WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

ENROLLED
Committee Substitute for
HOUSE BILL No. 764

(By Mr. Lee and Mr. Milleston)

PASSED March 6, 1978

In Effect ninety days from Passage

C 641
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:


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

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

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

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

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

Before entering upon the discharge of his duties, a jury
commissioner shall take and subscribe, before the clerk of the
circuit court, who is hereby authorized to administer the same,
an oath, to be filed and preserved by him in his office, to the
following effect:

State of West Virginia,

County of ______________________, to wit:

I, A _____________________________, B ____________________________,
do solemnly swear that I will support the Constitution of the
United States and the Constitution of this State and will faith-
fully discharge the duties of jury commissioner to the best of
my skill and judgment, and that I will not place any person
upon the jury list in violation of law, or out of fear, favor or
affection.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. D. Hornsby
Clerk of the Senate

Clerk of the House of Delegates

W. H. Butcher
President of the Senate

Donald L. Young
Speaker House of Delegates

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

John D. Bulkeley
Governor