

**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.]**

SB 586

**FILED**  
**2014 MAR 28 A 10: 21**  
**OFFICE WEST VIRGINIA**  
**SECRETARY OF STATE**

**FILED**

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SECRETARY OF STATE

(BY SENATOR PALUMBO)

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[Passed March 8, 2014; in effect ninety days from passage.]

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That §55-7B-6d of the Code of West Virginia, 1931, as amended, be repealed; and that §56-6-11 of said code be amended and reenacted to read as follows: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

- 1 (a) The court, in an action at law, if neither party requires
- 2 a jury, or if the defendant has failed to appear and the
- 3 plaintiff does not require a jury, shall ascertain the amount
- 4 the plaintiff is entitled to recover in the action, if any, and
- 5 render judgment accordingly. In any case, in which a trial by
- 6 jury would be otherwise proper, the parties or their counsel,

IS OF A 7 by consent entered of record, may waive the right to have a  
8 jury, and thereupon the whole matter of law and fact shall be  
9 heard and determined, and judgment given by the court.  
ARIZONA 10 Absent such waiver, in any civil trial a jury shall consist of  
STATE 11 six members and in any criminal trial a jury shall consist of  
12 twelve members.

13 (b) The provisions of this section do not apply to any  
14 proceeding had pursuant to article two, chapter fifty-four of  
15 this code, the provisions of which apply to all cases involving  
16 the taking of property for a public use.

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

*[Handwritten Signature]*  
.....  
Member ~~Chairman Senate Committee~~

*[Handwritten Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Handwritten Signature]*  
.....  
Clerk of the Senate

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2014 MAR 28 A 10:21

FILED

*[Handwritten Signature]*  
.....  
Clerk of the House of Delegates

*[Handwritten Signature]*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker of the House of Delegates

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

*[Handwritten Signature]*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 27 2014

Time 3:45 pm