

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 800

BY SENATORS WILLIS AND WOELFEL

[Passed March 13, 2026; in effect 90 days from
passage (June 11, 2026)]

1 AN ACT 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,
3 as amended; and to repeal §52-1-7a and §52-1-25, relating to juries; clarifying policy of
4 state regarding jury service; defining terms; setting forth duties and procedures for
5 compilation and maintenance of a master list and county lists for the administrative director
6 and circuit clerks; clarifying clerk duties with respect to juror qualification forms; clarifying
7 procedures for jury wheel; eliminating alternate procedure for selection of jury by electronic
8 data processing methods; eliminating the use of a jury box; clarifying that a prospective
9 juror whose conviction was expunged or set aside, or who subsequent thereto receives a
10 pardon for said offense, is not disqualified from serving on a jury; providing for certain
11 qualified jurors to be used in event of unanticipated shortage; clarifying procedures for
12 preservation of records; clarifying criminal offense of fraud by tampering with the jury
13 wheel; eliminating provision requiring present methods of jury selection remain in effect
14 until preparation of master list; and clarifying procedures for selection and summoning of
15 grand jurors.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. PETIT JURIES.

§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 county served by the court, and that all citizens
3 have the opportunity in accordance with this article to be considered for jury service and an
4 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 "Court" means the circuit and magistrate courts of this state, and includes, when the
5 context requires, any judge of the court;

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

7 "Master list" means the list of residents of all 55 counties in West Virginia which is compiled
8 in accordance with the provisions of §52-1-5 of this code;

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

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

14 "Drivers' license lists" means the official records of persons licensed by the Division of
15 Motor Vehicles to operate motor vehicles and who reside within the county;

16 "Jury wheel" means any electronic system in which are placed names or identifying
17 numbers of prospective jurors taken from the master list and from which names are drawn at
18 random for jury panels.

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

1 (a) The administrative director or his or her designee shall compile the master list
2 consisting of persons appearing on not less than two of the following source lists:

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

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

5 (3) Persons who hold a valid motor vehicle operator's or chauffeur's license as determined
6 from the driver's license lists provided by the Division of Motor Vehicles.

7 (b) The master list shall be compiled by combining all the names from each source used
8 and eliminating all duplicates as follows:

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

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

12 (3) Duplicate names shall be removed from the second source and the remaining names
13 shall be combined with the names selected from the primary source to form the master list; and

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

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

19 (d) The master list shall be used for a period of two years or any other period as designated
20 by the Supreme Court of Appeals or its designee.

21 (e) In October of each odd-numbered year, or at other times, the administrative director
22 or his or her designee shall remove from the jury wheel the names of all persons who have, within
23 the preceding two years, been summoned to serve as petit jurors, grand jurors, or magistrate
24 court jurors, and who have actually attended sessions of the magistrate or circuit court and been
25 reimbursed for their expenses as jurors pursuant to the provisions of §52-1-17 or §52-2-13 of this
26 code, or any applicable rules of the Supreme Court of Appeals promulgated pursuant to §50-5-8
27 of this code.

28 (f) In addition to the master list required to be compiled under the provisions of this section,
29 the clerk shall compile a list of persons who pay real property taxes to compile and maintain a list
30 of freeholders to be used as jurors in eminent domain cases.

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

33 (h) Any public officer of an agency, department, or political subdivision of this state having
34 custody, possession or control of any of the source lists designated to be used in compiling the
35 master list shall make the source list available to the administrative director or his or her designee

36 for inspection, reproduction, and copying at all reasonable times: *Provided*, That the Tax
37 Commissioner is exempt from this requirement.

