

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

SENATE BILL NO. 52

(By Mr. Nelson)



PASSED April 1, 1977

In Effect July 1, 1977 ~~Passage~~



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Senate Bill No. 52
(By MR. NELSON)

[Passed April 1, 1977; in effect July 1, 1977.]

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

14 three judges; the counties of Calhoun, Jackson and Roane
15 shall constitute the fifth circuit and shall have one judge;
16 the county of Cabell shall constitute the sixth circuit and
17 shall have four judges; the county of Logan shall
18 constitute the seventh circuit and shall have two judges;
19 the county of McDowell shall constitute the eighth circuit
20 and shall have two judges; the county of Mercer shall
21 constitute the ninth circuit and shall have two judges; the
22 county of Raleigh shall constitute the tenth circuit and
23 shall have two judges; the counties of Greenbrier, Monroe,
24 Pocahontas and Summers shall constitute the eleventh
25 circuit and shall have one judge; the county of Fayette
26 shall constitute the twelfth circuit and shall have two
27 judges; the county of Kanawha shall constitute the thir-
28 teenth circuit and shall have seven judges; the counties of
29 Braxton, Clay, Gilmer and Webster shall constitute the
30 fourteenth circuit and shall have two judges; the county of
31 Harrison shall constitute the fifteenth circuit and shall
32 have two judges; the county of Marion shall constitute the
33 sixteenth circuit and shall have two judges; the county of
34 Monongalia shall constitute the seventeenth circuit and
35 shall have two judges; the county of Preston shall con-
36 stitute the eighteenth circuit and shall have one judge;
37 the counties of Barbour and Taylor shall constitute the
38 nineteenth circuit and shall have one judge; the county of
39 Randolph shall constitute the twentieth circuit and shall
40 have one judge; the counties of Grant, Mineral and Tucker
41 shall constitute the twenty-first circuit and shall have two
42 judges; the counties of Hampshire, Hardy and Pendleton
43 shall constitute the twenty-second circuit and shall have
44 one judge; the counties of Berkeley, Jefferson and Morgan
45 shall constitute the twenty-third circuit and shall have one
46 judge; the county of Wayne shall constitute the twenty-
47 fourth circuit and shall have one judge; the counties
48 of Lincoln and Boone shall constitute the twenty-fifth
49 circuit and shall have two judges; the counties of Lewis
50 and Upshur shall constitute the twenty-sixth circuit and
51 shall have one judge; the county of Wyoming shall con-
52 stitute the twenty-seventh circuit and shall have one
53 judge; the county of Nicholas shall constitute the twenty-
54 eighth circuit and shall have one judge; the counties of

55 Mason and Putnam shall constitute the twenty-ninth cir-
56 cuit and shall have two judges; the county of Mingo shall
57 constitute the thirtieth circuit and shall have one judge;
58 and the counties of Berkeley, Jefferson and Morgan shall
59 constitute the thirty-first circuit and shall have one judge.

60 (b) Except as hereinafter provided, the terms of
61 office of all circuit court judges in office on the effective
62 date of this section, including the terms of office of the
63 judges of those statutory courts of record of limited
64 jurisdiction who became circuit court judges by virtue
65 of the judicial reorganization amendment to the West
66 Virginia constitution, shall expire on the thirty-first day
67 of December, one thousand nine hundred eighty-four.
68 Thereafter, the terms of office of such circuit court judges
69 shall be for eight years, the first commencing on the first
70 day of January, one thousand nine hundred eighty-five,
71 and ending on the thirty-first day of December, one
72 thousand nine hundred ninety-two. Subsequent terms
73 of said judges shall be for eight years. The first term of
74 office of the fourth circuit court judge of the sixth circuit
75 created by the provisions of said subsection (a) shall
76 commence on the first day of July, one thousand nine
77 hundred seventy-seven, and shall end on the thirty-first
78 day of December, one thousand nine hundred seventy-
79 eight. The second term of office of said sixth circuit
80 court judge shall commence on the first day of January,
81 one thousand nine hundred seventy-nine, and shall end
82 on the thirty-first day of December, one thousand nine
83 hundred eighty-four. Subsequent terms of office of said
84 sixth circuit court judge shall be for eight years.

85 (c) The Legislature hereby finds and declares that the
86 purpose of this section is to implement the provisions of
87 the judicial reorganization amendment to the West Vir-
88 ginia constitution; that the terms of office of all circuit
89 court judges, including the judges of statutory courts of
90 record of limited jurisdiction who became circuit court
91 judges by virtue of the judicial reorganization amend-
92 ment to the West Virginia constitution, should expire on
93 the same date and such judges should be elected at the
94 same general election; that the legislative intent in pre-
95 senting said judicial reorganization amendment to the

96 voters of the state for ratification was that no judge of a
97 statutory court of record of limited jurisdiction who
98 would become a circuit court judge by virtue of said
99 judicial reorganization amendment would have his term
100 of office decreased by the ratification of said judicial re-
101 organization amendment or be forced to run for reelection
102 any sooner than he otherwise would have had to have
103 run for reelection if said judicial reorganization amend-
104 ment had not been ratified; and that said judicial reorga-
105 nization amendment was ratified by the voters of the state
106 at the same general election at which the judge of the
107 former intermediate court of Raleigh county and the
108 judge of the former intermediate court of Kanawha
109 county were elected. Consistent with such findings and
110 declarations, the terms of office of the judges of the tenth
111 and thirteenth judicial circuits who became circuit court
112 judges by virtue of the judicial reorganization amend-
113 ment to the West Virginia constitution, and who were,
114 respectively, the judges of the intermediate court of
115 Raleigh county and the intermediate court of Kanawha
116 county, which terms commenced the first day of January,
117 one thousand nine hundred seventy-five, shall expire on
118 the thirty-first day of December, one thousand nine hun-
119 dred eighty-four.

120 (d) The election of every circuit court judge, except
121 as hereinafter provided, shall be held on the Tuesday
122 next after the first Monday in November, one thousand
123 nine hundred eighty-four, and every eighth year there-
124 after. The fourth circuit court judge of the sixth circuit
125 created by the provisions of subsection (a) of this section
126 shall be appointed originally by the governor according
127 to the provisions of section three, article ten, chapter
128 three of this code. The first election of said sixth circuit
129 court judge shall be held on the Tuesday next after the
130 first Monday in November, one thousand nine hundred
131 seventy-eight. The election for the third term of said
132 sixth circuit court judge shall be held on the Tuesday
133 next after the first Monday in November, one thousand
134 nine hundred eighty-four, and every eighth year there-
135 after.

136 (e) The terms of court of the circuit judges of the
137 counties aforesaid shall commence and be held as here-
138 inafter provided.

139 (f) On or before January one, one thousand nine
140 hundred eighty-three, the supreme court of appeals of
141 West Virginia shall submit to the Legislature a plan for
142 rearranging the circuits created in subsection (a) of this
143 section.

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

James L. Davis
Chairman Senate Committee

Frederick C. Christian
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1977.

J. J. McElroy
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Brathwaite Jr.
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within is approved this the 12
day of April, 1977.

John D. Relyea
Governor

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OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date April 12, 1977

Time 5:15 p.m.

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OFFICE
SECY. OF STATE