

HOUSE BILL No. 5129

October 7, 2003, Introduced by Rep. Howell and referred to the Committee on Judiciary.

[A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1301a, 1303a, 1304, 1304a, 1305, 1307a, 1308, 1309, 1310, 1312, 1313, 1315, 1316, 1317, 1319, 1320, 1321, 1322, 1323, 1324, 1326, 1327, 1328, 1329, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1346, 1347, 1372, and 1375 (MCL 600.1301a, 600.1303a, 600.1304, 600.1304a, 600.1305, 600.1307a, 600.1308, 600.1309, 600.1310, 600.1312, 600.1313, 600.1315, 600.1316, 600.1317, 600.1319, 600.1320, 600.1321, 600.1322, 600.1323, 600.1324, 600.1326, 600.1327, 600.1328, 600.1329, 600.1331, 600.1332, 600.1333, 600.1334, 600.1335, 600.1336, 600.1337, 600.1338, 600.1339, 600.1340, 600.1341, 600.1342, 600.1343, 600.1345, 600.1346, 600.1347, 600.1372, and 600.1375), sections 1301a, 1304, 1310, 1312, and 1375 as amended by 1986 PA 104 and section 1307a as amended by

House Bill No. 5129 as amended November 12, 2003

2002 PA 739; and to repeal acts and parts of acts.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1301a. (1) Except as provided in subsection (2), this
2 chapter ~~shall govern~~ **governs** the selection of juries in the
3 following courts:

4 (a) Circuit court.

5 (b) Probate court.

6 (c) District court.

7 ~~(d) Municipal courts of record.~~

8 (2) Sections 1310, 1311, 1312, 1321(1), 1322, 1323, 1330,
9 1338, and 1343 ~~shall~~ **do** not apply to a court ~~which~~ **that**
10 adopts a method of jury selection described in section 1371.

11 Sec. 1303a. Before members of a jury board ~~enter upon~~
12 **begin** their duties, they shall take a constitutional oath of
13 office before the ~~presiding~~ **chief** circuit judge and file it
14 with the county clerk.

15 Sec. 1304. ~~(1) The jury board shall select from the~~
16 ~~current voter registration lists or books the names of persons as~~
17 ~~provided in this chapter to serve as jurors. This subsection~~
18 ~~applies to jurors summoned for trials beginning before~~

19 ~~September 1, 1987.~~ (2) The jury board shall select from a list
20 ~~which~~ **that** combines the driver's license list and the personal
21 identification cardholder list the names of persons as provided
22 in this chapter to serve as jurors. ~~This subsection applies to~~
23 ~~jurors summoned for trials beginning after August 31, 1987.~~

[Sec. 1304a. (1) The jury board may use electronic and mechanical
devices in carrying out its duties under this chapter.

(2) **The jury board may use the historic method of preparing
separate slips of paper for the second jury list and drawing slips from a
jury board box to determine a panel or array of jurors.]**

24 Sec. 1305. The jury board shall meet annually in the month
25 of May. ~~at the court house.~~ The ~~presiding~~ **chief** circuit judge

1 shall fix the time and place of the annual meeting and may direct
2 the board to meet at other times and places. The board may meet
3 at other times and places necessary to carry out its duties. The
4 secretary of the board shall keep a record of the proceedings of
5 the board. ~~in a book to be provided for that purpose and the~~
6 **The** members of the board shall sign the record, attested by the
7 secretary, which record shall then be evidence in all courts and
8 places of the proceedings of the board.

9 Sec. 1307a. (1) To qualify as a juror a person shall:

10 (a) Be a citizen of the United States, 18 years of age or
11 older, and a resident in the county for which the person is
12 selected, and in the case of a district court in districts of the
13 second and third class, be a resident of the district.

14 (b) Be ~~conversant with~~ **able to communicate in** the English
15 language.

16 (c) Be physically and mentally able to carry out the
17 functions of a juror. Temporary inability shall not be
18 considered a disqualification.

19 (d) Not have served as a petit or grand juror in a court of
20 record during the preceding 12 months.

21 (e) Not have been convicted of a felony.

22 (2) A person more than 70 years of age may claim exemption
23 from jury service and shall be exempt upon making the request.

24 (3) For the purposes of this section and sections 1371 to
25 1376, a person has served as a juror if that person has been paid
26 for jury service.

