

SENATE BILL NO. 120

INTRODUCED BY OCHSNER, HAGER, LEE

IN THE SENATE

January 14, 1981	Introduced and referred to Committee on Judiciary.
February 2, 1981	Fiscal note requested.
February 9, 1981	Fiscal note returned.
	Committee recommend bill do pass as amended. Report adopted.
February 10, 1981	Bill printed and placed on members' desks.
February 11, 1981	Second reading, do pass as amended.
February 12, 1981	Correctly engrossed.
February 13, 1981	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

February 14, 1981	Introduced and referred to Committee on Judiciary.
March 11, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 14, 1981	Second reading, concurred in as amended.
March 17, 1981	Third reading, concurred in as amended. Ayes, 95; Noes, 0.

IN THE SENATE

March 18, 1981

Returned from House with amendments.

March 19, 1981

Second reading, amendments concurred in.

March 21, 1981

Third reading, amendments concurred in. Ayes, 48; Noes, 0. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *120*
 2 INTRODUCED BY *O'Chene* *Huger* *Lee*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 5 CLARIFY THE LAW RELATING TO JURIES; AMENDING SECTIONS
 6 3-15-201, 3-15-202, 3-15-312, 3-15-314, 3-15-401, 3-15-403,
 7 3-15-503, 3-15-505, 3-15-506, MCA; AND REPEALING SECTIONS
 8 3-15-202 AND 3-15-508, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 3-15-201, MCA, is amended to read:

12 "3-15-201. Fees in courts of record. (1) A grand or
 13 trial juror ~~jury panel member~~ shall receive \$12 per day for
 14 attendance before any court of record and a mileage
 15 allowance, as provided in 2-18-503, for traveling each way
 16 between his residence and the county seat. ~~Those jurors~~
 17 ~~selected from the panel for a case shall receive an~~
 18 ~~additional \$13 a day while serving.~~

19 (2) A juror who is excused from attendance upon his
 20 own motion on the first day of his appearance in obedience
 21 to notice or who has been summoned as a special juror and
 22 not sworn in the trial of the case, ~~in the discretion of the~~
 23 ~~court, may receive shall forfeit~~ per diem and mileage."

24 Section 2. Section 3-15-312, MCA, is amended to read:

25 "3-15-312. Discharge ~~by court of juror~~. The ~~court~~ A

1 ~~person must discharge a person be discharged~~ from serving as
 2 a trial juror in either of the following cases:

3 (1) when it satisfactorily appears that the person is
 4 not competent; or

5 (2) when it satisfactorily appears that the person is
 6 exempt and claims the benefit of exemption."

7 Section 3. Section 3-15-314, MCA, is amended to read:

8 "3-15-314. Affidavit of claim to exemption. (1) If a
 9 person exempt ~~requests an exemption~~ from liability to act as
 10 a juror ~~as provided in 3-15-311 be summoned as a juror~~, he
 11 may make and transmit his affidavit to the ~~clerk jury~~
 12 ~~commissioner~~ of the court for which he is summoned, stating
 13 his ~~office, occupation, or employment~~ reason for exemption.

14 (2) ~~Such affidavit must be delivered by the clerk to~~
 15 ~~the judge of the court where the name of such person is~~
 16 ~~called and if~~ If the affidavit is sufficient in substance,
 17 it must be received as evidence of his a person's right to
 18 exemption and as an excuse for nonattendance in person. The
 19 affidavit must then be filed by the ~~clerk jury~~
 20 ~~commissioner~~."

21 Section 4. Section 3-15-401, MCA, is amended to read:

22 "3-15-401. Jury lists -- by whom and when made. The
 23 chairman or, in his absence, any member of the board of
 24 county commissioners and the county clerk and recorder of
 25 each county must meet at the county seat of each county at

1 the office of the county clerk and recorder on the second
 2 Monday of ~~December~~ June of each year for the purpose of
 3 making a list of persons to serve as trial jurors for the
 4 ensuing year. If they fail to meet on the day specified in
 5 this section, they must meet as soon thereafter as
 6 practicable."

