three family court judges;~~

51 ~~(25) The counties of Hardy, Pendleton and Grant shall constitute the twenty-fifth family~~
52 ~~court circuit and have one family court judge;~~

53 ~~(26) The county of Putnam shall constitute the twenty-sixth family court circuit and have~~
54 ~~one family court judge; and~~

55 ~~(27) The counties of Webster and Pocahontas shall constitute the twenty-seventh family~~
56 ~~court circuit and have one family court judge.~~

57 ~~(b) (a) Beginning on January 1, 2017~~ Beginning on the effective date of this subsection and
58 until December 31, 2024, 47 family court judges shall serve throughout the state, allocated among
59 a total of 27 family court circuits as follows:

60 (1) The counties of Brooke, Hancock, and Ohio shall constitute the first family court circuit
61 and have two family court judges;

62 (2) The counties of Marshall, Wetzel, and Tyler shall constitute the second family court
63 circuit and have one family court judge;

64 (3) The counties of Pleasants and Wood shall constitute the third family court circuit and
65 have two family court judges;

66 (4) The counties of Roane, Calhoun, Gilmer, and Ritchie shall constitute the fourth family
67 court circuit and have one family court judge;

68 (5) The counties of Mason, Jackson, and Wirt shall constitute the fifth family court circuit
69 and have two family court judges;

70 (6) The county of Cabell shall constitute the sixth family court circuit and have three family
71 court judges;

72 (7) The county of Wayne shall constitute the seventh family court circuit and have one
73 family court judge;

74 (8) The county of Mingo shall constitute the eighth family court circuit and have one family
75 court judge;

76 (9) The county of Logan shall constitute the ninth family court circuit and have two family
77 court judges;

78 (10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and
79 have two family court judges;

80 (11) The county of Kanawha shall constitute the eleventh family court circuit and have five
81 family court judges;

82 (12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit
83 and have three family court judges;

84 (13) The counties of Raleigh, Summers, and Wyoming shall constitute the thirteenth family
85 court circuit and have three family court judges;

86 (14) The county of Fayette shall constitute the fourteenth family court circuit and have one
87 family court judge;

88 (15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit
89 and have one family court judge;

90 (16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit and
91 have one family court judge;

92 (17) The counties of Braxton, Lewis, and Upshur shall constitute the seventeenth family
93 court circuit and have one family court judge;

94 (18) The counties of Harrison and Doddridge shall constitute the eighteenth family court
95 circuit and have two family court judges;

96 (19) The county of Marion shall constitute the nineteenth family court circuit and have one
97 family court judge;

98 (20) The counties of Monongalia and Preston shall constitute the twentieth family court
99 circuit and have two family court judges;

100 (21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit
101 and have one family court judge;

102 (22) The counties of Tucker and Randolph shall constitute the twenty-second family court
103 circuit and have one family court judge;

104 (23) The counties of Mineral, Hampshire and Morgan shall constitute the twenty-third
105 family court circuit and have two family court judges;

106 (24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court
107 circuit and have three family court judges;

108 (25) The counties of Hardy, Pendleton, and Grant shall constitute the twenty-fifth family
109 court circuit and have one family court judge;

110 (26) The county of Putnam shall constitute the twenty-sixth family court circuit and have
111 one family court judge; and

112 (27) The counties of Webster and Pocahontas shall constitute the twenty-seventh family
113 court circuit and have one family court judge.

114 (b) Effective January 1, 2025, 48 family court judges shall serve throughout the state,
115 allocated among a total of 27 family court circuits as follows:

116 (1) The counties of Brooke, Hancock, and Ohio shall constitute the first family court circuit
117 and have two family court judges, who shall be elected at the regularly scheduled election(s) to be
118 held in the year 2024, and every eighth year thereafter;

119 (2) The counties of Marshall, Wetzel, and Tyler shall constitute the second family court
120 circuit and have one family court judge, who shall be elected at the regularly scheduled election(s)
121 to be held in the year 2024, and every eighth year thereafter;

122 (3) The counties of Pleasants and Wood shall constitute the third family court circuit and
123 have two family court judges, who shall be elected at the regularly scheduled election(s) to be held
124 in the year 2024, and every eighth year thereafter;

125 (4) The counties of Roane, Calhoun, Gilmer, and Ritchie shall constitute the fourth family
126 court circuit and have one family court judge, who shall be elected at the regularly scheduled
127 election(s) to be held in the year 2024, and every eighth year thereafter;

128 (5) The counties of Mason, Jackson, and Wirt shall constitute the fifth family court circuit
129 and have two family court judges, who shall be elected at the regularly scheduled election(s) to be
130 held in the year 2024, and every eighth year thereafter;

131 (6) The county of Cabell shall constitute the sixth family court circuit and have three family
132 court judges, who shall be elected at the regularly scheduled election(s) to be held in the year
133 2024, and every eighth year thereafter;

