1 **H. B. 4458**

2

3 (By Delegates Paxton, Miley, Caputo, Boggs, M. Poling,
4   Hunt, White, Stowers and Butcher)
5
6   [Introduced February 8, 2012; referred to the

7   Committee on the Judiciary then Finance.]

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9

10 A BILL to amend and reenact §51-2-1 of the Code of West Virginia,

11   1931, as amended, relating to authorizing an additional

12   circuit court judge for the 5th Judicial Circuit consisting of

13   Calhoun, Jackson, Mason and Roane counties.

14 *Be it enacted by the Legislature of West Virginia:*

15   That §51-2-1 of the Code of West Virginia, 1931, as amended,

16 be amended and reenacted to read as follows:

17 **ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.**

18 **§51-2-1. Judicial circuits; terms of office; legislative findings**

19   **and declarations; elections; terms of court.**

20   (a) The state shall be divided into the following judicial

21 circuits with the following number of judges:

22   (1) The counties of Brooke, Hancock and Ohio shall constitute

23 the first circuit and shall have four judges;

24   (2) The counties of Marshall, Tyler and Wetzel shall

25 constitute the second circuit and shall have two judges;

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

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

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

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

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

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

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

15	(10) The county of Raleigh shall constitute the tenth circuit
16 and shall have three judges;

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

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

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

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

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

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

5   (17) The county of Monongalia shall constitute the seventeenth
6 circuit and shall have two judges: *Provided,* That effective July
7 1, 2009, said circuit court shall have three judges.

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

10   (19) The counties of Barbour and Taylor shall constitute the
11 nineteenth circuit and shall have one judge;

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

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

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

18   (23) The counties of Berkeley, Jefferson and Morgan shall
19 constitute the twenty-third circuit and shall have five judges;

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

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

24   (26) The counties of Lewis and Upshur shall constitute the

1 twenty-sixth circuit and shall have one judge;

2   (27) The county of Wyoming shall constitute the twenty-seventh

3 circuit and shall have one judge;

4   (28) The county of Nicholas shall constitute the twenty-eighth

5 circuit and shall have one judge;

6   (29) The county of Putnam shall constitute the twenty-ninth

7 circuit and shall have two judges;

8   (30) The county of Mingo shall constitute the thirtieth

9 circuit and shall have one judge; and

10   (31) The counties of Monroe and Summers shall constitute the

11 thirty-first circuit and shall have one judge.

12   (b) The Kanawha County circuit court shall be a court of

13 concurrent jurisdiction with each single judge circuit where the

14 sitting judge in the single judge circuit is unavailable by reason

15 of sickness, vacation or other reason.

16   (c) Any judge in office on the effective date of the

17 reenactment of this section shall continue as a judge of the

18 circuit as constituted under prior enactments of this section,

19 unless sooner removed or retired as provided by law, until December

20 31, 2008.

21   (d) The term of office of all circuit court judges shall be

22 for eight years. The term of office for all circuit court judges

23 elected during the general election conducted in the year 2008

24 shall commence on January 1, 2009, and end on December 31, 2016.

1   (e) For election purposes, in every judicial circuit having

2 two or more judges there shall be numbered divisions corresponding

3 to the number of circuit judges in each circuit. Each judge shall

4 be elected at large from the entire circuit. In each numbered

5 division of a judicial circuit, the candidates for nomination or

6 election shall be voted upon and the votes cast for the candidates

7 in each division shall be tallied separately from the votes cast

8 for candidates in other numbered divisions within the circuit. The

9 candidate receiving the highest number of the votes cast within a

10 numbered division shall be nominated or elected, as the case may

11 be.

12   (f) Judges serving a judicial circuit comprised of four or

13 more counties with two or more judges ~~shall~~ may not be residents of

14 the same county.

15   (g) The Supreme Court of Appeals shall, by rule, establish the

16 terms of court of circuit judges.

    NOTE: The purpose of this bill is to authorize an additional
circuit court judge for the 5th Judicial Circuit consisting of
Calhoun, Jackson, Mason and Roane counties.

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