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

1 (a) Not less than 20 days before the date for which persons are to report for jury duty, the
2 clerk may, if directed by the court, serve by first-class mail, upon each person listed on the county
3 list, a juror qualification form accompanied by instructions necessary for its completion: *Provided*,
4 That the clerk may, if directed by the court, mail the juror qualification form to only those
5 prospective jurors drawn for jury service under the provisions of §52-1-7 of this code. Each
6 prospective juror shall be directed to complete the form and return it by mail to the clerk within 10
7 days after its receipt. The juror qualification form is subject to approval by the administrative
8 director and shall elicit the following information concerning the prospective juror:

- 9 (1) The juror's name, sex, race, age, and marital status;
- 10 (2) The juror's level of educational attainment, occupation and place of employment;
- 11 (3) If married, the name of the juror's spouse and the occupation and place of employment
12 of the spouse;
- 13 (4) The juror's residence address and the juror's mailing address if different from the
14 residence address;
- 15 (5) The number of children which the juror has and their ages;
- 16 (6) Whether the juror is a citizen of the United States and a resident of the county;
- 17 (7) Whether the juror is able to read, speak, and understand the English language;
- 18 (8) Whether the juror has any physical or mental disability substantially impairing the
19 capacity to render satisfactory jury service: *Provided*, That a juror with a physical disability, who
20 can with reasonable accommodation render competent service, is eligible for service;
- 21 (9) Whether the juror has, within the preceding two years, been summoned to serve as a
22 petit juror, grand juror, or magistrate court juror, and has actually attended sessions of the
23 magistrate or circuit court and been reimbursed for his or her expenses as a juror;

24 (10) Whether the juror has lost the right to vote because of a criminal conviction; and

25 (11) Whether the juror has been convicted of perjury, false swearing, or any crime
26 punishable by imprisonment in excess of one year under the applicable law of this state, another
27 state, or the United States.

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

32 (b) The juror qualification form shall contain the prospective juror's declaration that the
33 responses are true to the best of the prospective juror's knowledge and an acknowledgment that
34 a willful misrepresentation of a material fact may be punished by a fine of not more than \$500 or
35 imprisonment for not more than 30 days, or both fine and imprisonment. Notarization of the juror
36 qualification form is not required. If the prospective juror is unable to fill out the form, another
37 person may assist the prospective juror in the preparation of the form and indicate that such
38 person has done so and the reason therefor. If an omission, ambiguity, or error appear in a
39 returned form, the clerk shall again send the form with instructions to the prospective juror to make
40 the necessary addition, clarification, or correction and to return the form to the clerk within 10 days
41 after its second receipt.

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

50 (d) Any person who willfully misrepresents a material fact on a juror qualification form or
51 during any interview described in subsection (c) of this section, for the purpose of avoiding or
52 securing service as a juror, is guilty of a misdemeanor and, upon conviction thereof, shall be fined
53 not more than \$500 or imprisoned not more than 30 days in jail, or both fined and imprisoned.

54 (e) Upon the clerk's receipt of the juror qualification questionnaires of persons selected as
55 prospective petit jurors, he or she shall make the questionnaires of the persons so selected
56 available, upon request, to counsel of record in the trial or trials for which the persons have been
57 selected as prospective jurors: *Provided*, That upon the conclusion of the trial the juror
58 qualification forms for persons serving on a particular trial jury may only be released with the
59 written permission of the judge who presided over the trial or his or her successor: *Provided*,
60 *however*, That if the judge denies the request, the reasons for the denial must be in writing and
61 be shared with all parties in the case and the person making the request within 30 days after filing
62 the motion.

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

1 (a) The clerk for each county shall maintain a jury wheel and place the names or identifying
2 numbers of prospective jurors taken from the county list into the jury wheel, using the electronic
3 system provided by the administrative director.

4 (b) In counties having a population of less than 15,000 persons according to the last
5 available census, the jury wheel shall include at least 200 names; in counties having a population
6 of at least 15,000 but less than 50,000, at least 400 names; a population of at least 50,000 but
7 less than 90,000, at least 800 names; and a population of 90,000 or more, at least 1,600 names.
8 The clerk shall take measures to ensure that a sufficient number of jurors are drawn for each new
9 term of court so that the jury wheel is refreshed and previous term jurors are removed.

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

1 (a) The clerk shall draw the prescribed number of jurors for civil and criminal trials in
2 accordance with the most recent administrative order issued by the Supreme Court of Appeals.

