

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.]

E N R O L L E D

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That §55-7B-6d of the Code of West Virginia, 1931, as amended, be repealed; and that §56-6-11 of said code be amended and reenacted to read as follows: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

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,

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.
10 Absent such waiver, in any civil trial a jury shall consist of
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.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this
the Day of, 2014.

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Governor