

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 482

By Senators Trump, Woodrum, and Barrett

[Introduced January 26, 2023; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend and reenact §50-1-2, §50-1-8, §50-1-9, and §50-1-9a of the Code of West
 2 Virginia, 1931, as amended; to amend said code by adding thereto a new section,
 3 designated §50-1-9c; to amend and reenact §51-2-1 of said code; and to amend and
 4 reenact §51-2A-3 and §51-2A-6 of said code, all relating generally to the number,
 5 allocation, and terms of office of circuit court judges, family court judges, and magistrates
 6 to be elected in the 2024 general election; altering county composition of circuit courts and
 7 family courts; increasing and reducing judges for certain circuit courts; increasing number
 8 of family court judges and magistrates; altering county composition of certain circuit and
 9 family courts; updating process for Supreme Court of Appeals to undertake magistrate
 10 caseload study in 2026 and submit administrative order regarding magistrates; eliminating
 11 restrictions regarding maximum number of magistrates and restoring Legislature's ability
 12 to reduce magistrates; removing payment of magistrate salaries based on population;
 13 relating generally to payment of family court judges, family court staff, magistrate court
 14 clerks, magistrate assistants, and additional magistrate staff; permitting Supreme Court of
 15 Appeals to authorize additional magistrate assistants; providing for Chief Magistrate or
 16 Chief Circuit Judge's management of magistrate assistants; eliminating restriction on
 17 number of magistrate court deputy clerks; authorizing Supreme Court of Appeals to create
 18 classifications for magistrate and family court support staff support staff and determine
 19 proper managing authority for such staff; permitting Supreme Court of Appeals to increase
 20 family case coordinators; setting maximum annual salary for magistrate and family court
 21 support staff; and providing effective dates.

Be it enacted by the Legislature of West Virginia:

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-2. Number of magistrates.

1 (a) The number of magistrates to be elected in each county of this state shall be
2 determined in accordance with the provisions of this section.

3 (b) Prior to January 1, 2025, the number of magistrates in each county of the state shall be
4 as follows:

5 (1) Barbour County shall have two magistrates;

6 (2) Berkley County shall have six magistrates;

7 (3) Boone County shall have two magistrates;

8 (4) Braxton County shall have two magistrates;

9 (5) Brooke County shall have two magistrates;

10 (6) Cabell County shall have seven magistrates;

11 (7) Calhoun County shall have two magistrates;

12 (8) Clay County shall have two magistrates;

13 (9) Doddridge County have two magistrates;

14 (10) Fayette County shall have four magistrates;

15 (11) Gilmer County shall have two magistrates;

16 (12) Grant County shall have two magistrates;

17 (13) Greenbrier County shall have three magistrates;

18 (14) Hampshire County shall have two magistrates;

19 (15) Hancock County shall have three magistrates;

20 (16) Hardy County shall have two magistrates;

21 (17) Harrison County shall have five magistrates;

22 (18) Jackson County shall have two magistrates;

23 (19) Jefferson County shall have three 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;
- 36 (32) Monroe County shall have two magistrates;
- 37 (33) Morgan County shall have two magistrates;
- 38 (34) Nicholas County shall have three magistrates;
- 39 (35) Ohio County shall have four magistrates;
- 40 (36) Pendleton County shall have two magistrates;
- 41 (37) Pleasants County shall have two magistrates;
- 42 (38) Pocahontas County shall have two magistrates;
- 43 (39) Preston County shall have three magistrates;
- 44 (40) Putnam County shall have three magistrates;
- 45 (41) Raleigh County have five magistrates;
- 46 (42) Randolph County shall have three magistrates;
- 47 (43) Ritchie County shall have two magistrates;
- 48 (44) Roane County shall have two magistrates;
- 49 (45) Summers County shall have two magistrates;
- 50 (46) Taylor County shall have two magistrates;
- 51 (47) Tucker County shall have two magistrates;
- 52 (48) Tyler County shall have two magistrates;

53 (49) Upshur County shall have two magistrates;

54 (50) Wayne County shall have three magistrates;

55 (51) Webster County shall have two magistrates;

56 (52) Wetzel County shall have two magistrates;

57 (53) Wirt County shall have two magistrates;

58 (54) Wood County shall have four magistrates; and

59 (55) Wyoming County shall have three magistrates.

60 (c) On January 1, 2025, the number of magistrates in each county of the state shall be as
61 follows:

62 (1) Barbour County shall have two magistrates, who shall be elected at the regularly
63 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

64 (2) Berkley County shall have seven magistrates, who shall be elected at the regularly
65 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

66 (3) Boone County shall have two magistrates, who shall be elected at the regularly
67 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

68 (4) Braxton County shall have two magistrates, who shall be elected at the regularly
69 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

70 (5) Brooke County shall have two magistrates, who shall be elected at the regularly
71 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

72 (6) Cabell County shall have seven magistrates, who shall be elected at the regularly
73 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

74 (7) Calhoun County shall have two magistrates, who shall be elected at the regularly
75 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

76 (8) Clay County shall have two magistrates, who shall be elected at the regularly
77 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

78 (9) Doddridge County have two magistrates, who shall be elected at the regularly

79 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

80 (10) Fayette County shall have four magistrates, who shall be elected at the regularly
81 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

82 (11) Gilmer County shall have two magistrates, who shall be elected at the regularly
83 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

84 (12) Grant County shall have two magistrates, who shall be elected at the regularly
85 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

86 (13) Greenbrier County shall have three magistrates, who shall be elected at the regularly
87 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

