

# Gavel to Gavel

A review of state legislation affecting the courts

Week ending August 5, 2011

Volume 5, Issue 32

## *Focus: Laws Related to Juries and Jurors*

This issue of *Gavel to Gavel* is a first: a joint publication with another NCSC publication, the Jur-E Bulletin. The Jur-E Bulletin is a weekly publication of the [Center for Jury Studies](#) that examines news, issues, and legislation related to juries. *Gavel to Gavel* readers are encouraged to subscribe to the Jur-E Bulletin [here](#).

This week: *Gavel to Gavel* and Jur-E Bulletin look at laws enacted in 2011 related to juries and jurors.

[Arizona HB 2016](#) Eliminates numerous out of date references and unused reporting requirements for the Joint Legislative Budget Committee (JLBC) and the Joint Committee on Capital Review (JCCR). Deletes the requirement that the Arizona Supreme Court report on the amount of monies collected and disbursed from the Arizona Lengthy Trial Fund and the number of jurors who received monies from this fund.

[Colorado HB 1153](#) Defines “juror service” as the period of time during which a person is committed to serving upon a jury, from the time the person reports and checks in on his or her designated reporting date through and until he or she is released by the court or by the jury commissioner. Each summons to juror service shall include instructions to the juror for retrieving jury service acknowledgment information. Provides in setting the date to which a trial juror's service is postponed, the jury commissioner shall notify the juror by telephone or in writing of the new date. Eliminates statutory language concerning juror service certificates and replaces it with language concerning juror service acknowledgment information. Provides a jury commissioner shall retain juror service acknowledgment information and make it available electronically via the internet for 12 months after jurors have completed juror service. Further provides if a juror requests juror service acknowledgment information relating to his or her juror service at any time during the 12-month period, the jury commissioner shall provide the information within 60 days after the request. Provides trial juror payments for each juror's service shall be processed by the state by check or electronic funds transfer within 10 days after the conclusion of the juror's service and that the state shall process grand juror payments at least on a monthly basis.

[Connecticut HB 1240](#) Shifts responsibility for providing hearing impaired juror an interpreter from the Commission on the Deaf and Hearing Impaired to newly created Bureau of Rehabilitative Services.

[Georgia HB 415](#) Creates “modernized and uniform system of compiling, creating, maintaining, and updating jury lists.” Provides for state-wide compilation and distribution of the state-wide master jury list by the Council of Superior Court Clerks of Georgia. Eliminates forced balancing of county jury pools by race, gender, and ethnicity for the purpose of complying with the United States and Georgia Constitutions and the Unified Appeal process. Modernizes terminology relating to juries. Removes nonmechanical procedures relative to selecting persons for jury service. Changes eligibility requirements for grand jurors. Provides the Council of Superior Court Clerks of Georgia assist county boards of jury commissioners with jury matters. Provides for the methodology for county boards of jury commissioners to obtain county master jury lists. Prohibits public disclosure of jury source lists except under certain circumstances.

[Illinois HB 2066](#) Provides that lists of claimants for unemployment insurance shall be added to the other lists (Illinois driver's license, Identification Card, Disabled Person Identification Card, and registered voters lists) now used to create jury lists. Provides that the Director of the Department of Employment Security shall annually compile a list of persons who in the last 12 months filed a claim for unemployment insurance and shall send the list to the Secretary of State to be combined with lists of Illinois driver's license, Illinois Identification Card, and Illinois Disabled Person Identification Card holders to constitute the master list for jury lists.

[Kansas SB 23](#) Specifies in cases involving juveniles, jury for felony trials consists of 12 members and for misdemeanors 6 members.

[Maine HB 961](#) Establishes an integrated statewide system to manage and enforce electronic warrants, including civil orders of arrest and warrants for failure to respond for jury duty.

[Nevada AB 250](#) Repeals July 1, 2011 sunset provision to existing law that exempts police officers from jury service.

[Nevada SB 5](#) In counties having a population of 100,000 or more, revises the process for selecting prospective grand jurors, increases the number of alternate grand jurors and requires the court, rather than the sheriff, to summon proposed grand jurors in any such county.

[New Mexico HB 181](#) Requires the Secretary of Veterans' Services and the Adjutant General of the Department of Military Affairs to notify on a monthly basis the Administrative Office of the Courts of armed forces members killed or missing in action. The Administrative Office of the Courts would then be required to remove the names of these service members from the master juror database that produces the random jury list for state courts.

[North Carolina HB 234](#) Allows hearing-impaired persons to serve as jurors. Permits persons with disabilities to apply for exemptions to jury duty.

[Oklahoma SB 865](#) Requires the Oklahoma Uniform Jury Instructions in a civil case to include an instruction that no part of an award for damages for personal injury or wrongful death is subject to federal or state income tax and the jury should not consider income taxes when determining a proper compensation award.

