

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 800**

By Senator Willis

[Introduced February 6, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §52-1-1, §52-1-3, §52-1-5, §52-1-5a, §52-1-6, §52-1-7, §52-1-8,  
2 §52-1-9, §52-1-15, §52-1-16, §52-1-22, and §52-2-3 of the Code of West Virginia, 1931, as  
3 amended; and to repeal §52-1-7a and §52-1-25, relating to juries; clarifying policy of state  
4 regarding jury service; defining terms; setting forth duties and procedures for compilation  
5 and maintenance of master list and county lists; providing for public inspection of county  
6 lists and freeholder lists; requiring public officers to make source lists available to  
7 administrative director or designee; clarifying clerk duties with respect to juror qualification  
8 forms; clarifying procedures for jury wheel; eliminating alternate procedure for selection of  
9 jury by electronic data processing methods; clarifying procedures for disqualification of  
10 jurors; providing for certain qualified jurors to be used in event of unanticipated shortage;  
11 clarifying procedures for challenging compliance with selection procedures; clarifying  
12 procedures for preservation of records; clarifying criminal offense of fraud by tampering  
13 with the jury wheel; eliminating provision requiring present methods of jury selection  
14 remain in effect until preparation of master list; and clarifying procedures for selection and  
15 summoning of grand jurors.

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

<b>ARTICLE</b>	<b>1.</b>	<b>PETIT</b>	<b>JURIES.</b>
----------------	-----------	--------------	----------------

**§52-1-1. Declaration of policy.**

1 It is the policy of this state that all persons selected for jury service be selected at random  
2 from a fair cross section of the population of the area county served by the court, and that all  
3 citizens have the opportunity in accordance with this article to be considered for jury service and  
4 an obligation to serve as jurors when summoned for that purpose.

**§52-1-3. Definitions.**

1 As used in this article:

2 "Administrative director" means the individual appointed by the Supreme Court of Appeals  
3 under section 3, article VIII of the West Virginia Constitution.

4           (1) "The court" "Court" means the circuit and magistrate courts of this state, and includes,  
5 when the context requires, any judge of the court;

6           (2) "Clerk" means clerk of the circuit court and includes any deputy circuit clerk;

7           (3) "Master list" means the ~~master list of residents of the county from which prospective~~  
8 ~~jurors are to be chosen, and all 55 counties in West Virginia~~ which is compiled in accordance with  
9 the provisions of section five of this article;

10           "County list" means the subset of the master list specific to each county from which  
11 ~~prospective jurors are to be chosen;~~

12           (4) "Persons who are registered to vote" means persons whose names appear on the  
13 official records of the clerk of the county commission as persons registered with the Office of the  
14 Secretary of State to vote in the most recent general election;

15           (5) "Drivers' license lists" means the official records of persons licensed by the ~~state~~  
16 ~~Division of Motor Vehicles~~ to operate motor vehicles and who reside within the county; and have  
17 ~~applied for a driver's license or renewal of a driver's license within the preceding two years. The~~  
18 ~~department of motor vehicles shall furnish such a list upon request of the clerk of the circuit court;~~

19           (6) "Jury wheel" means any electronic system in which are placed names or identifying  
20 numbers of prospective jurors taken from the master list and from which names are drawn at  
21 random for jury panels;

22           (7) "Jury box" means any physical, nonelectronic device in which are placed names or  
23 identifying numbers of prospective jurors taken from the master list and from which names are  
24 drawn at random for jury panels.

**§52-1-5. Master list; method for compilation; additional freeholder list; lists to be available  
to public.**

1           (a) ~~In each county, the clerk shall compile and maintain a~~ The administrative director of his  
2 or her designee shall assist the clerk with compiling the master list of residents of the county from  
3 which prospective jurors are to be chosen. The master list shall be a list of individuals compiled

4 from consisting of persons appearing on not less than two of the following source lists:

5 (1) Persons who have filed a state personal income tax return for the preceding tax year;

6 (2) Persons who are registered to vote in the county;

7 (3) Persons who hold a valid motor vehicle operator's or chauffeur's license as determined

8 from the drivers' license lists provided by the Division of Motor Vehicles.

