AN ACT to amend and reenact section one, article two, chapter
fifty-one of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to establishing
the judicial circuits and creating an additional office of
judge in the sixth circuit; terms of office of circuit judges;
legislative findings and declarations; election of circuit
judges; terms of court; and requiring the supreme court of
appeals to submit a plan rearranging the circuits.

Be it enacted by the Legislature of West Virginia:

That section one, article two, chapter fifty-one of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted to read as follows:

ARTICLE 2. CIRCUIT COURTS; JUDGES.
§51-2-1. Judicial circuits; terms of office; legislative findings
and declarations; elections; terms of court.
1 (a) The state shall be divided into the following judicial
2 circuits with the following number of judges, which
3 number shall include those judges of statutory courts of
4 record of limited jurisdiction who became circuit court
5 judges by virtue of the judicial reorganization amend-
6 ment to the West Virginia constitution:
7 The counties of Brooke, Hancock and Ohio shall con-
8 stitute the first circuit and shall have four judges; the
9 counties of Marshall, Tyler and Wetzel shall constitute the
10 second circuit and shall have two judges; the counties of
11 Doddridge, Pleasants and Ritchie shall constitute the third
12 circuit and shall have one judge; the counties of Wood and
13 Wirt shall constitute the fourth circuit and shall have
three judges; the counties of Calhoun, Jackson and Roane shall constitute the fifth circuit and shall have one judge; the county of Cabell shall constitute the sixth circuit and shall have four judges; the county of Logan shall constitute the seventh circuit and shall have two judges; the county of McDowell shall constitute the eighth circuit and shall have two judges; the county of Mercer shall constitute the ninth circuit and shall have two judges; the county of Raleigh shall constitute the tenth circuit and shall have two judges; the counties of Greenbrier, Monroe, Pocahontas and Summers shall constitute the eleventh circuit and shall have one judge; the county of Fayette shall constitute the twelfth circuit and shall have two judges; the county of Kanawha shall constitute the thirteenth circuit and shall have seven judges; the counties of Braxton, Clay, Gilmer and Webster shall constitute the fourteenth circuit and shall have two judges; the county of Harrison shall constitute the fifteenth circuit and shall have two judges; the county of Marion shall constitute the sixteenth circuit and shall have two judges; the county of Monongalia shall constitute the seventeenth circuit and shall have two judges; the county of Preston shall constitute the eighteenth circuit and shall have one judge; the counties of Barbour and Taylor shall constitute the nineteenth circuit and shall have one judge; the county of Randolph shall constitute the twentieth circuit and shall have one judge; the counties of Grant, Mineral and Tucker shall constitute the twenty-first circuit and shall have two judges; the counties of Hampshire, Hardy and Pendleton shall constitute the twenty-second circuit and shall have one judge; the counties of Berkeley, Jefferson and Morgan shall constitute the twenty-third circuit and shall have one judge; the county of Wayne shall constitute the twenty-fourth circuit and shall have one judge; the counties of Lincoln and Boone shall constitute the twenty-fifth circuit and shall have two judges; the counties of Lewis and Upshur shall constitute the twenty-sixth circuit and shall have one judge; the county of Wyoming shall constitute the twenty-seventh circuit and shall have one judge; the county of Nicholas shall constitute the twenty-eighth circuit and shall have one judge; the counties of
Mason and Putnam shall constitute the twenty-ninth circuit and shall have two judges; the county of Mingo shall constitute the thirtieth circuit and shall have one judge; and the counties of Berkeley, Jefferson and Morgan shall constitute the thirty-first circuit and shall have one judge.

(b) Except as hereinafter provided, the terms of office of all circuit court judges in office on the effective date of this section, including the terms of office of the judges of those statutory courts of record of limited jurisdiction who became circuit court judges by virtue of the judicial reorganization amendment to the West Virginia constitution, shall expire on the thirty-first day of December, one thousand nine hundred eighty-four. Thereafter, the terms of office of such circuit court judges shall be for eight years, the first commencing on the first day of January, one thousand nine hundred eighty-five, and ending on the thirty-first day of December, one thousand nine hundred ninety-two. Subsequent terms of office of said judges shall be for eight years. The first term of office of the fourth circuit court judge of the sixth circuit created by the provisions of said subsection (a) shall commence on the first day of July, one thousand nine hundred seventy-seven, and shall end on the thirty-first day of December, one thousand nine hundred seventy-eight. The second term of office of said sixth circuit court judge shall commence on the first day of January, one thousand nine hundred seventy-nine, and shall end on the thirty-first day of December, one thousand nine hundred eighty-four. Subsequent terms of office of said sixth circuit court judge shall be for eight years.

(c) The Legislature hereby finds and declares that the purpose of this section is to implement the provisions of the judicial reorganization amendment to the West Virginia constitution; that the terms of office of all circuit court judges, including the judges of statutory courts of record of limited jurisdiction who became circuit court judges by virtue of the judicial reorganization amendment to the West Virginia constitution, should expire on the same date and such judges should be elected at the same general election; that the legislative intent in presenting said judicial reorganization amendment to the
voters of the state for ratification was that no judge of a statutory court of record of limited jurisdiction who would become a circuit court judge by virtue of said judicial reorganization amendment would have his term of office decreased by the ratification of said judicial reorganization amendment or be forced to run for reelection any sooner than he otherwise would have had to have run for reelection if said judicial reorganization amend-ment had not been ratified; and that said judicial reorganiza-tion amendment was ratified by the voters of the state at the same general election at which the judge of the former intermediate court of Raleigh county and the judge of the former intermediate court of Kanawha county were elected. Consistent with such findings and declarations, the terms of office of the judges of the tenth and thirteenth judicial circuits who became circuit court judges by virtue of the judicial reorganization amend-ment to the West Virginia constitution, and who were, respectively, the judges of the intermediate court of Raleigh county and the intermediate court of Kanawha county, which terms commenced the first day of January, one thousand nine hundred seventy-five, shall expire on the thirty-first day of December, one thousand nine hun-dred eighty-four.

(d) The election of every circuit court judge, except as hereinafter provided, shall be held on the Tuesday next after the first Monday in November, one thousand nine hundred eighty-four, and every eighth year there-after. The fourth circuit court judge of the sixth circuit created by the provisions of subsection (a) of this section shall be appointed originally by the governor according to the provisions of section three, article ten, chapter three of this code. The first election of said sixth circuit court judge shall be held on the Tuesday next after the first Monday in November, one thousand nine hundred seventy-eight. The election for the third term of said sixth circuit court judge shall be held on the Tuesday next after the first Monday in November, one thousand nine hundred eighty-four, and every eighth year there-after.
(e) The terms of court of the circuit judges of the counties aforesaid shall commence and be held as hereinafter provided.

(f) On or before January one, one thousand nine hundred eighty-three, the supreme court of appeals of West Virginia shall submit to the Legislature a plan for rearranging the circuits created in subsection (a) of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

[Signature]

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1977.

[Signature]

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker House of Delegates

The within is approved this the 13th day of April, 1977.

[Signature]

Governor