[Oregon HB 2828](#) Creates unlawful employment practice if employer who employs 10 or more persons ceases to provide health, disability, life or other insurance during period employee is serving or is scheduled to serve as juror and employee notified employer of election to have coverage continue. Provides that employer commits unlawful employment practice if employer discharges, threatens to discharge, intimidates or coerces employee by reason of employee's service or scheduled service as juror.

[Oregon HB 3034](#) Provides that judge or clerk may defer jury service for person more than once only for good cause. Requires person requesting second deferral to provide list of not fewer than 10 dates within following six-month period on which person would be able to commence jury duty. Provides that employer may not require that employee use vacation leave, sick leave or annual leave for time spent by employee in responding to summons for jury duty and that employer must allow employee to take leave without pay for time spent by employee in responding to summons for jury duty.

Indicates featured legislation

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[Oregon SB 389](#) Establishes means by which person may request production of confidential jury records as evidence in post-conviction relief proceedings.

[South Carolina SB 831](#) Revises Magistrates' Courts Jury Areas and locations of Magistrates' Courts offices.

[Texas HB 174](#) Requires certain court clerks to send a copy of persons excused or disqualified from jury service because of citizenship to the Secretary of State and the county or district attorney.

[Texas HB 2702](#) Authorizes the district judges in a county with a population of more than 1.5 million (currently 900,000), by a majority vote, to authorize the drawing of two general jury panels for the week, with one to be used in the courts that have a criminal docket and the other to be used in the courts that have a civil docket. Requires a prospective juror removed from a jury panel for cause, by peremptory challenge, in a county with a population of two million (currently 1.5 million), or more, to be dismissed from jury service.

[Texas HB 2847](#) Permits person operating a video teleconferencing system to be present in grand jury room while the grand jury is conducting proceedings.

[Texas SB 85](#) Transfers the responsibility for maintaining a list of permanent jury duty exemptions from the tax assessor to the voter registrar. Requires the tax assessor/collector submit that list to the secretary of state.

[Texas SB 1233](#) Permits person operating a video teleconferencing system to be present in grand jury room while the grand jury is conducting proceedings. (Note: this bill is NOT the same as HB 2847).

[Utah HB 349](#) Allows for pilot project of expedited jury trials. Requires that all parties to an action agree to participate. Requires the Judicial Council to create rules. Allows parties to set limits on damages. Limits post-trial motions. Requires a report to the Judiciary Interim Committee in 2016. Repeals pilot project authorization as of January 1, 2017.

[Virginia HB 1527](#) Provides that any person who is the only person performing services for a political subdivision as a firefighter and whose services are so essential to the operations of the political subdivision that such political subdivision will suffer an undue hardship in carrying out such services if such person is required to perform jury duty shall be exempt from jury service if he so requests.

[Virginia HB 1973](#) Provides that the person responsible for taking attendance when the potential jurors are assembled, and not the clerk, is responsible for verifying the identities of the jurors.

[Virginia SB 1156](#) Provides that any general registrar, local electoral board member, or person appointed or employed by a general registrar or local electoral board, except officers of election, shall be exempt from jury service upon his request. This exemption applies only to jury service starting (i) during the period beginning 90 days before any election and continuing through election day; (ii) during the period to ascertain the results of the election and continuing for 10 days after the local electoral board certifies the results of the election or the State Board of Elections certifies the results of the election; or (iii) during the period of an election recount or contested election. Any officer of election shall be exempt from jury service upon his request only on the day of the election and during the period to ascertain the results of an election or the period of an election recount or contested election.

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[Washington SB 5931](#) With respect to jury source list and master jury lists, strikes references to Department of Information Services and replaces with references to newly created Consolidated Technology Services Agency.

**Jurisdiction: Newly Introduced**

NONE

**Jurisdiction: Floor and Committee Activity**

NONE

**Qualifications and Terms: Newly Introduced**

NONE

**Qualifications and Terms: Floor and Committee Activity**

NONE

**Rule Making Authority: Newly Introduced**

NONE

**Rule Making Authority: Floor and Committee Activity**

NONE

**Salary and Budget: Newly Introduced**

NONE

**Salary and Budget: Floor and Committee Activity**

NONE

**Selection: Newly Introduced**

[Wisconsin AJR 51 \(Constitutional Amendment\)](#) Provides for nonpartisan election of county-level officers, including, register of deeds, county clerk, and clerk of circuit court. In Assembly Committee on Election and Campaign Reform.

**Selection: Floor and Committee Activity**

NONE

**Structure Changes: Newly Introduced**

NONE

**Structure Changes: Floor and Committee Activity**

NONE

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**Other: Newly Introduced**

NONE

**Other: Floor and Committee Activity**

NONE

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