27 (4) For purposes of this section, "felony" means a violation

House Bill No. 5129 as amended November 12, 2003

1 of a penal law of this state, another state, or the United States
2 for which the offender, upon conviction, may be punished by death
3 or by imprisonment for more than 1 year or an offense expressly
4 designated by law to be a felony.

5 Sec. 1308. On or before each May 1, the ~~presiding~~ **chief**
6 judge of each court of record ~~and district court~~ in the county
7 shall estimate the number of jurors that will be needed by their
8 courts for a 1-year period beginning the following September.
9 This estimate shall be entered on the [~~journal~~ **record**] of the court, and
a

10 copy ~~thereof~~ **of the estimate** shall be certified by the clerk of
11 the court and delivered to the board. In making the estimate,
12 the judge shall consider the number of ~~slips then in the board~~
13 ~~box which may be~~ **names** available for the period for which the
14 estimate is made.

15 Sec. 1309. The board shall secure from the clerk of each
16 court of record ~~and district court~~ in the county, and each
17 clerk shall provide, a list of persons who have served as jurors,
18 pursuant to ~~the provisions of~~ this chapter, in their courts
19 during the preceding 1 year.

20 Sec. 1310. ~~(1) The township or city clerk shall annually~~
21 ~~between April 15 and May 1 deliver to and file with the county~~
22 ~~clerk a full, current, and accurate copy of the voter~~
23 ~~registration cards containing the names and addresses of the~~
24 ~~registered voters. In lieu of a copy of the registration card, a~~
25 ~~full, current, and accurate list of those registered together~~
26 ~~with the current addresses shown on the card may be filed.~~
27 ~~—— (2) The board shall secure from the county clerk, and the~~

~~1 county clerk shall provide, copies of the current voter
2 registration cards or the current voter registration lists for
3 each precinct in the county. The board shall treat the cards and
4 lists as 1 list, with voters grouped either by precinct or by
5 city, township, or village as they may be provided.~~

~~6 (3) The board, in lieu of receiving a list from the county
7 clerk of current registered voters, may, if electronic or
8 mechanical devices are used by the township, city, or village
9 clerks, order the clerks to provide only the names and addresses
10 selected by applying the key number and starting number
11 designated by the board.~~

12 (1) ~~(4) Beginning in 1987, the~~ **The** secretary of state shall
13 transmit annually ~~—~~ before April 15 to the clerk of each county
14 at no expense a full, current, and accurate copy of a list that
15 combines the driver's license list and personal identification
16 cardholder list pertaining to persons residing in the county. At
17 the request of the board before March 1, the secretary of state
18 shall transmit only a first jury list consisting of the names and
19 addresses of persons selected at random, based on the total
20 number of jurors required as submitted to the secretary of state
21 by the board, using electronic or other mechanical devices. Upon
22 request, the secretary of state shall furnish additional lists to
23 any federal, state, or local governmental agency, other than the
24 clerk of each county, for the purpose of jury selection. An
25 agency which requests and receives a list shall reimburse the
26 secretary of state for actual costs incurred in the preparation
27 and transmittal of the list and all reimbursements shall be

1 deposited in the state general fund.

2 **(2)** ~~-(5)-~~ If an agency uses electronic or mechanical devices
3 to carry out its duties, the agency may request and receive a
4 copy of the combined driver's license and personal identification
5 cardholder list on ~~computer tape or another~~ **any** electronically
6 produced medium under specifications prescribed by the secretary
7 of state. The secretary of state shall establish specifications
8 standardizing the size, format, and content of ~~computer tapes~~
9 ~~and other~~ media utilized to transmit information used for jury
10 selection.

11 ~~(6) Subsections (1), (2), and (3) shall not apply after~~
12 ~~December 31, 1986.~~

13 Sec. 1312. ~~-(1)-~~ The board shall apply the key number
14 uniformly to the names on the list received pursuant to section
15 1310 and compile a list or card index, to be known as the first
16 jury list, which shall include every name and only those names as
17 the application of the key number has designated. The board
18 shall do this as follows:

19 ~~(a) Arrange the various voter registration lists into 1~~
20 ~~list. The order in which the lists are arranged or the fact that~~
21 ~~some lists are by precincts, and some lists are alphabetized, is~~
22 ~~not relevant. This subdivision shall not apply after~~
23 ~~December 31, 1986.~~

24 **(a)** ~~-(b)-~~ Select by a random method a starting number
25 between 0 and the key number.

26 **(b)** ~~-(c)-~~ Count down the list the number of names to reach
27 the starting number. That name shall be placed on the first jury

House Bill No. 5129 as amended November 12, 2003

1 list.

