

1 **ENROLLED**

2 **Senate Bill No. 586**

3 (BY SENATOR PALUMBO)

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5 [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17 be repealed; and that §56-6-11 of said code be amended and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.