

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2038

2015 Carryover

(BY DELEGATE R. SMITH)

[Introduced January 13, 2016; referred to the
Committee on the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. PETIT JURIES.

§52-1-11. Excuses from jury service.

1 (a) The court, upon request of a prospective juror or on its own initiative, shall determine
 2 on the basis of information provided on the juror qualification form or interview with the prospective
 3 juror or other competent evidence whether the prospective juror should be excused from jury
 4 service. The clerk shall enter this determination in the space provided on the juror qualification
 5 form.

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

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