88 (14) Hampshire County shall have two magistrates, who shall be elected at the regularly
89 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

90 (15) Hancock County shall have three magistrates, who shall be elected at the regularly
91 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

92 (16) Hardy County shall have two magistrate, who shall be elected at the regularly
93 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

94 (17) Harrison County shall have five magistrates, who shall be elected at the regularly
95 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

96 (18) Jackson County shall have two magistrates, who shall be elected at the regularly
97 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

98 (19) Jefferson County shall have four magistrates, who shall be elected at the regularly
99 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

100 (20) Kanawha County shall have thirteen magistrates, who shall be elected at the regularly
101 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

102 (21) Lewis County shall have two magistrates, who shall be elected at the regularly
103 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

104 (22) Lincoln County shall have two magistrates, who shall be elected at the regularly

105 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

106 (23) Logan County shall have four magistrates, who shall be elected at the regularly
107 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

108 (24) Marion County shall have four magistrates, who shall be elected at the regularly
109 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

110 (25) Marshall County shall have three magistrates, who shall be elected at the regularly
111 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

112 (26) Mason County shall have two magistrates, who shall be elected at the regularly
113 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

114 (27) McDowell County shall have three magistrates, who shall be elected at the regularly
115 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

116 (28) Mercer County shall have five magistrates, who shall be elected at the regularly
117 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

118 (29) Mineral County shall have two magistrates, who shall be elected at the regularly
119 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

120 (30) Mingo County shall have three magistrates, who shall be elected at the regularly
121 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

122 (31) Monongalia County shall have six magistrates, who shall be elected at the regularly
123 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

124 (32) Monroe County shall have two magistrates, who shall be elected at the regularly
125 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

126 (33) Morgan County shall have two magistrates, who shall be elected at the regularly
127 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

128 (34) Nicholas County shall have three magistrates, who shall be elected at the regularly
129 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

130 (35) Ohio County shall have four magistrates, who shall be elected at the regularly

131 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

132 (36) Pendleton County shall have two magistrates, who shall be elected at the regularly
133 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

134 (37) Pleasants County shall have two magistrates, who shall be elected at the regularly
135 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

136 (38) Pocahontas County shall have two magistrates, who shall be elected at the regularly
137 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

138 (39) Preston County shall have three magistrates, who shall be elected at the regularly
139 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

140 (40) Putnam County shall have three magistrates, who shall be elected at the regularly
141 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

142 (41) Raleigh County have six magistrates, who shall be elected at the regularly scheduled
143 election(s) to be held in the year 2024, and every fourth year thereafter;

144 (42) Randolph County shall have three magistrates, who shall be elected at the regularly
145 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

146 (43) Ritchie County shall have two magistrates, who shall be elected at the regularly
147 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

148 (44) Roane County shall have two magistrates, who shall be elected at the regularly
149 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

150 (45) Summers County shall have two magistrates, who shall be elected at the regularly
151 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

152 (46) Taylor County shall have two magistrates, who shall be elected at the regularly
153 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

154 (47) Tucker County shall have two magistrates, who shall be elected at the regularly
155 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

156 (48) Tyler County shall have two magistrates, who shall be elected at the regularly

157 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

158 (49) Upshur County shall have two magistrates, who shall be elected at the regularly
159 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

160 (50) Wayne County shall have three magistrates, who shall be elected at the regularly
161 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

162 (51) Webster County shall have two magistrates, who shall be elected at the regularly
163 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

164 (52) Wetzel County shall have two magistrates, who shall be elected at the regularly
165 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

166 (53) Wirt County shall have two magistrates, who shall be elected at the regularly
167 scheduled election(s) to be held in the year 2024, and every fourth year thereafter;

168 (54) Wood County shall have six magistrates, who shall be elected at the regularly
169 scheduled election(s) to be held in the year 2024, and every fourth year thereafter; and

170 (55) Wyoming County shall have three magistrates, who shall be elected at the regularly
171 scheduled election(s) to be held in the year 2024, and every fourth year thereafter.

172 (b) (d) In the year 2026, the Supreme Court of Appeals shall conduct or otherwise arrange
173 for a caseload study of the magistrate courts of this state for the purpose of determining how many
174 magistrates are needed in each county. Based upon the results of this study and upon
175 consideration of county population data from the most recent decennial census, the Supreme
176 Court of Appeals shall enter an administrative order on or before January 5, ~~2023~~ 2027, containing
177 the Supreme Court's recommendations as to the number of magistrates who are needed in each
178 of the state's 55 counties for the four-year terms of office to be filled by election in the year 2024
179 2028. ~~The administrative order shall allocate no more than 170 magistrates for the entire State of~~
180 ~~West Virginia, nor shall the allocation reduce the number of magistrates in any county below that in~~
181 ~~effect on the effective date of the amendments to this section enacted during the 2022 regular~~
182 ~~session of the Legislature~~ Attested copies of the administrative order shall be provided to the

183 President of the West Virginia Senate, the Clerk of the Senate, the Clerk and the Speaker of the
184 West Virginia House of Delegates, and the West Virginia Secretary of State.

185 ~~(e)~~ (e) The West Virginia Legislature may, ~~in the regular session of the Legislature, 2023~~
186 reject the allocation of magistrates recommended by the Supreme Court in its administrative order
187 entered for the judicial elections to be held in 2028 and allocate magistrates for the four-year terms
188 commencing in January of ~~2025~~ 2029 and serving through December of ~~2028~~ 2032, as the
189 Legislature may choose by enactment of a bill containing such an allocation.

190 ~~(d)~~ (f) If the Legislature does not enact a different allocation of the magistrates to be elected
191 in ~~2024~~ 2028 pursuant to subsection ~~(e)~~ (e) of this section, then the administrative order of the
192 Supreme Court of Appeals required by subsection ~~(b)~~ (d) of this section shall become the
193 certification to the ballot commissioners of each county in this state of the number of magistrates to
194 be elected in each county of this state at the judicial elections to be held concurrently with the
195 primary election ~~in 2024~~.

196 ~~(e)~~ (g) The process set forth in this section shall be repeated every four years in the first
197 and second years immediately preceding the quadrennial election of magistrates.

§50-1-8. Magistrate court clerks; salaries; duties; duties of circuit clerk.

1 (a) In each county having three or more magistrates the judge of the circuit court or the
2 chief judge of the circuit court, if there is more than one judge of the circuit court, shall appoint a
3 magistrate court clerk. In all other counties the judge may appoint a magistrate court clerk or may
4 by rule require the duties of the magistrate court clerk to be performed by the clerk of the circuit
5 court, in which event the circuit court clerk is entitled to additional compensation in the amount of
6 \$2,500 per year. The magistrate court clerk serves at the will and pleasure of the circuit judge.

7 (b) Magistrate court clerks shall be paid at least twice per month by the state. ~~Magistrate~~
8 ~~court clerks serving magistrates who serve less than seven thousand three hundred in population~~
9 ~~shall be paid up to \$39,552 per year and magistrate court clerks serving magistrates who serve~~
10 ~~seven thousand three hundred or more in population shall be paid up to \$44,712 per year:~~

11 ~~Provided, That after the effective date of this section, any general salary increase granted to all~~
12 ~~state employees, whose salaries are not set by statute, expressed as a percentage increase or an~~
13 ~~across-the-board increase, may also be granted to magistrate court clerks. For the purpose of~~
14 ~~determining the population served by each magistrate, the number of magistrates authorized for~~
15 ~~each county shall be divided into the population of each county. The salary of the magistrate court~~
16 ~~clerk shall be established by the judge of the circuit court, or the chief judge of the circuit court if~~
17 ~~there is more than one judge of the circuit court, within the limits set forth in this section~~ The annual
18 salary of all magistrate court clerks is \$52,296. Beginning July 1, 2023, the annual salary of a
19 magistrate court clerk shall be \$54,846. Magistrate court clerks may receive any general salary
20 increase granted to state employees, whose salaries are not set by statute, expressed as a
21 percentage increase or an across-the-board increase enacted after July 1, 2023.

22 (c) In addition to other duties that may be imposed by the provisions of this chapter or by
23 the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of the
24 circuit court if there is more than one judge of the circuit court, it is the duty of the magistrate court
25 clerk to establish and maintain appropriate dockets and records in a centralized system for the
26 magistrate court, to assist in the preparation of the reports required of the court and to carry out on
27 behalf of the magistrates or chief magistrate if a chief magistrate is appointed, the administrative
28 duties of the court.

29 (d) The magistrate court clerk, or if there is no magistrate court clerk in the county, the clerk
30 of the circuit court, may issue all manner of civil process and require the enforcement of
31 subpoenas and subpoenas duces tecum in magistrate court.

32 (e) ~~Notwithstanding any provision of this code to the contrary, the amendments made to~~
33 ~~this section during the 2013 first extraordinary session are effective upon passage and are~~
34 ~~retroactive to January 1, 2013.~~

1 (f) Beginning January 1, 2017, the annual salary of all magistrate court clerks is \$44,720.

2 ~~After the effective date of this section, a general salary increase granted to state employees,~~

3 ~~whose salaries are not set by statute, expressed as a percentage increase or an across-the-board~~
 4 ~~increase, may also be granted to magistrate court clerks~~

§50-1-9. Magistrate assistants; salary; duties.

1 (a) In each county there shall be at least one magistrate assistant for each magistrate,
 2 however, the Supreme Court of Appeals may authorize additional magistrate assistants if the
 3 workload of a county's magistrate court requires extra staff support. Each magistrate assistant
 4 shall be appointed by the magistrate under whose authority and supervision and at whose will and
 5 pleasure he or she shall serve. If more than one magistrate assistant per magistrate is approved
 6 by the Supreme Court, then the Chief Magistrate, or Chief Circuit Judge if no Chief Magistrate is
 7 designated, shall appoint, supervise, and assign job duties for any additional magistrate assistant
 8 as needed for that county. The assistant shall not be a member of the immediate family of any
 9 magistrate and shall not have been convicted of a felony or any misdemeanor involving moral
 10 turpitude and shall reside in the State of West Virginia. For the purpose of this section, "immediate
 11 family" means the relationships of mother, father, sister, brother, child or spouse.

12 (b) A magistrate assistant shall have the duties, clerical or otherwise, assigned by the
 13 magistrate and prescribed by the rules of the Supreme Court of Appeals or the judge of the circuit
 14 court or the chief judge of the circuit court if there is more than one judge of the circuit court. In
 15 addition to these duties, magistrate assistants shall perform and are accountable to the magistrate
 16 court clerks with respect to the following duties:

- 17 (1) The preparation of summons in civil actions;
- 18 (2) The assignment of civil actions to the various magistrates;
- 19 (3) The collection of all costs, fees, fines, forfeitures and penalties which are payable to the
 20 court;
- 21 (4) The submission of moneys, along with an accounting of the moneys, to appropriate
 22 authorities as provided by law;
- 23 (5) The daily disposition of closed files which are to be located in the magistrate clerk's

24 office;

25 (6) All duties related to the gathering of information and documents necessary for the
26 preparation of administrative reports and documents required by the rules of the Supreme Court of
27 Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more than
28 one judge of the circuit court;

29 (7) All duties relating to the notification, certification and payment of jurors serving pursuant
30 to the terms of this chapter; and

31 (8) All other duties or responsibilities whereby the magistrate assistant is accountable to
32 the magistrate court clerk as determined by the magistrate.

