

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3332

By Delegate Hanshaw (Mr. Speaker)

[By Request]

[Introduced February 08, 2023; 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 to
 2 creating judicial circuits and assigning the number of circuit judges in each circuit to be
 3 elected in the 2024 election.

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) The state shall be divided into the following judicial circuits with the following number of
 2 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 judges: *Provided*, That effective January 1, 2017, said circuit court shall have
 13 three judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be
 14 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 10th circuit and shall have three 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 11th circuit and shall
24 have two judges;

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

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

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

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

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

31 (17) The county of Monongalia shall constitute the 17th circuit and shall have three judges;

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

33 (19) The counties of Barbour and Taylor shall constitute the 19th circuit and shall have one
34 judge: *Provided*, That effective January 1, 2019, said circuit court shall have two judges; said

35 additional circuit judge to be appointed by the Governor and subsequently elected at the next
36 scheduled primary election to be held in 2020 for the unexpired term pursuant to §3-10-3 of this
37 code: *Provided, however*, That said additional circuit judge shall thereafter be elected at the
38 regularly scheduled election(s) to be held in the year 2024 and every eighth year thereafter;

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

40 (21) The counties of Grant, Mineral, and Tucker shall constitute the 21st circuit and shall
41 have two judges;

42 (22) The counties of Hampshire, Hardy, and Pendleton shall constitute the 22nd circuit and
43 shall have two judges;

44 (23) The counties of Berkeley, Jefferson, and Morgan shall constitute the 23rd circuit and
45 shall have five judges: *Provided*, That effective January 1, 2017, said circuit court shall have six

46 judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held
47 in the year 2016 and every eighth year thereafter;

48 (24) The county of Wayne shall constitute the 24th circuit and shall have two judges;

49 (25) The counties of Lincoln and Boone shall constitute the 25th circuit and shall have two
50 judges;

51 (26) The counties of Lewis and Upshur shall constitute the 26th circuit and shall have one
52 judge: *Provided*, That effective January 1, 2017, said circuit court shall have two judges; said
53 additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year
54 2016 and every eighth year thereafter;

55 (27) The county of Wyoming shall constitute the 27th circuit and shall have one judge;

56 (28) The county of Nicholas shall constitute the 28th circuit and shall have one judge;

57 (29) The county of Putnam shall constitute the 29th circuit and shall have two judges;

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

59 (31) The counties of Monroe and Summers shall constitute the 31st circuit and shall have
60 one judge.

61 (b) ~~The Kanawha County circuit court shall be a court of concurrent jurisdiction with each~~
62 ~~single judge circuit where the sitting judge in the single judge circuit is unavailable by reason of~~
63 ~~sickness, vacation, or other reason~~ Effective January 1, 2025, the state shall be divided into the
64 following circuit court judicial circuits with the following number of circuit judges:

65 (1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall
66 have four judges;

67 (2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall
68 have two judges;

69 (3) The counties of Doddridge, Pleasants, Ritchie, and Wirt shall constitute the third circuit
70 and shall have two judges with the additional circuit judge to be elected at the regularly scheduled
71 election held in 2024 and every eighth year thereafter;

72 (4) The county of Wood shall constitute the fourth circuit and shall have three judges;

73 (5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit
74 and shall have three judges;

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

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

77 (8) The county of Kanawha shall constitute the eighth circuit and shall have eight judges
78 with the additional circuit judge to be elected at the regularly scheduled election held in 2024 and
79 every eighth year thereafter. The Kanawha County circuit court shall be a court of concurrent
80 jurisdiction with each single judge circuit where the sitting judge in the single judge circuit is
81 unavailable by reason of sickness, vacation, or other reason.

82 (9) The counties of Boone and Lincoln shall constitute the ninth circuit and shall have two
83 judges;

84 (10) The county of Wayne shall constitute the 10th circuit and shall have two judges;

85 (11) The counties of Logan and Mingo shall constitute the 11th circuit and shall have three
86 judges;

87 (12) The counties of McDowell and Wyoming shall constitute the 12th circuit and shall have
88 two judges;

89 (13) The county of Mercer shall constitute the thirteenth circuit and shall have three judges;

90 (14) The county of Raleigh shall constitute the 14th circuit and shall have four judges;

91 (15) The county of Fayette shall constitute the 15th circuit and shall have two judges;

92 (16) The county of Nicholas shall constitute the 16th circuit and shall have two judges with
93 the additional circuit judge to be elected at the regularly scheduled election held in 2024 and every
94 eighth year thereafter;

95 (17) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the 17th circuit
96 and shall have two judges;

97 (18) The counties of Lewis and Upshur shall constitute the 18th circuit and shall have two

98 judges;

99 (19) The county of Harrison shall constitute the 19th circuit and shall have three judges;

100 (20) The county of Marion shall constitute the 20th circuit and shall have two judges;

101 (21) The county of Monongalia shall constitute the 21st circuit and shall have three judges;

102 (22) The counties of Preston and Tucker shall constitute the 22nd circuit and shall have two

103 judges with the additional circuit judge to be elected at the regularly scheduled election held in

104 2024 and every eighth year thereafter;

105 (23) The counties of Barbour and Taylor shall constitute the 23rd circuit and shall have two

106 judges;

107 (24) The county of Randolph shall constitute the 24th circuit and shall have two judges with

108 the additional circuit judge to be elected at the regularly scheduled election held in 2024 and every

109 eighth year thereafter;

110 (25) The counties of Grant and Mineral shall constitute the 25th circuit and shall have two

111 judges;

112 (26) The counties of Hampshire, Hardy, and Pendleton shall constitute the 26th circuit and

113 shall have two judges;

114 (27) The counties of Berkeley, Morgan, Jefferson shall constitute the 27th circuit and shall

115 have six judges;

116 (28) The counties of Greenbrier and Pocahontas shall constitute the 28th circuit and shall

117 have two judges;

118 (29) The counties of Monroe and Summers shall constitute the 29th circuit and shall have

119 one judge.

120 (c) Any judge in office on the effective date of the reenactment of this section shall continue

121 as a judge of the circuit as constituted under prior enactments of this section, unless sooner

122 removed or retired as provided by law, until ~~December 31, 2016~~ December 31, 2024.

123 (d) The term of office of all circuit court judges shall be for eight years. The term of office for
124 all circuit court judges elected during an election conducted in the year 2016 shall commence on
125 January 1, 2017, and end on December 31, 2024. The term of office for all circuit judges elected
126 during an election conducted in 2024 shall commence on January 1, 2025 and shall end on
127 December 31, 2032.

128 (e) For election purposes, in every judicial circuit having two or more judges there shall be
129 numbered divisions corresponding to the number of circuit judges in each circuit. Each judge shall
130 be elected at large from the entire circuit. In each numbered division of a judicial circuit, the
131 candidates for nomination or election shall be voted upon, and the votes cast for the candidates in
132 each division shall be tallied separately from the votes cast for candidates in other numbered
133 divisions within the circuit. The candidate receiving the highest number of the votes cast within a
134 numbered division shall be nominated or elected, as the case may be.

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

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

NOTE: The purpose of this bill is to create the judicial circuits and to allocate the number of circuit court judges in each circuit to be elected in the 2024 election.

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