

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 653

SENATORS CARMICHAEL (MR. PRESIDENT), TARR, AND

RUCKER, *original sponsors*

[Originating in the Committee on the Judiciary;

reported on February 7, 2020]

1 A BILL to amend and reenact §50-1-2 and §50-1-6 of the Code of West Virginia, 1931, as
2 amended, all relating generally to magistrate courts; establishing the number of
3 magistrates to serve in each county of the state; increasing the number of magistrates to
4 serve in certain counties beginning on January 1, 2021; and providing for the initial filling
5 of vacancies in newly created magisterial offices.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COURTS AND OFFICERS.

§50-1-2. Number of magistrates.

1 (a) Upon the effective date of this section, the number of magistrates serving in each
2 county shall be as follows:

3 (1) Barbour County shall have two magistrates.

4 (2) Berkeley County shall have five magistrates, except that beginning on January 1, 2021,
5 Berkeley County shall have six magistrates.

6 (3) Boone County shall have two magistrates.

7 (4) Braxton County shall have two magistrates.

8 (5) Brooke County shall have two magistrates.

9 (6) Cabell County shall have seven magistrates.

10 (7) Calhoun County shall have two magistrates.

11 (8) Clay County shall have two magistrates.

12 (9) Doddridge County shall have two magistrates.

13 (10) Fayette County shall have four magistrates.

14 (11) Gilmer County shall have two magistrates.

15 (12) Grant County shall have two magistrates.

16 (13) Greenbrier County shall have three magistrates.

17 (14) Hampshire County shall have two magistrates.

18 (15) Hancock County shall have three magistrates.

- 19 (16) Hardy County shall have two magistrates.
- 20 (17) Harrison County shall have five magistrates.
- 21 (18) Jackson County shall have two magistrates.
- 22 (19) Jefferson County shall have three magistrates, except that beginning on January 1,
23 2021, Jefferson County shall have four magistrates.
- 24 (20) Kanawha County shall have ten magistrates.
- 25 (21) Lewis County shall have two magistrates.
- 26 (22) Lincoln County shall have two magistrates.
- 27 (23) Logan County shall have three magistrates.
- 28 (24) Marion County shall have four magistrates.
- 29 (25) Marshall County shall have three magistrates.
- 30 (26) Mason County shall have two magistrates.
- 31 (27) McDowell County shall have three magistrates.
- 32 (28) Mercer County shall have five magistrates.
- 33 (29) Mineral County shall have two magistrates.
- 34 (30) Mingo County shall have three magistrates.
- 35 (31) Monongalia County shall have four magistrates, except that beginning on January 1,
36 2021, Monongalia County shall have five magistrates.
- 37 (32) Monroe County shall have two magistrates.
- 38 (33) Morgan County shall have two magistrates.
- 39 (34) Nicholas County shall have three magistrates.
- 40 (35) Ohio County shall have four magistrates.
- 41 (36) Pendleton County shall have two magistrates.
- 42 (37) Pleasants County shall have two magistrates.
- 43 (38) Pocahontas County shall have two magistrates.
- 44 (39) Preston County shall have three magistrates.

45 (40) Putnam County shall have three magistrates, except that beginning on January 1,
46 2021, Putnam County shall have four magistrates.

47 (41) Raleigh County shall have five magistrates.

48 (42) Randolph County shall have three magistrates.

49 (43) Ritchie County shall have two magistrates.

50 (44) Roane County shall have two magistrates.

51 (45) Summers County shall have two magistrates.

52 (46) Taylor County shall have two magistrates.

53 (47) Tucker County shall have two magistrates.

54 (48) Tyler County shall have two magistrates.

55 (49) Upshur County shall have two magistrates.

56 (50) Wayne County shall have three magistrates.

57 (51) Webster County shall have two magistrates.

58 (52) Wetzel County shall have two magistrates.

59 (53) Wirt County shall have two magistrates.

60 (54) Wood County shall have four magistrates.

61 (55) Wyoming County shall have three magistrates.

62 (b) *Initial appointment.* — Magistrates shall be appointed to fill initial vacancies in the
63 magisterial offices created by the amendments to this section during the 2020 regular session
64 according to the requirements of §50-1-6 of this code. Thereafter, magistrates shall be elected to
65 such offices as required by §50-1-1 of this code.

§50-1-6. Vacancy in office of magistrate.

1 (a) Subject to the provisions of §3-10-1 and §3-10-3 of this code, when a vacancy occurs
2 in the office of magistrate or when an additional magisterial office is created by statute to
3 commence before the expiration of the term of office for sitting magistrates, the judge of the circuit

4 court, or the chief judge thereof if there is more than one judge of the circuit court, shall fill the
5 same by appointment.

6 (b) At a nonpartisan judicial election in which a magistrate is elected for an unexpired term,
7 the circuit judge, or the chief judge thereof if there is more than one judge of the circuit court, shall
8 cause a notice of such election to be published prior to such election as a Class II-0 legal
9 advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code and the publication
10 area for such publication shall be the county involved.

NOTE: The purpose of this bill is to increase the number of magistrates in Berkeley, Jefferson, and Putnam Counties.

§50-1-2 has been completely rewritten; therefore, it has been completely underscored.

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