

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

# **A Bill**

**HOUSE BILL 1342**

4 **By: Representatives Brown, Walker, Hogue, Townsend, Smith, Bennett, Brownlee, Blair,**  
5 **Bryant, Hall, Murphy, Molinaro, Northcutt, M. Owens, Riable, J. Roberts, Schexnayder,**  
6 **M. Wilson, J. Wilson, Young, Wilkins, von Gremp, and Wallis**

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## **For An Act To Be Entitled**

10 "AN ACT TO AMEND THE ARKANSAS CODE TO PROVIDE FOR THE  
11 SELECTION OF JURORS FROM THE LIST OF PERSONS LICENSED TO  
12 OPERATE MOTOR VEHICLES IN LIEU OF THE VOTER REGISTRATION  
13 LIST *AND THE LIST OF PERSONS ISSUED IDENTIFICATION CARDS*  
14 *BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION*; AND FOR  
15 OTHER PURPOSES."

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### **Subtitle**

18 "PROVIDE FOR SELECTION OF JURORS FROM LIST OF PERSONS  
19 LICENSED TO OPERATE MOTOR VEHICLES *AND THE LIST OF PERSONS*  
20 *ISSUED ID CARDS BY DF&A.*"

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. Arkansas Code 16-32-103 is amended to read as follows:

25 "§ 16-32-103 Master list

26 (a) During the month of November or December of each year, the  
27 prospective jurors for the following calendar year shall be selected from  
28 among the current list of licensed drivers *and every person issued an*  
29 *identification card under Arkansas Code 27-16-805* residing in the applicable  
30 district or county in the following manner:

31 (1) The circuit judge, in the presence of the circuit clerk, shall  
32 select at random a number between one (1) and one hundred (100), inclusive,  
33 which shall be the starting number, and the circuit court shall then select  
34 the person whose name appears on the current list of licensed drivers *and each*  
35 *person issued an identification card under Arkansas Code 27-16-805* in that

1 numerical position, counting sequentially from the first name on the list.

2 (2) The circuit clerk shall then select the 100th name appearing on the  
3 list after the starting number. As an example, if the starting number is 67,  
4 which is the first selection, the second selection would be the 167th name,  
5 the third selection would be the 267th and so forth until the current list is  
6 exhausted.

7 (3) The circuit judge and the circuit clerk shall then repeat the  
8 random selection process until the number of jurors set out in this subsection  
9 have been selected.

10 (b) The number of persons to be selected shall be based upon the number  
11 of qualified licensed drivers and each person issued an identification card  
12 under Arkansas Code 27-16-805 in the appropriate district or county as  
13 reflected by the current list of licensed drivers and each person issued an  
14 identification card under Arkansas Code 27-16-805 provided by the Department  
15 of Finance and Administration and unless a larger number is designated by the  
16 circuit judge, the minimum number selected shall be as follows:

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18 Number of Persons	Minimum Number	Minimum Number
19 Issued ID Cards or	of Prospective	of Prospective
20 Drivers Licenses	Petit Jurors	Grand Jurors
21 -----		
22 90,000 or more	1,200	120
23 16,000 to 89,999	1,000	100
24 10,000 to 15,999	800	90
25 6,000 to 9,999	600	75
26 2,000 to 5,999	500	75
27 0 to 1,999	250 or 50% of	
28	the Licensed drivers and persons issued	
29	identification cards under Arkansas Code	
30	27-16-805, whichever is smaller	

31 (c) After the list of prospective jurors has been submitted by the  
32 circuit clerk, the circuit judge may, in the exercise of his discretion,  
33 authorize clerical assistance in preparing the alphabetized master list and  
34 separate cards, chips, disks, or other appropriate means of including the  
35 names and addresses of the prospective jurors in the wheel or box.

1           (1) The expense of this clerical help shall be paid by the county  
2 as an expense of the administration of justice.

3           (2) Clerical employees shall take the following oath:  
4 I will not make known to anyone the names of the prospective jurors who have  
5 been selected and I will not, directly or indirectly, converse with anyone  
6 selected as a juror concerning the merits of any proceeding pending or likely  
7 to come before the grand jury or court until after the case is tried or  
8 otherwise finally disposed of.

9           (d) Subsections (a)-(c) of this section shall be applicable to all  
10 circuit courts and counties within the state.

11           (e) All circuit clerks may utilize computers and associated equipment  
12 for the purpose of selecting jury panels from the lists of licensed drivers  
13 *and persons issued identification cards under Arkansas Code 27-16-805.* The  
14 master list of jurors' names and addresses shall not be available for public  
15 inspection, publication, or copying, but it may be examined in the presence of  
16 the circuit judge by litigants or their attorneys who desire to verify that  
17 names drawn from the wheel or box were placed there in the manner provided in  
18 this act by the commissioners."

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20           SECTION 2. Arkansas Code 16-31-201(b) is amended to read as follows:

21           "(b) Circuit courts to which criminal cases are assigned may call grand  
22 jurors from the wheel or box from which petit jurors are drawn, or the circuit  
23 judge may direct the jury commissioners to provide the minimum number of names  
24 for a separate grand jury wheel or box in the minimum number set forth in §  
25 16-32-103 (a)-(d). In the event the circuit judge directs the jury  
26 commissioners to provide the minimum number of names for a separate grand jury  
27 wheel or box, the jury commissioners shall select the names of persons whom  
28 they believe to be qualified from the current list of licensed drivers *and*  
29 *persons issued identification cards under Arkansas Code 27-16-805.*"

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31           SECTION 3. The Department of Finance and Administration shall no later  
32 than October 31 of each year provide to the circuit clerk of each county a  
33 list of all persons licensed by the department to operate motor vehicles and  
34 who reside within the counties which the circuit clerk serves. It is the  
35 intent of this act to provide for the selection of petty jurors and grand

1 jurors from the list of licensed drivers in lieu of the list of registered  
2 voters.

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4 SECTION 4. All provisions of this act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 5. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

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14 SECTION 6. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

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19 */s/Irma Hunter Brown, et al*

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