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2015 MAR 24 P 5:10

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

OFFICE OF THE SECRETARY OF STATE



ENROLLED

Senate Bill No. 415

(BY SENATOR TRUMP)

[PASSED MARCH 13, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB415

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Senate Bill No. 415

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[Passed March 13, 2015; in effect ninety days from passage.]

AN ACT to amend and reenact §51-2-1 of the Code of West Virginia, 1931, as amended, relating to adding circuit judges to certain judicial circuits; providing for currently serving circuit judges to remain in office until December 31, 2016; and providing for the terms of office of circuit judges elected in the year 2016.

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 judicial
2 circuits with the following number of judges:

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

5 (2) The counties of Marshall, Tyler and Wetzel shall
6 constitute the second circuit and shall have two judges;

7 (3) The counties of Doddridge, Pleasants and Ritchie
8 shall constitute the third circuit and shall have one judge;

9 (4) The counties of Wood and Wirt shall constitute the
10 fourth circuit and shall have three judges;

11 (5) The counties of Calhoun, Jackson, Mason and Roane
12 shall constitute the fifth circuit and shall have two judges:
13 *Provided*, That effective January 1, 2017, said circuit court
14 shall have three judges; said additional circuit judge to be
15 elected at the regularly scheduled election(s) to be held in the
16 year 2016 and every eighth year thereafter;

17 (6) The county of Cabell shall constitute the sixth circuit
18 and shall have four judges;

19 (7) The county of Logan shall constitute the seventh
20 circuit and shall have two judges;

21 (8) The county of McDowell shall constitute the eighth
22 circuit and shall have two judges;

23 (9) The county of Mercer shall constitute the ninth circuit
24 and shall have three judges;

25 (10) The county of Raleigh shall constitute the tenth
26 circuit and shall have three judges: *Provided*, That effective
27 January 1, 2017, said circuit court shall have four judges; said
28 additional circuit judge to be elected at the regularly
29 scheduled election(s) to be held in the year 2016 and every
30 eighth year thereafter;

31 (11) The counties of Greenbrier and Pocahontas shall
32 constitute the eleventh circuit and shall have two judges;

33 (12) The county of Fayette shall constitute the twelfth
34 circuit and shall have two judges;

35 (13) The county of Kanawha shall constitute the
36 thirteenth circuit and shall have seven judges;

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

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

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

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

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

48 (19) The counties of Barbour and Taylor shall constitute
49 the nineteenth circuit and shall have one judge;

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

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

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

56 (23) The counties of Berkeley, Jefferson and Morgan
57 shall constitute the twenty-third circuit and shall have five

58 judges; *Provided*, That effective January 1, 2017, said circuit
59 court shall have six judges; said additional circuit judge to be
60 elected at the regularly scheduled election(s) to be held in the
61 year 2016 and every eighth year thereafter;

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

64 (25) The counties of Lincoln and Boone shall constitute
65 the twenty-fifth circuit and shall have two judges;

66 (26) The counties of Lewis and Upshur shall constitute
67 the twenty-sixth circuit and shall have one judge: *Provided*,
68 That effective January 1, 2017, said circuit court shall have
69 two judges; said additional circuit judge to be elected at the
70 regularly scheduled election(s) to be held in the year 2016
71 and every eighth year thereafter;

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

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

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

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

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

82 (b) The Kanawha County circuit court shall be a court of
83 concurrent jurisdiction with each single judge circuit where
84 the sitting judge in the single judge circuit is unavailable by
85 reason of sickness, vacation or other reason.

86 (c) Any judge in office on the effective date of the
87 reenactment of this section shall continue as a judge of the
88 circuit as constituted under prior enactments of this section,
89 unless sooner removed or retired as provided by law, until
90 December 31, 2016.

91 (d) The term of office of all circuit court judges shall be
92 for eight years. The term of office for all circuit court judges
93 elected during an election conducted in the year 2016 shall
94 commence on January 1, 2017, and end on December 31,
95 2024.

96 (e) For election purposes, in every judicial circuit having
97 two or more judges there shall be numbered divisions
98 corresponding to the number of circuit judges in each circuit.
99 Each judge shall be elected at large from the entire circuit. In
100 each numbered division of a judicial circuit, the candidates
101 for nomination or election shall be voted upon and the votes
102 cast for the candidates in each division shall be tallied
103 separately from the votes cast for candidates in other
104 numbered divisions within the circuit. The candidate
105 receiving the highest number of the votes cast within a
106 numbered division shall be nominated or elected, as the case
107 may be.

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

111 (g) The Supreme Court of Appeals shall, by rule,
112 establish the terms of court of circuit judges.

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

Paul R. Hayward
.....
Chairman Senate Committee

Alan B. McInnis
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clark S. Bernard
.....
Clerk of the Senate

Stephen D. Harris
.....
Clerk of the House of Delegates

Phillip J. White
.....
President of the Senate

Robert C. McInnis
.....
Speaker of the House of Delegates

The within *is approved* this the *24th*
Day of *March*, 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 23 2015

Time 10:51 AM