

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 528

SENATOR TRUMP, *original sponsor*

[Passed March 9, 2018; in effect 90 days from passage]

1 AN ACT to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating
2 to providing for an additional circuit court judge for the nineteenth judicial circuit.

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
2 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 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
14 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 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: *Provided*, That effective January 1, 2019, said circuit court shall have two judges;
37 said additional circuit judge to be appointed by the Governor and subsequently elected at the next
38 scheduled primary election to be held in 2020 for the unexpired term pursuant to §3-10-3 of this
39 code: *Provided, however*, That said additional circuit judge shall thereafter be elected at the
40 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 judges: *Provided*, That effective January 1, 2017, said circuit court shall
48 have six judges; said additional circuit judge to be elected at the regularly scheduled election(s)
49 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: *Provided*, That effective January 1, 2017, said circuit court shall have two judges;
56 said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the
57 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) The Kanawha County circuit court shall be a court of concurrent jurisdiction with each
68 single judge circuit where the sitting judge in the single judge circuit is unavailable by reason of
69 sickness, vacation, or other reason.

70 (c) Any judge in office on the effective date of the reenactment of this section shall continue
71 as a judge of the circuit as constituted under prior enactments of this section, unless sooner
72 removed or retired as provided by law, until December 31, 2016.

73 (d) The term of office of all circuit court judges shall be for eight years. The term of office
74 for all circuit court judges elected during an election conducted in the year 2016 shall commence
75 on January 1, 2017, and end on December 31, 2024.

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

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman, Senate Committee

.....
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

.....
President of the Senate

.....
Speaker of the House of Delegates

The within this the.....
Day of, 2018.

.....
Governor