3 (b) If a jury is ordered to be drawn, the clerk shall cause each person drawn for jury service
4 to be notified not less than 20 days before the date for which the persons are to report for jury
5 duty with a summons and juror qualification form, if the form has not already been completed, by
6 personal service or first class mail addressed to the person at his or her usual residence,
7 business, or post-office address, requiring him or her to report for jury service at a specified time
8 and place.

9 (c) A prospective juror who fails to appear as directed by the summons issued pursuant
10 to subsection (b) of this section shall be ordered by the court to appear and show cause for failure
11 to appear as directed. If the prospective juror fails to appear pursuant to the court's order or fails
12 to show good cause for failure to appear as directed by the summons, he or she is guilty of civil
13 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.

5 (b) A prospective juror is disqualified to serve on a jury if the prospective juror:

6 (1) Is not a citizen of the United States, at least 18 years old, and a resident of the county;

7 (2) Is unable to read, speak, and understand the English language. For the purposes of
8 this section, the requirement of speaking and understanding the English language is met by the
9 ability to communicate in American Sign Language or Signed English;

10 (3) Is incapable, by reason of substantial physical or mental disability, of rendering
11 satisfactory jury service. A person claiming this disqualification may be required to submit a

12 physician's certificate as to the disability and the certifying physician is subject to inquiry by the
13 court at its discretion;

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

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

20 (6) Has been convicted of perjury, false swearing or any crime punishable by
21 imprisonment in excess of one year under the applicable law of this state, another state, or the
22 United States: *Provided*, That any otherwise-qualified prospective juror whose conviction was
23 expunged or set aside, or who subsequent thereto receives an unconditional pardon for said
24 offense, shall not be disqualified from serving on a jury.

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

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

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

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

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

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

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

1 (a) The jurors drawn for jury service shall be assigned at random by the clerk to each jury
2 panel in a manner prescribed by the court.

3 (b) If there is an unanticipated shortage of available petit jurors drawn from the jury wheel
4 the court may require the sheriff to summon a sufficient number of petit jurors selected at random
5 by the clerk from the jury wheel in a manner prescribed by the circuit court.

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

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

1 (a) Within seven days after the moving party discovers, or by the exercise of due diligence
2 could have discovered, the grounds therefor, and in any event before the petit jury is sworn to try
3 the case, a party may move to stay the proceedings, quash the indictment, or move for other
4 appropriate relief under the circumstances or the nature of the case. The motion shall set forth
5 the facts which support the party's contention that there has been a substantial failure to comply
6 with this article in selecting the jury.

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
10 records and papers not public or otherwise available used by the clerk, and any other relevant
11 evidence. The clerk may identify the lists used in compiling the county list, but may not be required
12 to divulge the contents of the lists. If the court determines that in selecting a jury there has been
13 a 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 any other relief
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
18 a jury on the ground that the jury was not selected in conformity with this article.

§52-1-16. Preservation of records.

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

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

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

1 If any person is guilty of any fraud by tampering with the jury wheel prior to drawing jurors
2 that person is guilty of a felony and, upon conviction thereof, shall be fined not more than \$5,000,

3 or imprisoned in the penitentiary for not less than one nor more than five years, or both fined and
4 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 30 days before the term
2 of court, draw and assign persons for the grand jury, but the court, or judge thereof, may require
3 the clerk at any specified time to draw and assign grand jurors for either a regular, special, or
4 adjourned term of court. When required by the circuit court or the chief judge thereof, the clerk
5 shall draw the names of 16 persons from the jury wheel and the persons so drawn shall constitute
6 the grand jury. At the same time, the clerk shall draw the names of such additional numbers of
7 persons from the jury wheel as the chief judge of the circuit, or the judge in a single judge circuit
8 shall by prior order direct, and the persons so drawn shall constitute alternate jurors for the grand
9 jury. The judge may replace any absent members of the grand jury from among the alternate
10 grand jurors, in the order in which the alternate jurors were drawn. The clerk shall enter the names
11 of all persons so drawn in a book kept for that purpose and shall issue summonses to the persons
12 drawn in the same manner as that provided for petit jurors in §52-1-7(b) of this code.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2026.

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Governor