2 **(c)** ~~-(d)-~~ Continue from that name counting down the list,
3 beginning to count again with the number 1, until the key number
4 is reached. That name shall be placed on the first jury list.

5 **(d)** ~~-(e)-~~ Repeat the process provided in subdivision ~~-(d)-~~
6 **(c)** until the whole list has been counted and the names placed on
7 the first jury list.

8 **(e)** ~~-(f)-~~ The board shall then remove from the first jury
9 list the name of any person who its records show served, pursuant
10 to the provisions of this chapter, as a petit or grand juror in
11 any court of record ~~or district court~~ in the county at any time
12 in the preceding 1 year.

13 ~~(2) The board may use electronic and mechanical devices in~~
14 ~~carrying out its duties under this section.~~

15 Sec. 1313. **(1)** The board shall supply a juror
16 qualifications questionnaire to persons on the first jury list.
17 This questionnaire shall contain blanks for the information the
18 board desires, concerning qualifications for, and exemptions
19 from, jury service. Persons on the first jury list are required
20 to return the questionnaire fully answered to the jury board
21 within 10 days after it is received.

22 **(2)** In any county, the jury questionnaire described in this
23 section and the written summons notice described in section 1332
24 may be provided together in the same mailing.

[(3) If a qualifying questionnaire is returned with an indication by the United States postal service that the person to whom the questionnaire is addressed is deceased, the name of the person shall be removed from the first juror list and that name and circumstance may be forwarded to the local clerk.]

25 Sec. 1315. The juror qualifications questionnaires shall be
26 kept on file by the board for a period of 3 years but the
27 ~~presiding~~ **chief** circuit judge may order them to be kept on file

1 for a longer period. The answers to the qualifications
2 questionnaires shall not be disclosed except that the ~~presiding~~
3 **chief** circuit judge may order that access be given to the
4 questionnaires and the answers.

5 Sec. 1316. The ~~presiding~~ **chief** circuit judge, or the
6 board, may require any person on the first jury list to appear
7 before a board member at a specified time, for the purpose of
8 testifying under oath or affirmation concerning his **or her**
9 qualification to serve as a juror, in addition to completing the
10 questionnaire. Notice shall be given, personally or by mail, to
11 a person required to appear not less than 7 days before he **or she**
12 is to appear before the board. The board shall hold evening
13 sessions as necessary for the examination of prospective jurors
14 who are unable to attend at other times.

15 Sec. 1317. The board may dispense with the personal
16 attendance of a person notified to appear before the board ~~—~~
17 when another person cognizant of facts which will qualify or
18 disqualify the person from service ~~—~~ or which prevent ~~him~~ **the**
19 **person** from appearing is produced and testifies in his **or her**
20 stead ~~—~~ or when a board member has personal knowledge of facts
21 ~~—~~ and enters them in ~~his~~ **the board member's** report on that
22 person's qualifications.

23 Sec. 1319. The board shall keep a record of the board
24 member's report on each person examined, and a record showing the
25 qualifications to serve as a juror of each person on the first
26 jury list. ~~and whether or not he is a freeholder.~~

27 Sec. 1320. (1) The board shall make a preliminary screening

1 of the qualifications and exemptions of prospective jurors and
2 shall not include in the second jury list the names of persons it
3 finds not qualified or exempt; but the court may decide upon the
4 qualifications and exemptions of prospective jurors upon a
5 written application and satisfactory legal proof at any time
6 after the jurors attend court.

7 (2) If a prospective juror without legal disqualification or
8 exemption ~~shall apply~~ **applies** to the board to be excused from
9 Jury service, the jury board may, with the written approval of
10 the ~~presiding~~ **chief** circuit judge, exclude his **or her** name from
11 the second jury list when it appears that the interests of the
12 public or of the prospective juror will be materially injured by
13 his **or her** attendance ~~—~~ or the health of the juror or that of a
14 member of his **or her** family requires his **or her** absence from
15 court.

[(3) If the name of a person who is deceased is selected for jury service, the name shall be removed from the second jury list and that fact may be forwarded to the local clerk.]

[(4) The trial judge, at his or her discretion, may grant a deferral of jury service to a person if the person claims that serving on the date he or she is called creates a hardship. If the trial judge grants a deferral, the judge shall determine a future date on which the person may serve without hardship, and shall direct the board to call the person on that date.]