33 (c) Magistrate assistants shall be paid at least twice per month by the state. The annual
34 salary of all magistrate assistants is \$46,932. Beginning July 1, 2023, the annual salary of a
35 magistrate assistant shall be \$49,482. Magistrate assistants may receive any general salary
36 increase granted to state employees, whose salaries are not set by statute, expressed as a
37 percentage increase or an across-the-board increase enacted after July 1, 2023. Magistrate
38 ~~assistants serving magistrates who serve less than seven thousand three hundred in population~~
39 ~~shall be paid up to \$36,048 per year and magistrate assistants serving magistrates who serve~~
40 ~~seven thousand three hundred or more in population shall be paid up to \$39,348 per year:~~
41 ~~Provided, That after the effective date of this section, any general salary increase granted to all~~
42 ~~state employees, whose salaries are not set by statute, expressed as a percentage increase or an~~
43 ~~across-the-board increase, may also be granted to magistrate assistants. For the purpose of~~
44 ~~determining the population served by each magistrate, the number of magistrates authorized for~~
45 ~~each county shall be divided into the population of each county. The salary of the magistrate~~
46 ~~assistant shall be established by the magistrate within the limits set forth in this section.~~

47 (d) ~~Notwithstanding any provision of this code to the contrary, the amendments made to~~
48 ~~this section during the 2013 first extraordinary session are effective upon passage and are~~
49 ~~retroactive to January 1, 2013.~~

50 ~~(e) Beginning January 1, 2017, the annual salary of all magistrate assistants is \$39,348.~~
 51 ~~After the effective date of this section, a general salary increase granted to state employees,~~
 52 ~~whose salaries are not set by statute, expressed as a percentage increase or an across-the-board~~
 53 ~~increase, may also be granted to magistrate assistants~~

§50-1-9a. Magistrate court deputy clerks; duties; salary.

1 (a) Whenever required by workload and upon the recommendation of the judge of the
 2 circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court,
 3 the Supreme Court of Appeals may, by rule, provide for the appointment of magistrate court
 4 deputy clerks. ~~not to exceed seventy-two in number~~ The magistrate court deputy clerks shall be
 5 appointed by the judge of the circuit court, or the chief judge if there is more than one judge of the
 6 circuit court, to serve at his or her will and pleasure under the immediate supervision of the
 7 magistrate court clerk.

8 (b) Magistrate court deputy clerks shall have the duties, clerical or otherwise, as may be
 9 assigned by the magistrate court clerk and as may be prescribed by the rules of the Supreme
 10 Court of Appeals or the judge of the circuit court or the chief judge if there is more than one judge of
 11 the circuit court. Magistrate court deputy clerks may also exercise the power and perform the
 12 duties of the magistrate court clerk as may be delegated or assigned by the magistrate court clerk.

13 (c) A magistrate court deputy clerk may not be an immediate family member of any
 14 magistrate, magistrate court clerk, magistrate assistant or judge of the circuit court within the same
 15 county, may not have been convicted of a felony or any misdemeanor involving moral turpitude
 16 and must reside in this state. For purposes of this subsection, "immediate family member" means
 17 a mother, father, sister, brother, child or spouse.

18 ~~(d) Magistrate court deputy clerks shall be paid an annual salary by the state on the same~~
 19 ~~basis and in the same amounts established for magistrate assistants in each county, as provided~~
 20 ~~in section nine of this article~~ Magistrate court deputy clerks shall be paid at least twice per month
 21 by the state. The annual salary of all magistrate court deputy clerks is \$46,932. Beginning July 1,

22 2023, the annual salary of a magistrate court deputy clerk shall be \$49,482. Magistrate court
 23 deputy clerks may receive any general salary increase granted to state employees, whose
 24 salaries are not set by statute, expressed as a percentage increase or an across-the-board
 25 increase enacted after July 1, 2023.

26 ~~(e) Notwithstanding any provision of this code to the contrary, the amendments made to~~
 27 ~~section nine of this article during the 2013 First Extraordinary Session, and the effects of those~~
 28 ~~amendments on subsection (d) of this section, are effective upon passage and are retroactive to~~
 29 ~~January 1, 2013.~~

30 ~~(f) Beginning January 1, 2017, the annual salary of all magistrate court deputy clerks is~~
 31 ~~\$39,348. After the effective date of this section, a general salary increase granted to state~~
 32 ~~employees, whose salaries are not set by statute, expressed as a percentage increase or an~~
 33 ~~across-the-board increase, may also be granted to magistrate court deputy clerks~~

§50-1-9c. Additional magistrate court support staff; duties; salary.

1 The Supreme Court of Appeals is authorized to create additional classifications of support
 2 staff that it deems necessary to adequately and efficiently staff the magistrate courts of this state,
 3 including, but not limited to, cashiers, data entry clerks, and deputy magistrate assistants. The
 4 Supreme Court may determine the authority to hire and terminate, supervise, and assign job
 5 duties for these positions pursuant to its own employment rules, policies, and procedures. The
 6 annual salary of these additional support staff shall not exceed the regular annual salary of a
 7 magistrate assistant and shall be paid by the state on the same basis and in the same amounts
 8 established for magistrate assistants in each county, as provided in section nine of this article.