9 (b) ~~The clerk shall compile the~~ The master list shall be compiled by combining all the  
10 names from each source used and eliminating all duplicates, ~~or by selecting a sample of names~~  
11 ~~from each source used by means of a random key number system. If a sample of names is~~  
12 ~~selected from each source list, the same percentage of names must be selected from each list. as~~  
13 ~~follows:~~

14 (1) One source list shall be designated a primary source;

15 (2) Names selected from the second source shall be compared with the entire list of names  
16 on the primary source;

17 (3) Duplicate names shall be removed from the second source ~~sample~~ and the remaining  
18 names shall be combined with the ~~sample of~~ names selected from the primary source to form the  
19 master list.

20 (4) If more than two source lists are used, this process shall be repeated, using the  
21 previously combined list for comparison with the third source list, and so on.

22 (c) The administrative director or his or her designee shall provide each clerk with his or her  
23 county list from which prospective jurors are to be chosen, and the clerk shall maintain the county  
24 list.

25 (b) (d) The master list so compiled shall be used for a period of two years or such other  
26 period as designated by the chief judge Supreme Court of Appeals or its designee.

27 (e) In October of each odd-numbered year, or at such other times, the administrative  
28 director or his or her designee shall remove from the jury wheel the names of all persons who  
29 have, within the preceding two years, been summoned to serve as petit jurors, grand jurors, or

30 magistrate court jurors, and who have actually attended sessions of the magistrate or circuit court  
31 and been reimbursed for their expenses as jurors pursuant to the provisions of §52-1-21 or §52-2-  
32 13 of this code, or any applicable rules of the Supreme Court of Appeals promulgated pursuant to  
33 §50-5-8 of this code.

34 (e) (f) In addition to the master list required to be compiled under the provisions of  
35 subsection (a) of this section, the clerk shall compile a list of persons who pay real property taxes  
36 to compile and maintain a list of freeholders to be used as jurors in condemnation eminent domain  
37 cases.

38 (g) The names from the county list provided to the clerks and freeholder list shall be open  
39 for public inspection in-person during business hours.

40 (d) (h) Any public officer of an agency, department or political subdivision of this state  
41 having custody, possession or control of any of the source lists designated to be used in compiling  
42 the master list shall make the source list available to the clerk administrative director or his or her  
43 designee for inspection, reproduction and copying at all reasonable times: *Provided*, That the Tax  
44 Commissioner shall be exempt from this requirement. The master list and the freeholder list shall  
45 be open to the public for examination.

#### **§52-1-5a. Jury qualification form; contents; procedure for use; penalties.**

1 (a) Not less than twenty days before the date for which persons are to report for jury duty,  
2 the clerk may, if directed by the court, serve by first-class mail, upon each person listed on the  
3 master county list, a juror qualification form accompanied by instructions necessary for its  
4 completion: *Provided*, That the clerk may, if directed by the court, mail the juror qualification form  
5 to only those prospective jurors drawn for jury service under the provisions of section seven of this  
6 article. Each prospective juror shall be directed to complete the form and return it by mail to the  
7 clerk within ten days after its receipt. The juror qualification form is subject to approval by the  
8 circuit court administrative director as to matters of form and shall elicit the following information  
9 concerning the prospective juror:

