

No: 1232 ✓

RECEIVED  
1985 MAR 25 PM 3: 53  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



# ENROLLED

Comm. Sub. for  
HOUSE BILL No. 1232

(By Mr. Del. Wooten)  
(Originating in the Committee on the  
Judiciary.)



Passed March 14, 1985

In Effect Ninety Days From Passage



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

**H. B. 1232**

(By DELEGATE WOOTON)

---

(Originating in the House Committee on the Judiciary)

---

[Passed March 14, 1985; 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; and providing not less than six nor more than twelve alternate grand jurors to be selected for a term of court.

*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, at  
2 least thirty days before the term of court, summon the jury  
3 commissioners to attend at his office at a day specified,  
4 which shall not be less than twenty days before such term,  
5 and select persons for the grand jury, but the court or  
6 judge thereof may require such jury commissioners to appear

7 forthwith, or at any specified time, and select grand jurors  
8 for either a regular, special or adjourned term of court. On  
9 the day appointed, the jury commissioners shall appear and  
10 draw the names of sixteen persons from the grand jury box,  
11 and the persons so drawn shall constitute the grand jury,  
12 and at the same time the jury commissioners shall draw the  
13 names of not less than six nor more than twelve additional  
14 persons from the grand jury box, as the judge of the court or  
15 if more than one judge the chief judge of the court shall by  
16 prior order direct, and the persons so drawn shall constitute  
17 alternate jurors for the grand jury, and the judge may replace  
18 any absent members of the grand jury from among the alter-  
19 nate grand jurors. If when drawing the ballots it appears to  
20 the commissioners that any person so drawn is dead or  
21 for any reason disqualified or unable to serve, they shall  
22 destroy the ballot and cancel the name on the list and draw  
23 another in that person's stead. They shall enter the names  
24 of all persons so drawn in a book kept for that purpose and  
25 deliver a list thereof to the clerk, who shall issue a summons  
26 for the persons drawn, directed to the sheriff of the county  
27 requiring him to summon them to appear on the day required  
28 and serve as grand jurors. The provisions of article one of  
29 this chapter 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 the  
32 provisions of this article, shall be observed and govern the  
33 selection of a grand jury, except in that the ballots shall be  
34 drawn from the several envelopes in proportion as near as  
35 may be to the numbers endorsed thereon, but so that at least  
36 one ballot shall be drawn from each envelope.

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

*[Handwritten Signature]*

Chairman Senate Committee

*[Handwritten Signature]*

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*[Handwritten Signature]*

Clerk of the Senate

*[Handwritten Signature]*

Clerk of the House of Delegates

*[Handwritten Signature]*

President of the Senate

*[Handwritten Signature]*

Speaker House of Delegates

The within *approved* this the *23<sup>rd</sup>*  
*March*, 1985.

*[Handwritten Signature]*

Governor



PRESENTED TO THE

GOVERNOR

Date 3/19/85

Time 3:52 p.m.