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**ENROLLED**

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**Senate Bill No. 586**

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(BY SENATOR PALUMBO)

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[Passed March 8, 2014; in effect ninety days from passage.]

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

15 *Be it enacted by the Legislature of West Virginia:*

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17 be repealed; and that §56-6-11 of said code be amended and  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

19 **ARTICLE 6. TRIAL.**

20 **§56-6-11. Execution of order of inquiry and trial of case by**  
21 **court; six-member jury in civil trials; twelve-**  
22 **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 plaintiff  
3 does not require a jury, shall ascertain the amount the plaintiff  
4 is entitled to recover in the action, if any, and render judgment  
5 accordingly. In any case, in which a trial by jury would be  
6 otherwise proper, the parties or their counsel, by consent entered  
7 of record, may waive the right to have a jury, and thereupon the  
8 whole matter of law and fact shall be heard and determined, and  
9 judgment given by the court. Absent such waiver, in any civil  
10 trial a jury shall consist of six members and in any criminal trial  
11 a jury shall consist of twelve members.

12       (b) The provisions of this section do not apply to any  
13 proceeding had pursuant to article two, chapter fifty-four of this  
14 code, the provisions of which apply to all cases involving the  
15 taking of property for a public use.