

H. B. 3157

(By Delegates Miley and Rowan)
[Introduced February 16, 2011; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §51-2A-3 of the Code of West Virginia, 1931, as amended, relating to providing for an additional family court judge for the twenty-third family court district.

Be it enacted by the Legislature of West Virginia:

That §51-2A-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2A. FAMILY COURTS.

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

(a) ~~Until the first day of January, two thousand nine~~ January 1, 2012 a total of ~~thirty-five~~ forty-five family court judges shall serve throughout the state. Beginning January 1, 2012, a total of forty-six family court judges shall serve throughout the state.

~~(b) Until the first day of January, two thousand nine, the~~

1 ~~state shall be divided into twenty six family court circuits with~~
2 ~~the family court judges allocated as follows:~~

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

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

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

10 ~~(4) The counties of Doddridge, Roane, Calhoun and Gilmer~~
11 ~~constitute the fourth family court circuit and have one family~~
12 ~~court judge;~~

13 ~~(5) The counties of Mason and Jackson constitute the fifth~~
14 ~~family court circuit and have one family court judge;~~

15 ~~(6) The county of Cabell constitutes the sixth family court~~
16 ~~circuit and has two family court judges;~~

17 ~~(7) The county of Wayne constitutes the seventh family court~~
18 ~~circuit and has one family court judge;~~

19 ~~(8) The county of Mingo constitutes the eighth family court~~
20 ~~circuit and has one family court judge;~~

21 ~~(9) The county of Logan constitutes the ninth family court~~
22 ~~circuit and has one family court judge;~~

23 ~~(10) The counties of Lincoln and Boone constitute the tenth~~
24 ~~family court circuit and have one family court judge;~~

1 ~~(11) The county of Kanawha constitutes the eleventh family~~
2 ~~court circuit and has four family court judges;~~

3 ~~(12) The counties of McDowell and Mercer constitute the~~
4 ~~twelfth family court circuit and have two family court judges;~~

5 ~~(13) The counties of Raleigh and Wyoming constitute the~~
6 ~~thirteenth family court circuit and have two family court judges;~~

7 ~~(14) The counties of Fayette and Summers constitute the~~
8 ~~fourteenth family court circuit and have one family court judge;~~

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

11 ~~(16) The counties of Clay, Nicholas and Webster constitute the~~
12 ~~sixteenth family court circuit and have one family court judge;~~

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

15 ~~(18) The county of Harrison constitutes the eighteenth family~~
16 ~~court circuit and has one family court judge;~~

17 ~~(19) The county of Marion constitutes the nineteenth family~~
18 ~~court circuit and has one family court judge;~~

19 ~~(20) The county of Monongalia constitutes the twentieth family~~
20 ~~court circuit and has one family court judge;~~

21 ~~(21) The counties of Barbour, Preston and Taylor constitute~~
22 ~~the twenty-first family court circuit and have one family court~~
23 ~~judge;~~

24 ~~(22) The counties of Grant, Tucker and Randolph constitute the~~

1 ~~twenty-second family court circuit and have one family court judge;~~

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

5 ~~(24) The counties of Berkeley and Jefferson constitute the~~
6 ~~twenty-fourth family court circuit and have two family court~~
7 ~~judges;~~

8 ~~(25) The counties of Hardy, Pendleton and Pocahontas~~
9 ~~constitute the twenty-fifth family court circuit and have one~~
10 ~~family court judge; and~~

11 ~~(26) The county of Putnam constitutes the twenty-sixth family~~
12 ~~court circuit and has one family court judge.~~

13 ~~(c) Beginning on the first day of January, two thousand nine,~~
14 ~~the family court circuits shall be realigned and adjusted to add an~~
15 ~~additional ten family court judges, so that a total of forty-five~~
16 ~~family court judges shall serve throughout the state,~~

17 (b) The family court judges shall serve throughout the state
18 allocated among a total of twenty-seven family court circuits as
19 follows:

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

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

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

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

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

8 (6) The county of Cabell shall constitute the sixth family
9 court circuit and have two family court judges;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (23) The counties of Mineral, Hampshire and Morgan shall
23 constitute the twenty-third family court circuit and have one
24 family court judge: Provided, That effective January 1, 2012, this

1 family court circuit will have two family court judges;

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

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

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

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

13 ~~(d)~~ (c) The Legislature has the authority and may determine to
14 realign the family court circuits and has the authority and may
15 determine to increase or decrease the number of family court judges
16 within a family court circuit, from time to time. Any person
17 appointed or elected to the office of family court judge
18 acknowledges the authority of the Legislature to realign family
19 court circuits and the authority of the Legislature to increase or
20 decrease the number of family court judges within a family court
21 circuit.

NOTE: The purpose of this bill is to add an additional family court judge to the twenty-third family court district, which is comprised of Mineral, Hampshire and Morgan counties.

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