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~~ Prior to January 1, 2025, the state shall be divided into the following judicial circuits
2 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 ~~two~~ three judges; ~~Provided, That effective January 1, 2017, said circuit court shall~~
13 ~~have three judges; said additional circuit judge to be elected at the regularly scheduled election(s)~~
14 ~~to be 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~~ four
20 judges; ~~Provided, That effective January 1, 2017, said circuit court shall have four judges; said~~
21 ~~additional circuit judge to be elected at the regularly scheduled election(s) to be held in the year~~
22 ~~2016 and 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;

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

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

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

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

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

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

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

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

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

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

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

52 (25) The counties of Lincoln and Boone shall constitute the twenty-fifth circuit and shall

53 have two judges;

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

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

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

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

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

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

67 (b) Effective January 1, 2025, the state shall be divided into the following judicial circuits
68 with the following number of judges:

69 (1) The counties of Brooke, Hancock, and Ohio shall constitute the first circuit and shall
70 have four judges, who shall be elected at the regularly scheduled election(s) to be held in the year
71 2024, and every eighth year thereafter;

72 (2) The counties of Marshall, Tyler, and Wetzel shall constitute the second circuit and shall
73 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
74 2024, and every eighth year thereafter;

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

78 (4) The county of Wood shall constitute the fourth circuit and shall have three judges, who

79 shall be elected at the regularly scheduled election(s) to be held in the year 2024, and every eighth
80 year thereafter;

81 (5) The counties of Calhoun, Jackson, Mason, and Roane shall constitute the fifth circuit
82 and shall have three judges, who shall be elected at the regularly scheduled election(s) to be held
83 in the year 2024, and every eighth year thereafter;

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

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

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

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

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

99 (11) The counties of Logan and Mingo shall constitute the eleventh circuit and shall have
100 three judges, who shall be elected at the regularly scheduled election(s) to be held in the year
101 2024, and every eighth year thereafter;

102 (12) The counties of McDowell and Wyoming shall constitute the twelfth circuit and shall
103 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
104 2024, and every eighth year thereafter;

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

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

111 (15) The county of Fayette shall constitute the fifteenth circuit and shall have two 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 eighth year thereafter;

114 (16) The county of Nicholas shall constitute the sixteenth circuit and shall have two 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 (17) The counties of Braxton, Clay, Gilmer, and Webster shall constitute the seventeenth
118 circuit and shall have two judges, who shall be elected at the regularly scheduled election(s) to be
119 held in the year 2024, and every eighth year thereafter;

120 (18) The counties of Lewis and Upshur shall constitute the eighteenth circuit and shall have
121 two judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024,
122 and every eighth year thereafter;

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

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

129 (21) The county of Monongalia shall constitute the twenty-first circuit and shall have three
130 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and

131 every eighth year thereafter;

132 (22) The counties of Preston and Tucker shall constitute the twenty-second circuit and
133 shall have two judges, who shall be elected at the regularly scheduled election(s) to be held in the
134 year 2024, and every eighth year thereafter;

135 (23) The counties of Barbour and Taylor shall constitute the twenty-third circuit and shall
136 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
137 2024, and every eighth year thereafter;

138 (24) The county of Randolph shall constitute the twenty-fourth circuit and shall have two
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 (25) The counties of Grant and Mineral shall constitute the twenty-fifth circuit and shall
142 have two judges, who shall be elected at the regularly scheduled election(s) to be held in the year
143 2024, and every eighth year thereafter;

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

147 (27) The counties of Berkley and Morgan shall constitute the twenty-seventh circuit and
148 shall have five 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 (28) The county of Jefferson shall constitute the twenty-eighth circuit and shall have two
151 judges, who shall be elected at the regularly scheduled election(s) to be held in the year 2024, and
152 every eighth year thereafter;

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

156 (30) The counties of Monroe and Summers shall constitute the thirtieth circuit and shall

157 have one judge.

158 (b) (c) The Kanawha County circuit court shall be a court of concurrent jurisdiction with
 159 each single-judge circuit where the sitting judge in the single-judge circuit is unavailable by reason
 160 of sickness, vacation, or other reason.

161 (e) (d) Any judge in office on the effective date of the reenactment of this section shall
 162 continue as a judge of the circuit as constituted under prior enactments of this section, unless
 163 sooner removed or retired as provided by law, until December 31, 2016 2024.

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

167 (e) (f) For election purposes, in every judicial circuit having two or more judges there shall
 168 be numbered divisions corresponding to the number of circuit judges in each circuit. Each judge
 169 shall be elected at large from the entire circuit. In each numbered division of a judicial circuit, the
 170 candidates for nomination or election shall be voted upon, and the votes cast for the candidates in
 171 each division shall be tallied separately from the votes cast for candidates in other numbered
 172 divisions within the circuit. The candidate receiving the highest number of the votes cast within a
 173 numbered division shall be ~~nominated or elected, as the case may be.~~

174 (f) (g) Judges serving a judicial circuit comprised of four or more counties with two or more
 175 judges shall not be residents of the same county.

176 (g) (h) The Supreme Court of Appeals shall, by rule, establish the terms of court of circuit
 177 judges.

ARTICLE 2A. FAMILY COURTS.