7 Section 5. Section 3-15-403, MCA, is amended to read:

8 "3-15-403. Lists delivered to clerk. A list of the
 9 names of the persons selected, showing the place of
 10 residence and other proper particulars regarding each of
 11 them, so far as those particulars can be conveniently
 12 ascertained, must be made out and signed by the officers or
 13 a majority of them. Within 5 15 days after the meeting, the
 14 list must be delivered by those officers to the clerk of the
 15 district court and filed by him in his office."

16 Section 6. Section 3-15-502, MCA, is amended to read:

17 "3-15-502. ~~District---judge---to---draw---jury~~ Jury
 18 commissioner. Immediately after the order mentioned in
 19 3-15-501 has been made, the district judge shall in the
 20 presence of the clerk of the court proceed to draw the
 21 jurors by number from the jury box. The clerk of court is
 22 the jury commissioner, who in the presence of a person
 23 designated by the court, shall select the panel, excuse
 24 exempt jurors, and generally take charge of the jury
 25 administration under the supervision of the court."

1 Section 7. Section 3-15-503, MCA, is amended to read:

2 "3-15-503. Drawing -- how conducted. (1) The clerk
 3 shall place the box on a rod so that it may readily revolve.
 4 The box must be revolved a sufficient number of times to
 5 ensure that the numbered slips in it become thoroughly
 6 mixed. Thereafter the ~~judge~~ jury commissioner shall draw
 7 from the box, one at a time, as many of the numbered slips
 8 as are ordered by the court.

9 (2) A record of the drawing shall be entered in the
 10 minutes of the court. It must show the names of the jurors
 11 corresponding to the numbers drawn from the jury box.

12 (3) If the ~~court~~ jury commissioner is satisfied that
 13 any person whose name is drawn is deceased or mentally
 14 incompetent or has permanently moved from the county, the
 15 name of the person shall be omitted from the list and
 16 another name shall be drawn in its place. The reason for the
 17 omission shall be entered upon the minutes of the court. The
 18 same procedure shall be followed as often as may be
 19 necessary, until the number of names of jurors required has
 20 been drawn.

21 (4) No person may be asked to serve for more than one
 22 term during any year unless all the numbers in the jury box
 23 have been drawn and there are no other qualified jurors
 24 available."

25 Section 8. Section 3-15-505, MCA, is amended to read:

1 "3-15-505. Notice to jurors. The ~~clerk jury~~
 2 ~~commissioner~~ shall serve notice by mail on the persons drawn
 3 as jurors and require response thereto by mail in such form
 4 as the supreme court designates. He may attach to the notice
 5 a form for an affidavit claiming exemption, provided for in
 6 3-15-314. If a person fails to respond to the notice, the
 7 ~~clerk jury commissioner~~ shall certify the failure to the
 8 sheriff, who shall then serve notice personally on such
 9 person and require a response to the notice."

10 Section 9. Section 3-15-506, MCA, is amended to read:

11 "3-15-506. Obtaining additional jurors when necessary.
 12 (1) Whenever it appears to a district judge that additional
 13 jurors will be needed for any term or trial, the ~~judge jury~~
 14 ~~commissioner~~ shall draw as many numbers from the jury box as
 15 are necessary to secure the required number of additional
 16 jurors. Before ~~drawing the jury commissioner draws~~ the
 17 numbers, the judge shall by appropriate order designate the
 18 number of jurors needed.

19 (2) When the judge believes that securing the
 20 additional jurors from all of the county would cause
 21 unnecessary delay or expense, he may order the jurors
 22 selected from only a designated portion of the county, which
 23 portion shall never be less than the corporate limits of the
 24 county seat. If, in the selection of the additional jurors,
 25 a number is drawn and the jury list shows the person

1 represented by the number to be a resident of an area
 2 outside the area designated by the court order, that number
 3 shall be returned to the jury box and a new number drawn.

