

SENATE BILL NO. 104
INTRODUCED BY HALLIGAN

IN THE SENATE

January 14, 1985	Introduced and referred to Committee on Judiciary.
January 30, 1985	Committee recommend bill do pass as amended. Report adopted.
January 31, 1985	Bill printed and placed on members' desks.
February 1, 1985	Second reading, do pass.
February 2, 1985	Considered correctly engrossed.
February 4, 1985	Third reading, passed. Ayes, 47; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Judiciary.
March 11, 1985	Committee recommend bill be concurrred in. Report adopted.
March 13, 1985	Second reading, concurrred in.
March 15, 1985	Third reading, concurrred in.
	Returned to Senate.

IN THE SENATE

March 15, 1985

Received from House.

March 16, 1985

Sent to enrolling.

Reported correctly enrolled.

1 Senate BILL NO. 104
 2 INTRODUCED BY Rollins
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE USE OF
 5 COMPUTERIZED JURY SELECTION; AMENDING SECTIONS 3-15-404,
 6 3-15-503, 3-15-506, 3-15-601, AND 3-15-602, MCA."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 3-15-404, MCA, is amended to read:
 10 "3-15-404. Duty of clerk -- jury box or computer data
 11 base. (1) A county jury commissioner may by order establish
 12 the use of either a jury box as provided in subsection (2)
 13 or a computer data base as provided in subsection (3) as the
 14 means for selecting jurors in the county.
 15 (2) If a county uses a jury box for selection of
 16 jurors, the jury commissioner ~~the clerk~~ shall prepare and
 17 keep a jury box and contents as prescribed in this section
 18 subsection. The number of each juror shall be written,
 19 typed, or stamped on a slip of paper or other suitable
 20 material, identical in all respects to the slips used for
 21 the other numbers. The slips shall be placed in a box of
 22 ample size to permit them to be thoroughly mixed. The box
 23 shall be plainly marked "jury box". The slips may be used as
 24 often as necessary, except that none may be used which is in
 25 any manner defaced or disfigured or so marked that it may be

1 recognized or distinguished from the others in the jury box
 2 except by the number thereon. The box shall contain only one
 3 slip for each number corresponding to the number before the
 4 name of each juror on the jury list.

5 (3) If a county uses a computer data base for
 6 selection of jurors, the jury commissioner shall cause the
 7 list of jurors prepared under the provisions of 3-15-402 to
 8 be entered into a computerized data base."

9 Section 2. Section 3-15-503, MCA, is amended to read:
 10 "3-15-503. Drawing -- how conducted. (1) (a) If the
 11 drawing of jurors is conducted by means of a jury box, the
 12 jury commissioner ~~the clerk~~ shall place the box on a rod so
 13 that it may readily revolve. The box must be revolved a
 14 sufficient number of times to ensure that the numbered slips
 15 in it become thoroughly mixed. Thereafter the jury
 16 commissioner shall draw from the box, one at a time, as many
 17 of the numbered slips as are ordered by the court.

18 (b) If the drawing of jurors is conducted by means of
 19 a computerized data base, it must be conducted by use of a
 20 computerized random selection process that the judges of the
 21 district court of the county have approved in writing as
 22 satisfactorily fulfilling the requirements for the drawing
 23 of trial juries. A copy of the latest jury list and a
 24 description of the approved computerized random selection
 25 process must be kept in the office of the clerk of court and

1 be available for public inspection during normal business
2 hours.

3 (2) A record of the drawing shall be entered in the
4 minutes of the court. It must show the names of the jurors
5 corresponding to the numbers drawn from the jury box or the
6 names drawn by means of the computerized random selection
7 process.

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

17 (4) No person may be asked to serve for more than one
18 term during any year unless all ~~the numbers in the jury box~~
19 persons on the list established under 3-15-402 have been
20 drawn and there are no other qualified jurors available."

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

22 "3-15-506. Obtaining additional jurors when necessary.
23 (1) Whenever it appears to a district judge that additional
24 jurors will be needed for any term or trial, the jury
25 commissioner shall draw as many ~~numbers from the jury box~~

1 jurors as are necessary to secure the required number of
2 additional jurors. Before the jury commissioner draws the
3 numbers jurors, the judge shall by appropriate order
4 designate the number of jurors needed.

5 (2) When the judge believes that securing the
6 additional jurors from all of the county would cause
7 unnecessary delay or expense, he may order the jurors
8 selected from only a designated portion of the county, which
9 portion shall never be less than the corporate limits of the
10 county seat. If, in the selection of the additional jurors,
11 a number juror is drawn ~~and the jury list shows the person~~
12 ~~represented by the number to be who is~~ a resident of an area
13 outside the area designated by the court order, that juror's
14 name or number shall be returned to the jury box or
15 reinstated on the computer data base and a new number juror
16 drawn.

