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SENATE BILL NO. 1054

Offered January 20, 1997

A BILL to amend and reenact §§ 14.1-195.2, 14.1-195.4, 14.1-195.5, and 14.1-195.6 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 14.1-195.2:1, relating to payment of jury costs in civil trials.

Patron—Norment

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 14.1-195.2, 14.1-195.4, 14.1-195.5, and 14.1-195.6 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 14.1-195.2:1 as follows:

§ 14.1-195.2. Same; how paid.

A. The compensation and allowances of persons attending the court as jurors in all felony cases shall be paid by the Commonwealth; jurors in misdemeanor cases shall be paid by the Commonwealth unless the charge is written on a local warrant or summons, in which case the jurors shall be paid by the political subdivision in which the summons is issued. ~~Jurors in all civil cases shall be paid by the political subdivision in which the summons is issued.~~ Payment in all cases shall be by negotiable check, or warrant, upon the Commonwealth, or the political subdivision, as the case may be.

When, during the same day any juror is entitled to compensation from both the Commonwealth and from the political subdivision in which he has served, the court shall divide the pay for such day between the Commonwealth and the political subdivision; and it shall be the duty of the sheriff at the term of the court during which an allowance is made or has been made under this section, to furnish the clerk of the court with a statement showing the number and names of the jurors in attendance upon the court.

B. A county or city may provide by local ordinance that a juror may direct in writing that compensation due him be paid to the court service unit or to any other agency, authority or organization which is ancillary to and provides services to the courts of the county or city.

§ 14.1-195.2:1. *Jury costs in civil cases.*

Whenever any civil action in which a trial by jury has been demanded is settled by the parties at such a time that the clerk is unable to prevent the summoning of the jury, the clerk shall apportion the costs equally among the parties, unless the court orders otherwise. For any civil trial in which judgment is entered, the party against whom the judgment is entered shall be taxed the costs of the jury at the rate specified in § 14.1-195.1.

Nothing in this section shall prevent the Commonwealth from obtaining a judgment or decree against the appropriate party for costs under this section.

§ 14.1-195.4. Same; clerk to make entry on minutes stating amount due and by whom payable.

The clerk of any court in which juries are impaneled shall, before its final adjournment at each term, and under the direction of the court, make an entry upon its minutes stating the amount to which each juror is entitled for his services or attendance during the term, and specifying how much is payable by the Commonwealth, ~~and~~ how much is payable by the political subdivision, ~~and how much is payable by each party.~~

§ 14.1-195.5. Same; clerk to transmit orders making allowances to Supreme Court, treasurer and jurors.

Such clerk shall immediately, after the adjournment of the court, transmit to the Supreme Court a list of all orders under § 14.1-195.4 making allowances against the Commonwealth, and to the treasurer of the political subdivision a list of all such orders making allowances against the political subdivision, with a certificate to the correctness of the list and the aggregate amount thereof annexed thereto and signed by the judge of the court and himself, and such clerk shall also deliver to each juror copies of any orders making an allowance to him, whether the same be payable by the Commonwealth or, by the political subdivision, *or by the parties.*

§ 14.1-195.6. Same; payment of allowances.

The treasurer of such political subdivision shall upon demand pay, *unless such amounts are due from the parties*, to such juror the amount allowed him by negotiable check, which shall be repaid to such treasurer out of the public treasury or out of the political subdivision levy, as the case may be, upon the production of satisfactory proof that the same has been actually paid by him. But such treasurer shall not be repaid any allowance made against the Commonwealth unless it ~~appears~~ *appears* on the list

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SB1054

60 directed to be sent to the Supreme Court. *No treasurer shall pay for any jury costs taxable to the*
61 *parties.* No such allowance shall be paid unless presented within two years from the time of rendering
62 the service.