WEST VIRGINIA LEGISLAT

2015 HAR 15 P 5 22

2016 REGULAR SESSION OFFICE WEST VIRGINIA

SECRETARY OF STATE

ENROLLED

House Bill 4644

(BY DELEGATES MILLER, BORDER, D. EVANS, STATLER,

MOFFATT, MCCUSKEY, SOBONYA AND ROHRBACH)

[Passed March 7, 2016; in effect ninety days from passage.]

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AN ACT to amend and reenact §52-1-17 of the Code of West Virginia, 1931, as amended, relating
 to deleting subsection (e) therein which provides the sheriff to pay into the State Treasury
 all jury costs received from the court clerks and that the sheriff shall be held to account in

4 the sheriff's annual settlement for all the moneys.

Be it enacted by the Legislature of West Virginia:

1 That §52-1-17 of the Code of West Virginia, 1931, as amended, be amended and 2 reenacted to read as follows:

ARTICLE 1. PETIT JURIES.

§52-1-17. Reimbursement of jurors.

(a) A juror shall be paid mileage, at the rate set by the Secretary of the Department of
Administration, for travel expenses to and from the juror's residence to the courthouse or other
place where the court is convened and shall be reimbursed for other expenses incurred as a result
of his or her required attendance at sessions of the court at a rate of not less than \$15 nor more
than \$40, set at the discretion of the circuit court or the chief judge of the circuit court, for each
day of required attendance. The reimbursement shall be based on vouchers submitted to the
sheriff and shall be paid out of the State Treasury.

8 (b) When a jury in any case is placed in the custody of the sheriff, he or she shall provide 9 the jury with meals and lodging while they are in the sheriff's custody at a reasonable cost to be 10 determined by an order of the court. The costs of the meals and lodging shall be paid out of the 11 State Treasury.

(c) Any time a panel of prospective jurors has been required to report to court for the selection of a petit jury in any scheduled matter, the court shall, by specific provision in a court order, assess a jury cost. in both magistrate and circuit court cases the jury cost shall be the actual cost of the jurors' service: *Provided*, That the actual cost of a magistrate jury can only be assessed where the jury request or demand occurs on or after July 1, 2007. For any magistrate court case in which the jury request or demand occurred prior to July 1, 2007, the jury cost assessed shall be \$200. The jury costs shall be assessed against the parties as follows:

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19 (1) In every criminal case, against the defendant upon conviction, whether by plea, by
20 bench trial or by jury verdict;

(2) In every civil case, against either party or prorated against both parties, at the court's
discretion, if the parties settle the case or elect for a bench trial; and

(3) In the discretion of the court, and only when fairness and justice so require, a circuit court or magistrate court may forego assessment of the jury fee, but shall set out the reasons for waiving the fee in a written order: *Provided*, That a waiver of the assessment of a jury fee in a case tried before a jury in magistrate court may only be permitted after the circuit court, or the chief judge of the circuit court, has reviewed the reasons set forth in the order by the magistrate and has approved the waiver.

(d)(1) The circuit or magistrate court clerk shall by the tenth day of the month following the month of collection remit to the State Treasurer for deposit as described in subdivision (2) of this subsection all jury costs collected and the clerk and the clerk's surety are liable for the collection on the clerk's official bond as for other money coming into the clerk's hands by virtue of the clerk's office. When the amount of the jury costs collected in a magistrate court case exceeds \$200, the magistrate court clerk shall separately delineate the portion of the collected jury costs which exceeds \$200.

36 (2) The jury costs described in subdivision (1) of this subsection shall upon receipt by the
 37 State Treasurer be deposited as follows:

(A) All jury costs collected in a magistrate court case which exceed \$200 shall be
 deposited in the State's General Revenue Fund; and

40 (B) The remaining balance of the collected jury costs shall be deposited as follows:

41 (i) One-half shall be deposited into the Parent Education and Mediation Fund created in
42 section six hundred four, article nine, chapter forty-eight of this code; and

43 (ii) One-half shall be deposited into the Domestic Violence Legal Services Fund created
44 in section six hundred three, article twenty-six of chapter forty-eight of this code.

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correctly enrolled. Chairman, House Committee Chairman, Şenate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is

President of the Senate

..... this the /Sh Naut day of 2016. Carl R Governor

PRESENTED TO THE GOVERNOR

MAR 1 0 2016

TIME 1:45pm