WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014

ENROLLED

Senate Bill No. 586
(By Senator Palumbo)

[Passed March 8, 2014; in effect ninety days from passage.]
AN ACT to repeal §55-7B-6d of the Code of West Virginia, 1931, as amended; and to amend and reenact §56-6-11 of said code, relating to removing unconstitutional language regarding the number of jurors and types of verdicts in certain civil litigation.

Be it enacted by the Legislature of West Virginia:

That §55-7B-6d of the Code of West Virginia, 1931, as amended, be repealed; and that §56-6-11 of said code be amended and reenacted to read as follows:

ARTICLE 6. TRIAL.

§56-6-11. Execution of order of inquiry and trial of case by court; six-member jury in civil trials; twelve-member jury in eminent domain and criminal trials.

(a) The court, in an action at law, if neither party requires a jury, or if the defendant has failed to appear and the plaintiff does not require a jury, shall ascertain the amount the plaintiff is entitled to recover in the action, if any, and render judgment accordingly. In any case, in which a trial by jury would be otherwise proper, the parties or their counsel,
by consent entered of record, may waive the right to have a
jury, and thereupon the whole matter of law and fact shall be
heard and determined, and judgment given by the court.

Absent such waiver, in any civil trial a jury shall consist of
six members and in any criminal trial a jury shall consist of
twelve members.

(b) The provisions of this section do not apply to any
proceeding had pursuant to article two, chapter fifty-four of
this code, the provisions of which apply to all cases involving
the taking of property for a public use.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Member—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 of the House of Delegates

The within bill is approved this 28th Day of March, 2014.

Governor