- (1) The juror's name, sex, race, age and marital status;
- (2) The juror's level of educational attainment, occupation and place of employment;
- (3) If married, the name of the juror's spouse and the occupation and place of employment spouse;
- (4) The juror's residence address and the juror's mailing address if different from the residence address;
- (5) The number of children which the juror has and their ages;
- (6) Whether the juror is a citizen of the United States and a resident of the county;
- (7) Whether the juror is able to read, speak and understand the English language;
- (8) Whether the juror has any physical or mental disability substantially impairing the juror's ability to render satisfactory jury service: *Provided*, That a juror with a physical disability, who with reasonable accommodation render competent service, is eligible for service;
- (9) Whether the juror has, within the preceding two years, been summoned to serve as a petit juror, grand juror or magistrate court juror, and has actually attended sessions of the state or circuit court and been reimbursed for his or her expenses as a juror;
- (10) Whether the juror has lost the right to vote because of a criminal conviction; and
- (11) Whether the juror has been convicted of perjury, false swearing or any crime punishable by imprisonment in excess of one year under the applicable law of this state, another state or the United States.

The juror qualification form may also request information concerning the prospective religious preferences and organizational affiliations, except that the form and the accompanying instructions shall clearly inform the juror that this information need not be provided if the juror declines to answer such inquiries.

(b) The juror qualification form shall contain the prospective juror's declaration that the responses are true to the best of the prospective juror's knowledge and an acknowledgment that a misrepresentation of a material fact may be punished by a fine of not more than \$500 or

36 imprisonment for not more than thirty days, or both fine and imprisonment. Notarization of the juror  
37 qualification form shall not be required. If the prospective juror is unable to fill out the form, another  
38 person may assist the prospective juror in the preparation of the form and indicate that such  
39 person has done so and the reason therefor. If an omission, ambiguity or error appear in a returned  
40 form, the clerk shall again send the form with instructions to the prospective juror to make the  
41 necessary addition, clarification or correction and to return the form to the clerk within ten days  
42 after its second receipt.

43 (c) Any prospective juror who fails to return a completed juror qualification form as  
44 instructed shall be directed by the clerk to appear forthwith before the clerk to fill out the juror  
45 qualification form. At the time of the prospective juror's appearance for jury service, or at the time  
46 of any interview before the court or clerk, any prospective juror may be required to fill out another  
47 juror qualification form in the presence of the court or clerk. At that time the prospective juror may  
48 be questioned with regard to the responses to questions contained on the form and the grounds  
49 for the prospective juror's excuse or disqualification. Any information thus acquired by the court or  
50 clerk shall be noted on the juror qualification form.

51 (d) Any person who willfully misrepresents a material fact on a juror qualification form or  
52 during any interview described in subsection (c) of this section, for the purpose of avoiding or  
53 securing service as a juror, is guilty of a misdemeanor and, upon conviction thereof, shall be fined  
54 not more than \$500 or imprisoned not more than thirty days, or both fined and imprisoned.

55 (e) Upon the clerk's receipt of the juror qualification questionnaires of persons selected as  
56 prospective petit jurors, he or she shall make the questionnaires of the persons so selected  
57 available, upon request, to counsel of record in the trial or trials for which the persons have been  
58 selected as prospective jurors: *Provided*, That upon the conclusion of the trial the juror  
59 qualification forms for persons serving on a particular trial jury may only be released with the  
60 written permission of the judge who presided over the trial or his or her successor: *Provided*,  
61 however, That if the judge denies the request, the reasons for the denial must be in writing and be

62 share with all parties in the case and the person making the request within thirty days after filing  
63 the motion.

**§52-1-6. Jury wheel or jury box; random selection of names from master county list for jury  
wheel or jury box.**

1 (a) ~~At the direction of the circuit court, the~~ The clerk for each county shall maintain a jury  
2 wheel ~~or jury box~~, into which shall be placed the names or identifying numbers of prospective  
3 jurors taken from the master county list. ~~The choice of employing a jury wheel or jury box shall be~~  
4 ~~at the discretion of the circuit court or the chief judge thereof.~~

