

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/8/17
A Bill

HOUSE BILL 1764

5 By: Representative Maddox
6 By: Senator J. Hutchinson
7

For An Act To Be Entitled

9 AN ACT REMOVING REFERENCES IN THE ARKANSAS CODE TO
10 JURY COMMISSIONERS, WHICH NO LONGER EXIST; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 REMOVING REFERENCES IN THE ARKANSAS CODE
16 TO JURY COMMISSIONERS, WHICH NO LONGER
17 EXIST.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 5-53-133 is repealed.

23 ~~5-53-133. Approaching jury commissioners to influence juror~~
24 ~~selections.~~

25 ~~(a)(1) It is unlawful for any person to approach any jury commissioner~~
26 ~~for the purpose of having any person placed upon a grand jury or petit jury~~
27 ~~after the circuit judges of any district in this state have appointed jury~~
28 ~~commissioners to select grand jurors and petit jurors to serve in the circuit~~
29 ~~courts of this state.~~

30 ~~(2) Any person violating this subsection is guilty of a Class D~~
31 ~~felony.~~

32 ~~(b) If any state, county, city, or township official approaches any~~
33 ~~jury commissioner for the purpose of having any person placed upon the grand~~
34 ~~jury or petit jury, he or she is guilty of a Class D felony.~~

35 ~~(c) If any licensed attorney approaches any jury commissioner for the~~
36 ~~purpose of having any person placed upon the grand jury or petit jury, he or~~



1 ~~she is guilty of a Class D felony.~~

2 ~~(d) It is the duty of the circuit judges to instruct jury~~
3 ~~commissioners in regard to the provisions of this section.~~

4
5 SECTION 2. Arkansas Code § 7-5-807(c), concerning a grand jury
6 investigation into an election illegality, is amended to read as follows:

7 (c) Should a special term be called, it shall in all respects be as if
8 convened by law. The circuit judge shall cause to be summoned grand and petit
9 jurors, either on lists selected by ~~the jury commissioners,~~ by the sheriff,
10 or by disinterested persons selected by him or her for that purpose,
11 according to his or her opinion as to the best method to select unbiased
12 jurors.

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14 SECTION 3. Arkansas Code § 16-13-224(e), concerning a temporary
15 exchange of districts by a circuit court judge, is amended to read as
16 follows:

17 (e) If a circuit judge who is on temporary duty by exchange or
18 assignment needs a jury for the disposition of any case, he or she may use
19 the regular or special panel of the circuit court of that county. If the
20 regular and special panels are exhausted, he or she may summon the ~~jury~~
21 ~~commissioners previously appointed and have them~~ circuit clerk and have him
22 or her select the required number of qualified jurors.

23
24 SECTION 4. Arkansas Code § 16-30-101 is amended to read as follows:
25 16-30-101. Multijudge and divided circuits.

26 (a) In multijudge circuits, the circuit judges may select one (1) of
27 their number to perform any of the duties imposed upon a judge by this act.

28 (b) Divisions of any circuit court may either have separate ~~jury~~
29 ~~commissioners and~~ jurors, or the circuit judges by concurrence may share a
30 ~~single set of commissioners,~~ a single jury wheel or box, or a single list of
31 jurors.

32
33 SECTION 5. Arkansas Code § 16-32-108 is amended to read as follows:
34 16-32-108. Additional jurors.

35 (a)(1) If at any time it appears that a sufficient number of qualified
36 jurors are not available to try scheduled cases, additional names may be

1 drawn and recorded in the jury book in open court or randomly selected by
2 computer program described in § 16-32-103. These jurors shall be summoned as
3 provided in § 16-32-106(b).

4 (2)(A) The circuit judge may, ~~at any time, in the exercise of~~
5 ~~his or her discretion,~~ direct the ~~jury commissioners~~ circuit clerk who
6 selected the original names placed in the jury wheel or jury box, ~~or new~~
7 ~~commissioners designated by him or her, to meet and to~~ submit the names and
8 last known addresses of additional registered voters whom the ~~commissioners~~
9 circuit clerk shall select in the manner provided by § 16-32-103(a)-(d).

10 (B) These names and addresses shall be placed by the
11 ~~commissioners~~ circuit clerk within the jury wheel or box when it is next
12 unlocked in open court and prior to any additional drawing of jurors, and a
13 master list shall be presented to the court as provided in § 16-32-103(a)-
14 (d).

15 (b) The drawing and recording of additional jurors pursuant to
16 subdivisions (a)(1) and (2) of this section may be accomplished by a
17 computerized random jury selection process.

18
19 SECTION 6. Arkansas Code § 16-32-109 is amended to read as follows:
20 16-32-109. Selection upon challenge by litigant.

21 (a)(1) A challenge to the use of the names selected by ~~the jury~~
22 ~~commissioners~~ the circuit clerk and placed in the jury wheel or box for the
23 drawing of trial panels ~~therefrom~~ from the jury wheel or box may be made only
24 by a litigant in a particular case.

25 (2)(A) If the trial judge sustains the challenge to the use of
26 names in the jury wheel or box for the drawing of trial jurors, he or she
27 shall ~~appoint a jury commission of not less than three (3) persons, qualified~~
28 ~~and sworn as commissioners as provided by law,~~ instruct the circuit clerk to
29 select such a number of persons as the trial judge may designate from the
30 current voter registration list in the manner provided by § 16-32-103(a)-(d).

31 (B) The list of persons, upon being summoned, shall
32 constitute the panel of jurors for the trial of the cause.

33 (3) If the panel is exhausted prior to the formation of the
34 trial jury for any reason, ~~the commissioners shall be reconvened and the~~
35 trial judge shall instruct the circuit clerk to select additional names
36 ~~selected~~ as provided for in this section and ~~placed~~ place the additional

1 names on the list to be summoned as special jurors in such numbers as is
2 deemed necessary to complete the jury for the trial of the cause.

3 (b)(1) A challenge to the jury drawn from the jury wheel or box may be
4 made by a litigant in a particular case and shall be sustained by the court
5 if it ~~shall appear~~ appears that there was a substantial irregularity in the
6 drawing or summoning of the jury.

7 (2) In such a case, the court shall order, in open court,
8 another panel drawn for the trial of the case and other cases in which a
9 similar challenge is sustained.

10

11 SECTION 7. Arkansas Code § 16-32-201(a)(2), concerning the selection
12 of a grand jury, is amended to read as follows:

13 (2)(A) Circuit courts to which criminal cases are assigned may
14 call grand jurors from the jury wheel or box from which petit jurors are
15 drawn, or the circuit judge may direct the ~~jury commissioners~~ circuit clerk
16 to provide the minimum number of names for a separate grand jury wheel or box
17 in the minimum number set forth in § 16-32-103(a)-(d).

18 (B) In the event the circuit judge directs the ~~jury~~
19 ~~commissioners~~ circuit clerk to provide the minimum number of names for a
20 separate grand jury wheel or box, the ~~jury commissioners~~ circuit clerk shall
21 select the names of persons whom ~~they believe~~ the circuit clerk believes to
22 be qualified from the current voter registration list or the enhanced
23 prospective juror list authorized by § 16-32-302.

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25 /s/Maddox

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28 **APPROVED: 03/23/2017**

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