

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 999

By Senator Weld

[Introduced February 19, 2026; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §52-1-8 of the Code of West Virginia, 1931, as amended, relating to
 2 creating the Third Amendment Reaffirmation and Protection Act; and relating to certain
 3 active duty service members serving on a jury in the state.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. PETIT JURIES.

§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 juror who is a member of the Armed Forces of the United States serving
26 on active duty outside of this state who has relinquished their primary residence as a result of that
27 service but still maintains their West Virginia residency and who would be required to be quartered
28 at the residence of another is not disqualified from serving but may be excused from service by the
29 court upon his or her request. The amendments to this section made during the 2026 regular
30 legislative session may be known as the "Third Amendment Reaffirmation and Protection Act".

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

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

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

44 (2) The court shall administer an oath or affirmation to any person present to facilitate
45 communication for a disabled juror. The substance of the oath or affirmation shall be that any
46 person present as an accommodation to a disabled juror will not deliberate on his or her own

47 behalf, although present throughout the proceedings, but act only to accurately communicate for
48 and to the disabled juror.

49 ~~(f)~~ (g) Nothing in this article limits a party's right to preemptory strikes in civil or criminal
50 actions.

NOTE: The purpose of this bill is to create the Third Amendment Reaffirmation and Protection Act relating to active service members serving on 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.