

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Brown

# A Bill

HOUSE BILL 2073

## For An Act To Be Entitled

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

## Subtitle

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

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

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

24 "§ 16-32-103. Master list.

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

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

1 on the list.

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

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

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

	Minimum Number	Minimum Number
Number of	of Prospective	of Prospective
Petit Jurors	Grand Jurors	
21 Issued ID Cards or		
22 Prospective Drivers		
23 Licenses Jurors		
24 90,000 or more	1,200	120
25 16,000 to 89,999	1,000	100
26 10,000 to 15,999	800	90
27 6,000 to 9,999	600	75
28 2,000 to 5,999	500	75
29 0 to 1,999	250 or 50% of	

30 the Licensed drivers and persons issued  
 31 identification cards under Arkansas Code 27-16-805, whichever is smaller

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

1 names and addresses of the prospective jurors in the wheel or box.

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

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

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

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

12          (e) All circuit clerks may utilize computers and associated equipment  
13 for the purpose of selecting jury panels from the lists of licensed drivers  
14 and persons issued identification cards under Arkansas Code 27-16-805. The  
15 master list of jurors' names and addresses shall not be available for public  
16 inspection, publication, or copying, but it may be examined in the presence  
17 of the circuit judge by litigants or their attorneys who desire to verify  
18 that names drawn from the wheel or box were placed there in the manner  
19 provided in this act by the commissioners."  
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21          SECTION 2. Arkansas Code 16-32-201(b) is amended to read as follows:

22          "(b) Circuit courts to which criminal cases are assigned may call  
23 grand jurors from the wheel or box from which petit jurors are drawn, or the  
24 circuit judge may direct the jury commissioners to provide the minimum number  
25 of names for a separate grand jury wheel or box in the minimum number set  
26 forth in § 16-32-103(a)-(d). In the event the circuit judge directs the jury  
27 commissioners to provide the minimum number of names for a separate grand  
28 jury wheel or box, the jury commissioners shall select the names of persons  
29 whom they believe to be qualified from the current list of licensed drivers  
30 and persons issued identification cards under Arkansas Code 27-16-805."  
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32          SECTION 3. The Department of Finance and Administration shall no later  
33 than October 31 of each year provide to the circuit clerk of each county a  
34 list of all persons licensed by the department to operate motor vehicles and  
35 who reside within the counties which the circuit clerk serves. It is the

1 intent of this act to provide for the selection of petit jurors and grand  
2 jurors from the list of licensed drivers in lieu of the list of registered  
3 voters.

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

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

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

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