## WEST VIRGINIA LEGISLATURE

## **2024 REGULAR SESSION**

Introduced

## House Bill 4356

By Delegate C. Pritt

[Introduced January 10, 2024 ; 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
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 service. jury 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 gualification 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 disgualified 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 disgualified 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.