4 (3) When the required number of names have been
 5 selected, the judge may order the prospective jurors
 6 notified by telephone or mail by the ~~clerk-of-the-court jury~~
 7 ~~commissioner.~~"

8 Section 10. Repealer. Sections 3-15-202 and 3-15-508,
 9 MCA, are repealed.

-End-

STATE OF MONTANA

REQUEST NO. 286-81

FISCAL NOTE

Form BD-15

compliance with a written request received FEBRUARY 3, , 19 81, there is hereby submitted a Fiscal Note
SENATE BILL 120 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

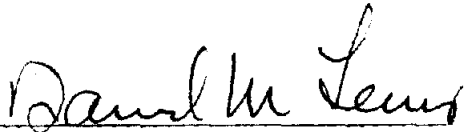
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 120 is an act to generally revise and clarify the law
relating to juries.

FISCAL IMPACT:

This bill is intended to update and expedite the jury selection
process for both the clerks of court and judges. It is expected
to have a negligible fiscal impact.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-9-81

Approved by Committee on Judiciary

1 SENATE BILL NO. 120
 2 INTRODUCED BY OCHSNER, HAGER, LEE
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 5 CLARIFY THE LAW RELATING TO JURIES; AMENDING SECTIONS
 6 3-15-201, 3-15-202, 3-15-312, 3-15-314, 3-15-401, 3-15-403,
 7 3-15-503, 3-15-505, 3-15-506, MCA; AND REPEALING SECTIONS
 8 3-15-202 AND 3-15-508, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 3-15-201, MCA, is amended to read:

12 "3-15-201. Fees in courts of record. (1) A grand or
 13 trial juror ~~jury panel member~~ shall receive \$12 per day for
 14 attendance before any court of record and a mileage
 15 allowance, as provided in 2-18-503, for traveling each way
 16 between his residence and the county seat. Those jurors
 17 selected from the panel for a case shall receive an
 18 additional \$13 a day while serving.

19 (?) A juror who is excused from attendance upon his
 20 own motion on the first day of his appearance in obedience
 21 to notice or who has been summoned as a special juror and
 22 not sworn in the trial of the case ~~in the discretion of the~~
 23 ~~court may receive~~ shall forfeit per diem and mileage."

24 Section 2. Section 3-15-312, MCA, is amended to read:

25 "3-15-312. Discharge ~~by court of~~ juror. ~~The court A~~

1 ~~person~~ must discharge ~~a person~~ be discharged from serving as
 2 a trial juror in either of the following cases:

3 (1) When it satisfactorily appears that the person is
 4 not competent; or

5 (2) When it satisfactorily appears that the person is
 6 exempt and claims the benefit of exemption."

7 Section 3. Section 3-15-314, MCA, is amended to read:

8 "3-15-314. Affidavit of claim to exemption. (1) If a
 9 person exempt requests an exemption from liability to act as
 10 a juror ~~as provided in 3-15-311 he summoned as a juror~~, he
 11 may make and transmit his affidavit to the clerk jury
 12 commissioner of the court for which he is summoned, stating
 13 his ~~off free occupation or employment~~ reason for exemption.

14 (2) ~~Such affidavit must be delivered by the clerk to~~
 15 ~~the judge of the court where the name of such person is~~
 16 ~~called and if~~ if the affidavit is sufficient in substance,
 17 it must be received as evidence of his a person's right to
 18 exemption and as an excuse for nonattendance in person. The
 19 affidavit must then be filed by the clerk jury
 20 commissioner."

21 Section 4. Section 3-15-401, MCA, is amended to read:

22 "3-15-401. Jury lists -- by whom and when made. The
 23 chairman or, in his absence, any member of the board of
 24 county commissioners and the county clerk and recorder of
 25 each county must meet at the county seat of each county at

1 the office of the county clerk and recorder on the second
 2 Monday of December June of each year for the purpose of
 3 making a list of persons to serve as trial jurors for the
 4 ensuing year. If they fail to meet on the day specified in
 5 this section, they must meet as soon thereafter as
 6 practicable."

