SENATE BILL NO. 120

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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 HOU	USE
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

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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.

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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 AND 3-15-508, MCA."

9

1J 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 allowance, as provided in 2-18-503, for traveling each way 15 16 between his residence and the county seat. Those jurges 17 selected_from_the_panel_for_a_case_shall_receive_an 13 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 casey-in-the-discretion-of-the
courty-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 jurgr. The-court A

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

3 (1) when it satisfactorily appears that the person is4 not competent; or

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

7 Section 3. Section 3-15-314. #CA. 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 officey-occupationy-or-employment reason for exemption. 14 (2) Such--affidavit--must-be-delivered-by-the-clerk-to the-judge-of-the-court-where-the-name--of--such--person--is 15 16 called--ondy-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 elerk 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

> -2- INTRODUCED BILL SB /20

LC 0415/01

the office of the county clerk and recorder on the second Monday of Becember <u>June</u> of each year for the purpose of making a list of persons to serve as trial jurors for the ensuing year. If they fail to meet on the day specified in this section, they must meet as soon thereafter as 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 list must be delivered by those officers to the clerk of the 14 15 district court and filed by him in his office."

16 Section 6. Section 3-15-502, MCA, is amended to read: 17 18 <u>commissioner</u>. Immediately-after--the--order--mentioned--in 19 3-15-501--hes--been--medey--the--district-judge-shall-in-the 20 presence-of-the-clerk-of--the--tourt--proceed--to--draw--the 21 jurors---by---number--from-the-jury-boxy Ine_clerk_of_court_is 22 the jury commissioner, who in the presence of a person 23 designated_by_the_courts_shall_select_the_panel.excuse 24 exempt___iurorss___and__generally__take__charge__of__the__iury 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 ensure that the numbered slips in it become thoroughly 5 6 mixed. Thereafter the Judge jury_commissioner shall draw 7 from the box, one at a time, as many of the numbered slips as are ordered by the court. B

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 incompetent or has permanently moved from the county, the 14 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 1.8 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:

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

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 fudge jury commissioner shall draw as many numbers from the jury box as 14 are necessary to secure the required number of additional 15 16 jurors. Pefore drawing the jury commissioner draws the 17 numbers, the judge shall by appropriate order designate the number of jurors needed. 18

15 (2) When the judge balieves 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 represented by the number to be a resident of an area outside the area designated by the court order, that number shall be returned to the jury box and a new number drawn. (3) When the required number of names have been selected, the judge may order the prospective jurors

6 notified by telephone or mail by the clerk-of-the-court jury

7 commissioner."

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8 Section 10. Repeater. Sections 3-15-202 and 3-15-508.
9 MCA, are repeated.

-End-

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STATE OF MONTANA

REQUEST NO. 286-81

FISCAL NOTE

Form BD-15

ckground information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members 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: <u>2 - 9 - 8</u>/____

47th Legislature

SB 0120/02

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 jurer 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. <u>Those jurors</u>
17	<u>selected_from_the_panel_for_a_case_shall_receive_an</u>
16	<u>additional \$13 a day while serving.</u>
19	(?) A juror who is excused from attendance upon his
20	own motion on the first day of his appearance in obedience
24	to notice or who has been summoned as a special guror and
22	not sworn in the trial of the case r-in-the-discretion-of-the
23	courty-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. Thecourt A

SB 0120/02

ı 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-summaned-as-a-juror, he 11 may make and transmit his affidavit to the elerk jury 12 commissioner of the court for which he is summoned, stating 13 his officer-accupation-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 called-andy-if If the affidavit is sufficient in substance, 16 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

Section 4. 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

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commissioner."

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SECOND READING

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1 the office of the county clerk and recorder on the second 2 Monday of Becember 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: R "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 H them, so far as those particulars can be conveniently ascertained, must be made out and signed by the officers or 12 13 a majority of them. Within 5 15 days after the meeting, the list must be delivered by those officers to the clerk of the 14 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 3-15-581--has--been--modey--the--district-judge-shall-in-the s = ,20 presence-of-the-eferk-of--the--court--proceed--to--draw--the +++ 122 . . 22 23 designated-by-the-courty-shall-select the panely excuse 24 exempt______are____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 JURDER 3+15-313, AND GENERALLY TAKE CHARGE OF THE JURY ADMINISTRATION IN THE 3 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 mixed. Thereafter the judge jury commissioner shall draw 10 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 minutes of the court. It must show the names of the jurors 14 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 incompatent or has permanently moved from the county, the 19 name of the person shall be amitted 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.

