1   State of Arkansas

2   88th General Assembly

A Bill

3   Regular Session, 2011   HOUSE BILL 2040

4

5   By: Representative J. Roebuck

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7   **For An Act To Be Entitled**

8   AN ACT TO EXPAND THE METHODS BY WHICH JURY POOLS ARE

9   SELECTED; AND FOR OTHER PURPOSES.

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12   **Subtitle**

13   TO EXPAND THE METHODS BY WHICH JURY

14   POOLS ARE SELECTED.

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

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19   SECTION 1. Arkansas Code § 16-32-103 amended to read as follows:

20   16-32-103. Master list.

21   (a)(1) During the month of November or December of each year, the

22   prospective jurors for the following calendar year shall be selected from

23   among the current list of ~~registered voters~~:

24   (A) Licensed drivers;

25   (B) Persons issued an identification card under § 27-16-

26   805; and

27   (C) Persons over the age of eighteen (18) who paid

28   personal or real property taxes for the year prior.

29   (2) All persons selected shall be citizens of the United States

30   and residents of the applicable district or county of the State of Arkansas

31   ~~of the applicable district or county in the following manner:~~.

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

33   (1) The circuit judge, in the presence of the circuit clerk,

34   shall select at random a number between one (1) and one hundred (100),

35   inclusive, which shall be the starting number, and the circuit court shall

36   then select the person whose name appears on the current voter registration

1 list in that numerical position, counting sequentially from the first name on

2 the list;

3   (2) The circuit clerk shall then select the one hundredth voter

4 registrant appearing on the list after the starting number. As an example, if

5 the starting number is sixty-seven (67), which is the first selection, the

6 second selection would be the one hundred sixty-seventh registered voter, the

7 third selection would be the two hundred sixty-seventh registered voter, and

8 so forth until the current registered voter list is exhausted; and

9   (3) The circuit judge and the circuit clerk shall then repeat

10 the random selection process until the number of jurors set out in ~~this~~

11 subsection (c) of this section have been selected.

12   ~~(b)~~(c)(1) The number of persons to be selected shall be based upon the

13 number of qualified registered voters in the appropriate district or county

14 as reflected by the current list of registered voters provided by the county

15 clerk under legal requirements ~~and~~.

16   (2) Unless a larger number is designated by the circuit judge,

17 the minimum number selected shall be as follows:

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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
6,000 to 9,999	600	75
2,000 to 5,999	500	75
0 to 1,999	250 or 50% of the registered voters, whichever is smaller	

32   ~~(c)~~(d)(1) After the list of prospective jurors has been submitted by

33 the circuit clerk, the circuit judge may, in the exercise of his or her

34 discretion, authorize clerical assistance in preparing the alphabetized

35 master list and separate cards, chips, disks, or other appropriate means of

36 including the names and addresses of the prospective jurors in the wheel or

1   box.

2   (2)   The expense of this clerical help shall be paid by the

3   county as an expense of the administration of justice.

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

5   "I will not make known to anyone the names of the prospective

6   jurors who have been selected and I will not, directly or indirectly,

7   converse with anyone selected as a juror concerning the merits of any

8   proceeding pending or likely to come before the grand jury or court until

9   after the case is tried or otherwise finally disposed of."

10   ~~(d)~~(e)   Subsections (a)-~~(e)~~(d) of this section shall be applicable to

11 all circuit courts and counties within the state that are not using a

12 computerized random jury selection process.

13   ~~(e)~~(f)(1)(A)   All circuit clerks who maintain on computers voter

14 registration lists or the enhanced list of prospective jurors authorized by §

15 16-32-302, whether in-house or contracted, may utilize the computers and

16 associated equipment for the purpose of selecting jury panels from the voter

17 registration lists or the enhanced list of prospective jurors instead of

18 compiling a master list under subsections (a)-~~(e)~~(d) of this section if the

19 computer program is capable of randomly selecting names for the jury panels

20 from the voter registration lists or enhanced list of prospective jurors.

21   (B)   If the computer program is not capable of randomly

22 selecting names for the jury panels from the voter registration lists or

23 enhanced list of prospective jurors, the clerks may use the computers and

24 associated equipment for the purpose of creating the master list under

25 subsections (a)-~~(e)~~(d) of this section.

26   (2)   The master list of jurors' names and addresses shall not be

27 available for public inspection, publication, or copying, but it may be

28 examined in the presence of the circuit judge by litigants or their attorneys

29 who desire to verify that names drawn from the wheel or box were placed there

30 in the manner provided in this act by the commissioners.

31   (3)(A)   In counties where jury selection is conducted by a

32 computerized random process, the source list of potential jurors' names and

33 addresses shall not be available for public inspection, publication, or

34 copying.

35   (B)   The source list may be examined in the presence of the

36 circuit judge by litigants or their attorneys who desire to verify that names

1   randomly selected by computer were selected from the list.

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