7 Section 5. Section 3-15-403, MCA, is amended to read:

8 "3-15-403. Lists delivered to clerk. A list of the
 9 names of the persons selected, showing the place of
 10 residence and other proper particulars regarding each of
 11 them, so far as those particulars can be conveniently
 12 ascertained, must be made out and signed by the officers or
 13 a majority of them. Within 5 15 days after the meeting, the
 14 list must be delivered by those officers to the clerk of the
 15 district court and filed by him in his office."

16 Section 6. Section 3-15-502, MCA, is amended to read:

17 "3-15-502. ~~District---judge---to---draw---jury~~ Jury
 18 commissioner. ~~Immediately---after---the---order---mentioned---in~~
 19 ~~3-15-501---has---been---made---the---district-judge-shall-in-the~~
 20 ~~presence-of-the-clerk-of-the-court-proceed-to-draw-the~~
 21 ~~jurors-by-number-from-the-jury-box. The clerk of court is~~
 22 ~~the jury commissioner, who in the presence of a person~~
 23 ~~designated by the court, shall select the panel, excuse~~
 24 ~~exempt jurors, and generally take charge of the jury~~
 25 ~~administration under the supervision of the court. THE COURT~~

1 MAY DELEGATE TO THE JURY COMMISSIONER THE AUTHORITY TO
 2 SELECT THE PANEL AND EXCUSE JURORS UNDER 3-15-313, AND
 3 GENERALLY TAKE CHARGE OF THE JURY ADMINISTRATION IN THE
 4 PRESENCE OF A PERSON DESIGNATED BY THE COURT."

5 Section 7. Section 3-15-503, MCA, is amended to read:

6 "3-15-503. Drawing -- how conducted. (1) The clerk
 7 shall place the box on a rod so that it may readily revolve.
 8 The box must be revolved a sufficient number of times to
 9 ensure that the numbered slips in it become thoroughly
 10 mixed. Thereafter the judge jury commissioner shall draw
 11 from the box, one at a time, as many of the numbered slips
 12 as are ordered by the court.

13 (2) A record of the drawing shall be entered in the
 14 minutes of the court. It must show the names of the jurors
 15 corresponding to the numbers drawn from the jury box.

16 (3) If the ~~court~~ jury commissioner is satisfied that
 17 any person whose name is drawn is deceased or mentally
 18 incompetent or has permanently moved from the county, the
 19 name of the person shall be omitted from the list and
 20 another name shall be drawn in its place. The reason for the
 21 omission shall be entered upon the minutes of the court. The
 22 same procedure shall be followed as often as may be
 23 necessary, until the number of names of jurors required has
 24 been drawn.

25 (4) No person may be asked to serve for more than one

1 term during any year unless all the numbers in the jury box
2 have been drawn and there are no other qualified jurors
3 available."

4 Section 8. Section 3-15-505, MCA, is amended to read:

5 "3-15-505. Notice to jurors. The ~~clerk~~ jury
6 commissioner shall serve notice by mail on the persons drawn
7 as jurors and require response thereto by mail in such form
8 as the supreme court designates. He may attach to the notice
9 a form for an affidavit claiming exemption, provided for in
10 3-15-314. If a person fails to respond to the notice, the
11 ~~clerk~~ jury commissioner shall certify the failure to the
12 sheriff, who shall then serve notice personally on such
13 person and require a response to the notice."

14 Section 9. Section 3-15-506, MCA, is amended to read:

15 "3-15-506. Obtaining additional jurors when necessary.
16 (1) Whenever it appears to a district judge that additional
17 jurors will be needed for any term or trial, the ~~judge~~ jury
18 commissioner shall draw as many numbers from the jury box as
19 are necessary to secure the required number of additional
20 jurors. ~~Before drawing the jury commissioner draws~~ the
21 numbers, the judge shall by appropriate order designate the
22 number of jurors needed.