16 Sec. 1321. (1) The names of those persons on the first jury
17 list whom the board accepts as persons qualified for and not
18 exempt from jury service shall be compiled into a list ~~or card~~
19 ~~index~~ to be known as the second jury list. ~~The board shall~~
20 ~~write the names and addresses of the persons thus selected, and~~
21 ~~whether or not the records of the board show them to be~~
22 ~~freeholders, on separate slips of paper of the same size and~~
23 ~~appearance as nearly as may be. The board shall fold up each~~
24 ~~slip of paper in the same manner so as to conceal the name~~
25 ~~thereon and shall deposit it at the times herein provided, in a~~
01099'03 DRM

House Bill No. 5129 as amended November 12, 2003 (2 of 2)

26 ~~box, to be called and labeled the board box. The form and~~
27 ~~construction of the board box shall be approved by the chairman~~

1 ~~or president, and may from time to time be changed with his~~
2 ~~approval. Immediately after preparing the slips the board shall~~
3 ~~seal the second jury list.~~ The list shall remain sealed until
4 otherwise ordered by the ~~presiding~~ **chief** circuit judge.

5 (2) The board shall make an additional list consisting of the
6 names on the second jury list segregated by the geographical area
7 of the jurisdiction of each district court **district**. If there
8 are not sufficient names on ~~such~~ **the** segregated list for any
9 district court **district**, the board shall apply again the key
10 number to that district only and obtain as many additional jurors
11 as needed for ~~such~~ **that** district.

12 Sec. 1322. The first deposit of ~~slips~~ **names** shall take
13 place as soon as the ~~slips are~~ **second jury list is** prepared.
14 ~~Slips drawn under previous statutes shall first be removed.~~
15 Subsequent deposits shall be made when the supply of ~~slips in~~
16 ~~the board box~~ **names** is exhausted. An earlier deposit may be
17 ordered by the ~~presiding~~ **chief** circuit judge. The board shall
18 keep a record of the number of ~~slips~~ **names** deposited, and the
19 number withdrawn, and **upon request** shall inform the ~~presiding~~
20 **chief** circuit judge of the number of ~~slips~~ **names** remaining. ~~in~~
21 ~~the board box on request, without opening the box.~~ Nothing
22 ~~herein shall affect~~ **in this section affects** the validity of a
23 panel of jurors ~~which~~ **that** was drawn for a term of court before
24 the first deposit of ~~slips~~ **names** as provided ~~herein~~ **in this**
25 **section**.

26 Sec. 1323. If the ~~slips~~ **names** are not to be immediately
27 ~~deposited in the board box~~ **used**, they shall be sealed up by the

1 board and remain in the custody of the board ~~to be deposited~~
2 ~~when the previous supply of slips in the board box is exhausted~~
3 **until additional names are needed** or when ordered by the
4 ~~presiding~~ **chief** circuit judge.

5 Sec. 1324. (1) From time to time, the ~~presiding~~ **chief**
6 judge of each court of record ~~and district court~~ in the county
7 shall order the board to ~~draw~~ **select** jurors for jury service.
8 Each such order shall contain **all of** the following information:

9 (a) A time limit within which the ~~drawing~~ **selection** shall
10 be completed.

11 (b) The number of jurors to be ~~drawn~~ **selected** for a panel.

12 (c) The number of panels to be ~~drawn~~ **selected**.

13 (d) The court or courts in which each panel shall serve.

14 (e) The period of service of each panel, subject to ~~the~~
15 ~~provisions of~~ section 1343.

16 (2) Upon the order of the ~~presiding~~ **chief** circuit judge,
17 jury panels or parts of jury panels ~~drawn~~ **selected** for any
18 court in the county may be used for jury selection in any court
19 of record ~~or~~ in the ~~district court~~ **county**, if jurors on the
20 panel or part of a panel selected for such use are otherwise
21 eligible to serve as jurors in the particular court.

22 (3) If a city located in more than 1 county is placed
23 entirely within a single district of the district court pursuant
24 to ~~the provisions of~~ chapter 81, the supreme court by rule
25 shall specify the procedure for compiling the second jury list
26 for that district court **district** so as to include names and
27 addresses of residents from the parts of the counties which

1 comprise ~~such~~ **that** district.