5 (b) In counties having a population of less than fifteen thousand persons according to the  
6 last available census, the jury wheel ~~or jury box~~ shall include at least ~~two hundred~~ 200 names; in  
7 counties having a population of at least ~~fifteen thousand~~ 15,000 but less than ~~fifty thousand~~  
8 50,000, at least ~~four hundred~~ 400 names; a population of at least ~~fifty thousand~~ 50,000 but less  
9 than ~~ninety thousand~~ 90,000, at least ~~eight hundred~~ 800 names; and a population of ~~ninety~~  
10 ~~thousand~~ 90,000 or more, at least ~~one thousand six hundred~~ 1,600 names. ~~From time to time a~~  
11 ~~larger or additional number may be ordered by the circuit court to be placed in the jury wheel or jury~~  
12 ~~box.~~ The clerk shall take measures to ensure that a sufficient number of additional jurors are drawn  
13 ~~from time to time for each new term of court so that the jury wheel or jury box is refilled and~~  
14 ~~additional jurors may be drawn therefrom is refreshed and previous term jurors are removed.~~ In  
15 ~~October of each even-numbered year, or at such other time as the court may direct, the clerk shall~~  
16 ~~remove from the jury box or jury wheel the names of all persons who have, within the preceding~~  
17 ~~two years, been summoned to serve as petit jurors, grand jurors or magistrate court jurors, and~~  
18 ~~who have actually attended sessions of the magistrate or circuit court and been reimbursed for~~  
19 ~~their expenses as jurors pursuant to the provisions of section twenty-one of this article, section~~  
20 ~~thirteen, article two of this chapter, or under any applicable rule or regulation of the Supreme Court~~  
21 ~~of Appeals promulgated pursuant to the provisions of section eight, article five, chapter fifty of this~~  
22 ~~code.~~

(c) The names or identifying numbers of prospective jurors to be placed in the jury wheel or jury box shall be selected by the clerk at random from the master list in the following manner: The total number of names on the master list shall be divided by the number of names to be placed in or added to the jury wheel or jury box and the whole number next greater than the quotient shall be the "key number", except that the key number shall never be less than two. A "starting number" for making the selection shall then be determined by a random method from the numbers from one to the key number, both inclusive. The required number of names shall then be selected from the master list by taking in order the first name on the master list corresponding to the starting number and then successively the names appearing in the master list at intervals equal to the key number, recommencing if necessary at the start of the list until the required number of names has been selected. Upon recommencing at the start of the list, or if additional names are subsequently to be selected for the jury wheel or jury box, names previously selected from the master list shall be disregarded in selecting the additional names. The clerk is not required to, but may, use an electronic or mechanical system or device in carrying out its duties. (For example, assume a county with a master list of eight thousand nine hundred eighty names, a population of less than fifteen thousand and a desired jury box or wheel containing two hundred names. Eight thousand nine hundred eighty names divided by two hundred is forty-four and nine-tenths percent. The next whole number is forty-five. The clerk would take every forty-fifth name on the list, using a random starting number between one and forty-five.) The clerk shall generate the county list for each term using the electronic system approved by the administrative director.

**§52-1-7. Drawings from the jury wheel or jury box; notice of jury duty; penalties.**

1 (a) The chief judge of the circuit, or the judge in a single judge circuit, shall provide by order  
2 rules relating to the random drawing by the clerk of panels from the jury wheel or jury box for juries  
3 in the circuit and magistrate courts. The rules may allow for the drawing of panels at any time.  
4 Upon receipt of the direction and in the manner prescribed by the court, the clerk shall publicly  
5 draw at random from the jury wheel or jury box the number of jurors specified. The clerk shall draw

6     the prescribed number of jurors for civil and criminal trials in accordance with the most recent  
7     administrative order issued by the Supreme Court of Appeals.

8           (b) If a jury is ordered to be drawn, the clerk thereafter shall cause each person drawn for  
9     jury service to be notified not less than twenty days before the date for which the persons are to  
10    report for jury duty with a summons and juror qualification form, if such form has not already been  
11    completed, by personal service or first class mail addressed to the person at his or her usual  
12    residence, business or post-office address, requiring him or her to report for jury service at a  
13    specified time and place.