23 (2) When the judge believes that securing the
24 additional jurors from all of the county would cause
25 unnecessary delay or expense, he may order the jurors

1 selected from only a designated portion of the county, which
2 portion shall never be less than the corporate limits of the
3 county seat. If, in the selection of the additional jurors,
4 a number is drawn and the jury list shows the person
5 represented by the number to be a resident of an area
6 outside the area designated by the court order, that number
7 shall be returned to the jury box and a new number drawn.

8 (3) When the required number of names have been
9 selected, the judge may order the prospective jurors
10 notified by telephone or mail by the ~~clerk-of-the-court~~ jury
11 commissioner."

12 Section 10. Repealer. Sections 3-15-202 and 3-15-508,
13 MCA, are repealed.

-End-

1 SENATE BILL NO. 120

2 INTRODUCED BY OCHSNER, HAGER, LEE

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
5 CLARIFY THE LAW RELATING TO JURIES; AMENDING SECTIONS
6 3-15-201, 3-15-202, 3-15-312, 3-15-314, 3-15-401, 3-15-403,
7 3-15-503, 3-15-505, 3-15-506, MCA; AND REPEALING SECTIONS
8 3-15-202 AND 3-15-508, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 3-15-201, MCA, is amended to read:

12 "3-15-201. Fees in courts of record. (1) A grand or
13 trial juror jury panel member shall receive \$12 per day for
14 attendance before any court of record and a mileage
15 allowance, as provided in 2-18-503, for traveling each way
16 between his residence and the county seat. Those jurors
17 selected from the panel for a case shall receive an
18 additional \$13 a day while serving.

19 (2) A juror who is excused from attendance upon his
20 own motion on the first day of his appearance in obedience
21 to notice or who has been summoned as a special juror and
22 not sworn in the trial of the case, ~~in the discretion of the~~
23 ~~court, may receive~~ shall forfeit per diem and mileage."

24 Section 2. Section 3-15-312, MCA, is amended to read:

25 "3-15-312. Discharge ~~by court of juror.~~ ~~The court A~~

1 ~~person must discharge a person be discharged~~ from serving as
2 a trial juror in either of the following cases:

3 (1) when it satisfactorily appears that the person is
4 not competent; or

5 (2) when it satisfactorily appears that the person is
6 exempt and claims the benefit of exemption."

7 Section 3. Section 3-15-314, MCA, is amended to read:

8 "3-15-314. Affidavit of claim to exemption. (1) If a
9 person ~~exempt~~ requests an exemption from liability to act as
10 a juror ~~as provided in 3-15-311 be summoned as a juror,~~ he
11 may make and transmit his affidavit to the clerk jury
12 commissioner of the court for which he is summoned, stating
13 his office, occupation, or employment reason for exemption.

14 (2) ~~Such affidavit must be delivered by the clerk to~~
15 ~~the judge of the court where the name of such person is~~
16 ~~called and if~~ If the affidavit is sufficient in substance,
17 it must be received as evidence of his a person's right to
18 exemption and as an excuse for nonattendance in person. The
19 affidavit must then be filed by the clerk jury
20 commissioner."

21 Section 4. Section 3-15-401, MCA, is amended to read:

22 "3-15-401. Jury lists -- by whom and when made. The
23 chairman or, in his absence, any member of the board of
24 county commissioners and the county clerk and recorder of
25 each county must meet at the county seat of each county at

1 the office of the county clerk and recorder on the second
 2 Monday of ~~December~~ June of each year for the purpose of
 3 making a list of persons to serve as trial jurors for the
 4 ensuing year. If they fail to meet on the day specified in
 5 this section, they must meet as soon thereafter as
 6 practicable."

7 Section 5. Section 3-15-403, MCA, is amended to read:

8 "3-15-403. Lists delivered to clerk. A list of the
 9 names of the persons selected, showing the place of
 10 residence and other proper particulars regarding each of
 11 them, so far as those particulars can be conveniently
 12 ascertained, must be made out and signed by the officers or
 13 a majority of them. Within 5 15 days after the meeting, the
 14 list must be delivered by those officers to the clerk of the
 15 district court and filed by him in his office."

