

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3150

By Delegate C. Pritt

[Introduced January 30, 2023; 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 to
2 permitting business owners to have the ability to be excused from jury duty service.

Be it enacted by the Legislature of West Virginia:

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 on
2 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) A person who is not disqualified for jury service under section eight of this article may be
11 excused from jury service by the court if the person is a current member of the National Guard or
12 reserves.

13 (d) A prospective juror being a small business owner is presumptively an undue burden.
14 This presumption may be overcome with clear and convincing evidence. Nothing in this section
15 shall be construed to prohibit a business owner from waiving his or her objection to serving on a
16 jury.

NOTE: The purpose of this bill is to permit business owners to have the ability to be excused from jury duty service.

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