WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED
Comm. H. 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.


1 The clerk of any court requiring a grand jury shall, at least thirty days before the term of court, summon the jury commissioners to attend at his office at a day specified, which shall not be less than twenty days before such term, and select persons for the grand jury, but the court or judge thereof may require such jury commissioners to appear
forthwith, or at any specified time, and select grand jurors for either a regular, special or adjourned term of court. On the day appointed, the jury commissioners shall appear and draw the names of sixteen persons from the grand jury box, and the persons so drawn shall constitute the grand jury, and at the same time the jury commissioners shall draw the names of not less than six nor more than twelve additional persons from the grand jury box, as the judge of the court or if more than one judge the chief judge of the court shall by prior order direct, and the persons so drawn shall constitute alternate jurors for the grand jury, and the judge may replace any absent members of the grand jury from among the alternate grand jurors. If when drawing the ballots it appears to the commissioners that any person so drawn is dead or for any reason disqualified or unable to serve, they shall destroy the ballot and cancel the name on the list and draw another in that person's stead. They shall enter the names of all persons so drawn in a book kept for that purpose and deliver a list thereof to the clerk, who shall issue a summons for the persons drawn, directed to the sheriff of the county requiring him to summon them to appear on the day required and serve as grand jurors. The provisions of article one of this chapter relating to the drawing and summoning of petit jurors and drawing ballots and cancellation and marking thereof, so far as applicable and not inconsistent with the provisions of this article, shall be observed and govern the selection of a grand jury, except in that the ballots shall be drawn from the several envelopes in proportion as near as may be to the numbers endorsed thereon, but so that at least one ballot shall be drawn from each envelope.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 23rd day of March, 1985.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/9/85
Time 3:52 p.m.