

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1367

By: Representatives Painter, Vaught

By: Senator J. Boyd

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE PROCESS OF
JURY SELECTION; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE PROCESS
OF JURY SELECTION.

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

SECTION 1. Arkansas Code § 16-31-101 is amended to read as follows:
16-31-101. Qualifications.

(a) Every licensed driver or, in counties where an enhanced prospective jury list is utilized, every registered voter, licensed driver, or person issued an identification card under § 27-16-805, who is a citizen of the United States, eighteen (18) years of age or older, and a resident of the State of Arkansas and of the county in which he or she may be summoned for jury service is legally qualified to act as a grand or petit juror if not otherwise disqualified under the express provisions of this act.

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

(a) During the month of November or December of each year, the prospective jurors for the following calendar year shall be selected from



among the current list of ~~registered voters~~ licensed drivers of the applicable district or county 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 of licensed drivers 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~~ licensed driver 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~~ licensed driver, the third selection would be the two hundred sixty-seventh ~~registered voter~~ licensed driver, and so forth until the current ~~registered voter~~ licensed driver list 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 have been selected.

(b) The number of persons to be selected shall be based upon the number of qualified ~~registered voters~~ licensed drivers in the appropriate district or county as reflected by the current list of ~~registered voters~~ licensed drivers provided by the ~~county clerk under legal requirements~~ Department of Finance and Administration and, unless a larger number is designated by the circuit judge, the minimum number selected shall be as follows:

Number of Registered Voters <u>Licensed Drivers</u>	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~~ licensed drivers,
whichever is smaller

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

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

(3) Clerical employees shall take the following oath:

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

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

(e)(1)(A) All circuit clerks who maintain on computers ~~voter registration~~ licensed drivers lists or the enhanced list of prospective jurors authorized by § 16-32-302, whether in-house or contracted, may utilize the computers and associated equipment for the purpose of selecting jury panels from the ~~voter registration~~ licensed drivers lists or the enhanced list of prospective jurors instead of compiling a master list under subsections (a)-(c) of this section if the computer program is capable of randomly selecting names for the jury panels from the ~~voter registration~~ licensed drivers lists or enhanced list of prospective jurors.

(B) If the computer program is not capable of randomly selecting names for the jury panels from the ~~voter registration~~ licensed drivers lists or enhanced list of prospective jurors, the clerks may use the computers and associated equipment for the purpose of creating the master list under subsections (a)-(c) of this section.

(2) The master list of jurors' names and addresses shall not be available for public inspection, publication, or copying, but it may be examined in the presence of the circuit judge by litigants or their attorneys

who desire to verify that names drawn from the wheel or box were placed there in the manner provided in this act by the commissioners.

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

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

SECTION 3. Arkansas Code § 16-32-104(b), concerning the jury wheel or box, is amended to read as follows:

(b) The courts are authorized to use a computer program that is capable of random selection of names from the list of ~~registered voters~~ licensed drivers or the enhanced list of prospective jurors authorized under § 16-32-302 instead of maintaining the jury wheel or box required under subdivisions (a)(1)-(4) of this section.

SECTION 4. Arkansas Code § 16-32-108(2)(A), concerning additional jurors, is amended to read as follows:

(2)(A) The circuit judge may direct the circuit clerk who selected the original names placed in the jury wheel or box to submit the names and last known addresses of additional ~~registered voters~~ licensed drivers whom the circuit clerk shall select in the manner provided by § 16-32-103(a)-(d).

SECTION 5. Arkansas Code § 16-32-109(a)(2)(A), concerning selection of trial juror upon challenge by litigant, is amended to read as follows:

(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 instruct the circuit clerk to select such a number of persons as the trial judge may designate from the current ~~voter registration~~ licensed drivers list in the manner provided by § 16-32-103(a)-(d).

SECTION 6. Arkansas Code § 16-32-201(a)(2)(B), concerning the selection of grand jury, is amended to read as follows:

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

SECTION 7. Arkansas Code § 16-32-301 is amended to read as follows:
16-32-301. Enhanced prospective juror pool.

(a) The pool of names from which prospective jurors are chosen may be expanded from the list of ~~registered voters~~ licensed drivers to include the list of ~~licensed drivers~~ registered voters and persons issued an identification card under § 27-16-805.

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

SECTION 8. Arkansas Code § 16-32-302(b)(1), concerning an enhanced list of prospective jurors, is amended to read as follows:

16-32-302. Enhanced list of prospective jurors.

(b)(1) The Secretary of State shall receive from the Department of Finance and Administration and county clerk and the Department of Finance and administration at mutually agreeable times each year a list of all licensed drivers, registered voters, and persons issued identification cards under § 27-16-805 who are citizens of the United States and sixteen (16) years of age or older.

SECTION 9. Arkansas Code § 16-32-303(a), concerning judicial determination of need for an expanded list, is amended to read as follows:

(a) The administrative circuit judge for each county shall determine that either the list of ~~registered voters~~ licensed drivers or the enhanced list, but not both, shall be utilized in the selection of all prospective jurors for all circuit court divisions within the county, based upon a consideration of whether the use of ~~registered voters~~ licensed drivers creates a sufficient pool for the selection of jurors to offer an adequate cross section of the community.