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4

As Engrossed: H3/30/11
A Bill

HOUSE BILL 2040

5 By: Representative J. Roebuck
6

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.
10

11 **Subtitle**

12 TO EXPAND THE METHODS BY WHICH JURY
13 POOLS ARE SELECTED.
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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

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

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

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

27 *(a) (1) 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~~:*

30 *(A) Registered voters;*

31 *(B) Licensed drivers;*

32 *(C) Persons issued an identification card under § 27-16-*
33 *805; and*

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

35 *(2) All persons selected shall be citizens of the United States*
36 *and residents of the applicable district or county of the State of Arkansas*



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

(b) The selection shall occur 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 voter registration list~~ as one of the persons described in subsection (a) of this section in that numerical position, counting sequentially from the first name on the list;

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

(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 (c) of this section have been selected.

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

(2) ~~unless~~ Unless a larger number is designated by the circuit 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
6,000 to 9,999	600	75
2,000 to 5,999	500	75

1 0 to 1,999 250 or 50% of
 2 the registered voters,
 3 whichever is smaller
 4

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

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

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

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

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

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

33 (B) If the computer program is not capable of randomly
 34 selecting names for the jury panels from the ~~voter registration~~ lists of
 35 persons described in subsection (a) of this section or enhanced list of
 36 prospective jurors, the clerks may use the computers and associated equipment

1 for the purpose of creating the master list under subsections (a)–~~(e)~~(d) of
2 this section.

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

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

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

15
16 SECTION 3. Arkansas Code § 16-32-301 is amended to read as follows:
17 16-32-301. Enhanced prospective juror pool.

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

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

25
26 SECTION 4. Arkansas Code § 16-32-302(b), regarding the enhanced list
27 of prospective jurors, is amended to read as follows:

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

33 (2) The Department of Finance and Administration, the Arkansas
34 Crime Information Center, the Department of Health, and the Administrative
35 Office of the Courts shall assist the Secretary of State in developing a
36 process whereby the Secretary of State will create a merged list from the

1 voter registration list, the list of state income tax filers, the list of
2 licensed drivers, and persons issued identification cards under § 27-16-805,
3 who are citizens of the United States and who will be eighteen (18) years of
4 age or older at the time the list is provided to the counties or the
5 Administrative Office of the Courts.

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

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

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

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

29
30 SECTION 5. Arkansas Code § 16-34-106(b)(3)(C), regarding the dates a
31 county may request reimbursement for costs incurred for a payment under § 16-
32 34-103(b)(1), is amended to read as follows:

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

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36 /s/J. Roebuck