1	Senate Bill No. 191
2	(By Senators Sypolt, Klempa, Hall, Williams, Boley, Tucker, Nohe
3	and Yost)
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5	[Introduced January 18, 2011; referred to the Committee on the
6	Judiciary.]
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10	A BILL to amend and reenact $\S62-3-3$ of the Code of West Virginia,
11	1931, as amended, relating to changing the number of strikes
12	in jury selection in felony cases to provide four strikes each
13	to the accused and the prosecution.
14	Be it enacted by the Legislature of West Virginia:
15	That §62-3-3 of the Code of West Virginia, 1931, as amended,
16	be amended and reenacted to read as follows:
17	ARTICLE 3. TRIAL OF CRIMINAL CASES.
18	<pre>§62-3-3. Selection of jury in felony cases; striking jurors;</pre>
19	alternate jurors.
20	In a case of felony, twenty jurors shall be drawn from those
21	in attendance for the trial of the accused. If a sufficient number
22	of jurors for such panel cannot be procured in this way, the court
23	shall order others to be forthwith summoned and selected until a
24	panel of twenty jurors, free from exception, be completed. from

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2011R1925

1 which From this panel the accused may strike off six four jurors
2 and the prosecuting attorney may strike off two four jurors. The
3 prosecuting attorney shall first strike off two jurors, and then
4 the accused six first strikes off one juror, then the accused
5 strikes off one juror. The parties continue in like manner until
6 all strikes have been used. If the accused failed fails to strike
7 from such panel the number of jurors this section allows, him to
8 strike, the number not stricken off by him or her shall be stricken
9 off by the prosecuting attorney so as to reduce the panel to
10 twelve. who shall compose the jury for the trial of the case.

Whenever in the opinion of the court is of the opinion that the trial is likely to be a may be a protracted one, the court it the may direct that not more than up to four jurors, in addition to the regular jury, be called and impanelled to sit impaneled as a least in the order in which they are regular, shall replace jurors, in the order in which they are retires to consider its verdict, become unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath and shall have the same functions, powers, facilities and privileges as the regular jurors. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict. Each side is entitled to one peremptory challenge in

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2011R1925

1 addition to those otherwise allowed by law if one or two alternate 2 jurors are to be <u>impanelled</u> <u>impaneled</u> and two peremptory challenges 3 if three or four alternate jurors are to be <u>impanelled</u> <u>impaneled</u>. 4 The additional peremptory challenges may be used against an 5 alternate juror only and the other peremptory challenges allowed by 6 this section may not be used against an alternate juror.

NOTE: The purpose of this bill is to allow both the accused and prosecuting attorney to have four strikes from a panel of potential jurors.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

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