

SB 400^s (veto)

FILED

2007 APR -4 PM 7:35

WEST VIRGINIA LEGISLATURE

SEVENTY-EIGHTH LEGISLATURE

REGULAR SESSION, 2007

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 400

(SENATORS KESSLER, GULLS, JENKINS, CARUTH,
BARNES AND PLYMALE, *original sponsors*)

[Passed March 10, 2007; to take effect ninety days from passage.]

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AN ACT to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to providing for six additional circuit court judges.

Be it enacted by the Legislature of West Virginia:

That §51-2-1 of the Code of West Virginia, 1931, 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
2 judicial circuits with the following number of judges:

3 The counties of Brooke, Hancock and Ohio shall
4 constitute the first circuit and shall have four judges;
5 the counties of Marshall, Tyler and Wetzel shall
6 constitute the second circuit and shall have two judges;
7 the counties of Doddridge, Pleasants and Ritchie shall
8 constitute the third circuit and shall have one judge; the
9 counties of Wood and Wirt shall constitute the fourth
10 circuit and shall have three judges; the counties of
11 Calhoun, Jackson, Mason and Roane shall constitute the
12 fifth circuit and shall have two judges; the county of
13 Cabell shall constitute the sixth circuit and shall have
14 four judges; the county of Logan shall constitute the
15 seventh circuit and shall have two judges; the county of
16 McDowell shall constitute the eighth circuit and shall
17 have two judges; the county of Mercer shall constitute
18 the ninth circuit and shall have two judges: *Provided,*
19 That effective the first day of January, two thousand
20 nine, said circuit shall have three judges; the county of
21 Raleigh shall constitute the tenth circuit and shall have
22 three judges; the counties of Greenbrier and Pocahontas
23 shall constitute the eleventh circuit and shall have two
24 judges; the county of Fayette shall constitute the twelfth
25 circuit and shall have two judges; the county of

26 Kanawha shall constitute the thirteenth circuit and
27 shall have seven judges: *Provided, however,* That
28 effective the first day of January, two thousand nine,
29 said circuit shall have eight judges; the counties of
30 Braxton, Clay, Gilmer and Webster shall constitute the
31 fourteenth circuit and shall have two judges; the county
32 of Harrison shall constitute the fifteenth circuit and
33 shall have three judges; the county of Marion shall
34 constitute the sixteenth circuit and shall have two
35 judges; the county of Monongalia shall constitute the
36 seventeenth circuit and shall have two judges: *Provided*
37 *further,* That effective the first day of January, two
38 thousand nine, said circuit shall have three judges; the
39 county of Preston shall constitute the eighteenth circuit
40 and shall have one judge; the counties of Barbour and
41 Taylor shall constitute the nineteenth circuit and shall
42 have one judge; the county of Randolph shall constitute
43 the twentieth circuit and shall have one judge; the
44 counties of Grant, Mineral and Tucker shall constitute
45 the twenty-first circuit and shall have two judges; the
46 counties of Hampshire, Hardy and Pendleton shall
47 constitute the twenty-second circuit and shall have one
48 judge: *And provided further,* That effective the first day
49 of January, two thousand nine, said circuit shall have
50 two judges; the counties of Berkeley, Jefferson and
51 Morgan shall constitute the twenty-third circuit and
52 shall have five judges; the county of Wayne shall
53 constitute the twenty-fourth circuit and shall have one
54 judge: *And provided further,* That effective the first day
55 of January, two thousand nine, said circuit shall have
56 two judges; the counties of Lincoln and Boone shall
57 constitute the twenty-fifth circuit and shall have two
58 judges; the counties of Lewis and Upshur shall
59 constitute the twenty-sixth circuit and shall have one
60 judge; the county of Wyoming shall constitute the

61 twenty-seventh circuit and shall have one judge; the
62 county of Nicholas shall constitute the twenty-eighth
63 circuit and shall have one judge; the county of Putnam
64 shall constitute the twenty-ninth circuit and shall have
65 two judges; the county of Mingo shall constitute the
66 thirtieth circuit and shall have one judge: *And provided*
67 *further*, That effective the first day of January, two
68 thousand nine, said circuit shall have two judges; and
69 the counties of Monroe and Summers shall constitute
70 the thirty-first circuit and shall have one judge. The
71 Kanawha County circuit court shall be a court of
72 concurrent jurisdiction with each single judge circuit
73 where the sitting judge in such single judge circuit is
74 unavailable by reason of sickness, vacation or other
75 reason.

76 (b) Any judge in office on the effective date of the
77 reenactment of this section shall continue as a judge of
78 the circuit as constituted under prior enactments of this
79 section, unless sooner removed or retired as provided by
80 law, until the thirty-first day of December, two
81 thousand eight. Any additional judicial positions which
82 have been added to individual circuits, effective the
83 first day of January, two thousand nine, shall be placed
84 on ballot for the primary and general elections
85 conducted in the year two thousand eight.

86 (c) The term of office of all circuit court judges shall
87 be for eight years. The term of office for all circuit
88 court judges elected during the general election
89 conducted in the year two thousand shall commence on
90 the first day of January, two thousand one, and end on
91 the thirty-first day of December, two thousand eight.
92 The term of office for all circuit court judges elected
93 during the general election conducted in the year two

94 thousand eight shall commence on the first day of
95 January, two thousand nine, and end on the thirty-first
96 day of December, two thousand sixteen.

97 (d) Beginning with the primary and general elections
98 to be conducted in the year one thousand nine hundred
99 ninety-two, in all judicial circuits having two or more
100 judges there shall be, for election purposes, numbered
101 divisions corresponding to the number of circuit judges
102 in each circuit. Each judge shall be elected at large
103 from the entire circuit. In each numbered division of a
104 judicial circuit, the candidates for nomination or
105 election shall be voted upon and the votes cast for the
106 candidates in each division shall be tallied separately
107 from the votes cast for candidates in other numbered
108 divisions within the circuit. The candidate receiving the
109 highest number of the votes cast within a numbered
110 division shall be nominated or elected, as the case may
111 be: *Provided*, That beginning with the primary and
112 general elections to be conducted in the year two
113 thousand, judges serving a judicial circuit comprised of
114 four or more counties with two or more judges shall not
115 be residents of the same county.

116 (e) The Supreme Court of Appeals shall, by rule,
117 establish the terms of court of circuit judges.

Enr. Com. Sub. for Com. Sub. for S. B. No. 400] 6

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

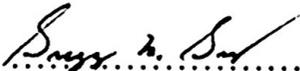

.....
Chairman Senate Committee


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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within *is disapproved* this
the *4th* Day of *April*, 2007.


.....
Governor

PRESENTED TO THE
GOVERNOR

APR 03 2007

Time 1:30 pm