

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 1582

4  
5 By: Representative Wilson

## For An Act To Be Entitled

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

## Subtitle

16  
17 "PROVIDE FOR SELECTION OF JURORS FROM  
18 LIST OF PERSONS LICENSED TO OPERATE  
19 MOTOR VEHICLES AND THE LIST OF PERSONS  
20 ISSUED ID CARDS BY DEPARTMENT OF FINANCE  
21 AND ADMINISTRATION."

22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24  
25 SECTION 1. Arkansas Code 16-32-103 is amended to read as follows:  
26 "§ 16-32-103. Master list.

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

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

1 ~~the list.~~ list of licensed drivers and each person issued an identification  
 2 card under Arkansas Code 27-16-805 in that numerical position, counting  
 3 sequentially from the first name on the list.

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

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

14 (b) The number of persons to be selected shall be based upon the number  
 15 of qualified ~~registered voters~~ licensed drivers and each person issued an  
 16 identification card under Arkansas Code 27-16-805 in the appropriate district  
 17 or county as reflected by the current list of ~~registered voters~~ licensed  
 18 drivers and each person issued an identification card under Arkansas Code 27-  
 19 16-805 provided by the ~~county clerk under legal requirements~~ Department of  
 20 Finance and Administration and, unless a larger number is designated by the  
 21 circuit judge, the minimum number selected shall be as follows:

	Minimum Number	Minimum Number
Number of	of Prospective	of Prospective
<del>Registered Voters</del>	Petit Jurors	Grand Jurors
<u>Issued ID Cards or</u>		
<u>Prospective Drivers</u>		
<u>Licenses Jurors</u>		
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 <del>Registered Voters,</del>	
	<u>Licensed drivers and persons</u>	
	<u>issued identification cards</u>	

1                                   under Arkansas Code 27-16-805,  
 2                                   whichever is smaller

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

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

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

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

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

18           (e) All circuit clerks ~~who maintain voter registration lists on~~  
 19 ~~computers, whether in-house or contracted,~~ may utilize the computers and  
 20 associated equipment for the purpose of selecting jury panels from the ~~voter~~  
 21 ~~registration lists~~ of licensed drivers and persons issued identification cards  
 22 under Arkansas Code 27-16-805. The master list of jurors' names and addresses  
 23 shall not be available for public inspection, publication, or copying, but it  
 24 may be examined in the presence of the circuit judge by litigants or their  
 25 attorneys who desire to verify that names drawn from the wheel or box were  
 26 placed there in the manner provided in this act by the commissioners."  
 27

28       SECTION 2. Arkansas Code 16-32-201(b) is amended to read as follows:

29       "(b) Circuit courts to which criminal cases are assigned may call grand  
 30 jurors from the wheel or box from which petit jurors are drawn, or the circuit  
 31 judge may direct the jury commissioners to provide the minimum number of names  
 32 for a separate grand jury wheel or box in the minimum number set forth in <sup>8</sup>  
 33 16-32-103(a)-(d). In the event the circuit judge directs the jury  
 34 commissioners to provide the minimum number of names for a separate grand jury  
 35 wheel or box, the jury commissioners shall select the names of persons whom  
 36 they believe to be qualified from the current ~~voter registration list~~ of

1 licensed drivers and persons issued identification cards under Arkansas Code  
 2 27-16-805."

3

4 SECTION 3. The Department of Finance and Administration shall no later  
 5 than October 31 of each year provide to the circuit clerk of each county a  
 6 list of all persons licensed by the department to operate motor vehicles and  
 7 who reside within the counties which the circuit clerk serves. It is the  
 8 intent of this act to provide for the selection of petit jurors and grand  
 9 jurors from the list of licensed drivers in lieu of the list of registered  
 10 voters.

11

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

15

16 SECTION 5. If any provision of this act or the application thereof to  
 17 any person or circumstance is held invalid, such invalidity shall not affect  
 18 other provisions or applications of the act which can be given effect without  
 19 the invalid provision or application, and to this end the provisions of this  
 20 act are declared to be severable.

21

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

24

25

26

27

28

29

30

31

32

33

34

35