

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 837**

BY SENATORS WELD, TRUMP, WOELFEL, AND PLYMALE

[Introduced February 16, 2024; 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 authorizing Public Defender Corporations, until July 1, 2025, to reorganize its offices to  
3 conform the circuit reconfiguration enacted during the regular session of the Legislature,  
4 2023.

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

**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 three judges;

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

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

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

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

17 (10) The county of Raleigh shall constitute the tenth circuit and shall have four judges;

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

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

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

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

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

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

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

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

30           (19) The counties of Barbour and Taylor shall constitute the nineteenth circuit and shall  
31 have two judges;

32           (20) The county of Randolph shall constitute the twentieth circuit and shall have one judge;

33           (21) The counties of Grant, Mineral, and Tucker shall constitute the twenty-first circuit and  
34 shall have two judges;

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

37           (23) The counties of Berkeley, Jefferson, and Morgan shall constitute the twenty-third  
38 circuit and shall have six judges;

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

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

43           (26) The counties of Lewis and Upshur shall constitute the twenty-sixth circuit and shall  
44 have two judges;

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

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

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

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

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

54           (b) Effective January 1, 2025, the state shall be divided into the following judicial circuits  
55 with the following number of judges who shall be elected by the voters of the entire circuit, but in  
56 separate divisions, as required by §3-5-6b of this code.

57           (1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall  
58 have four judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
59 2024, and every eighth year thereafter;

60           (2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall  
61 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
62 2024, and every eighth year thereafter;

63           (3) The counties of Doddridge, Pleasants, Ritchie, and Wirt shall constitute the third circuit  
64 and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held  
65 in the year 2024, and every eighth year thereafter: *Provided*, That no more than one judge shall  
66 be a resident of any county comprising the third circuit: *Provided, however*, That if the highest  
67 vote recipients in both divisions are also both residents of the same county, then the candidate  
68 with the highest overall number of votes shall be declared the winner of the division in which he

69 or she ran: *Provided, further,* That the candidate who has the highest number of votes in the other  
70 division who is not a resident of the same county as the highest overall vote recipient shall be  
71 declared the winner of the division in which he or she ran;

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

75 (5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit  
76 and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held  
77 in the year 2024, and every eighth year thereafter: *Provided,* That Division 1 in the fifth circuit  
78 shall be for a judge who resides in Jackson County at the time of his or her filing and for the  
79 duration of his or her service, Division 2 in the fifth circuit shall be for a judge who resides in  
80 Mason County at the time of his or her filing and for the duration of his or her service, and Division  
81 3 in the fifth circuit shall be for a judge who resides in either Calhoun County or Roane County at  
82 the time of his or her filing and for the duration of his or her service;

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

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

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

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

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

98           (11) The counties of Logan and Mingo shall constitute the eleventh circuit and shall have  
99 three judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
100 2024, and every eighth year thereafter: *Provided*, That Division 1 in the eleventh circuit shall be  
101 for a judge who will reside at the time of his or her filing and during his or her service in Mingo  
102 County, Division 2 in the eleventh circuit shall be for a judge who will reside at the time of his or  
103 her filing and during his or her service in Logan County, and Division 3 in the eleventh circuit shall  
104 be for a judge who will reside at the time of his or her filing and during his or her service in Logan  
105 County;

106           (12) The counties of McDowell and Wyoming shall constitute the twelfth circuit and shall  
107 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
108 2024, and every eighth year thereafter: *Provided*, That Division 1 in the twelfth circuit shall be for  
109 a judge who will reside at the time of his or her filing and during his or her service in McDowell  
110 County, and Division 2 in the twelfth circuit shall be for a judge who will reside at the time of his  
111 or her filing and during his or her service in Wyoming County;

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

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

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

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

124           (17) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the seventeenth  
125 circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to  
126 be held in the year 2024, and every eighth year thereafter: *Provided*, That no more than one judge  
127 shall be a resident of any county comprising the seventeenth circuit: *Provided, however*, That if  
128 the highest vote recipients in both divisions are also both residents of the same county, then the  
129 candidate with the highest overall number of votes shall be declared the winner of the division in  
130 which he or she ran: *Provided, further*, That the candidate who has the highest number of votes  
131 in the other division who is not a resident of the same county as the highest overall vote recipient  
132 shall be declared the winner of the division in which he or she ran;

133           (18) The counties of Lewis and Upshur shall constitute the eighteenth circuit and shall  
134 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
135 2024, and every eighth year thereafter: *Provided*, That Division 1 in the eighteenth circuit shall be  
136 for a judge who will reside at the time of his or her filing and during his or her service in Upshur  
137 County, and Division 2 in the eighteenth circuit shall be for a judge who will reside at the time of  
138 his or her filing and during his or her service in Lewis County;

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

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



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

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

151 (23) The counties of Barbour and Taylor shall constitute the twenty-third circuit and shall  
152 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
153 2024, and every eighth year thereafter;

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

157 (25) The counties of Grant and Mineral shall constitute the twenty-fifth circuit and shall  
158 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
159 2024, and every eighth year thereafter;

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

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

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

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

172           (30) The counties of Monroe and Summers shall constitute the thirtieth circuit and shall  
173 have one judge, who shall be elected at the regularly scheduled election(s) to be held in the year  
174 2024, and every eighth year thereafter.

175           (c) The Raleigh County circuit court shall be a court of concurrent jurisdiction with the  
176 remaining single-judge circuit where the sitting judge in the single-judge circuit is unavailable by  
177 reason of sickness, vacation, or other reason.

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

181           (e) The term of office of all circuit court judges shall be for eight years. The term of office  
182 for all circuit court judges elected during an election conducted in the year 2024, shall commence  
183 on January 1, 2025, and end on December 31, 2032.

184           (f) For election purposes, in every judicial circuit having two or more judges there shall be  
185 numbered divisions corresponding to the number of circuit judges in each circuit. Each judge shall  
186 be elected at large from the entire circuit. In each numbered division of a judicial circuit, the  
187 candidates for election shall be voted upon, and the votes cast for the candidates in each division  
188 shall be tallied separately from the votes cast for candidates in other numbered divisions within  
189 the circuit. The candidate receiving the highest number of the votes cast within a numbered  
190 division shall be elected, except as provided above with respect to the third and seventeenth  
191 circuits.

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

194           (h) Notwithstanding any provisions of this code to the contrary, public defender  
195    corporations organized pursuant to the provisions of §29-21-1 et seq. of this code shall have until  
196    July 1, 2025, to conform their offices to the judicial circuits established in this section by the  
197    amendments to this section enacted during the regular session of the Legislature, 2023.