

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4173

BY DELEGATES MILLER, HICKS, SOBONYA, ROHRBACH,
PERDUE, MCCUSKEY, SHOTT, MORGAN, SKINNER,
HORNBUCKLE AND REYNOLDS

[Introduced January 20, 2016; referred to the
committee on the Judiciary.]

1 A BILL to amend and reenact §52-1-5 of the Code of West Virginia, 1931, as amended, relating
 2 to permitting judges to defer jury service for an individual for no more than twelve months
 3 after the date for which the person is summonsed.

Be it enacted by the Legislature of West Virginia:

1 That §52-1-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 1. PETIT JURIES.

**§52-1-5. Master list; method for compilation; additional freeholder list; lists to be available
 to public.**

1 (a) In each county, the clerk shall compile and maintain a master list of residents of the
 2 county from which prospective jurors are to be chosen. The master list shall be a list of individuals
 3 compiled from not less than two of the following source lists:

- 4 (1) Persons who have filed a state personal income tax return for the preceding tax year;
- 5 (2) Persons who are registered to vote in the county;
- 6 (3) Persons who hold a valid motor vehicle operator's or chauffeur's license as determined
 7 from the drivers' license lists provided by the Division of Motor Vehicles.

8 The clerk shall compile the master list by combining all the names from each source used
 9 and eliminating all duplicates or by selecting a sample of names from each source used by means
 10 of a random key number system. If a sample of names is selected from each source list, the
 11 same percentage of names must be selected from each list. One source list shall be designated
 12 a primary source. Names selected from the second source shall be compared with the entire list
 13 of names on the primary source. Duplicate names shall be removed from the second source
 14 sample and the remaining names shall be combined with the sample of names selected from the
 15 primary source to form the master list. If more than two source lists are used, this process shall
 16 be repeated, using the previously combined list for comparison with the third source list, and so
 17 on.

18 (b) The master list so compiled shall be used for a period of two years or such other period
19 as designated by the chief judge.

20 (c) In addition to the master list required to be compiled under the provisions of subsection
21 (a) of this section, the clerk shall compile a list of persons who pay real property taxes to compile
22 and maintain a list of freeholders to be used as jurors in condemnation cases.

23 (d) Any public officer of an agency, department or political subdivision of this state having
24 custody, possession or control of any of the source lists designated to be used in compiling the
25 master list shall make the source list available to the clerk for inspection, reproduction and copying
26 at all reasonable times: *Provided*, That the Tax Commissioner shall be exempt from this
27 requirement. The master list and the freeholder list shall be open to the public for examination.

28 (e) Upon receipt of a reasonable request to defer jury service, a circuit judge may defer a
29 person's jury service to a date certain which is within twelve months of the juror's summons date.

NOTE: The purpose of this bill is to permit judges, upon reasonable request, to defer a person's jury service for a time certain within twelve months of the date the person was summonsed for duty.

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