

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/8/17
A Bill

HOUSE BILL 1764

By: Representative Maddox
By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT REMOVING REFERENCES IN THE ARKANSAS CODE TO JURY COMMISSIONERS, WHICH NO LONGER EXIST; AND FOR OTHER PURPOSES.

Subtitle

REMOVING REFERENCES IN THE ARKANSAS CODE TO JURY COMMISSIONERS, WHICH NO LONGER EXIST.

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

SECTION 1. Arkansas Code § 5-53-133 is repealed.

~~5-53-133. Approaching jury commissioners to influence juror selections.~~

~~(a)(1) It is unlawful for any person to approach any jury commissioner for the purpose of having any person placed upon a grand jury or petit jury after the circuit judges of any district in this state have appointed jury commissioners to select grand jurors and petit jurors to serve in the circuit courts of this state.~~

~~(2) Any person violating this subsection is guilty of a Class D felony.~~

~~(b) If any state, county, city, or township official approaches any jury commissioner for the purpose of having any person placed upon the grand jury or petit jury, he or she is guilty of a Class D felony.~~

~~(c) If any licensed attorney approaches any jury commissioner for the purpose of having any person placed upon the grand jury or petit jury, he or~~



~~she is guilty of a Class D felony.~~

~~(d) It is the duty of the circuit judges to instruct jury commissioners in regard to the provisions of this section.~~

SECTION 2. Arkansas Code § 7-5-807(c), concerning a grand jury investigation into an election illegality, is amended to read as follows:

(c) Should a special term be called, it shall in all respects be as if convened by law. The circuit judge shall cause to be summoned grand and petit jurors, either on lists selected by ~~the jury commissioners,~~ by the sheriff, or by disinterested persons selected by him or her for that purpose, according to his or her opinion as to the best method to select unbiased jurors.

SECTION 3. Arkansas Code § 16-13-224(e), concerning a temporary exchange of districts by a circuit court judge, is amended to read as follows:

(e) If a circuit judge who is on temporary duty by exchange or assignment needs a jury for the disposition of any case, he or she may use the regular or special panel of the circuit court of that county. If the regular and special panels are exhausted, he or she may summon the ~~jury commissioners previously appointed and have them~~ circuit clerk and have him or her select the required number of qualified jurors.

SECTION 4. Arkansas Code § 16-30-101 is amended to read as follows:

16-30-101. Multijudge and divided circuits.

(a) In multijudge circuits, the circuit judges may select one (1) of their number to perform any of the duties imposed upon a judge by this act.

(b) Divisions of any circuit court may either have separate ~~jury commissioners and~~ jurors, or the circuit judges by concurrence may share a ~~single set of commissioners,~~ a single jury wheel or box, or a single list of jurors.

SECTION 5. Arkansas Code § 16-32-108 is amended to read as follows:

16-32-108. Additional jurors.

(a)(1) If at any time it appears that a sufficient number of qualified jurors are not available to try scheduled cases, additional names may be

drawn and recorded in the jury book in open court or randomly selected by computer program described in § 16-32-103. These jurors shall be summoned as provided in § 16-32-106(b).

(2)(A) ~~The circuit judge may, at any time, in the exercise of his or her discretion,~~ direct the ~~jury commissioners~~ circuit clerk who selected the original names placed in the jury wheel or jury box, ~~or new commissioners designated by him or her, to meet and~~ to submit the names and last known addresses of additional registered voters whom the ~~commissioners~~ circuit clerk shall select in the manner provided by § 16-32-103(a)-(d).

(B) These names and addresses shall be placed by the ~~commissioners~~ circuit clerk within the jury wheel or box when it is next unlocked in open court and prior to any additional drawing of jurors, and a master list shall be presented to the court as provided in § 16-32-103(a)-(d).

(b) The drawing and recording of additional jurors pursuant to subdivisions (a)(1) and (2) of this section may be accomplished by a computerized random jury selection process.

SECTION 6. Arkansas Code § 16-32-109 is amended to read as follows:
16-32-109. Selection upon challenge by litigant.

(a)(1) A challenge to the use of the names selected by ~~the jury commissioners~~ the circuit clerk and placed in the jury wheel or box for the drawing of trial panels ~~therefrom~~ from the jury wheel or box may be made only by a litigant in a particular case.

(2)(A) If the trial judge sustains the challenge to the use of names in the jury wheel or box for the drawing of trial jurors, he or she shall ~~appoint a jury commission of not less than three (3) persons, qualified and sworn as commissioners as provided by law,~~ instruct the circuit clerk to select such a number of persons as the trial judge may designate from the current voter registration list in the manner provided by § 16-32-103(a)-(d).

(B) The list of persons, upon being summoned, shall constitute the panel of jurors for the trial of the cause.

(3) If the panel is exhausted prior to the formation of the trial jury for any reason, ~~the commissioners shall be reconvened and the~~ trial judge shall instruct the circuit clerk to select additional names ~~selected~~ as provided for in this section and ~~placed~~ place the additional

names on the list to be summoned as special jurors in such numbers as is deemed necessary to complete the jury for the trial of the cause.

(b)(1) A challenge to the jury drawn from the jury wheel or box may be made by a litigant in a particular case and shall be sustained by the court if it ~~shall appear~~ appears that there was a substantial irregularity in the drawing or summoning of the jury.

(2) In such a case, the court shall order, in open court, another panel drawn for the trial of the case and other cases in which a similar challenge is sustained.

SECTION 7. Arkansas Code § 16-32-201(a)(2), concerning the selection of a grand jury, is amended to read as follows:

(2)(A) Circuit courts to which criminal cases are assigned may call grand jurors from the jury wheel or box from which petit jurors are drawn, or the circuit judge may direct the ~~jury commissioners~~ circuit clerk to provide the minimum number of names for a separate grand jury wheel or box in the minimum number set forth in § 16-32-103(a)-(d).

(B) In the event the circuit judge directs the ~~jury commissioners~~ circuit clerk to provide the minimum number of names for a separate grand jury wheel or box, the ~~jury commissioners~~ circuit clerk shall select the names of persons whom ~~they believe~~ the circuit clerk believes to be qualified from the current voter registration list or the enhanced prospective juror list authorized by § 16-32-302.

/s/Maddox