134 (7) The county of Wayne shall constitute the seventh family court circuit and have one
135 family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year
136 2024, and every eighth year thereafter;

137 (8) The county of Mingo shall constitute the eighth family court circuit and have one family
138 court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024,
139 and every eighth year thereafter;

140 (9) The county of Logan shall constitute the ninth family court circuit and have two family
141 court judges, who shall be elected at the regularly scheduled election(s) to be held in the year
142 2024, and every eighth year thereafter;

143 (10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and
144 have two family court judges, who shall be elected at the regularly scheduled election(s) to be held
145 in the year 2024, and every eighth year thereafter;

146 (11) The county of Kanawha shall constitute the eleventh family court circuit and have five
147 family court judges, who shall be elected at the regularly scheduled election(s) to be held in the
148 year 2024, and every eighth year thereafter;

149 (12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit
150 and have three family court judges, who shall be elected at the regularly scheduled election(s) to
151 be held in the year 2024, and every eighth year thereafter;

152 (13) The counties of Raleigh, Summers, and Wyoming shall constitute the thirteenth family
153 court circuit and have three family court judges, who shall be elected at the regularly scheduled

154 election(s) to be held in the year 2024, and every eighth year thereafter;

155 (14) The county of Fayette shall constitute the fourteenth family court circuit and have one
156 family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year
157 2024, and every eighth year thereafter;

158 (15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit
159 and have one family court judge, who shall be elected at the regularly scheduled election(s) to be
160 held in the year 2024, and every eighth year thereafter;

161 (16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit and
162 have one family court judge, who shall be elected at the regularly scheduled election(s) to be held
163 in the year 2024, and every eighth year thereafter;

164 (17) The counties of Lewis and Upshur shall constitute the seventeenth family court circuit
165 and have one family court judge, who shall be elected at the regularly scheduled election(s) to be
166 held in the year 2024, and every eighth year thereafter;

167 (18) The counties of Harrison and Doddridge shall constitute the eighteenth family court
168 circuit and have two family court judges, who shall be elected at the regularly scheduled
169 election(s) to be held in the year 2024, and every eighth year thereafter;

170 (19) The county of Marion shall constitute the nineteenth family court circuit and have one
171 family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year
172 2024, and every eighth year thereafter;

173 (20) The counties of Monongalia and Preston shall constitute the twentieth family court
174 circuit and have two family court judges, who shall be elected at the regularly scheduled
175 election(s) to be held in the year 2024, and every eighth year thereafter;

176 (21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit
177 and have one family court judge, who shall be elected at the regularly scheduled election(s) to be
178 held in the year 2024, and every eighth year thereafter;

179 (22) The counties of Tucker and Randolph shall constitute the twenty-second family court

180 circuit and have one family court judge, who shall be elected at the regularly scheduled election(s)
181 to be held in the year 2024, and every eighth year thereafter;

182 (23) The counties of Mineral, Hampshire, and Morgan shall constitute the twenty-third
183 family court circuit and have two family court judges, who shall be elected at the regularly
184 scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

185 (24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court
186 circuit and have four family court judges with the additional family court judge to be elected at the
187 regularly scheduled election held in 2024, and every eighth year thereafter;

188 (25) The counties of Hardy, Pendleton, and Grant shall constitute the twenty-fifth family
189 court circuit and have one family court judge, who shall be elected at the regularly scheduled
190 election(s) to be held in the year 2024, and every eighth year thereafter;

191 (26) The county of Putnam shall constitute the twenty-sixth family court circuit and have
192 one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the
193 year 2024, and every eighth year thereafter; and

194 (27) The counties of Webster, Braxton, and Pocahontas shall constitute the twenty-
195 seventh family court circuit and have one family court judge, who shall be elected at the regularly
196 scheduled election(s) to be held in the year 2024, and every eighth year thereafter.

197 (c) Family court judges taking office January 1, ~~2017~~ 2025, shall be elected at the regularly
198 scheduled election(s) occurring in the year ~~2016~~ 2024, and shall serve for a term of eight years.

199 (d) The Legislature has the authority and may determine to realign the family court circuits
200 and has the authority and may determine to increase or decrease the number of family court
201 judges within a family court circuit, from time to time. Any person appointed or elected to the office
202 of family court judge acknowledges the authority of the Legislature to realign family court circuits
203 and the authority of the Legislature to increase or decrease the number of family court judges
204 within a family court circuit.

§51-2A-6. Compensation and expenses of family court judges and their staffs.