14           (c) A prospective juror who fails to appear as directed by the summons issued pursuant to  
15    subsection (b) of this section shall be ordered by the court to appear and show cause for failure to  
16    appear as directed. If the prospective juror fails to appear pursuant to the court's order or fails to  
17    show good cause for failure to appear as directed by the summons, he or she is guilty of civil  
18    contempt and shall be fined not more than \$1,000.

**§52-1-7a. Alternate procedure for selection of jury by electronic data processing methods.**

1           [Repealed.]

**§52-1-8. Disqualification from jury service.**

1           (a) The court, shall determine whether any prospective juror is disqualified for jury service  
2    on the basis of information provided on the juror qualification form or interview with the prospective  
3    juror or other competent evidence. The clerk shall enter this determination in the space provided  
4    on the juror qualification form and on the alphabetical lists of names drawn from the jury wheel. or  
5    jury box.

6           (b) A prospective juror is disqualified to serve on a jury if the prospective juror:  
7            (1) Is not a citizen of the United States, at least 18 years old and a resident of the county;  
8            (2) Is unable to read, speak and understand the English language. For the purposes of this  
9    section, the requirement of speaking and understanding the English language is met by the ability  
10    to communicate in American Sign Language or Signed English;

11 (3) Is incapable, by reason of substantial physical or mental disability, of rendering  
12 satisfactory jury service. A person claiming this disqualification may be required to submit a  
13 physician's certificate as to the disability and the certifying physician is subject to inquiry by the  
14 court at its discretion;

15 (4) Has, within the preceding two years, been summoned to serve as a petit juror, grand  
16 juror or magistrate court juror and has attended sessions of the magistrate or circuit court and  
17 been reimbursed for his or her expenses as a juror pursuant to the provisions of §52-1-21 or  
18 §52-2-13 of this code, or pursuant to an applicable rule or regulation of the Supreme Court of  
19 Appeals promulgated pursuant to the provisions of §50-5-8 of this code;

20 (5) Has lost the right to vote because of a criminal conviction; or

21 (6) Has been convicted of perjury, false swearing or any crime punishable by imprisonment  
22 in excess of one year under the applicable law of this state, another state or the United States.

23 (c) A prospective juror 70 years of age or older is not disqualified from serving but shall be  
24 excused from service by the court upon his or her request.

25 (d) A prospective grand juror is disqualified to serve on a grand jury if he or she is an  
26 officeholder under the laws of the United States or of this state except that the term "officeholder"  
27 does not include, notaries public.

28 (e) A person who is physically disabled and can render competent service with reasonable  
29 accommodation is not ineligible to act as juror and may not be dismissed from a jury panel on the  
30 basis of disability alone. The circuit judge shall, upon motion by either party or upon his or her own  
31 motion, disqualify a disabled juror if the circuit judge finds that the nature of potential evidence in  
32 the case including, but not limited to, the type or volume of exhibits or the disabled juror's ability to  
33 evaluate a witness or witnesses, unduly inhibits the disabled juror's ability to evaluate the potential  
34 evidence. For purposes of this section:

35 (1) Reasonable accommodation includes, but is not limited to, certified interpreters for the  
36 deaf and hard of hearing, spokespersons for the speech impaired, real-time court reporting and  
37 readers for the visually impaired.

38 (2) The court shall administer an oath or affirmation to any person present to facilitate  
39 communication for a disabled juror. The substance of the oath or affirmation shall be that any  
40 person present as an accommodation to a disabled juror will not deliberate on his or her own  
41 behalf, although present throughout the proceedings, but act only to accurately communicate for  
42 and to the disabled juror.

43 (f) Nothing in this article limits a party's right to preemptory strikes in civil or criminal  
44 actions.

