WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

**FISCAL NOTE**

House Bill 2197

By Delegate Barnhart

[Introduced January 11, 2023; Referred to the Committee on the Judiciary then Finance]

A BILL to amend and reenact §52-1-17 of the Code of West Virginia, 1931, as amended, relating to increasing the reimbursement for persons serving on petit jurors.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. PETIT JURIES.

§52-1-17. Reimbursement of jurors.

(a) A juror shall be paid mileage, at the rate set by the Secretary of the Department of Administration, for travel expenses to and from the juror’s residence to the courthouse or other place where the court is convened and shall be reimbursed for other expenses incurred as a result of his or her required attendance at sessions of the court at a rate of ~~not less than $15 nor more than $40, set at the discretion of the circuit court or the chief judge of the circuit court~~ $80 for each day of required attendance, to take effect July 1, 2024. The reimbursement shall be based on vouchers submitted to the sheriff and shall be paid out of the State Treasury.

(b) When a jury in any case is placed in the custody of the sheriff, he or she shall provide the jury with meals and lodging while they are in the sheriff’s custody at a reasonable cost to be determined by an order of the court. The costs of the meals and lodging shall be paid out of the State Treasury.

(c) Any time a panel of prospective jurors has been required to report to court for the selection of a petit jury in any scheduled matter, the court shall, by specific provision in a court order, assess a jury cost. In both magistrate and circuit court cases the jury cost shall be the actual cost of the jurors’ service: *Provided,* That the actual cost of a magistrate jury can only be assessed where the jury request or demand occurs on or after July 1, 2007. For any magistrate court case in which the jury request or demand occurred prior to July 1, 2007, the jury cost assessed shall be $200. The jury costs shall be assessed against the parties as follows:

(1) In every criminal case, against the defendant upon conviction, whether by plea, by bench trial or by jury verdict;

(2) In every civil case, against either party or prorated against both parties, at the court’s discretion, if the parties settle the case or elect for a bench trial; and

(3) In the discretion of the court, and only when fairness and justice so require, a circuit court or magistrate court may forego assessment of the jury fee, but shall set out the reasons for waiving the fee in a written order: *Provided,* That a waiver of the assessment of a jury fee in a case tried before a jury in magistrate court may only be permitted after the circuit court, or the chief judge of the circuit court, has reviewed the reasons set forth in the order by the magistrate and has approved the waiver.

(d)(1) The circuit or magistrate court clerk shall by the 10th day of the month following the month of collection remit to the State Treasurer for deposit as described in subdivision (2) of this subsection all jury costs collected and the clerk and the clerk’s surety are liable for the collection on the clerk’s official bond as for other money coming into the clerk’s hands by virtue of the clerk’s office. When the amount of the jury costs collected in a magistrate court case exceeds $200, the magistrate court clerk shall separately delineate the portion of the collected jury costs which exceeds $200.

(2) The jury costs described in subdivision (1) of this subsection shall upon receipt by the State Treasurer be deposited as follows:

(A) All jury costs collected in a magistrate court case which exceed $200 shall be deposited in the State’s General Revenue Fund; and

(B) The remaining balance of the collected jury costs shall be deposited as follows:

(i) One-half shall be deposited into the Parent Education and Mediation Fund created in §48-9-604 of this code; and

(ii) One-half shall be deposited into the Domestic Violence Legal Services Fund created in §48-26-603 of this code.

NOTE: The purpose of this bill is to increase the daily rate of compensation for people serving on petit juries.

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