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SFA



BILL ANALYSIS

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Senate Bill 312 (as passed by the Senate)
Sponsor: Senator Michael J. Bouchard
Committee: Judiciary

Date Completed: 12-17-97

RATIONALE

Chapter 13 of the Revised Judicature Act governs the selection of juries and provides for the appointment of jury boards in each county. Members of jury boards are appointed by the Governor based on the recommendations of circuit court judges. Each board consists of three members, except that the board in Wayne County has seven-members. Jury board members are paid either an annual salary or an amount for each day of service, as determined by the county board of commissioners. In general, jury boards are responsible for selecting the names of persons to serve on juries; placing names on jury lists; supplying juror qualifications questionnaires to persons on a list; making a preliminary screening of the qualifications and exemptions of prospective jurors; and drawing jurors for jury service.

Reportedly, the jury boards in many counties are largely inactive, and county clerks perform the boards' functions. It has been suggested that eliminating the statutory requirements for jury boards would give counties flexibility while saving them money.

CONTENT

The bill would amend the Revised Judicature Act to delete references to jury boards and transfer their responsibilities to county clerks. The bill also would repeal sections of the Act that do the following:

- Prescribe the composition of jury boards (MCL 600.1301).
- Provide for the compensation of jury board members (MCL 600.1302).
- Allow the appointment of jury board assistants (MCL 600.1303).
- Require jury board members to take an oath (MCL 600.1303a).
- Require jury boards to meet annually (MCL

600.1305).

- Allow board members to administer an oath or affirmation (MCL 600.1318).

MCL 600.1304 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Counties should not have to pay compensation to jury board members who fail to do their job. If a county clerk already performs the functions of a jury board, eliminating the board simply would save the county money. If a jury board actually is active in a particular county, the county clerk could seek authorization from the circuit judge to obtain assistance or to delegate jury board responsibilities. Under the bill, counties would have flexibility in handling jury boards' current functions, without having to compensate jury board members appointed by the Governor.

Opposing Argument

There is concern that eliminating jury boards would remove authority from the courts and shift it to county clerks. Although county clerks might perform jury board functions in some counties, the court and court administrators apparently assume these functions in other places. In view of recently enacted court reorganization, the responsibility for the jury selection process should not be changed at this time. Furthermore, flexibility would be enhanced if each county could choose between keeping its jury board and transferring the board's responsibility to the county clerk.

Response: The bill would retain many provisions in the Act that give circuit judges authority over the jury selection process, including

language that, "The judges of each circuit court may establish rules, not inconsistent with the provisions herein, necessary to carry out these provisions..." (MCL 600.1353).

Opposing Argument

Serving on a jury board is a way for people to take an interest in government and serve their community. Citizens should not be denied this opportunity, and counties should not be denied the opportunity to recognize individuals by appointing them to jury boards.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would result in administrative savings to local units of government regarding costs associated with appointment of juror boards.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.