

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

*Committee Substitute for*

HOUSE BILL No. 764

(By Mr. See and Mr. Milleson)



PASSED March 6, 1978

In Effect ninety days from Passage

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 764**

(By MR. SEE and MR. MILLESON)

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(Originating in the House Committee on the Judiciary)

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[Passed March 6, 1978; in effect ninety days from passage.]

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AN ACT to amend and reenact section three, article one, chapter fifty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to jury commissioners for petit juries; provided that persons who have previously been appointed jury commissioners are eligible for reappointment if their appointments are not for consecutive terms; and providing that a jury commissioner in a Class V, Class VI or Class VII county, as defined in section three, article seven, chapter seven of the code, shall be eligible to succeed himself for one additional four-year term.

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

That section three, article one, 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 1. PETIT JURIES.**

**§52-1-3. Jury commissioners; appointment and qualifications; term; removal; vacancies; compensation; oath; powers and duties generally.**

1. There shall be two jury commissioners of the circuit court of

2 each county. They shall be of opposite politics, citizens of good  
3 standing, residents in the county for which they are appointed,  
4 and well-known members of the principal political parties  
5 thereof; the chairman of a political party shall be ineli-  
6 gible to appointment, and no jury commissioner, after having  
7 served four years, shall be eligible to succeed himself in  
8 such office: *Provided*, That a jury commissioner in a Class  
9 V, Class VI or Class VII county, as defined in section three,  
10 article seven, chapter seven of this code, shall be eligible for  
11 appointment to succeed himself for one four-year term in such  
12 office.

13 Jury commissioners shall be appointed by the circuit court,  
14 or the chief judge thereof, of their respective counties. The  
15 terms of office shall be four years and shall commence on the  
16 first day of June following appointment.

17 Those jury commissioners appointed by the circuit court  
18 or the chief judge thereof, in office when this section takes  
19 effect, shall continue in office unless removed, until the ex-  
20 piration of their respective terms of office, and their successors  
21 shall be appointed, as aforesaid, alternately, so that a period  
22 of two years shall intervene between the dates when the terms  
23 of office of the two commissioners shall begin and expire.

24 Jury commissioners may be removed from office by the cir-  
25 cuit court, or the chief judge thereof, for official misconduct,  
26 incompetency, habitual drunkenness, neglect of duty or gross  
27 immorality. Vacancies caused by death, resignation or other-  
28 wise shall be filled for the unexpired term in the same manner  
29 as the original appointments.

30 Jury commissioners shall receive as compensation for their  
31 services, while necessarily employed, an amount to be fixed  
32 by the judge of the circuit court, or the chief judge thereof,  
33 in accordance with rules of the supreme court of appeals, which  
34 shall be payable out of the state treasury upon orders of the  
35 circuit court or the chief judge thereof.

36 Before entering upon the discharge of his duties, a jury  
37 commissioner shall take and subscribe, before the clerk of the  
38 circuit court, who is hereby authorized to administer the same,

39 an oath, to be filed and preserved by him in his office, to the  
40 following effect:

41 State of West Virginia,

42 County of \_\_\_\_\_, to wit:

43 I, A \_\_\_\_\_ B \_\_\_\_\_,  
44 do solemnly swear that I will support the Constitution of the  
45 United States and the Constitution of this State and will faith-  
46 fully discharge the duties of jury commissioner to the best of  
47 my skill and judgment, and that I will not place any person  
48 upon the jury list in violation of law, or out of fear, favor or  
49 affection.

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

*James L. Davis*  
Chairman Senate Committee

*Lawrence C. Christensen*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. P. McElroy*  
Clerk of the Senate

*U. A. Blankenship*  
Clerk of the House of Delegates

*W. F. Butler*  
President of the Senate

*Donald L. Kopp*  
Speaker House of Delegates

The within *is approved* this the *24*  
day of *March*, 1978.

*John D. Rhyne*  
Governor

APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED  
MAR 11 1 40 PM '78  
OFFICE OF THE GOVERNOR

Date March 24, 1978  
Time 10:00 A.M.

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OFFICE  
SECY. OF STATE