

HB 3106 3

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 3106

(By Delegates Webster, White, Fragale, Long, Moore, Hrutkay,
Brown, Tabb, Miley, Fleischauer and Guthrie)



Passed March 9, 2007

In Effect Ninety Days from Passage

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FOR

H. B. 3106

(BY DELEGATES WEBSTER, WHITE, FRAGALE, LONG, MOORE,
HRUTKAY, BROWN, TABB, MILEY, FLEISCHAUER AND GUTHRIE)

[Passed March 9, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §51-2A-3 and §51-2A-5 of the Code of West Virginia, 1931, as amended, all relating to family courts; realigning and increasing family court circuits; and increasing the number of family court judges.

Be it enacted by the Legislature of West Virginia:

That §51-2A-3 and §51-2A-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2A. FAMILY COURTS.

§51-2A-3. Number of family court judges; assignment of family court judges by family court circuits.

- 1 (a) Until the first day of January, two thousand nine, a
- 2 total of thirty-five family court judges shall serve throughout
- 3 the state.

4 (b) Until the first day of January, two thousand nine, the
5 state shall be divided into twenty-six family court circuits
6 with the family court judges allocated as follows:

7 (1) The counties of Brooke, Hancock and Ohio constitute
8 the first family court circuit and have two family court
9 judges;

10 (2) The counties of Marshall, Wetzel and Tyler constitute
11 the second family court circuit and have one family court
12 judge;

13 (3) The counties of Pleasants, Ritchie, Wood and Wirt
14 constitute the third family court circuit and have two family
15 court judges;

16 (4) The counties of Doddridge, Roane, Calhoun and
17 Gilmer constitute the fourth family court circuit and have one
18 family court judge;

19 (5) The counties of Mason and Jackson constitute the
20 fifth family court circuit and have one family court judge;

21 (6) The county of Cabell constitutes the sixth family
22 court circuit and has two family court judges;

23 (7) The county of Wayne constitutes the seventh family
24 court circuit and has one family court judge;

25 (8) The county of Mingo constitutes the eighth family
26 court circuit and has one family court judge;

27 (9) The county of Logan constitutes the ninth family
28 court circuit and has one family court judge;

29 (10) The counties of Lincoln and Boone constitute the
30 tenth family court circuit and have one family court judge;

31 (11) The county of Kanawha constitutes the eleventh
32 family court circuit and has four family court judges;

33 (12) The counties of McDowell and Mercer constitute the
34 twelfth family court circuit and have two family court judges;

35 (13) The counties of Raleigh and Wyoming constitute the
36 thirteenth family court circuit and have two family court
37 judges;

38 (14) The counties of Fayette and Summers constitute the
39 fourteenth family court circuit and have one family court
40 judge;

41 (15) The counties of Greenbrier and Monroe constitute
42 the fifteenth family court circuit and have one family court
43 judge;

44 (16) The counties of Clay, Nicholas and Webster
45 constitute the sixteenth family court circuit and have one
46 family court judge;

47 (17) The counties of Braxton, Lewis and Upshur
48 constitute the seventeenth family court circuit and have one
49 family court judge;

50 (18) The county of Harrison constitutes the eighteenth
51 family court circuit and has one family court judge;

52 (19) The county of Marion constitutes the nineteenth
53 family court circuit and has one family court judge;

54 (20) The county of Monongalia constitutes the twentieth
55 family court circuit and has one family court judge;

56 (21) The counties of Barbour, Preston and Taylor
57 constitute the twenty-first family court circuit and have one
58 family court judge;

59 (22) The counties of Grant, Tucker and Randolph
60 constitute the twenty-second family court circuit and have
61 one family court judge;

62 (23) The counties of Mineral, Hampshire and Morgan
63 constitute the twenty-third family court circuit and have one
64 family court judge;

65 (24) The counties of Berkeley and Jefferson constitute the
66 twenty-fourth family court circuit and have two family court
67 judges;

68 (25) The counties of Hardy, Pendleton and Pocahontas
69 constitute the twenty-fifth family court circuit and have one
70 family court judge; and

71 (26) The county of Putnam constitutes the twenty-sixth
72 family court circuit and has one family court judge.

73 (c) Beginning on the first day of January, two thousand
74 nine, the family court circuits shall be realigned and adjusted
75 to add an additional ten family court judges, so that a total of
76 forty-five family court judges shall serve throughout the
77 state, allocated among a total of twenty-seven family court
78 circuits as follows:

79 (1) The counties of Brooke, Hancock and Ohio shall
80 constitute the first family court circuit and have two family
81 court judges;

82 (2) The counties of Marshall, Wetzel and Tyler shall
83 constitute the second family court circuit and have one family
84 court judge;

85 (3) The counties of Pleasants and Wood shall constitute
86 the third family court circuit and have two family court
87 judges;

88 (4) The counties of Roane, Calhoun, Gilmer and Ritchie
89 shall constitute the fourth family court circuit and have one
90 family court judge;

91 (5) The counties of Mason, Jackson and Wirt shall
92 constitute the fifth family court circuit and have two family
93 court judges; -

94 (6) The county of Cabell shall constitute the sixth family
95 court circuit and have two family court judges;

96 (7) The county of Wayne shall constitute the seventh
97 family court circuit and have one family court judge;

98 (8) The county of Mingo shall constitute the eighth
99 family court circuit and have one family court judge;

100 (9) The county of Logan shall constitute the ninth family
101 court circuit and have two family court judges;

102 (10) The counties of Lincoln and Boone shall constitute
103 the tenth family court circuit and have two family court
104 judges;

105 (11) The county of Kanawha shall constitute the eleventh
106 family court circuit and have five family court judges;

107 (12) The counties of McDowell and Mercer shall
108 constitute the twelfth family court circuit and have three
109 family court judges;

110 (13) The counties of Raleigh, Summers and Wyoming
111 shall constitute the thirteenth family court circuit and have
112 three family court judges;

113 (14) The county of Fayette shall constitute the fourteenth
114 family court circuit and have one family court judge;

115 (15) The counties of Greenbrier and Monroe shall
116 constitute the fifteenth family court circuit and have one
117 family court judge;

118 (16) The counties of Clay and Nicholas shall constitute
119 the sixteenth family court circuit and have one family court
120 judge;

121 (17) The counties of Braxton, Lewis and Upshur shall
122 constitute the seventeenth family court circuit and have one
123 family court judge;

124 (18) The counties of Harrison and Doddridge shall
125 constitute the eighteenth family court circuit and have two
126 family court judges;

127 (19) The county of Marion shall constitute the nineteenth
128 family court circuit and have one family court judge;

129 (20) The counties of Monongalia and Preston shall
130 constitute the twentieth family court circuit and have two
131 family court judges;

132 (21) The counties of Barbour and Taylor shall constitute
133 the twenty-first family court circuit and have one family
134 court judge;

135 (22) The counties of Tucker and Randolph shall
136 constitute the twenty-second family court circuit and have
137 one family court judge;

138 (23) The counties of Mineral, Hampshire and Morgan
139 shall constitute the twenty-third family court circuit and have
140 one family court judge;

141 (24) The counties of Berkeley and Jefferson shall
142 constitute the twenty-fourth family court circuit and have
143 three family court judges;

144 (25) The counties of Hardy, Pendleton and Grant shall
145 constitute the twenty-fifth family court circuit and have one
146 family court judge;

147 (26) The county of Putnam shall constitute the twenty-
148 sixth family court circuit and have one family court judge;
149 and

150 (27) The counties of Webster and Pocahontas shall
151 constitute the twenty-seventh family court circuit and have
152 one family court judge.

153 (d) The Legislature has the authority and may determine
154 to realign the family court circuits and has the authority and

155 may determine to increase or decrease the number of family
156 court judges within a family court circuit, from time to time.
157 Any person appointed or elected to the office of family court
158 judge acknowledges the authority of the Legislature to
159 realign family court circuits and the authority of the
160 Legislature to increase or decrease the number of family
161 court judges within a family court circuit.

**§51-2A-5. Term of office of family court judge; initial
appointment; elections.**

1 (a) Beginning with the primary and general elections to
2 be conducted in the year two thousand two, family court
3 judges shall be elected. In family court circuits having two
4 or more family court judges there shall be, for election
5 purposes, numbered divisions corresponding to the number
6 of family court judges in each area. Each family court judge
7 shall be elected at large by the entire family court circuit. In
8 each numbered division of a family court circuit, the
9 candidates for nomination or election shall be voted upon and
10 the votes cast for the candidates in each division shall be
11 tallied separately from the votes cast for candidates in other
12 numbered divisions within the family court circuit. The
13 candidate or candidates receiving the highest number of the
14 votes cast within a numbered division shall be nominated or
15 elected, as the case may be.

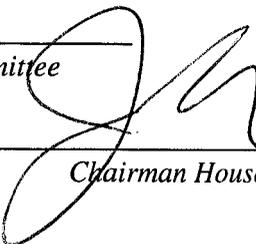
16 (b) The term of office for all family court judges elected
17 in two thousand two shall be for six years, commencing on
18 the first day of January, two thousand three, and ending on
19 the thirty-first day of December, two thousand eight.
20 Subsequent terms of office for family court judges elected
21 thereafter shall be for eight years.

22 (c) The primary and general elections conducted in the
23 year two thousand eight shall be conducted to fill the family
24 court judge positions in the reconfigured districts set forth by
25 subsection (c), section three of this article, for terms to
26 commence on the first day of January, two thousand nine.

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



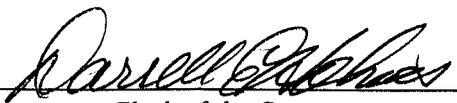
Chairman Senate Committee



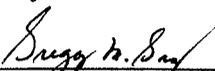
Chairman House Committee

Originating in the House.

In effect ninety 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 is approved this the 4th
day of April, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 22 2007

Time 3:50 pm