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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.]

OFFICE WEST VIRGINIA SECRETARY OF STATE

FILED

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ENROLLED

Senate Bill No. 586 SECRETARY OF STATE

(BY SENATOR PALUMBO)

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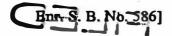
AN ACT to repeal §55-7B-6d of the Code of West Virginia, 1931, as amended; and to amend and reenact §56-6-11 of said code, relating to removing unconstitutional language regarding the number of jurors and types of verdicts in certain civil litigation.

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That §55-7B-6d of the Code of West Virginia, 1931, as amended, be repealed; and that §56-6-11 of said code be amended and reenacted to read as follows: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



by consent entered of record, may waive the right to have a Gury, 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.

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PRESENTED TO THE GOVERNOR

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