16 Section 6. Section 3-15-502, MCA, is amended to read:

17 "~~3-15-502. District---judge---to---draw---jury~~ Jury
 18 commissioner. Immediately--after--the--order--mentioned--in
 19 3-15-501--has--been--made--the--district-judge--shall--in--the
 20 presence--of--the--clerk--of--the--court--proceed--to--draw--the
 21 jurors--by--number--from--the--jury--box. The clerk of court is
 22 the jury commissioner who in the presence of a person
 23 designated--by--the--court--shall--select--the--panel--excuse
 24 exempt--jurors;--and--generally--take--charge--of--the--jury
 25 administration under the supervision of the court. THE COURT

1 ~~MAY--DELEGATE--TO--THE--JURY--COMMISSIONER--THE--AUTHORITY--TO~~
 2 ~~SELECT--THE--PANEL--AND--EXCUSE--JURORS--UNDER--3-15-313v--AND~~
 3 ~~GENERALLY--TAKE--CHARGE--OF--THE--JURY--ADMINISTRATION--IN--THE~~
 4 ~~PRESENCE--OF--A--PERSON--DESIGNATED--BY--THE--COURT."~~

5 Section 7. Section 3-15-503, MCA, is amended to read:

6 "3-15-503. Drawing -- how conducted. (1) The clerk
 7 shall place the box on a rod so that it may readily revolve.
 8 The box must be revolved a sufficient number of times to
 9 ensure that the numbered slips in it become thoroughly
 10 mixed. Thereafter the judge jury commissioner shall draw
 11 from the box, one at a time, as many of the numbered slips
 12 as are ordered by the court.

13 (2) A record of the drawing shall be entered in the
 14 minutes of the court. It must show the names of the jurors
 15 corresponding to the numbers drawn from the jury box.

16 (3) If the court jury commissioner is satisfied that
 17 any person whose name is drawn is deceased or mentally
 18 incompetent or has permanently moved from the county, the
 19 name of the person shall be omitted from the list and
 20 another name shall be drawn in its place. The reason for the
 21 omission shall be entered upon the minutes of the court. The
 22 same procedure shall be followed as often as may be
 23 necessary, until the number of names of jurors required has
 24 been drawn.

25 (4) No person may be asked to serve for more than one

1 term during any year unless all the numbers in the jury box
2 have been drawn and there are no other qualified jurors
3 available."

4 Section 8. Section 3-15-505, MCA, is amended to read:

5 "3-15-505. Notice to jurors. The ~~clerk~~ jury
6 commissioner shall serve notice by mail on the persons drawn
7 as jurors and require response thereto by mail in such form
8 as the supreme court designates. He may attach to the notice
9 a form for an affidavit claiming exemption, provided for in
10 3-15-314. If a person fails to respond to the notice, the
11 clerk jury commissioner shall certify the failure to the
12 sheriff, who shall then serve notice personally on such
13 person and require a response to the notice."

14 Section 9. Section 3-15-506, MCA, is amended to read:

15 "3-15-506. Obtaining additional jurors when necessary.
16 (1) Whenever it appears to a district judge that additional
17 jurors will be needed for any term or trial, the judge jury
18 commissioner shall draw as many numbers from the jury box as
19 are necessary to secure the required number of additional
20 jurors. Before ~~drawing the jury commissioner draws~~ the
21 numbers, the judge shall by appropriate order designate the
22 number of jurors needed.

23 (2) When the judge believes that securing the
24 additional jurors from all of the county would cause
25 unnecessary delay or expense, he may order the jurors

1 selected from only a designated portion of the county, which
2 portion shall never be less than the corporate limits of the
3 county seat. If, in the selection of the additional jurors,
4 a number is drawn and the jury list shows the person
5 represented by the number to be a resident of an area
6 outside the area designated by the court order, that number
7 shall be returned to the jury box and a new number drawn.