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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."

Section 8. Section 3-15-505, MCA, is amended to read: 4 5 "3-15-505. Notice to jurors. The clerk jury commissioner shall serve notice by mail on the persons drawn 6 7 as jurors and require response thereto by mail in such form as the supreme court designates. He may attach to the notice 8 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 eterk 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. (1) Whenever it appears to a district judge that additional 16 jurors will be needed for any term or trial, the judge jury 17 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.

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

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1 selected from only a designated portion of the county, which portion shall never be less than the corporate limits of the 2 3 county seat. If, in the selection of the additional jurors, a number is drawn and the jury list shows the person 4 5 represented by the number to be a resident of an area outside the area designated by the court order, that number 6 7 shall be returned to the jury box and a new number drawn. я (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..." Section 10. Repeater. Sections 3-15-202 and 3-15-508. 12

13 MCA, are repealed.

-End-

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SB 120

1 person must discharge-a-person be discharged from serving as 1 SENATE BILL ND. 120 2 INTRODUCED BY OCHSNER, HAGER, LEE 2 a trial juror in either of the following cases: 3 3 (1) when it satisfactorily appears that the person is 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 4 not competent; or 5 (2) when it satisfactorily appears that the person is 5 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, ń exempt and claims the benefit of exemption." 6 7 7 3-15-503, 3-15-505, 3-15-506, MCA: AND REPEALING SECTIONS Section 3. Section 3-15-314, MCA, is amended to read: 8 "3-15-314. Affidavit of claim to exemption. (1) If a 8 3-15-202 AND 3-15-508, MCA." 9 9 person exempt requests an exemption from liability to act as to a juror as-provided-in-3-15-311-be-summoned-as-a-jurar, he 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 may make and transmit his affidavit to the clerk jury 11 Section 1. Section 3-15-201, MCA, is amended to read: 12 commissioner of the court for which he is summoned, stating 12 "3-15-201. Fees in courts of record. (1) A grand or 13 his officer-occupation-or-employment reason for exemption. 13 trial jury panel member shall receive \$12 per day for 14 14 attendance before any court of record and a mileage (2) Such--affidavit--must-be-delivered-by-the-elerk-to 15 15 the-judge-of-the-court-where-the--name--of--such--person--is allowance, as provided in 2-18-503, for traveling each way between his residence and the county seat. Those jurges 16 16 called--andy-if If the affidavit is sufficient in substance, 17 selected_from the panel_for a case shall receive an 17 it must be received as evidence of his a person's right to 18 18 additional \$13 a day while serving. exemption and as an excuse for nonattendance in person. The 19 (2) A juror who is excused from attendance upon his 19 affidavit must then be filed by the clerk iury 20 own motion on the first day of his appearance in obedience 20 commissioner." 21 to notice or who has been summoned as a special juror and 21 Section 4. Section 3-15-401, MCA, is amended to read: 22 not sworn in the trial of the case-in-the-discretion-of-the 22 "3-15-401. Jury lists -- by whom and when made. The 23 courty-may-receive shall forfeit per diem and mileage." 23 chairman or, in his absence, any member of the board of 24 Section 2. Section 3-15-312, MCA, is amended to read: 24 county commissioners and the county clerk and recorder of 25 "3-15-312. Discharge by-court of juror. The--court A 25 each county must meet at the county seat of each county at -2-\$5.120

THIRD READING

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1 the office of the county clerk and recorder on the second 2 Monday of December <u>June</u> 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."