1 (a) A family court judge is entitled to receive as compensation for his or her services an
2 annual salary of \$62,500: ~~Provided, That beginning July 1, 2005, a family court judge is entitled to~~
3 ~~receive as compensation for his or her services an annual salary of \$82,500: Provided, however,~~
4 ~~That beginning July 1, 2011, the annual salary of a family court judge shall be \$94,500: Provided~~
5 ~~further, That beginning July 1, 2020, the annual salary of a family court judge shall be \$103,950.~~

6 (b) The secretary-clerk of the family court judge is appointed by the family court judge and
7 serves at his or her will and pleasure. ~~The secretary-clerk of the family court judge is entitled to~~
8 ~~receive an annual salary of \$27,036: Provided, That on and after July 1, 2006, the annual salary of~~
9 ~~the secretary-clerk shall be established by the Administrative Director of the Supreme Court of~~
10 ~~Appeals, but may not exceed \$39,000. In addition, any person employed as a secretary-clerk to a~~
11 ~~family court judge on the effective date of the enactment of this section during the sixth~~
12 ~~extraordinary session of the Legislature in the year 2001 who is receiving an additional \$500 per~~
13 ~~year up to 10 years of a certain period of prior employment under the provisions of the prior~~
14 ~~enactment of §51-2A-8 of this code during the second extraordinary session of the Legislature in~~
15 ~~the year 1999 shall continue to receive such additional amount. Further, the secretary-clerk will~~
16 ~~receive such percentage or proportional salary increases as may be provided by general law for~~
17 ~~other public employees and is entitled to receive the annual incremental salary increase as~~
18 ~~provided in §5-5-1 et seq. of this code~~ The secretary-clerk of the family court shall be paid at least
19 twice per month by the state. The annual salary of all secretary-clerks of the family court is
20 \$42,576. Beginning July 1, 2023, the annual salary of a family court secretary-clerk shall be
21 \$45,126. Family court secretary-clerks may receive any general salary increase granted to state
22 employees, whose salaries are not set by statute, expressed as a percentage increase or an
23 across-the-board increase enacted after July 1, 2023.

24 (c) The family court judge may employ not more than one family case coordinator who
25 serves at his or her will and pleasure: Provided, That the Supreme Court of Appeals may authorize
26 additional family case coordinators if the workload of a circuit's family court requires extra staff

27 support. The annual salary of the family case coordinator of the family court judge shall be
28 established by the Administrative Director of the Supreme Court of Appeals but may not exceed
29 ~~\$36,000~~ \$54,576. ~~Provided, That on and after July 1, 2006, the annual salary of the family case~~
30 ~~coordinator of the family court judge may not exceed \$51,000. The family case coordinator will~~
31 ~~receive such percentage or proportional salary increases as may be provided by general law for~~
32 ~~other public employees and is entitled to receive the annual incremental salary increase as~~
33 ~~provided in §5-5-1 et seq. of this code~~ Beginning July 1, 2023, the annual salary of a family court
34 case coordinator shall not exceed \$57,126. Family court case coordinators may receive any
35 general salary increase granted to state employees, whose salaries are not set by statute,
36 expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023.~~If~~
37 ~~more than one family case coordinator is approved by the Supreme Court of Appeals, then the~~
38 ~~chief family court judge of that circuit shall appoint, supervise, and assign job duties for any~~
39 ~~additional family case coordinator as needed for that circuit.~~

40 (d) The sheriff or his or her designated deputy shall serve as a bailiff for a family court
41 judge. The sheriff of each county shall serve or designate persons to serve so as to assure that a
42 bailiff is available when a family court judge determines the same is necessary for the orderly and
43 efficient conduct of the business of the family court.

44 (e) Disbursement of salaries for family court judges and members of their staffs are made
45 by or pursuant to the order of the Director of the Administrative Office of the Supreme Court of
46 Appeals.

47 (f) Family court judges and members of their ~~staffs~~ staff are allowed their actual and
48 necessary expenses incurred in the performance of their duties. The expenses and compensation
49 will be determined and paid by the Director of the Administrative Office of the Supreme Court of
50 Appeals under such guidelines as he or she may prescribe, as approved by the Supreme Court of
51 Appeals.

52 (g) ~~Notwithstanding any other provision of law, family court judges are not eligible to~~

53 ~~participate in the retirement system for judges under the provisions of §51-9-1 et seq. of this code~~

54 (g) The Supreme Court of Appeals is authorized to create additional classifications of
55 support staff that it deems necessary to adequately and efficiently staff the family courts of this
56 state, including, but not limited to, receptionists, assistant case coordinators, and assistant
57 secretary-clerks. The Supreme Court of Appeals may determine the authority to hire and
58 terminate, supervise, and assign job duties for these positions pursuant to its own employment
59 rules, policies, and procedures. The annual salary of additional support staff authorized by this
60 section shall not exceed the regular annual salary of a secretary-clerk and shall be paid by the
61 state on the same basis established for secretary-clerks as provided in this section.