**§52-1-9. Assignment of jurors to jury panels; drawing of additional jurors upon shortage of qualified jurors.**

6                   (c) If there is an unanticipated shortage of available grand or petit jurors, qualified jurors  
7                   that have not yet attended court in the current term may be used to replace needed jurors.

## §52-1-15. Challenging compliance with selection procedures.

7 (b) Upon motion filed under subsection (a) of this section containing a sworn statement of  
8 facts which, if true, would constitute a substantial failure to comply with this article, the moving  
9 party is entitled to present, in support of the motion, the testimony of the clerk, any relevant records  
10 and papers not public or otherwise available used by the clerk, and any other relevant evidence.  
11 The clerk may identify the lists utilized in compiling the master county list, but may not be required  
12 to divulge the contents of such lists. If the court determines that in selecting a jury there has been a  
13 substantial failure to comply with this article, the court shall stay the proceedings pending the  
14 selection of the jury in conformity with this article, quash an indictment or grant such other relief as  
15 the court may deem appropriate.

16 (c) In the absence of fraud, the procedures prescribed by this section are the exclusive  
17 means by which a person accused of a crime, the state or a party in a civil case, may challenge a  
18 jury on the ground that the jury was not selected in conformity with this article.

## **§52-1-16. Preservation of records.**

1 All records and papers compiled and maintained by the clerk in connection with selection  
2 and service of jurors from the ~~master~~ county list, ~~the~~ jury box or the jury wheel shall be preserved  
3 by the clerk for at least four years after such jurors were selected, or for any longer period ordered  
4 by the court.

5 The clerk shall make an annual report no later than March 1 of each year to the Supreme  
6 Court of Appeals setting forth the following information: ~~Whether the clerk employed a jury box or~~  
7 ~~jury wheel for the year reported~~, and the age, race and gender of each person for whom a juror  
8 qualification form has been received. The Supreme Court of Appeals shall provide this information  
9 to the President of the Senate and the Speaker of the House of Delegates on an annual basis, no  
10 later than April 1 of each year.

## **§52-1-22. Fraud in selection of jurors; penalties.**

If any person is guilty of any fraud by tampering with the jury wheel or jury box prior to drawing jurors or any other way in the drawing of jurors, such person shall be guilty of a felony and,

3 upon conviction thereof, shall be fined not more than \$5,000, or imprisoned in the penitentiary for  
4 not less than one nor more than five years, or both fined and imprisoned.

**§52-1-25. Present methods of jury selection to remain in effect until preparation of master  
list.**

1 [Repealed.]

**ARTICLE 2. GRAND JURIES.**

**§52-2-3. Selection and summoning of jurors.**

1 The clerk of any circuit court requiring a grand jury shall, at least thirty 30 days before the  
2 term of court, draw and assign persons for the grand jury, but the court, or judge thereof, may  
3 require the clerk at any specified time to draw and assign grand jurors for either a regular, special  
4 or adjourned term of court. When required by the circuit court or the chief judge thereof, the clerk  
5 shall draw the names of sixteen 16 persons from the jury wheel ~~or jury box~~, and the persons so  
6 drawn shall constitute the grand jury. At the same time, the clerk shall draw the names of such  
7 additional numbers of persons from the jury wheel ~~or jury box~~ as the chief judge of the circuit, or  
8 the judge in a single judge circuit shall by prior order direct, and the persons so drawn shall  
9 constitute alternate jurors for the grand jury. The judge may replace any absent members of the  
10 grand jury from among the alternate grand jurors, in the order in which the alternate jurors were  
11 drawn. The clerk shall enter the names of all persons so drawn in a book kept for that purpose and  
12 shall issue summonses to the persons so drawn in the same manner as that provided for petit  
13 jurors in ~~subsection (b), section seven, article one of this chapter~~ §52-1-7(b) of this code.

NOTE: The purpose of this bill is to clarify the procedures and selecting petit and grand juries in the state.

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