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MAY-_BELEGATE__TO__THE-_JURY__EOMMISSIONER-_THE_AUTHORITY-TO SELEGT_THE_PANEL__AND__EXEUSE-_JURORS-_UNDER-_3_15-313y-_AND GENERALLY-_TAKE__EHARGE-_OE__THE__JURY-ADMINISTRATION-IN_THE PRESENCE_OE_A-PERSON-DESIGNATEO-DY-THE-EOURTy" Section 7. Section 3-15-503, MCA, is amended to read:

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14 minutes of the court. It must show the names of the jurors
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 have been drawn and there are no other qualified jurors
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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 as the supreme court designates. He may attach to the notice 8 9 a form for an affidavit claiming exemption, provided for in 3-15-314. If a person fails to respond to the notice, the 10 elerk jury commissioner shall certify the failure to the 11 12 sheriff, who shall then serve notice personally on such 13 person and require a response to the notice."

Section 9. Section 3-15-506, MCA, is amended to read: 14 "3-15-506. Obtaining additional jurors when necessary. 15 (1) Whenever it appears to a district judge that additional 16 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 number of jurors needed. 22

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

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SB 120

selected from only a designated portion of the county, which portion shall never be less than the corporate limits of the county seat. If, in the selection of the additional jurors, a number is drawn and the jury list shows the person represented by the number to be a resident of an area outside the area designated by the court order, that number 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 eleck-of-the-court jury
11 commissioner."

12 Section 10. Repeater. Sections 3-15-202 and 3-15-508.

13 MCA+ are repealed.

-End-

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ı	SENATE BILL ND. 120	1	<u>person</u> must-discharge-a-person <u>be-discharged</u> from-serving-as
2	INTRODUCED BY OCHSNER. HAGER. LEE	2	a-trial-juror-in-either-of-the-following-cases+
3		3	{\}when:t-satisfactoriiy-appears-that-the-person-is
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND	4	not-competent;-or
5	CLARIFY THE LAW RELATING TO JURIES; AMENDING SECTIONS	5	{2}when-it-satisfactori}y-appears-that-the-personis
6	3-15-201, 3-15-202, 3-15-3t2+-3-15-314+ 3-15-401, 3-15-403,	6	exempt-and-claims-the-benefit-of-exemption**
7	3-15-503, 3-15-505, 3-15-506, MCA; AND REPEALING SECTIONS	۲	Section-3+Section3-15-314y-MEAy-is-amended-to-read+
8	3-15-202 <u>, 3-15-314.</u> AND 3-15-508, MCA.*	8	≌3-15-3t4wAffidavit-of-ciaim-to-exemptionw {1}Ifa
9		9	person-exempt <u>requests-on-exemption</u> from-liability-to-act-as
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	ajuroras-provided-in-3-15-31;-be-summoned-as-a-jurorhe
11	Section 1. Section 3-15-201, MCA, is amended to read:	n	may-make-andtransmithisaffidavittotheclerk <u>jury</u>
12	"3-15-201. Fees in courts of record. (1) A grand or	12	<u>commissioner</u> of the court for which he is summoned - stating
13	trial jurer jury panel member shall receive \$12 per day for	13	his-office,-occupation,-or-employment reason forexemption+
14	attendance before any court of record and a mileage	14	t2)Suchaffidavitmust-be-delivered-by-the-clerk-to
15	allowance, as provided in 2-18-503, for traveling each way	15	the-judge-of-the-court-where-thenameofsuchpersonis
16	between his residence and the county seat. Those jurors	16	calledandy-if <u>lf-the-affidavit-is</u> sufficient-in-substancey
17	selected from the panel for a case shall receive an	17	<u>it</u> must-be-received-as-evidence-of-h is <u>a-personis</u> rightto
18	additional \$13 a day while serving.	18	exemptionand-as-an-excuse-for-nonattendance-in-person*-The
19	(2) A juror who is excused from attendance upon his	19	affidavitmustthenbefiledbytheclerk <u>jury</u>
20	own motion on the first day of his appearance in obedience	20	<u>commissioner</u> ≠"
21	to notice or who has been summoned as a special juror and	21	Section 2. Section 3-15-401, MCA, is amended to read:
22	not sworn in the trial of the cas ev-in-the-discretion-of-the	22	"3-15-401. Jury lists by whom and when made. The
23	courty-may-receive shall forfeit per diem and mileage."	23	chairman or, in his absence, any member of the board of
24	Section-2Section3-15-312y-MEAy-is-amended-to-read+	24	county commissioners and the county clerk and recorder of
25	#3-15-312+Bischarge by-court of-jurory Thecourt A	25	each county must meet at the county seat of each county at