8 (3) When the required number of names have been
9 selected, the judge may order the prospective jurors
10 notified by telephone or mail by the ~~clerk-of-the-court~~ jury
11 commissioner."

12 Section 10. Repealer. Sections 3-15-202 and 3-15-508,
13 MCA, are repealed.

-End-

SENATE BILL NO. 120

INTRODUCED BY OCHSNER, HAGER, LEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAW RELATING TO JURIES; AMENDING SECTIONS 3-15-201, 3-15-202, 3-15-312, 3-15-314, 3-15-401, 3-15-403, 3-15-503, 3-15-505, 3-15-506, MCA; AND REPEALING SECTIONS 3-15-202, 3-15-314, AND 3-15-508, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-15-201, MCA, is amended to read:

"3-15-201. Fees in courts of record. (1) A grand or trial juror jury panel member shall receive \$12 per day for attendance before any court of record and a mileage allowance, as provided in 2-18-503, for traveling each way between his residence and the county seat. Those jurors selected from the panel for a case shall receive an additional \$13 a day while serving.

(2) A juror who is excused from attendance upon his own motion on the first day of his appearance in obedience to notice or who has been summoned as a special juror and not sworn in the trial of the case in the discretion of the court may receive shall forfeit per diem and mileage."

Section 2. Section 3-15-312, MCA, is amended to read:

"3-15-312. Discharge by court of jurors. The court a

person must discharge a person be discharged from serving as a trial juror in either of the following cases:

(1) when it satisfactorily appears that the person is not competent; or

(2) when it satisfactorily appears that the person is exempt and claims the benefit of exemption."

Section 3. Section 3-15-314, MCA, is amended to read:

"3-15-314. Affidavit of claim to exemption. (1) If a person exempt requests an exemption from liability to act as a juror as provided in 3-15-311 be summoned as a juror, he may make and transmit his affidavit to the clerk jury commissioner of the court for which he is summoned, stating his officer, occupation, or employment reason for exemption.

(2) Such affidavit must be delivered by the clerk to the judge of the court where the name of such person is called and if the affidavit is sufficient in substance, it must be received as evidence of his person's right to exemption and as an excuse for nonattendance in person. The affidavit must then be filed by the clerk jury commissioner."

Section 2. Section 3-15-401, MCA, is amended to read:

"3-15-401. Jury lists -- by whom and when made. The chairman or, in his absence, any member of the board of county commissioners and the county clerk and recorder of each county must meet at the county seat of each county at

1 the office of the county clerk and recorder on the second
 2 Monday of ~~December~~ June of each year for the purpose of
 3 making a list of persons to serve as trial jurors for the
 4 ensuing year. If they fail to meet on the day specified in
 5 this section, they must meet as soon thereafter as
 6 practicable."

7 Section 3. Section 3-15-403, MCA, is amended to read:

8 "3-15-403. Lists delivered to clerk. A list of the
 9 names of the persons selected, showing the place of
 10 residence and other proper particulars regarding each of
 11 them, so far as those particulars can be conveniently
 12 ascertained, must be made out and signed by the officers or
 13 a majority of them. Within 5 15 days after the meeting, the
 14 list must be delivered by those officers to the clerk of the
 15 district court and filed by him in his office."

16 Section 4. Section 3-15-502, MCA, is amended to read:

17 "~~3-15-502. District judge to draw jury~~ Jury
 18 commissioner. Immediately after the order mentioned in
 19 3-15-501 has been made, the district judge shall in the
 20 presence of the clerk of the court proceed to draw the
 21 jurors by number from the jury box. The clerk of court is
 22 the jury commissioner who in the presence of a person
 23 designated by the court shall select the panel, excuse
 24 exempt jurors, and generally take charge of the jury
 25 administration under the supervision of the court. THE COURT

1 ~~MAY DELEGATE TO THE JURY COMMISSIONER THE AUTHORITY TO~~
 2 ~~SELECT THE PANEL AND EXCUSE JURORS UNDER 3-15-313 AND~~
 3 ~~GENERALLY TAKE CHARGE OF THE JURY ADMINISTRATION IN THE~~
 4 ~~PRESENCE OF A PERSON DESIGNATED BY THE COURT."~~

