



HOUSE BILL No. 4161

January 17, 1995, Introduced by Rep. Bryant and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 1304, 1307a, 1310, 1375, and 1376 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended by Act No. 104 of the Public Acts of 1986, being sections 600.1304, 600.1307a, 600.1310, 600.1375, and 600.1376 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1304, 1307a, 1310, 1375, and 1376 of
2 Act No. 236 of the Public Acts of 1961, as amended by Act No. 104
3 of the Public Acts of 1986, being sections 600.1304, 600.1307a,
4 600.1310, 600.1375, and 600.1376 of the Michigan Compiled Laws,
5 are amended to read as follows:

6 Sec. 1304. (1) The jury board shall select from the current
7 voter registration lists or books the names of persons as
8 provided in this chapter to serve as jurors. This subsection

1 applies to jurors summoned for trials beginning ~~before~~
2 ~~September 1, 1987~~ ON OR AFTER SEPTEMBER 1, 1995.

3 (2) The jury board shall select from a list which combines
4 the driver's license list and the personal identification card-
5 holder list the names of persons as provided in this chapter to
6 serve as jurors. This subsection applies to jurors summoned for
7 trials beginning ~~after August 31, 1987~~ BEFORE AUGUST 31, 1995.

8 Sec. 1307a. (1) To qualify as a juror a person shall MEET
9 ALL OF THE FOLLOWING QUALIFICATIONS:

10 (a) Be a citizen of the United States, 18 years of age or
11 older, and a resident in the county for which the person is
12 selected, and in the case of a district court in districts of the
13 second and third class, be a resident of the district, and in the
14 case of municipal courts of record, be a resident of the
15 municipality.

16 (b) Be conversant with the English language.

17 (c) Be physically and mentally able to carry out the func-
18 tions of a juror. Temporary inability shall not be considered a
19 disqualification.

20 (d) Not have served as a petit or grand juror in a court of
21 record during the preceding 12 months.

22 (e) Not ~~be under sentence for~~ HAVE BEEN CONVICTED OF a
23 felony, ~~at the time of jury selection~~ UNLESS THE RECORD OF THE
24 FELONY HAS BEEN EXPUNGED BY A COURT.

25 (F) NOT BE, AT THE TIME OF JURY SELECTION, AN ELECTED STATE
26 REPRESENTATIVE OR STATE SENATOR, OR A JUDGE OR JUSTICE OF A COURT
27 OF THIS STATE.

1 (2) A person more than 70 years of age may claim exemption
2 from jury service and shall be exempt upon making the request.

3 (3) For the purposes of sections 1371 to 1376 a person has
4 served as a juror if that person has been paid for jury service.

5 Sec. 1310. (1) The township or city clerk shall annually
6 between April 15 and May 1 deliver to and file with the county
7 clerk a full, current, and accurate copy of the voter registra-
8 tion cards containing the names and addresses of the registered
9 voters. In lieu of a copy of the registration card, a full, cur-
10 rent, and accurate list of those registered together with the
11 current addresses shown on the card may be filed.

12 (2) The board shall secure from the county clerk, and the
13 county clerk shall provide, copies of the current voter registra-
14 tion cards or the current voter registration lists for each pre-
15 cinct in the county. The board shall treat the cards and lists
16 as 1 list, with voters grouped either by precinct or by city,
17 township, or village as they may be provided.

18 (3) The board, in lieu of receiving a list from the county
19 clerk of current registered voters, may, if electronic or mechan-
20 ical devices are used by the township, city, or village clerks,
21 order the clerks to provide only the names and addresses selected
22 by applying the key number and starting number designated by the
23 board.

24 ~~(4) Beginning in 1987, the secretary of state shall trans-~~
25 ~~mit annually, before April 15 to the clerk of each county at no~~
26 ~~expense a full, current, and accurate copy of a list that~~
27 ~~combines the driver's license list and personal identification~~

~~1 cardholder list pertaining to persons residing in the county. At
2 the request of the board before March 1, the secretary of state
3 shall transmit only a first jury list consisting of the names and
4 addresses of persons selected at random, based on the total
5 number of jurors required as submitted to the secretary of state
6 by the board, using electronic or other mechanical devices. Upon
7 request, the secretary of state shall furnish additional lists to
8 any federal, state, or local governmental agency, other than the
9 clerk of each county, for the purpose of jury selection. An
10 agency which requests and receives a list shall reimburse the
11 secretary of state for actual costs incurred in the preparation
12 and transmittal of the list and all reimbursements shall be
13 deposited in the state general fund.~~

