

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

Com. Sub. for

SENATE BILL NO. 202

(By Mr. Carson [Mr. President] original sponsor)

PASSED March 11, 1967

In Effect from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67

202

ENROLLED
JUDICIARY
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 202

(MR. CARSON [MR. PRESIDENT] original sponsor)

[Passed March 11, 1967; in effect from passage.]

AN ACT to amend and reenact sections two and three, article two, chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the preparation of grand jury lists and the qualifications of grand jurors; expressly permitting notaries public to serve as grand jurors; and relating to the summoning of jury commissioners and the selection and summoning of **grand jurors**.

Be it enacted by the Legislature of West Virginia:

That sections two and three, article two, chapter **fifty-two** of

the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. GRAND JURIES.

§52-2-2. Preparation of jury list; qualifications of jurors; ballots; custody of list and ballots.

The jury commissioners appointed under the provisions
2 of section three of article one of this chapter shall select
3 and draw persons for grand juries. Such commissioners
4 shall, at the levy term of the county court each year, and
5 at any other time when required by the court which ap-
6 pointed them, or the judge thereof in vacation, prepare a
7 list of not less than one hundred nor more than two hun-
8 dred qualified persons of their county for grand jury serv-
9 ice, chosen from the respective magisterial districts
10 thereof, as nearly as may be in proportion to the popula-
11 tion of the districts. The lists so prepared shall be sub-
12 mitted to the clerk of the court authorized to impanel a
13 grand jury, or the judge thereof when required, and the
14 name of any person who is not qualified shall be stricken
15 from the list by the clerk or judge. The persons so listed
16 shall be of good moral character, who have never been

17 convicted of a felony or of any scandalous offense; and
18 shall have been bona fide citizens of the state and county
19 for at least one year immediately preceding the prepara-
20 tion of the list, and shall not be officeholders under the
21 laws of the United States or of this state: *Provided*, That
22 the term "officeholders" shall not be taken, read or under-
23 stood to include notaries public. At the time such jury
24 list is made up, the jury commissioners shall cause all the
25 names thereon to be written, each on a separate ballot, and
26 shall fold, roll or prepare the same so as to resemble each
27 other as nearly as may be, and so that the name written
28 thereon shall not be visible on the outside, and shall in-
29 close the ballots for each magisterial district in a separate
30 envelope indorsed with the name of the magisterial dis-
31 trict and the number of ballots inclosed, and shall deposit
32 all the ballots, with the list, in a secure box to be prepared
33 for the purpose, which shall be delivered to and safely
34 kept by the clerk of the circuit court, and shall be known
35 as the "grand jury box" and shall be opened only by the
36 jury commissioners or by order of the judge of the court
37 having control thereof.

§52-2-3. Summoning jury commissioners; selection and summoning of jurors.

The clerk of any court requiring a grand jury shall, at
2 least thirty days before the term of court, summon the
3 jury commissioners to attend at his office at a day speci-
4 fied, which shall not be less than twenty days before such
5 term, and select persons for the grand jury, but the court,
6 or judge thereof, may require such jury commissioners to
7 appear forthwith, or at any specified time, and select
8 grand jurors for either a regular, special or adjourned
9 term of court. On the day appointed, the jury commis-
10 sioners shall appear and draw the names of sixteen per-
11 sons from the grand jury box, and the persons so drawn
12 shall constitute the grand jury. If when drawing the bal-
13 lots it shall appear to the commissioners that any person
14 so drawn is dead, or for any reason disqualified or unable
15 to serve, they shall destroy the ballot and cancel the name
16 on the list and draw another in such person's stead. They
17 shall enter the names of all persons so drawn in a book
18 kept for that purpose and deliver a list thereof to the
19 clerk, who shall issue a summons for the persons drawn,

20 directed to the sheriff of the county requiring him to sum-
21 mon them to appear on the day required and serve as
22 grand jurors. The provisions of article one of this chapter
23 relating to the drawing and summoning of petit jurors and
24 drawing ballots and cancellation and marking thereof, so
25 far as applicable and not inconsistent with the provisions
26 of this article, shall be observed and govern the selection
27 of a grand jury, except in that the ballots shall be drawn
28 from the several envelopes in proportion as near as may
29 be to the numbers indorsed thereon, but so that at least
30 one ballot shall be drawn from each envelope.

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

William Temper
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Meyers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carr
President of the Senate

H. Laban White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Archie C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 3:21 P.M.