

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

---

## ENROLLED

SENATE BILL NO. 179

(By Mr. Seibert)

---

PASSED March 1 1955

In Effect 90 Days from Passage



Filed In the Office of the Secretary of State  
of West Virginia. **MAR 8 1955**  
D. PITT O'BRIEN  
SECRETARY OF STATE

**ENROLLED**  
**Senate Bill No. 179**  
(By MR. MARTIN)

---

[Passed March 1, 1955; in effect ninety days from passage.]

---

AN ACT to amend article six, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-a, relating to alternate jurors in protracted civil cases.

*Be it enacted by the Legislature of West Virginia:*

That article six, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twelve-a, to read as follows:

Section 12-a. *Alternate Jurors for Protracted Civil*  
2 *Cases; Qualifications and Challenges.*—Whenever, in the

3 opinion of the court the trial is likely to be a protracted  
4 one, the court may direct that not more than four jurors,  
5 in addition to the regular jury, be called and impaneled  
6 to sit as alternate jurors. Said alternate jurors shall be  
7 chosen from a separate panel of six after the regular  
8 jury of twelve has been selected. Alternate jurors in the  
9 order in which they are called shall replace jurors who,  
10 prior to the time the jury retires to consider its verdict,  
11 become unable or disqualified to perform their duties.  
12 Alternate jurors shall be drawn in the same manner,  
13 shall have the same qualifications, shall be subject to the  
14 same examination and challenges, shall take the same  
15 oath and shall have the same functions, powers, facilities  
16 and privileges as the regular jurors. An alternate juror  
17 who does not replace a regular juror shall be discharged  
18 after the jury retires to consider its verdict. Each side is  
19 entitled to one peremptory challenge in addition to those  
20 otherwise allowed by law if one or two alternate jurors  
21 are to be impaneled, and two peremptory challenges if  
22 three or four alternate jurors are to be impaneled. The  
23 additional peremptory challenges may be used against

24 an alternate juror only, and the other peremptory chal-  
25 lenges allowed by this section may not be used against  
26 an alternate juror.

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

*[Signature]*  
Chairman Senate Committee

*[Signature]*  
Chairman House Committee

Originated in the Senate.

Takes effect 90 Days from passage.

*[Signature]*  
Clerk of the Senate

*[Signature]*  
Clerk of the House of Delegates

*[Signature]*  
President of the Senate

*[Signature]*  
Speaker House of Delegates

The within approved this the 7  
day of March, 1955.

*[Signature]*  
Governor.



Filed to the Office of the Secretary of State

MAR 8 1955

D. P. C. C. C. C.