

H. B. 4616

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(By Delegate R. Smith)

[Introduced February 17, 2014; referred to the
Committee on the Judiciary.]

10 A BILL to amend and reenact §52-1-11 of the Code of West Virginia,
11 1931, as amended, relating to excuses from jury service; and
12 allowing breast-feeding to serve as a valid excuse from jury
13 service.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §52-1-11 of the Code of West Virginia, 1931, as amended,
16 be amended and reenacted to read as follows:

17 **ARTICLE 1. PETIT JURIES.**

18 **§52-1-11. Excuses from jury service.**

19 (a) The court, upon request of a prospective juror or on its
20 own initiative, shall determine on the basis of information
21 provided on the juror qualification form or interview with the
22 prospective juror or other competent evidence whether the
23 prospective juror should be excused from jury service. The clerk

1 shall enter this determination in the space provided on the juror
2 qualification form.

3 (b) A person who is not disqualified for jury service under
4 section eight of this article may be excused from jury service by
5 the court upon a showing of undue hardship, extreme inconvenience,
6 or public necessity, for a period the court deems necessary, at the
7 conclusion of which the person shall reappear for jury service in
8 accordance with the court's direction.

9 (c) For purposes of this section, breast feeding of an infant
10 may be claimed as an undue hardship, extreme inconvenience or
11 public necessity by a person who is not disqualified for jury
12 service under section eight of this article and serves as a valid
13 reason for the person to be excused.

NOTE: The purpose of this bill is to allow breast-feeding to
serve as a valid excuse from jury service.

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