

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1321

By: Representatives McJunkin and Thurman

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE §§16-31-101, 16-32-103, AND 16-32-108 TO PROVIDE THAT REAL PROPERTY OWNERS AND PERSONAL PROPERTY OWNERS SHALL BE QUALIFIED TO SERVE AS JURORS; AND FOR OTHER PURPOSES."

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

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

"16-31-101. Qualifications. Every registered voter, real property owner, or personal property owner who is a citizen of the United States and a resident of the State of Arkansas and of the county in which he or she may be summoned for jury service and is at least eighteen (18) years of age, is legally qualified to act as a grand or petit juror if not otherwise disqualified under the express provisions of this act."

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

"16-32-103. Master list. (a) During the month of November or December of each year, the prospective jurors for the following calendar year shall be selected from among the current list of registered voters, real property owners, and personal property owners of the applicable district or county in the following manner:

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

(2) The circuit clerk shall then select the 100th name appearing on

the list after the starting number. As an example, if the starting number is 67, which is the first selection, the second selection would be the 167th name, the third selection would be the 267th name, and so forth until the current list is exhausted.

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

(4) The county clerk shall prepare the current list of persons qualified to serve as jurors as reflected by the current list of registered voters, the current list of real property owners and personal property owners as provided by the county assessor in the applicable county.

(b) The number of persons to be selected shall be based upon the number of qualified registered voters, real property owners, and personal property owners in the appropriate district or county as reflected by the current list of persons qualified to serve as jurors provided by the county clerk under legal requirements and unless a larger number is designated by the circuit judge, the minimum number selected shall be as follows:

Number of Persons Qualified to serve as Jurors	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
6,000 to 9,999	600	75
2,000 to 5,999	500	75
0 to 1,999	250 or 50% of the Persons Qualified to Serve as Jurors, Whichever is Smaller	

(c) After the list of prospective jurors has been submitted by the circuit clerk, the circuit judge may, in the exercise of his discretion, authorize clerical assistance in preparing the alphabetized master list and

separate cards, chips, disks, or other appropriate means of including the names and addresses of the prospective jurors in the wheel or box.

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

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

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

(e) All circuit clerks who maintain voter registration lists, lists of real property owners or lists of personal property owners on computers, whether in-house or contracted, may utilize the computers and associated equipment for the purpose of selecting jury panels from these lists. The master list of jurors' names and addresses shall not be available for public inspection, publication, or copying, but it may be examined in the presence of the circuit judge by litigants or their attorneys who desire to verify that names drawn from the wheel or box were placed there in the manner provided in this act by the commissioners."

SECTION 3. Arkansas Code §16-32-108 is hereby amended to read as follows:

"16-32-108. Additional jurors. (a) If at any time it appears that a sufficient number of qualified jurors are not available to try scheduled cases, additional names may be drawn and recorded in the jury book in open court. These jurors shall be summoned as provided in §16-32-106(a) and (b).

(b) The circuit judge may, at any time, in the exercise of his discretion, direct the jury commissioners who selected the original names placed in the wheel or jury box, or new commissioners designated by him, to meet and submit the names and last known addresses of additional persons qualified to serve as jurors whom the commissioners shall select in the manner provided by §16-32-103 (a)-(d). These names and addresses shall be placed by the commissioners within the wheel or box when it is next unlocked in open court and prior to any additional drawing of jurors, and a master list shall

be presented to the court as provided in §16-32-103 (a)-(d)."

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

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

