

**H. B. 2038**

(By Delegate R. Smith)

[Introduced January 14, 2015; referred to the  
Committee on the Judiciary.]

A BILL to amend and reenact §52-1-11 of the Code of West Virginia, 1931, as amended, relating to excuses from jury service; and allowing breast-feeding to serve as a valid excuse from jury service.

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

That §52-1-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 1. PETIT JURIES.**

**§52-1-11. Excuses from jury service.**

(a) The court, upon request of a prospective juror or on its own initiative, shall determine on the basis of information provided on the juror qualification form or interview with the prospective juror or other competent evidence whether the prospective juror should be excused from jury service. The clerk shall enter this determination in the space provided on the juror qualification form.

(b) A person who is not disqualified for jury service under section eight of this article may

1 be excused from jury service by the court upon a showing of undue hardship, extreme inconvenience,  
2 or public necessity, for a period the court deems necessary, at the conclusion of which the person  
3 shall reappear for jury service in accordance with the court's direction.

4 (c) For purposes of this section, breast feeding of an infant may be claimed as an undue  
5 hardship, extreme inconvenience or public necessity by a person who is not disqualified for jury  
6 service under section eight of this article and serves as a valid reason for the person to be excused.

NOTE: The purpose of this bill is to allow breast-feeding to serve as a valid excuse from jury service.

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