

# **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]

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:*

**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.**

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 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. Until January 1, 2025, the Kanawha County circuit court shall be a court of concurrent  
28 jurisdiction with each single judge circuit where the sitting judge in the single judge circuit is  
29 unavailable by reason of sickness, vacation, or other reason;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 (b) The Kanawha County circuit court shall be a court of concurrent jurisdiction with

70 each single judge circuit where the sitting judge in the single judge circuit is unavailable by reason  
71 of sickness, vacation, or other reason. Effective January 1, 2025, the state shall be divided into the  
72 following circuit court judicial circuits with the following number of circuit judges:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

98 (16) The county of Nicholas shall constitute the sixteenth circuit and shall have two judges

99 with the additional circuit judge to be elected at the regularly scheduled election held in 2024 and

100 every eighth year thereafter;

101 (17) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the seventeenth

102 circuit and shall have two judges;

103 (18) The counties of Lewis and Upshur shall constitute the eighteenth circuit and shall have

104 two judges;

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

106 judges;

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

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

109 judges;

110 (22) The counties of Preston and Tucker shall constitute the twenty-second circuit and

111 shall have two judges with the additional circuit judge to be elected at the regularly scheduled

112 election held in 2024 and every eighth year thereafter;

113 (23) The counties of Barbour and Taylor shall constitute the twenty-third circuit and shall

114 have two judges;

115 (24) The county of Randolph shall constitute the twenty-fourth circuit and shall have two

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

117 2024 and every eighth year thereafter;

118 (25) The counties of Grant and Mineral shall constitute the twenty-fifth circuit and shall

119 have two judges;

120 (26) The counties of Hampshire, Hardy, and Pendleton shall constitute the twenty-sixth

121 circuit and shall have two judges;

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

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

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

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

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

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

145           (g) The Supreme Court of Appeals shall, by rule, establish the terms of court of circuit  
146 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.