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

1 (a) ~~Beginning on January 1, 2009, forty-five family court judges shall serve throughout the~~
 2 ~~state, allocated among a total of twenty-seven family court circuits as follows:~~

3 ~~(1) The counties of Brooke, Hancock and Ohio shall constitute the first family court circuit~~
4 ~~and have two family court judges;~~

5 ~~(2) The counties of Marshall, Wetzel and Tyler shall constitute the second family court~~
6 ~~circuit and have one family court judge;~~

7 ~~(3) The counties of Pleasants and Wood shall constitute the third family court circuit and~~
8 ~~have two family court judges;~~

9 ~~(4) The counties of Roane, Calhoun, Gilmer and Ritchie shall constitute the fourth family~~
10 ~~court circuit and have one family court judge;~~

11 ~~(5) The counties of Mason, Jackson and Wirt shall constitute the fifth family court circuit~~
12 ~~and have two family court judges;~~

13 ~~(6) The county of Cabell shall constitute the sixth family court circuit and have two family~~
14 ~~court judges;~~

15 ~~(7) The county of Wayne shall constitute the seventh family court circuit and have one~~
16 ~~family court judge;~~

17 ~~(8) The county of Mingo shall constitute the eighth family court circuit and have one family~~
18 ~~court judge;~~

19 ~~(9) The county of Logan shall constitute the ninth family court circuit and have two family~~
20 ~~court judges;~~

21 ~~(10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and~~
22 ~~have two family court judges;~~

23 ~~(11) The county of Kanawha shall constitute the eleventh family court circuit and have five~~
24 ~~family court judges;~~

25 ~~(12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit~~
26 ~~and have three family court judges;~~

27 ~~(13) The counties of Raleigh, Summers and Wyoming shall constitute the thirteenth family~~
28 ~~court circuit and have three family court judges;~~

29 ~~(14) The county of Fayette shall constitute the fourteenth family court circuit and have one~~
30 ~~family court judge;~~

31 ~~(15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit~~
32 ~~and have one family court judge;~~

33 ~~(16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit and~~
34 ~~have one family court judge;~~

35 ~~(17) The counties of Braxton, Lewis and Upshur shall constitute the seventeenth family~~
36 ~~court circuit and have one family court judge;~~

37 ~~(18) The counties of Harrison and Doddridge shall constitute the eighteenth family court~~
38 ~~circuit and have two family court judges;~~

39 ~~(19) The county of Marion shall constitute the nineteenth family court circuit and have one~~
40 ~~family court judge;~~

41 ~~(20) The counties of Monongalia and Preston shall constitute the twentieth family court~~
42 ~~circuit and have two family court judges;~~

43 ~~(21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit~~
44 ~~and have one family court judge;~~

45 ~~(22) The counties of Tucker and Randolph shall constitute the twenty-second family court~~
46 ~~circuit and have one family court judge;~~

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

49 ~~(24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court~~
50 ~~circuit and have three family court judges;~~

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

53 ~~(26) The county of Putnam shall constitute the twenty-sixth family court circuit and have~~
54 ~~one family court judge; and~~

55 ~~(27) The counties of Webster and Pocahontas shall constitute the twenty-seventh family~~
56 ~~court circuit and have one family court judge.~~

57 (b) ~~(a) Beginning on January 1, 2017~~ Prior to January 1, 2025, forty-seven family court
58 judges shall serve throughout the state, allocated among a total of twenty-seven family court
59 circuits as follows:

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

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

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

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

68 (5) The counties of Mason, Jackson and Wirt shall constitute the fifth family court circuit
69 and have two family court judges;

70 (6) The county of Cabell shall constitute the sixth family court circuit and have three family
71 court judges;

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

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

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

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

80 (11) The county of Kanawha shall constitute the eleventh family court circuit and have five

81 family court judges;

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

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

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

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

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

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

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

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

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

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

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

104 (23) The counties of Mineral, Hampshire and Morgan shall constitute the twenty-third
105 family court circuit and have two family court judges;

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

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

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

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

114 (b) Effective January 1, 2025, forty-eight family court judges shall serve throughout the
115 state, allocated among a total of twenty-seven family court circuits as follows:

116 (1) The counties of Brooke, Hancock and Ohio shall constitute the first family court circuit
117 and have two family court judges, who shall be elected at the regularly scheduled election(s) to be
118 held in the year 2024, and every eighth year thereafter;

119 (2) The counties of Marshall, Wetzel and Tyler shall constitute the second family court
120 circuit and have one family court judge, who shall be elected at the regularly scheduled election(s)
121 to be held in the year 2024, and every eighth year thereafter;

122 (3) The counties of Pleasants and Wood shall constitute the third family court circuit and
123 have two family court judges, who shall be elected at the regularly scheduled election(s) to be held
124 in the year 2024, and every eighth year thereafter;

125 (4) The counties of Roane, Calhoun, Gilmer and Ritchie shall constitute the fourth family
126 court circuit and have one family court judge, who shall be elected at the regularly scheduled
127 election(s) to be held in the year 2024, and every eighth year thereafter;

128 (5) The counties of Mason, Jackson and Wirt shall constitute the fifth family court circuit
129 and have two family court judges, who shall be elected at the regularly scheduled election(s) to be
130 held in the year 2024, and every eighth year thereafter;

131 (6) The county of Cabell shall constitute the sixth family court circuit and have three family

132 court judges, who shall be elected at the regularly scheduled election(s) to be held in the year
133 2024, and every eighth year thereafter;

134 (7) The county of Wayne shall constitute the seventh family court circuit and have one
135 family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year
136 2024, and every eighth year thereafter;

137 (8) The county of Mingo shall constitute the eighth family court circuit and have one family
138 court judge, who shall be elected at the regularly scheduled election(s) to be held in the year 2024,
139 and every eighth year thereafter;

