WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 528

BY SENATOR TRUMP

[Originating in the Committee on the Judiciary;

Reported on February 21, 2018]

1   A BILL 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.

NOTE: The purpose of this bill is to provide for an additional circuit court judge for the nineteenth judicial circuit.

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