~~14 (5) If an agency uses electronic or mechanical devices to
15 carry out its duties, the agency may request and receive a copy
16 of the combined driver's license and personal identification
17 cardholder list on computer tape or another electronically
18 produced medium under specifications prescribed by the secretary
19 of state. The secretary of state shall establish specifications
20 standardizing the size, format, and content of computer tapes and
21 other media utilized to transmit information used for jury
22 selection.~~

~~23 (6) Subsections (1), (2), and (3) shall not apply after
24 December 31, 1986.~~

25 Sec. 1375. (1) The township or city clerk shall annually
26 between April 15 and May 1 deliver to and file with the county
27 clerk a full, current, and accurate copy of the voter

1 registration cards containing the names and addresses of the
2 registered voters. In lieu of a copy of the registration card, a
3 full, current, and accurate list of those registered together
4 with the current addresses shown on the card may be filed. The
5 clerk shall provide a monthly update of the list or of the regis-
6 tration cards to the county clerk.

7 (2) If electronic or mechanical devices are used by the
8 township, city, or village clerk, the clerk shall provide a copy
9 of the list on computer tapes, punch card, or in any other form
10 as ordered by the board.

11 (3) The board shall secure from the county clerk, and the
12 county clerk shall provide, copies of the current voter registra-
13 tion cards or the current voter registration lists for each pre-
14 cinct in the county. The board shall treat the cards and lists
15 as 1 list, with voters grouped either by precinct or by city,
16 township, or village as they may be provided.

17 (4) The board, in lieu of receiving a list from the county
18 clerk of current registered voters, may, if electronic or mechan-
19 ical devices are used by the township, city, or village clerks,
20 order the clerk to provide only the names and addresses selected
21 by applying the key number and starting number designated by the
22 board.

23 ~~(5) Beginning in 1987, the secretary of state shall trans-~~
24 ~~mit annually, before April 15, to the clerk of each county a~~
25 ~~full, current, and accurate copy of a list that combines the~~
26 ~~driver's license and personal identification cardholder lists~~
27 ~~pertaining to persons residing in the county. At the request of~~

~~1 the board before March 1, the secretary of state shall transmit
2 only a first jury list consisting of the names and addresses of
3 persons selected at random, based on the total number of jurors
4 required as submitted to the secretary of state by the board,
5 using electronic or other mechanical devices. Upon request, the
6 secretary of state shall furnish additional lists to any other
7 federal, state, or local governmental agency, other than the
8 clerk of each county, for the purpose of jury selection. An
9 agency which requests and receives a list shall reimburse the
10 secretary of state for actual costs incurred in the preparation
11 and transmittal of the list and all reimbursements shall be
12 deposited in the state general fund.~~

~~13 (6) If an agency uses electronic or mechanical devices to
14 carry out its duties, the agency may request and receive a copy
15 of the combined driver's license and personal identification
16 cardholder list on computer tape or another electronically
17 produced medium under specifications prescribed by the secretary
18 of state. The secretary of state shall establish specifications
19 standardizing the size, format, and content of computer tapes and
20 other media utilized to transmit information used for jury
21 selection.~~

~~22 (7) Subsections (1), (2), (3), and (4) shall not apply after
23 December 31, 1986.~~

24 Sec. 1376. (1) Upon recommendation of the district court
25 judge or a majority of the judges of a district, circuit judge or
26 a majority of the circuit judges of a circuit, probate court
27 judge or a majority of the judges of the county or probate court

1 district, or a judge of a municipal court of record or a majority
2 of the judges of a municipal court of record, the court may adopt
3 a plan for the selection of persons for jury service with the aid
4 of mechanical or electronic means.

5 (2) A plan adopted pursuant to subsection (1) shall conform
6 to the following requirements:

7 (a) ~~For jurors summoned for trials beginning before~~
8 ~~September 1, 1987, it~~ IT shall specify that the sources from
9 which names are to be taken for jury purposes are all voter reg-
10 istration lists from all precincts in the district, circuit,
11 county, or probate court district, or city. ~~For jurors summoned~~
12 ~~for trials beginning after August 31, 1987, it shall specify that~~
13 ~~the source from which names are to be taken for jury purposes is~~
14 ~~the combined driver's license and personal identification card~~
15 ~~holder list pertaining to all precincts in the district, circuit,~~
16 ~~county, or probate court district, or city.~~

17 (b) It shall provide a fair, impartial, and objective method
18 of selecting persons for jury service with the aid of mechanical
19 or electronic equipment.

20 (c) It shall designate the official to be in charge of the
21 selection and management of jurors and shall define his or her
22 duties.

23 (d) It shall specify that a true and complete written list
24 showing the names and addresses of the persons summoned to begin
25 jury service on a particular date shall be filed of record with
26 the county clerk at least 10 days before the date the persons are
27 to begin jury service.