WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3329

By Delegate Hanshaw (Mr. Speaker)
[By Request]

[Introduced February 08, 2023; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to creating judicial circuits and assigning the number of circuit judges in each circuit to be elected in the 2024 election.

Be it enacted by the Legislature of West Virginia:

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES

§51-2-1. Judicial circuits; terms of office; legislative findings and declarations; elections; terms of court.

(a) The state shall be divided into the following judicial circuits with the following number of judges:

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

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

(3) The counties of Doddridge, Pleasants, and Ritchie shall constitute the third circuit and shall have one judge;

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

(5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit and shall have two judges: Provided, That effective January 1, 2017, said circuit court shall have three judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every eighth year thereafter;

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

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

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

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

(10) The county of Raleigh shall constitute the tenth circuit and shall have three judges: *Provided*, That effective January 1, 2017, said circuit court shall have four judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every eighth year thereafter;

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

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

(13) The county of Kanawha shall constitute the thirteenth circuit and shall have seven judges. Until January 1, 2025, the Kanawha County circuit court shall be a court of concurrent jurisdiction with each single judge circuit where the sitting judge in the single judge circuit is unavailable by reason of sickness, vacation, or other reason;

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

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

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

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

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

(19) The counties of Barbour and Taylor shall constitute the nineteenth circuit and shall have one judge: *Provided*, That effective January 1, 2019, said circuit court shall have two judges; said additional circuit judge to be appointed by the Governor and subsequently elected at the next scheduled primary election to be held in 2020 for the unexpired term pursuant to §3-10-3 of this code: *Provided, however*, That said additional circuit judge shall thereafter be elected at the regularly scheduled election(s) to be held in the year 2024 and every eighth year thereafter;

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

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

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

(23) The counties of Berkeley, Jefferson, and Morgan shall constitute the twenty-third circuit and shall have five judges: *Provided*, That effective January 1, 2017, said circuit court shall have six judges; said additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year 2016 and every eighth year thereafter;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) The county of Kanawha shall constitute the eighth circuit and shall have eight judges with the additional circuit judge to be elected at the regularly scheduled election held in 2024 and every eighth year thereafter;

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

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

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

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

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

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

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

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

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

(18) The counties of Lewis and Upshur shall constitute the eighteenth circuit and shall have two judges;

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

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

(21) The county of Monongalia shall constitute the twenty-first circuit and shall have three judges;

(22) The counties of Preston and Tucker shall constitute the twenty-second circuit and shall have two judges with the additional circuit judge to be elected at the regularly scheduled election held in 2024 and every eighth year thereafter;

(23) The counties of Barbour and Taylor shall constitute the twenty-third circuit and shall have two judges;

(24) The county of Randolph shall constitute the twenty-fourth circuit and shall have two judges with the additional circuit judge to be elected at the regularly scheduled election held in 2024 and every eighth year thereafter;

(25) The counties of Grant and Mineral shall constitute the twenty-fifth circuit and shall have two judges;

(26) The counties of Hampshire, Hardy, and Pendleton shall constitute the twenty-sixth circuit and shall have two judges;

(27) The counties of Berkeley, Morgan, Jefferson shall constitute the twenty-seventh circuit and shall have six judges;

(28) The counties of Greenbrier, Monroe, Pocahontas, and Summers shall constitute the twenty-eight circuit and shall have three judges;

(c) Any judge in office on the effective date of the reenactment of this section shall continue as a judge of the circuit as constituted under prior enactments of this section, unless sooner removed or retired as provided by law, until ~~December 31, 2016~~ December 31, 2024.

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

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

(f) ~~Judges serving a judicial circuit comprised of four or more counties with two or more judges shall not be residents of the same county~~ In a judicial circuit comprised of four or more counties with three or more circuit judges, no more than two circuit judges may be residents of the same county.

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