

2 State of Arkansas  
3 88th General Assembly  
4 Regular Session, 2011

*As Engrossed: H3/30/11*  
**A Bill**

HOUSE BILL 2040

5  
6 By: Representative J. Roebuck

7 Filed with: Interim House Committee on Judiciary  
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO EXPAND THE METHODS BY WHICH JURY POOLS ARE  
11 SELECTED; AND FOR OTHER PURPOSES.

12  
13  
14 **Subtitle**

15 TO EXPAND THE METHODS BY WHICH JURY  
16 POOLS ARE SELECTED.

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

20  
21 *SECTION 1. Arkansas Code § 16-32-102(a), regarding jury commissioners,*  
22 *is amended to read as follows:*

23 *(a) On or before November 1 of each year, the circuit judge ~~shall~~ may*  
24 *appoint not less than three (3) nor more than twelve (12) jury commissioners*  
25 *who shall:*

26  
27 *SECTION 2. Arkansas Code § 16-32-103 amended to read as follows:*  
28 *16-32-103. Master list.*

29 *(a)(1) During the month of November or December of each year, the*  
30 *prospective jurors for the following calendar year shall be selected from*  
31 *among the current list of ~~registered voters~~:*

32 *(A) Registered voters;*

33 *(B) Licensed drivers;*

34 *(C) Persons issued an identification card under § 27-16-*  
35 *805; and*

36 *(D) Persons who filed a state income tax return.*

1           (2) All persons selected shall be citizens of the United States  
 2 and residents of the applicable district or county of the State of Arkansas  
 3 ~~of the applicable district or county in the following manner.~~

4           (b) The selection shall occur in the following manner:

5           (1) The circuit judge, in the presence of the circuit clerk,  
 6 shall select at random a number between one (1) and one hundred (100),  
 7 inclusive, which shall be the starting number, and the circuit court shall  
 8 then select the person whose name appears ~~on the current voter registration~~  
 9 list as one of the persons described in subsection (a) of this section in  
 10 that numerical position, counting sequentially from the first name on the  
 11 list;

12           (2) The circuit clerk shall then select the one hundredth voter  
 13 registrant appearing on the list after the starting number. As an example, if  
 14 the starting number is sixty-seven (67), which is the first selection, the  
 15 second selection would be the one hundred sixty-seventh registered voter, the  
 16 third selection would be the two hundred sixty-seventh registered voter, and  
 17 so forth until the current ~~registered voter~~ list of persons described in  
 18 subsection (a) of this section is exhausted; and

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

22           ~~(b)(c)(1)~~ (1) The number of persons to be selected shall be based upon the  
 23 number of qualified ~~registered voters~~ persons described in subsection (a) of  
 24 this section in the appropriate district or county as reflected by the  
 25 current list of ~~registered voters~~ persons described in subsection (a) of this  
 26 section provided by the county clerk under legal requirements ~~and.~~

27           (2) ~~unless~~ Unless a larger number is designated by the circuit  
 28 judge, the minimum number selected shall be as follows:

Number of Registered Voters	Minimum Number of Prospective Petit Jurors	Minimum Number of Prospective Grand Jurors
90,000 or more	1,200	120
16,000 to 89,999	1,000	100
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 registered voters,	
5		whichever is smaller	

7       ~~(e)~~(d)(1) After the list of prospective jurors has been submitted by  
8 the circuit clerk, the circuit judge ~~may~~, in the exercise of his or her  
9 discretion, may authorize clerical assistance in preparing the alphabetized  
10 master list and separate cards, chips, disks, or other appropriate means of  
11 including the names and addresses of the prospective jurors in the wheel or  
12 box.

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

15               (3) Clerical employees shall take the following oath:

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

21       ~~(d)~~(e) Subsections (a)-~~(e)~~(d) of this section shall be applicable to  
22 all circuit courts and counties within the state that are not using a  
23 computerized random jury selection process.

24       ~~(e)~~(f)(1)(A) All circuit clerks who maintain on computers ~~voter~~  
25 ~~registration~~ lists of persons described in subsection (a) of this section or  
26 the enhanced list of prospective jurors authorized by § 16-32-302, whether  
27 in-house or contracted, may utilize the computers and associated equipment  
28 for the purpose of selecting jury panels from the ~~voter registration~~ lists of  
29 persons described in subsection (a) of this section or the enhanced list of  
30 prospective jurors instead of compiling a master list under subsections (a)-  
31 ~~(e)~~(d) of this section if the computer program is capable of randomly  
32 selecting names for the jury panels from the ~~voter registration~~ lists of  
33 persons described in subsection (a) of this section or enhanced list of  
34 prospective jurors.