2 Sec. 1326. If a grand jury is ordered by the court, or
3 required by statute, the board shall ~~draw~~ **select** the names of a
4 sufficient number of persons, as determined by the ~~presiding~~
5 **chief** circuit judge, to serve as grand jurors in accordance with
6 the provisions of section 11 of chapter ~~7~~ **VII** of ~~Act No. 175~~
7 ~~of the Public Acts of 1927, as amended, being section 767.11 of~~
8 ~~the Compiled Laws of 1948~~ **the code of criminal procedure, 1927**
9 **PA 175, MCL 767.11.** The names shall be ~~drawn~~ **selected** in the
10 same manner and from the same source as petit jurors. The term
11 of service of grand jurors shall be as prescribed by section 7a
12 of chapter ~~7~~ **VII** of ~~Act No. 175 of the Public Acts of 1927, as~~
13 ~~added, being section 767.7a of the Compiled Laws of 1948~~ **the**
14 **code of criminal procedure, 1927 PA 175, MCL 767.7a.**

15 Sec. 1327. ~~A drawing~~ **The selection** of jurors shall take
16 place in public within the time limit fixed by the ~~presiding~~
17 **chief** circuit judge and at a time and place designated by the
18 board. At the time and place appointed, the clerk or ~~his~~ **the**
19 **clerk's** deputy ~~—~~ and a judge or an elected official ~~—~~ other
20 than the clerk, as designated by the ~~presiding~~ **chief** judge,
21 shall attend to witness and assist in the ~~drawing~~ **selection** of
22 jurors.

23 Sec. 1328. The board shall proceed in the ~~drawing~~ as
24 hereinafter provided. ~~An~~ **selection of jurors in a random manner**
25 **as ordered by the chief circuit judge as provided in this**
26 **section. A board member or an** employee of the board ~~—~~ ~~or a~~
27 ~~board member,~~ shall shake or turn the board box to fairly mix the

1 ~~slips of paper deposited therein without exposing them. The~~
2 ~~employee or board member, in the presence of the officer or~~
3 ~~officers attending, without seeing the names on the slips, shall~~
4 ~~then draw publicly from the box the names of as many jurors as~~
5 ~~were ordered by the judge. An attending officer or board member~~
6 ~~or an employee of the board shall keep a minute of the drawing,~~
7 ~~in which he shall enter the name written on every slip of paper~~
8 ~~drawn before any other slip is drawn. shall keep a record of the~~
9 **selection process, listing the names of jurors selected.** If the
10 name of a person is ~~drawn~~ **selected** who is not qualified to
11 serve as a juror to the knowledge of any member of the board, an
12 entry of this fact shall be made on the ~~minute of the drawing,~~
13 ~~the slip of paper containing his name shall be destroyed, and~~
14 ~~another slip then drawn in place of that destroyed. The minutes~~
15 ~~of the drawing~~ **record and that person shall be excused. A**
16 **record of the selection process** shall **then** be signed by the board
17 member ~~and the attending officers~~ and filed in the office of
18 the board. The signature ~~shall constitute~~ **constitutes** a
19 certificate that the ~~minutes are~~ **record is** correct and that all
20 provisions of law have been complied with.

21 Sec. 1329. (1) The legality or regularity of the ~~drawing~~
22 **selection of jurors** shall not be questioned if the ~~minutes~~
23 **record** of the ~~drawing are~~ **selection is** properly signed. If the
24 name of any person not qualified to serve as a juror is included
25 in the names ~~drawn~~ **selected**, this fact shall not be a ground of
26 challenge to the array, but only a ground of personal challenge
27 to the person shown to be so disqualified.

1 (2) If the jurors were ~~drawn~~ **selected** in accordance with
2 this act and the rules of the court, it is not a ground of
3 challenge to a panel or array of jurors that the person who
4 ~~drew~~ **selected** them was a party or interested in the cause —
5 or was counsel or attorney for, or related to, either party
6 ~~therein~~ **in the cause**.

7 (3) If the jurors were ~~drawn~~ **selected** in accordance with
8 this act and the rules of the court, it is not a ground of
9 challenge to a panel or array of jurors that they were summoned
10 by the sheriff who was a party — or interested in the cause, or
11 related to either party ~~therein~~ **in the cause**, unless it is
12 alleged in the challenge and satisfactorily shown that some of
13 the jurors ~~drawn~~ **selected** were not summoned — and that this
14 omission was intentional.

15 Sec. 1331. The board shall deliver to the clerk lists
16 containing the names and addresses of the jurors ~~drawn~~
17 **selected**.

