

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Enrolled**

### **Senate Bill 837**

By Senators Weld, Trump, Woelfel, and Plymale

[Passed March 9, 2024; in effect from passage]

1 AN ACT to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating  
2 to authorizing Public Defender Corporations, until July 1, 2025, to reorganize its offices to  
3 conform the circuit reconfiguration enacted during the regular session of the Legislature,  
4 2023.

*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) Beginning on the effective date of this subsection and until December 31, 2024, the  
2 state shall be divided into the following judicial circuits with the following number 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 three judges;

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

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

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

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

17 (10) The county of Raleigh shall constitute the tenth circuit and shall have four judges;

18 (11) The counties of Greenbrier and Pocahontas shall constitute the eleventh circuit and

19 shall have two judges;

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

21 (13) The county of Kanawha shall constitute the thirteenth circuit and shall have seven  
22 judges;

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

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

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

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

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

30 (19) The counties of Barbour and Taylor shall constitute the nineteenth circuit and shall  
31 have two judges;

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

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

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

37 (23) The counties of Berkeley, Jefferson, and Morgan shall constitute the twenty-third  
38 circuit and shall have six judges;

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

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

43 (26) The counties of Lewis and Upshur shall constitute the twenty-sixth circuit and shall  
44 have two judges;

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

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

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

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

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

54           (b) Effective January 1, 2025, the state shall be divided into the following judicial circuits  
55 with the following number of judges who shall be elected by the voters of the entire circuit, but in  
56 separate divisions, as required by §3-5-6b of this code.

57           (1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall  
58 have four judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
59 2024, and every eighth year thereafter;

60           (2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall  
61 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
62 2024, and every eighth year thereafter;

63           (3) The counties of Doddridge, Pleasants, Ritchie, and Wirt shall constitute the third circuit  
64 and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in  
65 the year 2024, and every eighth year thereafter: *Provided*, That no more than one judge shall be a  
66 resident of any county comprising the third circuit: *Provided, however*, That if the highest vote  
67 recipients in both divisions are also both residents of the same county, then the candidate with the  
68 highest overall number of votes shall be declared the winner of the division in which he or she ran:  
69 *Provided, further*, That the candidate who has the highest number of votes in the other division  
70 who is not a resident of the same county as the highest overall vote recipient shall be declared the

71 winner of the division in which he or she ran;

72 (4) The county of Wood shall constitute the fourth circuit and shall have three judges, who  
73 shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth  
74 year thereafter;

75 (5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit  
76 and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held  
77 in the year 2024, and every eighth year thereafter: *Provided*, That Division 1 in the fifth circuit shall  
78 be for a judge who resides in Jackson County at the time of his or her filing and for the duration of  
79 his or her service, Division 2 in the fifth circuit shall be for a judge who resides in Mason County at  
80 the time of his or her filing and for the duration of his or her service, and Division 3 in the fifth circuit  
81 shall be for a judge who resides in either Calhoun County or Roane County at the time of his or her  
82 filing and for the duration of his or her service;

83 (6) The county of Cabell shall constitute the sixth circuit and shall have four judges, who  
84 shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth  
85 year thereafter;

86 (7) The county of Putnam shall constitute the seventh circuit and shall have two judges,  
87 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every  
88 eighth year thereafter;

89 (8) The county of Kanawha shall constitute the eighth circuit and shall have eight judges,  
90 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every  
91 eighth year thereafter;

92 (9) The counties of Boone and Lincoln shall constitute the ninth circuit and shall have two  
93 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and  
94 every eighth year thereafter;

95 (10) The county of Wayne shall constitute the tenth circuit and shall have two judges, who  
96 shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth

97 year thereafter;

98 (11) The counties of Logan and Mingo shall constitute the eleventh circuit and shall have  
99 three judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
100 2024, and every eighth year thereafter: *Provided*, That Division 1 in the eleventh circuit shall be for  
101 a judge who will reside at the time of his or her filing and during his or her service in Mingo County,  
102 Division 2 in the eleventh circuit shall be for a judge who will reside at the time of his or her filing  
103 and during his or her service in Logan County, and Division 3 in the eleventh circuit shall be for a  
104 judge who will reside at the time of his or her filing and during his or her service in Logan County;

105 (12) The counties of McDowell and Wyoming shall constitute the twelfth circuit and shall  
106 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
107 2024, and every eighth year thereafter: *Provided*, That Division 1 in the twelfth circuit shall be for a  
108 judge who will reside at the time of his or her filing and during his or her service in McDowell  
109 County, and Division 2 in the twelfth circuit shall be for a judge who will reside at the time of his or  
110 her filing and during his or her service in Wyoming County;