35               (B) If the computer program is not capable of randomly  
36 selecting names for the jury panels from the ~~voter registration~~ lists of

1 persons described in subsection (a) of this section or enhanced list of  
 2 prospective jurors, the clerks may use the computers and associated equipment  
 3 for the purpose of creating the master list under subsections (a)-~~(e)~~(d) of  
 4 this section.

5 (2) The master list of jurors' names and addresses shall not be  
 6 available for public inspection, publication, or copying, but it may be  
 7 examined in the presence of the circuit judge by litigants or their attorneys  
 8 who desire to verify that names drawn from the wheel or box were placed there  
 9 in the manner provided in this act by the commissioners.

10 (3)(A) In counties where jury selection is conducted by a  
 11 computerized random process, the source list of potential jurors' names and  
 12 addresses shall not be available for public inspection, publication, or  
 13 copying.

14 (B) The source list may be examined in the presence of the  
 15 circuit judge by litigants or their attorneys who desire to verify that names  
 16 randomly selected by computer were selected from the list.

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 18 SECTION 3. Arkansas Code § 16-32-301 is amended to read as follows:  
 19 16-32-301. Enhanced prospective juror pool.

20 (a) The pool of names from which prospective jurors are chosen may be  
 21 expanded from the list of registered voters to include the list of licensed  
 22 drivers, ~~and~~ persons issued an identification card under § 27-16-805, and the  
 23 list of individuals who filed a state tax return.

24 (b) The qualifications for serving on a jury under § 16-31-101 and the  
 25 disqualifications under § 16-31-102 shall apply to the enhanced prospective  
 26 juror pool permitted under subsection (a) of this section.

27  
 28 SECTION 4. Arkansas Code § 16-32-302(b), regarding the enhanced list  
 29 of prospective jurors, is amended to read as follows:

30 (b)(1) The Secretary of State shall receive from the Department of  
 31 Finance and Administration at mutually agreeable times each year a list of  
 32 all licensed drivers and persons issued identification cards under § 27-16-  
 33 805, and individuals who filed a state income tax return, who are citizens of  
 34 the United States and sixteen (16) years of age or older.

35 (2) The Department of Finance and Administration, the Arkansas  
 36 Crime Information Center, the Department of Health, and the Administrative

1 Office of the Courts shall assist the Secretary of State in developing a  
 2 process whereby the Secretary of State will create a merged list from the  
 3 voter registration list, the list of state income tax filers, the list of  
 4 licensed drivers, and persons issued identification cards under § 27-16-805,  
 5 who are citizens of the United States and who will be eighteen (18) years of  
 6 age or older at the time the list is provided to the counties or the  
 7 Administrative Office of the Courts.

8 (3)(A) In order to improve the quality of the enhanced list of  
 9 prospective jurors and to decrease the cost of summoning potential jurors,  
 10 the Arkansas Crime Information Center and the Administrative Office of the  
 11 Courts are authorized to provide information to the Secretary of State and  
 12 the Department of Finance and Administration to identify which voters, state  
 13 income tax filers, licensed drivers, and persons issued identification cards  
 14 under § 27-16-805 have been convicted of a felony and have not been pardoned.

15 (B) The Department of Health is authorized to provide  
 16 information to the Secretary of State and the Department of Finance and  
 17 Administration in order to identify which voters, state income tax filers,  
 18 licensed drivers, and persons issued identification cards under § 27-16-805  
 19 are deceased, have changed names, or have been married or divorced.

20 (C) The Secretary of State is authorized to provide  
 21 information to enable the deletion of inactive voters from the list of  
 22 registered voters for purposes of creating the enhanced jury list.

23 (4) The Arkansas Crime Information Center, the Administrative Office  
 24 of the Courts, and the Department of Health are authorized to provide as much  
 25 information as they agree is necessary and possible to enable the Secretary  
 26 of State to compile the most accurate, timely, and complete merged list of  
 27 voters, state income tax filers, licensed drivers, and persons issued  
 28 identification cards under § 27-16-805, who are citizens of the United  
 29 States, eighteen (18) years of age or older, are still living, and who have  
 30 not been convicted of a felony and have not been pardoned.

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 32 SECTION 5. Arkansas Code § 16-34-106(b)(3)(C), regarding the dates a  
 33 county may request reimbursement for costs incurred for a payment under § 16-  
 34 34-103(b)(1), is amended to read as follows:

35 (C) On or before ~~December~~ November 1 of each year for  
 36 costs incurred between July 1 and September 30 of that year; and

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*/s/J. Roebuck*

Referred by the Arkansas House of Representatives

Prepared by: BPG/VJF