

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 525

(By Mr. QUEEN)



PASSED MARCH 13 1971

In Effect NINETY DAYS FROM Passage



MADE BY THE CLERK
JOHN A. LOUGHRAN, IV
SECRETARY OF STATE
THIS DATE 4-2-71

525

ENROLLED
House Bill No. 525
(By MR. QUEEN)

[Passed March 13, 1971; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article two, chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to grand juries.

Be it enacted by the Legislature of West Virginia:

That section 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.

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

1 The clerk of any court requiring a grand jury shall,
2 at least thirty days before the term of court, summon
3 the jury commissioners to attend at his office at a day

4 specified, which shall not be less than twenty days before
5 such term, and select persons for the grand jury, but
6 the court, or judge thereof, may require such jury com-
7 missioners to appear forthwith, or at any specified time,
8 and select grand jurors for either a regular, special or
9 adjourned term of court. On the day appointed, the jury
10 commissioners shall appear and draw the names of six-
11 teen persons from the grand jury box, and the persons
12 so drawn shall constitute the grand jury, and at the
13 same time the jury commissioners shall draw the names
14 of six additional persons from the grand jury box, and
15 the persons so drawn shall constitute alternate jurors
16 for the grand jury, and the judge may replace any absent
17 members of the grand jury from among the alternate
18 grand jurors. If when drawing the ballots it shall
19 appear to the commissioners that any person so drawn
20 is dead, or for any reason disqualified or unable to serve,
21 they shall destroy the ballot and cancel the name on the
22 list and draw another in such person's stead. They shall
23 enter the names of all persons so drawn in a book kept
24 for that purpose and deliver a list thereof to the clerk,

25 who shall issue a summons for the persons drawn, di-
26 rected to the sheriff of the county requiring him to sum-
27 mon them to appear on the day required and serve as
28 grand jurors. The provisions of article one of this chap-
29 ter relating to the drawing and summoning of petit
30 jurors and drawing ballots and cancellation and marking
31 thereof, so far as applicable and not inconsistent with
32 the provisions of this article, shall be observed and govern
33 the selection of a grand jury, except in that the ballots
34 shall be drawn from the several envelopes in proportion
35 as near as may be to the numbers endorsed thereon, but
36 so that at least one ballot shall be drawn from each
37 envelope.

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

Russell G. Beall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Keyes
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

E. Hans McEwen
President of the Senate

Lewis N. McManus
Speaker House of Delegates

The within approved this the 1st
day of April, 1971.

Arch. D. Moore, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/18/71

Time 1:55 p.m.

RECEIVED

APR 2 11 52 PM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA