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House Bill 5129 (as passed by the House)  
Sponsor: Representative Jim Howell  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 1-21-04

### **CONTENT**

**The bill would amend provisions of the Revised Judicature Act (RJA) that govern the process for selecting potential jurors, including provisions for drawing names, removing the names of deceased individuals, and summoning jurors.**

Under Section 1374 of the RJA, which applies only to jurisdictions that adopt the one-day, one-trial jury system, when the name of a person who is deceased is drawn for jury service, the name must be removed from the qualified jurors' list and that fact may be forwarded to the local clerk. The person's name then must be removed from the voter registration list. Section 1374 also allows a trial judge, at his or her discretion, to grant a deferral of jury service to a person who claims that serving on the date called creates a hardship. The judge then must determine a future date on which the person may serve without hardship, and direct the jury board to call the person on that date. The bill would repeal Section 1374.

Under the bill, if a qualifying questionnaire were returned with an indication by the U.S. Postal Service that the person to whom the questionnaire was addressed was deceased, the name of the person would have to be removed from the juror list and that name and circumstance could be forwarded to the local clerk. Also, the bill would allow a trial judge to grant a person a deferral for hardship and direct the jury board to call the person on another date. (Unlike Section 1374, these provisions would apply in all jurisdictions.)

The bill would delete provisions that require a jury board to fill out slips of paper, fold them, and shake them in a box to draw names for jury service. The bill 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 determine a panel or array of jurors". (The RJA also allows a jury board to use electronic and mechanical means in carrying out its duties.)

The bill also would do all of the following:

- Allow a jury board, rather than only the clerk or the sheriff, to summon jurors as directed by the court.
- Allow a jury questionnaire and a written summons to attend court for jury selection to be mailed together.
- Require that, to qualify as a juror, a person be "able to communicate in the English language" rather than requiring that a juror be "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 revise certain terms (by referring, for example, to a circuit court's chief judge rather than presiding judge), and eliminate references to a "municipal court of record". (The former Detroit Recorder's Court, which was merged with the Third Circuit Court pursuant to Public Act 374 of 1996, was the State's only 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.

Fiscal Analyst: Bethany Wicksall