140 (9) The county of Logan shall constitute the ninth family court circuit and have two family
141 court judges, who shall be elected at the regularly scheduled election(s) to be held in the year
142 2024, and every eighth year thereafter;

143 (10) The counties of Lincoln and Boone shall constitute the tenth family court circuit and
144 have two family court judges, who shall be elected at the regularly scheduled election(s) to be held
145 in the year 2024, and every eighth year thereafter;

146 (11) The county of Kanawha shall constitute the eleventh family court circuit and have five
147 family court judges, who shall be elected at the regularly scheduled election(s) to be held in the
148 year 2024, and every eighth year thereafter;

149 (12) The counties of McDowell and Mercer shall constitute the twelfth family court circuit
150 and have three family court judges, who shall be elected at the regularly scheduled election(s) to
151 be held in the year 2024, and every eighth year thereafter;

152 (13) The counties of Raleigh, Summers and Wyoming shall constitute the thirteenth family
153 court circuit and have three family court judges, who shall be elected at the regularly scheduled
154 election(s) to be held in the year 2024, and every eighth year thereafter;

155 (14) The county of Fayette shall constitute the fourteenth family court circuit and have one
156 family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year
157 2024, and every eighth year thereafter;

158 (15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit
159 and have one family court judge, who shall be elected at the regularly scheduled election(s) to be
160 held in the year 2024, and every eighth year thereafter;

161 (16) The counties of Clay and Nicholas shall constitute the sixteenth family court circuit and
162 have one family court judge, who shall be elected at the regularly scheduled election(s) to be held
163 in the year 2024, and every eighth year thereafter;

164 (17) The counties of Lewis and Upshur shall constitute the seventeenth family court circuit
165 and have one family court judge, who shall be elected at the regularly scheduled election(s) to be
166 held in the year 2024, and every eighth year thereafter;

167 (18) The counties of Harrison and Doddridge shall constitute the eighteenth family court
168 circuit and have two family court judges, who shall be elected at the regularly scheduled
169 election(s) to be held in the year 2024, and every eighth year thereafter;

170 (19) The county of Marion shall constitute the nineteenth family court circuit and have one
171 family court judge, who shall be elected at the regularly scheduled election(s) to be held in the year
172 2024, and every eighth year thereafter;

173 (20) The counties of Monongalia and Preston shall constitute the twentieth family court
174 circuit and have two family court judges, who shall be elected at the regularly scheduled
175 election(s) to be held in the year 2024, and every eighth year thereafter;

176 (21) The counties of Barbour and Taylor shall constitute the twenty-first family court circuit
177 and have one family court judge, who shall be elected at the regularly scheduled election(s) to be
178 held in the year 2024, and every eighth year thereafter;

179 (22) The counties of Tucker and Randolph shall constitute the twenty-second family court
180 circuit and have one family court judge, who shall be elected at the regularly scheduled election(s)
181 to be held in the year 2024, and every eighth year thereafter;

182 (23) The counties of Mineral, Hampshire and Morgan shall constitute the twenty-third
183 family court circuit and have two family court judges, who shall be elected at the regularly

184 scheduled election(s) to be held in the year 2024, and every eighth year thereafter;

185 (24) The counties of Berkeley and Jefferson shall constitute the twenty-fourth family court
 186 circuit and have four family court judges with the additional family court judge to be elected at the
 187 regularly scheduled election held in 2024 and every eighth year thereafter;

188 (25) The counties of Hardy, Pendleton and Grant shall constitute the twenty-fifth family
 189 court circuit and have one family court judge, who shall be elected at the regularly scheduled
 190 election(s) to be held in the year 2024, and every eighth year thereafter;

191 (26) The county of Putnam shall constitute the twenty-sixth family court circuit and have
 192 one family court judge, who shall be elected at the regularly scheduled election(s) to be held in the
 193 year 2024, and every eighth year thereafter; and

194 (27) The counties of Webster, Braxton, and Pocahontas shall constitute the twenty-
 195 seventh family court circuit and have one family court judge, who shall be elected at the regularly
 196 scheduled election(s) to be held in the year 2024, and every eighth year thereafter.

197 (c) Family court judges taking office January 1, ~~2017~~ 2025, shall be elected at the regularly
 198 scheduled election(s) occurring in the year ~~2016~~ 2024 and shall serve for a term of eight years.

199 (d) The Legislature has the authority and may determine to realign the family court circuits
 200 and has the authority and may determine to increase or decrease the number of family court
 201 judges within a family court circuit, from time to time. Any person appointed or elected to the office
 202 of family court judge acknowledges the authority of the Legislature to realign family court circuits
 203 and the authority of the Legislature to increase or decrease the number of family court judges
 204 within a family court circuit.

§51-2A-6. Compensation and expenses of family court judges and their staffs.