18 Sec. 1332. The clerk, **jury board**, or sheriff shall summon
19 jurors for court attendance at such times and in such manner as
20 directed by the ~~presiding~~ **chief** judge or by the judge to whom
21 the action in which jurors are being called for service is
22 assigned. For a juror's first required court appearance, service
23 shall be by a written notice addressed to ~~him~~ **the juror** at
24 ~~his~~ **the juror's** place of residence as shown by the records of
25 the board, which notice may be by ordinary mail or by personal
26 service. For subsequent service notice may be in any manner
27 directed by the judge. The officer giving notice to jurors shall

1 keep a record ~~thereof~~ **of the service of the notice** and shall
2 make a return if directed by the court. ~~Such~~ **The** return shall
3 be presumptive evidence of the fact of service.

4 Sec. 1333. A person who is notified to attend as a juror
5 may apply to the ~~presiding~~ **chief** judge of the court to be
6 excused or have his **or her** term of service postponed on any
7 ground ~~herein~~ **provided in this chapter**. He **or she** may apply in
8 person or by a person capable of making the necessary proof of
9 his **or her** claim. An entry of the action of the ~~presiding~~
10 **chief** judge upon the application and of the reason ~~therefor~~ **for**
11 **that action** shall be made on the records of the court.

12 Sec. 1334. (1) The ~~presiding~~ **chief** judge may excuse any
13 juror or jurors from attendance without pay for any portion of
14 the term. The ~~presiding~~ **chief** judge shall excuse jurors from
15 attendance on days when it is not expected that they will be
16 required. The ~~presiding~~ **chief** judge may postpone the service
17 of a juror to a later term of court if the juror has not been
18 called for voir dire examination in any action.

19 (2) The judge presiding at the trial of an action may excuse
20 jurors from attendance at ~~such~~ **that** trial for cause.

21 Sec. 1335. (1) The ~~presiding~~ **chief** judge of the court to
22 which a person is returned as a juror may excuse ~~him~~ **the person**
23 from serving when it appears that the interests of the public or
24 of the individual juror will be materially injured by his **or her**
25 attendance — or the health of the juror or that of a member of
26 his **or her** family requires his **or her** absence from court.

27 (2) The ~~presiding~~ **chief** judge of the court to which a

1 person is returned as a juror shall postpone ~~his~~ **the person's**
2 term of service until the end of the school year if the person is
3 a full-time student enrolled in and attending high school.

4 Sec. 1336. If the ~~presiding~~ **chief** judge finds that the
5 number of jurors in attendance is greater than that needed, ~~he~~
6 **the chief judge** may order the panel or any part ~~thereof~~ **of the**
7 **panel** discharged for the balance of its term or excused until a
8 day certain ~~therein~~ **in the term**. Any juror discharged, but not
9 excused, under this section ~~shall be deemed~~ **is considered** to
10 have served his **or her** term of service but shall receive
11 compensation only for the time of his **or her** actual service on
12 the panel.

13 Sec. 1337. When the court finds that a person in attendance
14 ~~upon the~~ **at** court as a juror is not qualified to serve as a
15 juror, or is exempt and claims an exemption, the court shall
16 discharge him **or her** from further attendance and service as a
17 juror.

18 Sec. 1338. ~~(1)~~ When any person is excused from serving on
19 the ground that he **or she** is exempt by law from serving on juries
20 ~~,~~ or **is** not qualified to serve as a juror, the clerk of the
21 court shall ~~destroy the slip containing~~ **remove** the name of that
22 person **from the second jury list**.

23 ~~(2) The slip containing the name of any person whose time~~
24 ~~of service is postponed shall not be returned to the board box.~~

25 Sec. 1339. The ~~presiding~~ **chief** judge shall report to the
26 board the names of all jurors whose service has been postponed to
27 a subsequent time, and the names shall be placed upon the list of

1 jurors ~~drawn~~ **selected** for that time. ~~No more names shall be~~
2 ~~drawn from the board box than are sufficient to make up the~~
3 ~~number ordered by adding the names of the jurors so postponed to~~
4 ~~the names then drawn.~~

5 Sec. 1340. The clerk of the court **or the clerk's designee**,
6 within 10 days after the close of each term for which jurors have
7 been ~~drawn~~ **selected**, shall ~~deliver to the board his~~
8 ~~certificate specifying distinctly and in detail~~ **certify** as
9 follows:

10 (a) The name and residence of each juror who was excused or
11 discharged by the court, with the reason ~~therefor~~ **for the**
12 **excuse or discharge.**

13 (b) The name and residence of each person notified who did
14 not attend or serve.

15 (c) The name and residence of each person punished for
16 contempt as provided in this chapter.

