WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
FOR
ENROLLED

Senate Bill No. 311

(Senators Kessler, Plymale, Love and Oliverio, original sponsors)

[Passed March 6, 2008; in effect ninety days from passage.]
AN ACT to amend and reenact §52-1-14 of the Code of West Virginia, 1931, as amended, relating to authorizing judges to order jurors be drawn from another county or counties in certain cases; providing contents of court orders directing the summoning of jurors; and providing that the county for which the jurors served shall compensate the jurors.

Be it enacted by the Legislature of West Virginia:

That §52-1-14 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. PETIT JURIES.

§52-1-14. When and how jurors are to be summoned from a county to serve in another county.

(a) In any criminal case or any civil case referred to the Mass Litigation Panel, in any court, if qualified jurors, not exempt from serving, cannot be conveniently found in the county in which the trial is to be held, the judge of the court shall enter an order directing as many jurors as necessary be summoned from any other county or counties: Provided, That for those cases referred to the Mass Litigation Panel, jurors may only be summoned from any contiguous county.

(b) The court order shall include the following:

(1) The date on which the jurors are required to attend;

(2) The county or counties from which the jurors shall be drawn; and

(3) The number of jurors to be drawn.

(c) The judge issuing the order shall direct his or her circuit clerk to forward a certified copy of the order to the circuit clerk in the county or counties from which the jurors are to be drawn.

(d) The circuit clerk of the court conducting the drawing shall do so in the manner provided by law for the drawing of petit jurors. The circuit clerk shall draw a separate jury pool specifically designated for the purpose of complying with the court order. The proceedings for drawing the jurors and the names of the jurors drawn shall be certified by the clerk of the circuit court of the county or counties designated to conduct the drawing and a copy of the certification shall be forwarded to the clerk of the circuit court in the county.
where the trial is to be held. After forwarding a copy of
the certification, the clerk of the circuit court of the
county or counties from which the jurors were drawn
shall summon the jurors to appear for jury service in the
county where the trial is to be held pursuant to the
provisions of section nine of this article.

(e) Jurors summoned from a county to serve in another
county shall be reimbursed expenses and compensated
by the county for which the juror actually served.
Enr. Com. Sub for Com. Sub for S. B. No. 311] 4

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

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In 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 ....................... this
day of ....................... 2008.

Governor
PRESENTED TO THE GOVERNOR

MAR 17 2008

Time 11:10 AM