111 (13) The county of Mercer shall constitute the thirteenth circuit and shall have three judges,  
112 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every  
113 eighth year thereafter;

114 (14) The county of Raleigh shall constitute the fourteenth circuit and shall have four judges,  
115 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every  
116 eighth year thereafter;

117 (15) The county of Fayette shall constitute the fifteenth circuit and shall have two judges,  
118 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every  
119 eighth year thereafter;

120 (16) The county of Nicholas shall constitute the sixteenth circuit and shall have two judges,  
121 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every  
122 eighth year thereafter;

123           (17) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the seventeenth  
124 circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be  
125 held in the year 2024, and every eighth year thereafter: *Provided*, That no more than one judge  
126 shall be a resident of any county comprising the seventeenth circuit: *Provided, however*, That if the  
127 highest vote recipients in both divisions are also both residents of the same county, then the  
128 candidate with the highest overall number of votes shall be declared the winner of the division in  
129 which he or she ran: *Provided, further*, That the candidate who has the highest number of votes in  
130 the other division who is not a resident of the same county as the highest overall vote recipient  
131 shall be declared the winner of the division in which he or she ran;

132           (18) The counties of Lewis and Upshur shall constitute the eighteenth circuit and shall have  
133 two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024,  
134 and every eighth year thereafter: *Provided*, That Division 1 in the eighteenth circuit shall be for a  
135 judge who will reside at the time of his or her filing and during his or her service in Upshur County,  
136 and Division 2 in the eighteenth circuit shall be for a judge who will reside at the time of his or her  
137 filing and during his or her service in Lewis County;

138           (19) The county of Harrison shall constitute the nineteenth circuit and shall have three  
139 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and  
140 every eighth year thereafter;

141           (20) The county of Marion shall constitute the twentieth circuit and shall have two judges,  
142 who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every  
143 eighth year thereafter;

144           (21) The county of Monongalia shall constitute the twenty-first circuit and shall have three  
145 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and  
146 every eighth year thereafter;

147           (22) The counties of Preston and Tucker shall constitute the twenty-second circuit and  
148 shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the

149 year 2024, and every eighth year thereafter;

150 (23) The counties of Barbour and Taylor shall constitute the twenty-third circuit and shall  
151 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
152 2024, and every eighth year thereafter;

153 (24) The county of Randolph shall constitute the twenty-fourth circuit and shall have two  
154 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and  
155 every eighth year thereafter;

156 (25) The counties of Grant and Mineral shall constitute the twenty-fifth circuit and shall  
157 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year  
158 2024, and every eighth year thereafter;

159 (26) The counties of Hampshire, Hardy, and Pendelton shall constitute the twenty-sixth  
160 circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be  
161 held in the year 2024, and every eighth year thereafter;

162 (27) The counties of Berkley and Morgan shall constitute the twenty-seventh circuit and  
163 shall have five judges, who shall be elected at the regularly scheduled election(s) to be held in the  
164 year 2024, and every eighth year thereafter;

165 (28) The county of Jefferson shall constitute the twenty-eighth circuit and shall have two  
166 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and  
167 every eighth year thereafter;

168 (29) The counties of Greenbrier and Pocahontas shall constitute the twenty-ninth circuit  
169 and shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in  
170 the year 2024, and every eighth year thereafter; and

171 (30) The counties of Monroe and Summers shall constitute the thirtieth circuit and shall  
172 have one judge, who shall be elected at the regularly scheduled election(s) to be held in the year  
173 2024, and every eighth year thereafter.

174 (c) The Raleigh County circuit court shall be a court of concurrent jurisdiction with the



175 remaining single-judge circuit where the sitting judge in the single-judge circuit is unavailable by  
176 reason of sickness, vacation, or other reason.

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

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

183 (f) For election purposes, in every judicial circuit having two or more judges there shall be  
184 numbered divisions corresponding to the number of circuit judges in each circuit. Each judge shall  
185 be elected at large from the entire circuit. In each numbered division of a judicial circuit, the  
186 candidates for election shall be voted upon, and the votes cast for the candidates in each division  
187 shall be tallied separately from the votes cast for candidates in other numbered divisions within the  
188 circuit. The candidate receiving the highest number of the votes cast within a numbered division  
189 shall be elected, except as provided above with respect to the third and seventeenth circuits.

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

192 (h) Notwithstanding any provisions of this code to the contrary, public defender  
193 corporations organized pursuant to the provisions of §29-21-1 *et seq.* of this code shall have until  
194 July 1, 2025, to conform their offices to the judicial circuits established in this section by the  
195 amendments to this section enacted during the regular session of the Legislature, 2023.