17 Sec. 1341. The ~~presiding~~ **chief** judge of a court may order
18 additional jurors ~~drawn~~ **selected** by the board for service
19 during the period of service of a jury panel or a part ~~thereof~~
20 **of a panel.** A judge of a court of record ~~or district court~~ may
21 order additional jurors ~~drawn~~ **selected** by the board for
22 immediate service in a particular case. The order shall specify
23 the number to be ~~drawn,~~ **selected** and the time and place of
24 ~~drawing~~ **selection.** If additional jurors are needed for
25 immediate service in a particular case, any member of the jury
26 board may conduct the ~~drawing~~ **selection** if witnessed by the
27 clerk or ~~his~~ **the clerk's** deputy and by the judge ordering the

1 ~~drawing~~ **selection.** Jurors whose names are so ~~drawn~~ **selected**
2 shall be given notice to attend court in ~~such~~ **the** manner ~~as~~
3 **that** the court directs. Additional jurors so ~~drawn~~ **selected**
4 shall become members of the panel then serving unless otherwise
5 directed by the ~~presiding~~ **chief** judge.

6 Sec. 1342. If the board fails to meet and return the second
7 jury list at the time prescribed — or if any list of jurors
8 becomes exhausted or declared illegal, the ~~presiding~~ **chief**
9 circuit judge may order the board to meet and make a new list of
10 jurors.

11 Sec. 1343. The term of service of petit jurors shall be
12 determined by local court rule but shall not exceed the term of
13 court, unless at the end of this period a juror is serving in
14 connection with an unfinished case, in which event ~~he~~ **the juror**
15 shall continue to serve, in that case only, until the case in
16 which he **or she** is serving is finished. Once commenced, the term
17 of service shall be continuous except as provided in sections
18 1334 to 1336.

19 Sec. 1345. A board member shall report to the prosecuting
20 attorney and the ~~presiding~~ **chief** circuit judge the name of any
21 person who in any manner seeks by request, hint, or suggestion to
22 influence the board or its members in the selection of any
23 juror.

24 Sec. 1346. The following acts are punishable by the circuit
25 court as contempts of court:

26 (a) Failing to answer the questionnaire provided for in
27 section 1313.

1 (b) Failing to appear before the board or a member ~~thereof~~
2 **of the board**, without being excused at the time and place
3 notified to appear.

4 (c) Refusing to take an oath or affirmation.

5 (d) Refusing to answer questions pertaining to his **or her**
6 qualifications as a juror, when asked by a member of the board.

7 (e) Failing to attend court, without being excused, at the
8 time specified in the notice, or from day to day, when summoned
9 as a juror.

10 (f) Giving a false certificate, ~~or~~ making a false
11 representation, or refusing to give information ~~which~~ **that** he
12 **or she** can give affecting the liability or qualification of a
13 person other than himself **or herself** to serve as a juror.

14 (g) Offering, promising, paying, or giving money or anything
15 of value to, or taking money or anything of value from, a person,
16 firm, or corporation for the purpose of enabling himself **or**
17 **herself** or another person to evade service or to be wrongfully
18 discharged, exempted, or excused from service as a juror.

19 (h) Tampering unlawfully in any manner with a jury list ~~or~~
20 ~~the board box, the jury box or the slips~~ **or the jury selection**
21 **process**.

22 (i) ~~Wilfully~~ **Willfully** doing or omitting to do an act with
23 the design to subvert the purpose of this act.

24 (j) ~~Wilfully~~ **Willfully** omitting to put on the jury list the
25 name of a person qualified and liable for jury duty.

26 (k) ~~Wilfully~~ **Willfully** omitting to prepare or file a list
27 or slip.

House Bill No. 5129 as amended November 12, 2003

1 (l) Doing ~~,~~ or omitting to do ~~,~~ an act with the [design
2] to prevent the name of a person qualified and liable to
3 serve as a juror from being placed ~~in the board box or jury~~
4 ~~box,~~ **on a jury list** or from being ~~drawn~~ **selected** for service
5 as a juror.

6 (m) ~~Willfully~~ **Willfully** placing the name of a person upon a
7 list ~~,~~ ~~or preparing a slip with the name of a person thereon or~~
8 ~~placing a slip in the jury box with the name of a person~~
9 ~~thereon,~~ who is not qualified as a juror.