5 Section 5. Section 3-15-503, MCA, is amended to read:

6 "3-15-503. Drawing -- how conducted. (1) The clerk
 7 shall place the box on a rod so that it may readily revolve.
 8 The box must be revolved a sufficient number of times to
 9 ensure that the numbered slips in it become thoroughly
 10 mixed. Thereafter the judge jury commissioner shall draw
 11 from the box, one at a time, as many of the numbered slips
 12 as are ordered by the court.

13 (2) A record of the drawing shall be entered in the
 14 minutes of the court. It must show the names of the jurors
 15 corresponding to the numbers drawn from the jury box.

16 (3) If the court jury commissioner is satisfied that
 17 any person whose name is drawn is deceased or mentally
 18 incompetent or has permanently moved from the county, the
 19 name of the person shall be omitted from the list and
 20 another name shall be drawn in its place. The reason for the
 21 omission shall be entered upon the minutes of the court. The
 22 same procedure shall be followed as often as may be
 23 necessary, until the number of names of jurors required has
 24 been drawn.

25 (4) No person may be asked to serve for more than one

1 term during any year unless all the numbers in the jury box
2 have been drawn and there are no other qualified jurors
3 available."

4 ~~Section 8. Section 3-15-505, MCA, is amended to read:~~
5 ~~"3-15-505. Notice to jurors. The clerk jury~~
6 ~~commissioner shall serve notice by mail on the persons drawn~~
7 ~~as jurors and require response thereto by mail in such form~~
8 ~~as the supreme court designates. He may attach to the notice~~
9 ~~a form for an affidavit claiming exemption, provided for in~~
10 ~~3-15-314. If a person fails to respond to the notice, the~~
11 ~~clerk jury commissioner shall certify the failure to the~~
12 ~~sheriff, who shall then serve notice personally on such~~
13 ~~person and require a response to the notice."~~

14 Section 6. Section 3-15-506, MCA, is amended to read:

15 "3-15-506. Obtaining additional jurors when necessary.
16 (1) Whenever it appears to a district judge that additional
17 jurors will be needed for any term or trial, the judge jury
18 commissioner shall draw as many numbers from the jury box as
19 are necessary to secure the required number of additional
20 jurors. Before drawing the jury commissioner draws the
21 numbers, the judge shall by appropriate order designate the
22 number of jurors needed.

23 (2) When the judge believes that securing the
24 additional jurors from all of the county would cause
25 unnecessary delay or expense, he may order the jurors

1 selected from only a designated portion of the county, which
2 portion shall never be less than the corporate limits of the
3 county seat. If, in the selection of the additional jurors,
4 a number is drawn and the jury list shows the person
5 represented by the number to be a resident of an area
6 outside the area designated by the court order, that number
7 shall be returned to the jury box and a new number drawn.

8 (3) When the required number of names have been
9 selected, the judge may order the prospective jurors
10 notified by telephone or mail by the clerk of the court jury
11 commissioner."

12 Section 7. Repealer. Sections 3-15-202, 3-15-314, and
13 3-15-508, MCA, are repealed.

-End-

HOUSE AMENDMENTS TO:

Respectfully report as follows: That.....SENATE.....Bill No. 120

BE AMENDED AS FOLLOWS:

1. Title, line 6.
Following: "3-15-202,"
Strike: "3-15-312, 3-15-314, "
2. Title, line 8.
Following: "3-15-202"
Insert: ", 3-15-314,"
3. Page 1, line 24 through line 20, page 2.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent sections
4. Page 5, lines 4 through 13.
Strike: section 8 in its entirety
Renumber: subsequent sections
5. Page 6, line 12.
Following: "3-15-202"
Insert: ", 3-15-314,"

House Amendment to Senate Bill 120

1. Title, line 7.
Following: "3-15-503,"
Strike: "3-15-505,"