

HB 2324

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NOTICE OF PUBLIC HEARING
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2324

(By Delegates Johnson, Fleischauer,
Hutchins, Riggs and Trump)



Passed March 13, 1999

In Effect Ninety Days from Passage

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FOR
H. B. 2324

(BY DELEGATES JOHNSON, FLEISCHAUER,
HUTCHINS, RIGGS AND TRUMP)

[Passed March 13, 1999; in effect ninety days from passage.]

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 the division of judicial circuits; realigning certain circuits; clarifying terms of offices; addressing judge residency in certain circumstances; and making certain technical revisions.

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; CIRCUIT 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:

3 The counties of Brooke, Hancock and Ohio shall constitute
4 the first circuit and shall have four judges; the counties of
5 Marshall, Tyler and Wetzel shall constitute the second circuit
6 and shall have two judges; the counties of Doddridge, Pleasants
7 and Ritchie shall constitute the third circuit and shall have one
8 judge; the counties of Wood and Wirt shall constitute the fourth
9 circuit and shall have three judges; the counties of Calhoun,
10 Jackson, Mason and Roane shall constitute the fifth circuit and
11 shall have two judges; the county of Cabell shall constitute the
12 sixth circuit and shall have four judges; the county of Logan
13 shall constitute the seventh circuit and shall have two judges;
14 the county of McDowell shall constitute the eighth circuit and
15 shall have two judges; the county of Mercer shall constitute the
16 ninth circuit and shall have two judges; the county of Raleigh
17 shall constitute the tenth circuit and shall have three judges; the
18 counties of Greenbrier and Pocahontas shall constitute the
19 eleventh circuit and shall have two judges; the county of
20 Fayette shall constitute the twelfth circuit and shall have two
21 judges; the county of Kanawha shall constitute the thirteenth
22 circuit and shall have seven judges; the counties of Braxton,
23 Clay, Gilmer and Webster shall constitute the fourteenth circuit
24 and shall have two judges; the county of Harrison shall consti-
25 tute the fifteenth circuit and shall have three judges; the county
26 of Marion shall constitute the sixteenth circuit and shall have
27 two judges; the county of Monongalia shall constitute the
28 seventeenth circuit and shall have two judges; the county of
29 Preston shall constitute the eighteenth circuit and shall have one
30 judge; the counties of Barbour and Taylor shall constitute the
31 nineteenth circuit and shall have one judge; the county of
32 Randolph shall constitute the twentieth circuit and shall have
33 one judge; the counties of Grant, Mineral and Tucker shall
34 constitute the twenty-first circuit and shall have two judges; the
35 counties of Hampshire, Hardy and Pendleton shall constitute
36 the twenty-second circuit and shall have one judge; the counties
37 of Berkeley, Jefferson and Morgan shall constitute the twenty-
38 third circuit and shall have four judges; the county of Wayne
39 shall constitute the twenty-fourth circuit and shall have one
40 judge; the counties of Lincoln and Boone shall constitute the
41 twenty-fifth circuit and shall have two judges; the counties of

42 Lewis and Upshur shall constitute the twenty-sixth circuit and
43 shall have one judge; the county of Wyoming shall constitute
44 the twenty-seventh circuit and shall have one judge; the county
45 of Nicholas shall constitute the twenty-eighth circuit and shall
46 have one judge; the county of Putnam shall constitute the
47 twenty-ninth circuit and shall have two judges; the county of
48 Mingo shall constitute the thirtieth circuit and shall have one
49 judge; and the counties of Monroe and Summers shall consti-
50 tute the thirty-first circuit and shall have one judge: *Provided*,
51 That the Kanawha County circuit court shall be a court of
52 concurrent jurisdiction with each single judge circuit where the
53 sitting judge in such single judge circuit is unavailable by
54 reason of sickness, vacation or other reason.

55 (b) Any judge in office on the effective date of the
56 reenactment of this section shall continue as a judge of the
57 circuit as constituted under prior enactments of this section,
58 unless sooner removed or retired as provided by law, until the
59 thirty-first day of December, two thousand.

60 (c) The term of office of all circuit court judges shall be for
61 eight years. The term of office for all circuit court judges
62 elected during the general election conducted in the year two
63 thousand shall commence on the first day of January, two
64 thousand one and end on the thirty-first day of December, two
65 thousand eight.


66 (d) Beginning with the primary and general elections to be
67 conducted in the year one thousand nine hundred ninety-two, in
68 all judicial circuits having two or more judges there shall be, for
69 election purposes, numbered divisions corresponding to the
70 number of circuit judges in each circuit. Each judge shall be
71 elected at large from the entire circuit. In each numbered
72 division of a judicial circuit, the candidates for nomination or
73 election shall be voted upon and the votes cast for the candi-
74 dates in each division shall be tallied separately from the votes
75 cast for candidates in other numbered divisions within the
76 circuit. The candidate receiving the highest number of the votes
77 cast within a numbered division shall be nominated or elected,
78 as the case may be: *Provided*, That beginning with the primary

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79 and general elections to be conducted in the year two thousand,
80 judges serving a judicial circuit comprised of four or more
81 counties with two or more judges, shall not be residents of the
82 same county.

83 (e) The supreme court shall, by rule, establish the terms of
84 court of circuit judges.

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



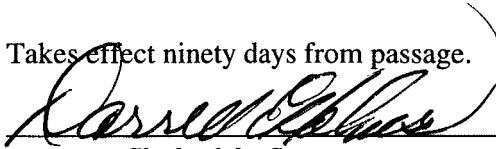
Chairman Senate Committee



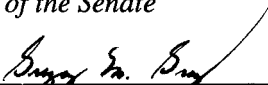
Chairman House Committee

Originating in the House.

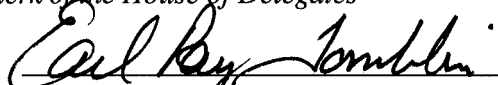
Takes effect ninety days from passage.



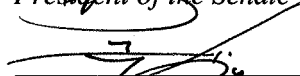
Clerk of the Senate



Clerk of the House of Delegates

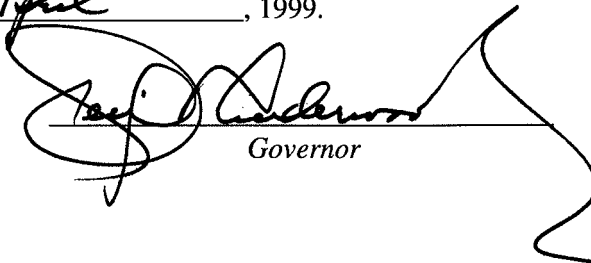


President of the Senate



Speaker of the House of Delegates

The within approved this the 8th
day of April, 1999.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/6/99

Time 2:30pm