WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 9

(By Mr. substitute)

PASSED February 28, 1949

In Effect Ninety days from Passage
ENROLLED

COMMITTEE SUBSTITUTE FOR

Senate Bill No. 9

[Passed February 28, 1949; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article three, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, relating to selection of jury in felony cases; striking jurors; and providing for alternate jurors.

Be it enacted by the Legislature of West Virginia:

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

Section 3. Selection of Jury in Felony Cases; Striking Jurors; Alternate Jurors.—In a case of felony, twenty jurors shall be drawn from those in attendance for the trial of the accused. If a sufficient number of jurors for
such panel can not be procured in this way, the court shall
order others to be forthwith summoned and selected, until
a panel of twenty jurors, free from exception, be completed,
from which panel the accused may strike off six jurors
and the prosecuting attorney may strike off two jurors.
The prosecuting attorney shall first strike off two jurors,
and then the accused six. If the accused failed to strike
from such panel the number of jurors this section allows
him to strike, the number not stricken off by him shall be
stricken off by the prosecuting attorney, so as to reduce
the panel to twelve, who shall compose the jury for the
trial of the case.
Whenever, in the opinion of the court the trial is likely
to be a protracted one, the court may direct that not more
than four jurors, in addition to the regular jury, be called
and impanelled to sit as alternate jurors. Alternate jurors
in the order in which they are called shall replace jurors
who, prior to the time the jury retires to consider its
verdict, become unable or disqualified to perform their
duties. Alternate jurors shall be drawn in the same man-
ner, shall have the same qualifications, shall be subject to
the same examination and challenges, shall take the same
oath and shall have the same functions, powers, facilities
and privileges as the regular jurors. An alternate juror
who does not replace a regular juror shall be discharged
after the jury retires to consider its verdict. Each side is
entitled to one peremptory challenge in addition to those
otherwise allowed by law if one or two alternate jurors
are to be impanelled, and two peremptory challenges if
three or four alternate jurors are to be impanelled. The
additional peremptory challenges may be used against an
alternate juror only, and the other peremptory challenges
allowed by this section may not be used against an alter-
age juror.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect, Ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 1st day of March, 1949.

Governor.

Filed in the Office of the Secretary of State of West Virginia MAR 8 1949

D. Pitt O'Brien,
SECRETARY OF STATE