

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL 1524

4 **By: Representatives Steele and Pryor**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-31-101 AND VARIOUS
9 SECTIONS OF ARKANSAS CODE TITLE 16, CHAPTER 32 TO PROVIDE
10 FOR THE SELECTION OF PROSPECTIVE JURORS FROM A LIST OF
11 PERSONS HAVING AN ARKANSAS DRIVER'S LICENSE OR *WHO*
12 *VOLUNTARILY REGISTERS TO SERVE*; AND FOR OTHER PURPOSES."

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Subtitle

15 "AN ACT TO SELECT PROSPECTIVE JURORS FROM A LIST OF
16 PERSONS HAVING AN ARKANSAS DRIVER_S LICENSE OR *WHO*
17 *VOLUNTARILY REGISTERS TO SERVE*."

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

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21 SECTION 1. Arkansas Code 16-31-101 is amended to read as follows:

22 "16-31-101. Qualifications.

23 Every person who has been issued a current Arkansas driver's license or
24 *who voluntarily registers to be included as a potential juror with the county*
25 *clerk* and who is a citizen of the United States and a resident of the State of
26 Arkansas and of the county in which he or she may be summoned for jury service
27 is legally qualified to act as a grand or petit juror if not otherwise
28 disqualified under the express provisions of this act."

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30 SECTION 2. Arkansas Code 16-32-103 is amended to read as follows:

31 "16-32-103. Master list.

32 (a) Not later than the third Tuesday in November of each year, the
33 Department of Finance and administration shall provide the circuit clerk with
34 a list of persons in the applicable district or county who hold a valid
35 Arkansas driver's license. The list shall contain the complete name, mailing

1 address, date of birth and driver's license number for each person. A person
2 may voluntarily register to be included as a potential juror by registering
3 with the county clerk. Not later than the thrid Tuesday in November of each
4 year, the county clerk shall provide, to the circuit clerk, a list of the
5 persons who voluntarily register. The circuit clerk shall combine the lists
6 provided by the Department of Finance and Administration and the county clerk.

7 (b) During the month of November or December of each year, the
8 prospective jurors for the following calendar year shall be selected from the
9 combined list prepared by the circuit clerk in the following manner:

10 (1) The circuit judge, in the presence of the circuit clerk,
11 shall select at random a number between one (1) and one hundred (100),
12 inclusive, which shall be the starting number, and the circuit court shall
13 then select the person whose name appears on the list in that numerical
14 position, counting sequentially from the first name on the list.

15 (2) The circuit clerk shall then select the 100th person
16 appearing on the list after the starting number. As an example, if the
17 starting number is 67, which is the first selection, the second selection
18 would be the 167th person, the third selection would be the 267th person, and
19 so forth until the list is exhausted.

20 (3) The circuit judge and the circuit clerk shall then repeat the
21 random selection process until the number of jurors set out in subsection (c)
22 have been selected.

23 (c) The number of persons to be selected shall be based upon the number
24 of persons listed on the list in the appropriate district or county and unless
25 a larger number is designated by the circuit judge, the minimum number
26 selected shall be as follows:

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29	Minimum Number	Minimum Number
30 Number of	of Prospective	of Prospective
31 Persons Listed	Petit Jurors	Grand Jurors

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33 90,000 or more	1,200	120
34 16,000 to 89,999	1,000	100
35 10,000 to 15,999	800	90

1	6,000 to 9,999	600	75
2	2,000 to 5,999	500	75
3	0 to 1,999	250 or 50% of	
4		the Persons listed,	
5		whichever is smaller	
6			

7 (d) After the list of prospective jurors has been submitted by the
8 circuit clerk, the circuit judge may, in the exercise of his discretion,
9 authorize clerical assistance in preparing the alphabetized master list and
10 separate cards, chips, disks, or other appropriate means of including the
11 names and addresses of the prospective jurors in the wheel or box.

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

14 (2) Clerical employees shall take the following oath:

15 _I will not make known to anyone the names of the
16 prospective jurors who have been selected and I will not, directly or
17 indirectly, converse with anyone selected as a juror concerning the merits of
18 any proceeding pending or likely to come before the grand jury or court until
19 after the case is tried or otherwise finally disposed of._

20 (e) Subsections (a)-(d) of this section shall be applicable to all
21 circuit courts and counties within the state.

22 (f) All circuit clerks who maintain the lists described by this section
23 on computers, whether in-house or contracted, may utilize the computers and
24 associated equipment for the purpose of selecting jury panels from the lists.
25 The master list of jurors' names and addresses shall not be available for
26 public inspection, publication, or copying, but it may be examined in the
27 presence of the circuit judge by litigants or their attorneys who desire to
28 verify that names drawn from the wheel or box were placed there in the manner
29 provided in this act by the commissioners."
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31 SECTION 3. Arkansas Code 16-32-108 (b) is amended to read as follows:

32 "(b) The circuit judge may, at any time, in the exercise of his
33 discretion, direct the jury commissioners who selected the original names
34 placed in the wheel or jury box, or new commissioners designated by him, to
35 meet and submit the names and last known addresses of additional persons whom

1 the commissioners shall select in the manner provided by § 16-32-103 (a)-(e).
2 These names and addresses shall be placed by the commissioners within the
3 wheel or box when it is next unlocked in open court and prior to any
4 additional drawing of jurors, and a master list shall be presented to the
5 court as provided in § 16-32-103 (a)-(e)."

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7 SECTION 4. Arkansas Code 16-32-109 (a)(2) is amended to read as follows:

8 "(2) If the trial judge sustains the challenge to the use of names in
9 the jury wheel or box for the drawing of trial jurors, he shall appoint a jury
10 commission of not less than three (3) persons, qualified and sworn as
11 commissioners as provided by law, to select such a number of persons as the
12 judge may designate, from the list *prepared* by the circuit clerk under § 16-
13 32-103. The selection shall be made in the manner provided by § 16-32-103
14 (a)-(e). The list of persons, upon being summoned, shall constitute the panel
15 of jurors for the trial of the cause."

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17 SECTION 5. Arkansas Code 16-32-201 (b) is amended to read as follows:

18 "(b) Circuit courts to which criminal cases are assigned may call grand
19 jurors from the wheel or box from which petit jurors are drawn, or the circuit
20 judge may direct the jury commissioners to provide the minimum number of names
21 for a separate grand jury wheel or box in the minimum number set forth in §
22 16-32-103 (a)-(e). In the event the circuit judge directs the jury
23 commissioners to provide the minimum number of names for a separate grand jury
24 wheel or box, the jury commissioners shall select the names of persons whom
25 they believe to be qualified from the list *prepared* by the circuit clerk under
26 § 16-32-103."

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

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32 SECTION 7. If any provision of this act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 8. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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/s/Rep. Steele, et al

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