17 (3) When the required number of names have been
18 selected, the judge may order the prospective jurors
19 notified by telephone or mail by the jury commissioner."

20 Section 4. Section 3-15-601, MCA, is amended to read:
21 "3-15-601. When and how drawn and summoned. (1)
22 Whenever in the opinion of the district judge a grand jury
23 is necessary, he must make an order directing a grand jury
24 to be drawn and summoned to attend before the court. The
25 order must specify the number of jurors to be drawn, which

1 may not be less than 15 or more than 20.

2 (2) The jurors must be drawn from the jury box
3 mentioned or the computer data base provided for in
4 3-15-404. If jurors are selected from the computer data
5 base, it must be through a computerized random selection
6 process that the judges of the district court of the county
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8 of grand juries. A copy of the latest jury list and a
9 description of the approved computer process employed in the
10 selection must be kept in the office of the clerk of court
11 and be available for public inspection during normal
12 business hours.

13 (3) The list of names shall be certified and the
14 jurors summoned in the same manner as for trial jurors. The
15 names or numbers of any persons drawn who are not impaneled
16 on the grand jury must be returned to the jury box or
17 reinstated on the computer data base."

18 Section 5. Section 3-15-602, MCA, is amended to read:

19 "3-15-602. Who constitutes jury. (1) When 11 of the
20 persons summoned as grand jurors who are competent and not
21 excused are present, they constitute the grand jury.

22 (2) When more than 11 are present, the clerk shall
23 write their names on separate ballots and place the ballots
24 in black capsules. The capsules shall be deposited in a box
25 large enough to hold all of the capsules without crowding.

1 The box shall be so arranged that the clerk drawing the
2 capsules from the box is unable to see the capsule he is
3 about to draw. The clerk shall draw 11 capsules. The persons
4 whose names are on the ballots so drawn shall constitute the
5 grand jury.

6 (3) When less than 11 are present, the court shall
7 order a sufficient number to be immediately drawn from the
8 jury-box as provided in 3-15-601(2) and summoned to attend
9 the court."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 104
INTRODUCED BY HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO AUTHORIZE THE USE OF
COMPUTERIZED JURY SELECTION; AMENDING SECTIONS 3-15-404,
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or computer data base. (1) A county jury commissioner may
by order establish the use of either a jury box as provided
in subsection (2) or a computer data base as provided in
subsection (3) as the means for selecting jurors in the
county.

(2) If a county uses a jury box for selection of
jurors, the jury commissioner ~~The clerk~~ shall prepare and
keep a jury box and contents as prescribed in this section
subsection. The number of each juror shall be written,
typed, or stamped on a slip of paper or other suitable
material, identical in all respects to the slips used for
the other numbers. The slips shall be placed in a box of
ample size to permit them to be thoroughly mixed. The box
shall be plainly marked "jury box". The slips may be used as
often as necessary, except that none may be used which is in

any manner defaced or disfigured or so marked that it may be
recognized or distinguished from the others in the jury box
except by the number thereon. The box shall contain only one
slip for each number corresponding to the number before the
name of each juror on the jury list.

(3) If a county uses a computer data base for
selection of jurors, the jury commissioner shall cause the
list of jurors prepared under the provisions of 3-15-402 to
be entered into a computerized data base."

Section 2. Section 3-15-503, MCA, is amended to read:

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in it become thoroughly mixed. Thereafter the jury
commissioner shall draw from the box, one at a time, as many
of the numbered slips as are ordered by the court.

(b) If the drawing of jurors is conducted by means of
a computerized data base, it must be conducted by use of a
computerized random selection process that the judges of the
district court of the county have approved in writing as
satisfactorily fulfilling the requirements for the drawing
of trial juries. A copy of the latest jury list and a
description of the approved computerized random selection



1 process must be kept in the office of the clerk of court and
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 2 jurors as are necessary to secure the required number of
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 9 selected from only a designated portion of the county, which
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 11 county seat. If, in the selection of the additional jurors,
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21 Section 4. Section 3-15-601, MCA, is amended to read:

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 24 is necessary, he must make an order directing a grand jury
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22 excused are present, they constitute the grand jury.

23 (2) When more than 11 are present, the clerk JURY
24 COMMISSIONER shall write their names on separate ballots and
25 place the ballots in black capsules. The capsules shall be

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3 clerk JURY COMMISSIONER drawing the capsules from the box is
4 unable to see the capsule he is about to draw. The clerk
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7 jury.

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-End-

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22 excused are present, they constitute the grand jury.

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24 COMMISSIONER shall write their names on separate ballots and
25 place the ballots in black capsules. The capsules shall be

1 deposited in a box large enough to hold all of the capsules
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-End-

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REFERENCE BILL

SB 104

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