10 Sec. 1347. (1) A person ~~drawn~~ **selected** or summoned as a
11 juror who takes anything to give his **or her** verdict or receives
12 any gift or gratuity from any party to an action for the trial of
13 which he **or she** has been ~~drawn~~ **selected** or summoned is liable
14 to the party aggrieved for actual damages sustained plus 10 times
15 the amount or value of the thing which he **or she** has taken, in
16 addition to any criminal punishment to which he **or she** may be
17 subject by law.

18 (2) An ~~embracer~~ **embraceor** who procures a person ~~drawn~~
19 **selected** or summoned as a juror to take gain or profit ~~contrary~~
20 ~~to the provisions of~~ **as prohibited under** subsection (1) is
21 liable to the aggrieved party for the actual damages sustained
22 plus 10 times the amount or value of the thing which was taken.

23 Sec. 1372. (1) Sections 1371 to 1376 ~~shall~~ apply only to
24 those districts of the district court, circuits of the circuit
25 court, and county or probate court districts of the probate court
26 ~~,~~ ~~a common pleas court, and municipal courts of record which~~
27 **that** adopt the ~~one~~ 1 day, ~~one~~ 1 trial jury system.

House Bill No. 5129 as amended November 12, 2003

1 (2) Any court in this state may adopt a ~~one~~ 1 day, ~~one~~ 1
2 trial jury system.

3 [

4

5

6

7

8

9

10

11

12

13

14]

15 Sec. 1375. ~~(1) The township or city clerk shall annually~~
16 ~~between April 15 and May 1 deliver to and file with the county~~
17 ~~clerk a full, current, and accurate copy of the voter~~
18 ~~registration cards containing the names and addresses of the~~
19 ~~registered voters. In lieu of a copy of the registration card, a~~
20 ~~full, current, and accurate list of those registered together~~
21 ~~with the current addresses shown on the card may be filed. The~~
22 ~~clerk shall provide a monthly update of the list or of the~~
23 ~~registration cards to the county clerk.~~

24 ~~—— (2) If electronic or mechanical devices are used by the~~
25 ~~township, city, or village clerk, the clerk shall provide a copy~~
26 ~~of the list on computer tapes, punch card, or in any other form~~
27 ~~as ordered by the board.~~

1 ~~—— (3) The board shall secure from the county clerk, and the~~
2 ~~county clerk shall provide, copies of the current voter~~
3 ~~registration cards or the current voter registration lists for~~
4 ~~each precinct in the county. The board shall treat the cards and~~
5 ~~lists as 1 list, with voters grouped either by precinct or by~~
6 ~~city, township, or village as they may be provided.~~

7 ~~—— (4) The board, in lieu of receiving a list from the county~~
8 ~~clerk of current registered voters, may, if electronic or~~
9 ~~mechanical devices are used by the township, city, or village~~
10 ~~clerks, order the clerk to provide only the names and addresses~~
11 ~~selected by applying the key number and starting number~~
12 ~~designated by the board.~~

13 (1) ~~—(5) Beginning in 1987, the~~ **The** secretary of state shall
14 transmit annually, before April 15, to the clerk of each county a
15 full, current, and accurate copy of a list that combines the
16 driver's license and personal identification cardholder lists
17 pertaining to persons residing in the county. At the request of
18 the board before March 1, the secretary of state shall transmit
19 only a first jury list consisting of the names and addresses of
20 persons selected at random, based on the total number of jurors
21 required as submitted to the secretary of state by the board,
22 using electronic or other mechanical devices. Upon request, the
23 secretary of state shall furnish additional lists to any other
24 federal, state, or local governmental agency, other than the
25 clerk of each county, for the purpose of jury selection. An
26 agency which requests and receives a list shall reimburse the
27 secretary of state for actual costs incurred in the preparation

House Bill No. 5129 as amended November 12, 2003

1 and transmittal of the list and all reimbursements shall be
2 deposited in the state general fund.

3 (2) ~~-(6)-~~ If an agency uses electronic or mechanical devices
4 to carry out its duties, the agency may request and receive a
5 copy of the combined driver's license and personal identification
6 cardholder list on computer tape or another electronically
7 produced medium under specifications prescribed by the secretary
8 of state. The secretary of state shall establish specifications
9 standardizing the size, format, and content of computer tapes and
10 other media utilized to transmit information used for jury
11 selection.

12 ~~(7) Subsections (1), (2), (3), and (4) shall not apply after~~
13 ~~December 31, 1986.~~

[Enacting section 1. Section 1374 of 1961 PA 236, MCL 600.1374, is
repealed.]

14 Enacting section [2]. This amendatory act takes effect
15 January 1, 2004.