



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5129 (as reported with amendment)
Sponsor: Representative Jim Howell
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend provisions of the Revised Judicature Act (RJA) that govern the process for selecting potential jurors. The bill would take effect on June 1, 2004.

Section 1374 of the RJA, which applies only to jurisdictions that adopt the one-day, one-trial jury system, provides for the removal of a deceased person's name from the qualified jurors' list, and allows a trial judge to grant a deferral and reschedule jury service for a person who claims that serving would create a hardship. The bill would repeal Section 1374 but would reenact those procedures for all jurisdictions.

The bill would delete requirements that a jury board fill out slips of paper, fold them, and shake them in a box to draw names for jury service, but would allow a jury board to use "the historic method of preparing separate slips of paper and drawing slips from a jury board box" to select jurors. (The RJA also allows a jury board to use electronic and mechanical means.)

The bill also would do all of the following:

- Allow a jury questionnaire and a written summons to attend court for jury selection to be mailed together.
- Allow a jury board, rather than only the clerk or the sheriff, to summon jurors as directed by the court.
- Require that, to qualify as a juror, a person be "able to communicate in the English language" rather than "conversant with the English language".
- Allow a designee of the court clerk, as well as the clerk, to certify the names and residences of each juror excused or discharged; each notified person who did not attend or serve; and each person punished for contempt for failing to respond or appear.

In addition, the bill would refer to a circuit court's chief judge rather than presiding judge and eliminate references to a "municipal court of record".

MCL 600.1301a et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local units of government.

To the extent that it would allow counties to mail jury questionnaires and summons notices together, the bill would provide cost savings to local court funding units. As the other proposed changes are designed to bring the statute in line with current court practices, they would have no fiscal impact.

Date Completed: 1-22-04

Fiscal Analyst: Bethany Wicksall