1 (a) A family court judge is entitled to receive as compensation for his or her services an
 2 annual salary of \$62,500: ~~Provided, That beginning July 1, 2005, a family court judge is entitled to~~
 3 ~~receive as compensation for his or her services an annual salary of \$82,500: *Provided, however,*~~
 4 ~~That beginning July 1, 2011, the annual salary of a family court judge shall be \$94,500: *Provided*~~

5 ~~further, That beginning July 1, 2020, the annual salary of a family court judge shall be \$103,950.~~

6 (b) The secretary-clerk of the family court judge is appointed by the family court judge and
7 serves at his or her will and pleasure. ~~The secretary-clerk of the family court judge is entitled to~~
8 ~~receive an annual salary of \$27,036: *Provided*, That on and after July 1, 2006, the annual salary of~~
9 ~~the secretary-clerk shall be established by the Administrative Director of the Supreme Court of~~
10 ~~Appeals, but may not exceed \$39,000. In addition, any person employed as a secretary-clerk to a~~
11 ~~family court judge on the effective date of the enactment of this section during the sixth~~
12 ~~extraordinary session of the Legislature in the year 2001 who is receiving an additional \$500 per~~
13 ~~year up to 10 years of a certain period of prior employment under the provisions of the prior~~
14 ~~enactment of §51-2A-8 of this code during the second extraordinary session of the Legislature in~~
15 ~~the year 1999 shall continue to receive such additional amount. Further, the secretary-clerk will~~
16 ~~receive such percentage or proportional salary increases as may be provided by general law for~~
17 ~~other public employees and is entitled to receive the annual incremental salary increase as~~
18 ~~provided in §5-5-1 et seq. of this code~~ The secretary-clerk of the family court shall be paid at least
19 twice per month by the state. The annual salary of all secretary-clerks of the family court is
20 \$42,576. Beginning July 1, 2023, the annual salary of a family court secretary-clerk shall be
21 \$45,126. Family court secretary-clerks may receive any general salary increase granted to state
22 employees, whose salaries are not set by statute, expressed as a percentage increase or an
23 across-the-board increase enacted after July 1, 2023.

24 (c) The family court judge may employ not more than one family case coordinator who
25 serves at his or her will and pleasure. However, the Supreme Court of Appeals may authorize
26 additional family case coordinators if the workload of a circuit's family court requires extra staff
27 support. The annual salary of the family case coordinator of the family court judge shall be
28 established by the Administrative Director of the Supreme Court of Appeals but may not exceed
29 ~~\$36,000~~ \$54,576. ~~*Provided*, That on and after July 1, 2006, the annual salary of the family case~~
30 ~~coordinator of the family court judge may not exceed \$51,000. The family case coordinator will~~

31 ~~receive such percentage or proportional salary increases as may be provided by general law for~~
32 ~~other public employees and is entitled to receive the annual incremental salary increase as~~
33 ~~provided in §5-5-1 et seq. of this code~~ Beginning July 1, 2023, the annual salary of a family court
34 case coordinator shall not exceed \$57,126. Family court case coordinators may receive any
35 general salary increase granted to state employees, whose salaries are not set by statute,
36 expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023.~~If~~
37 ~~more than one family case coordinator is approved by the Supreme Court, then the Chief Family~~
38 ~~Court Judge of that circuit shall appoint, supervise, and assign job duties for any additional family~~
39 ~~case coordinator as needed for that circuit.~~

40 (d) The sheriff or his or her designated deputy shall serve as a bailiff for a family court
41 judge. The sheriff of each county shall serve or designate persons to serve so as to assure that a
42 bailiff is available when a family court judge determines the same is necessary for the orderly and
43 efficient conduct of the business of the family court.

44 (e) Disbursement of salaries for family court judges and members of their staffs are made
45 by or pursuant to the order of the Director of the Administrative Office of the Supreme Court of
46 Appeals.

47 (f) Family court judges and members of their staffs are allowed their actual and necessary
48 expenses incurred in the performance of their duties. The expenses and compensation will be
49 determined and paid by the Director of the Administrative Office of the Supreme Court of Appeals
50 under such guidelines as he or she may prescribe, as approved by the Supreme Court of Appeals.

51 ~~(g) Notwithstanding any other provision of law, family court judges are not eligible to~~
52 ~~participate in the retirement system for judges under the provisions of §51-9-1 et seq. of this code~~

53 (g) The Supreme Court of Appeals is authorized to create additional classifications of
54 support staff that it deems necessary to adequately and efficiently staff the family courts of this
55 state, including, but not limited to, receptionists, assistant case coordinators, and assistant
56 secretary-clerks. The Supreme Court may determine the authority to hire and terminate,

57 supervise, and assign job duties for these positions pursuant to its own employment rules,
58 policies, and procedures. The annual salary of these additional support staff shall not exceed the
59 regular annual salary of a secretary-clerk and shall be paid by the state on the same basis
60 established for secretary-clerks as provided in this section.

NOTE: The purpose of this bill is to modify to the number, allocation, and terms of office of circuit court judges, family court judges, and magistrates to be elected in the 2024 general election. The bill alters county composition of circuit courts and family courts. The bill increases and reduces judges for certain circuit courts. The bill increases the number of family court judges and magistrates. The bill alters county composition of certain circuit and family courts. The bill updates the process for Supreme Court of Appeals to undertake magistrate caseload study in 2026 and submit administrative order regarding magistrates. The bill eliminates restrictions regarding maximum number of magistrates and restoring the Legislature's ability to reduce magistrates. The bill removes payment of magistrate salaries based on population. The bill relates generally to payment of family court judges, family court staff, magistrate court clerks, magistrate assistants, and additional magistrate staff. The bill permits the Supreme Court of Appeals to authorize additional magistrate assistants. The bill provides for Chief Magistrate or Chief Circuit Judge's management of magistrate assistants. The bill eliminates the restriction on number of magistrate court deputy clerks. The bill authorizes the Supreme Court of Appeals to create classifications for magistrate and family court support staff support staff and determine proper managing authority for such staff. The bill permits the Supreme Court of Appeals to increase family case coordinators. The bill sets the maximum annual salary for magistrate and family court support staff. Finally, the bill provides for effective dates.

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