1	<u>person</u> must-discharge-a-person <u>be-discharged</u> from-serving-as
2	a-trial-juror-in-either-of-the-following-cases:
3	{!}when:t-satisfactori}y-appears-that-the-person-is
4	not-competent;-or
5	{2}when-it-satisfactorily-appears-that-the-personis
6	exempt-and-claims-the-benefit-of-exemption**
7	Section-3+Section3-15-314+-MCAy-is-amended-to-read+
8	≌3-15-3t4wAffidavit-of-claim-to-exemptionw {l}-lfa
9	person-exempt <u>requests-an-exemption</u> from-liability-to-act-as
10	ajuroras-provided-in-3-15-311-be-summoned-as-a-jurorhe
1	may-make-andtransmithisaffidavittothecierk <u>jury</u>
12	<u>commissioner</u> of-the-court-for-which-he- is-summ oned+-stating
13	his-office,-occupation,-or-employment reason forexemption+
4	t2)Such-+affidavitmust-be-delivered-by-the-clerk-to
15	the-judge-of-the-court-where-thenameofsuchpersonis
6	calledandy-if <u>lf-the-affidavit-is</u> sufficient-in-substance,
17	<u>it</u> must-be-received-as-evidence-of-his <u>a-personis</u> rightto
8	exemptionand-as-an-excuse-for-nonattendance-in-persons-The
19	affidavitmustthenbefiledbytheclerk jury
20	commissioner ==
21	Section 2. 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
4	county commissioners and the county clerk and recorder of

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1 the office of the county clerk and recorder on the second
2 Monday of December <u>June</u> 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 list must be delivered by those officers to the clerk of the 14 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. Bistrict----judge---to---draw---jury Jury 18 commissioner. Immediately--after--the--order--mentioned--in 19 3-15-501--hos--been--madey--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-boxy The clerk of court is 22 the jury commissionery-who--in--the--presence--of--a--person 23 designated--by-the--courty-shall-select-the-panely-excuse 24 exempt--jurorsy--and--generally-take--charge--of--the--jury 25 administration-under-the-supervision-of-the-courte THE-EBURT

L MAY--BELEGATE--TB--THE--JURY--COMMISSIBNER--THE-AUTHORITY-TO 2 5ELECT-THE-PANEL--AND--EXCUSE--JURGRS--UNDER--3-15-313y--AND 3 GENERALLY--TAKE--CHARGE--OF--THE--JURY-ADMINISTRATION-IN-THE PRESENCE-OF-A-PERSON-DESIGNATED-BY-THE-EOURTy" 4 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. The box must be revolved a sufficient number of times to 8 9 ensure that the numbered slips in it become thoroughly mixed. Thereafter the judge jury commissioner shall draw 10 from the box, one at a time, as many of the numbered slips 11 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 incompetent or has permanently moved from the county, the 18 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 same procedure shall be followed as often as may be 22 Z3 necessary, until the number of names of jurges required has 24 been drawn.

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

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

Section-8---Section--3-15-585--MEAy-is-amended-to-read+ 4 5 *3-15-505*--Notice---to---jurors* The---clerk THEY commissioner shall-serve-notice-by-mail-on-the-persons-drawn 6 7 as--jurors-and-require-response-thereto-by-mail-in-such-form 8 as-the-supreme-court-designates--He-may-attach-to-the-natice 9 a-form-for-an-affidavit-elaiming-exemptiony-provided-for--in 10 3-15-314--- If-- a-- person-fails-to-respond-to-the-notrcey-the 11 clerk jury-commissioner shall-certify--the--failure--ta--the 12 sheriffy--who--shatt--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. (1) Whenever it appears to a district judge that additional 16 17 jurors will be needed for any term or trial, the judge jury commissioner shall draw as many numbers from the jury box as 18 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.

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

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selected from only a designated portion of the county, which 1 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. B (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 <u>commissioner</u>."

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

-End-

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HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE AMENDMENTS TO SENATE BILL 120, 3RD READING COPY:

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,"