

REVISIONS TO JURY POOL SELECTION PROCESS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4885

Sponsor: Rep. Rashida Tlaib

House Bill 4886

Sponsor: Rep. David Nathan

Committee: Judiciary

Complete to 11-17-09

A REVISED SUMMARY OF HOUSE BILLS 4485 AND 4486 AS INTRODUCED 5-5-09

The bills would revise the current jury selection process. The bills are tie-barred to each other, meaning that neither could take effect unless both are enacted.

House Bill 4885 would amend the Revised Judicature Act (MCL 600.1304 et al.) to include registered voters and taxpayers in the jury pool and to provide for more diversity in the pool. First, the bill would place the operations of the jury board in each county under the oversight of the circuit court with jurisdiction over that county. Prior approval of the court would be needed before a jury board could enter into a contract for equipment or services. The jury board would have to report annually to the court on the geographical diversity of juries selected in that county during the preceding 12 months.

The jury board would also have to continue to reorder the first jury list so that names of persons residing in each postal zip code within a county would be represented in jury pools selected in that county in proportion to that postal zip code's percentage of the county's total population, as reflected in the most recent federal decennial census.

Jury pool. Currently, the jury board selects names of persons to serve as jurors from a list that combines the names of people holding a driver's license or state ID card. The bill would require the list to also include current voter registration lists or books and individuals who had filed a state income tax return.

Voter lists. Under the bill, between April 15 and May 1 of each year, the township or city clerk would have to deliver to the county clerk a full, current, and accurate copy of the voter registration lists of the names and addresses of the current registered voters.

The county clerk would have to provide the jury board with copies of the current voter registration lists for each precinct in the county, with voters grouped either by precinct or by city, township, or village. If the clerks of a municipality used electronic or mechanical devices to carry out their duties, the jury board—instead of receiving a list of current registered voters from the county clerk—could order the local clerks to provide the names and addresses selected by applying the key number and starting number designated by the board.

Tax lists. Between April 15 and May 1 of each year, the state treasurer would have to transmit annually to the clerk of each county at no expense a full, current, and accurate copy of a list of the names and addresses of all individuals residing in that county who filed a state income tax return for the preceding calendar year. At the request of a jury board before March 1, the state treasurer would have to transmit only a list that consisted of the names and addresses of those persons selected at random, based on the total number of jurors required as submitted to the state treasurer by the board, using electric or other mechanical devices. If the county used electronic or mechanical devices to carry out its duties, the county could request and receive a copy of the list on any electronically produced medium under specifications prescribed by the state treasurer. The state treasurer would have to establish specifications standardizing the size, format, and content of media utilized to transmit information used for jury selection.

Geographical diversity. Currently, the names of persons on the first jury list who are qualified for and not exempt from jury service are compiled into a list known as the second jury list. The jury board is required to make an additional list from the names on the second jury list segregated by the geographical area of the jurisdiction of each district court district. When there are not sufficient names on the segregated list for any district court district, the jury board is required to apply again the key number to that district only and obtain as many additional jurors as needed for that district.

Under the bill, after the above task was completed, the board would have to make an additional list consisting of these names segregated by geographical areas within the county. If there was not sufficient geographical diversity within the segregated list, the jury board would have to again apply the key number to any underrepresented geographical area and obtain as many additional jurors as needed to ensure geographical diversity. "Geographical diversity" would mean the proportional representation of the population of each postal zip code within the county as a percentage of the total population of the county, as reflected in the most recent federal decennial census.

Reimbursement of traveling expenses. A juror must be reimbursed for traveling expenses to travel from home to the place where the court is held and back home again, for either a full day's attendance or a half day's attendance. The current rate, determined by the county board of commissioners, must be at least 10 cents per mile. The bill would raise the base rate from 10 cents to 22 cents per mile. The compensation rate for jury service would remain unchanged.

House Bill 4886 would amend the Revenue Act (Public Act 122 of 1941, at MCL 205.28) to allow the state treasurer to disclose the names and addresses of taxpayers to the extent required under Section 1310b of the Revised Judicature Act. Section 1310b would be added by House Bill 4885.

FISCAL IMPACT:

House Bill 4886 would have no fiscal impact on the judiciary system and an indeterminate fiscal impact on the Department of Treasury.

To the extent that House Bill 4885 increases the administrative workload of local jury boards, the bill may increase costs to county governments. Depending upon the county's size, the local county jury board is appointed by either the county executive with the concurrence of the county board of commissioners or by the county board of commissioners. The members of the jury board and their staff receive compensation from the county. Any fiscal impact to counties would be related to increased administrative workload to county jury boards that might arise under the bill's provisions.

The bill may have a minimal fiscal impact on local governments from the bill's requirement that local clerks annually provide the county clerk copies of voter lists.

Regarding the judiciary, the change in oversight to the Circuit Court would have an indeterminate impact on the judiciary. To the extent that the bill increases the workload of the local circuit court, there may be increased costs to the circuit courts.

Further, jurors are required to be compensated for mileage at a rate that is not less than 10 cents per mile (See MCL 600.1344). Despite a statutory floor rate for juror mileage compensation, many funding units elect to reimburse jurors at a mileage rate higher than the minimum. Regardless of what the local funding units compensate the juror for travel mileage, the JCRF provides no funding for mileage reimbursement.

The following chart presents a breakdown of the current funding costs at the rate of 10 cents per mile and costs at the proposed new rate of 22 cents per mile for the FY 2004 through FY 2009:

Fiscal Year	Mileage	10 cents per mile rate	22 cents per mile rate	Cost of Rate Increase
FY 2009	7,378,786	\$737,878.60	\$1,623,332.92	\$885,454.32
FY 2008	8,079,503	807,950.30	1,777,490.66	969,540.36
FY 2007	8,620,388	862,038.80	1,896,485.36	1,034,446.56
FY 2006	8,793,121	879,312.10	1,934,486.62	1,055,174.52
FY 2005	8,614,254	861,425.40	1,895,135.88	1,033,710.48
FY 2004	8,595,699	859,569.90	1,891,053.78	1,031,483.88

As displayed in the chart above, increasing the statutory floor for juror mileage compensation would lead to an average cost increase for the state of \$1,001,635.02 per fiscal year. Although local units do not currently receive any state reimbursement for juror mileage compensation, the state would be required to reimburse the local funding units for a statutorily mandated increase in juror mileage compensation under Article IX, Section 20 of the State Constitution.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Ben Gielczyk
Viola Bay Wild
Mark Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.