

HOUSE BILL No. 5478

September 25, 2009, Introduced by Reps. Cushingberry, Johnson and Nathan and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 1304, 1312, 1321, and 1344 (MCL 600.1304,
600.1312, 600.1321, and 600.1344), sections 1304 and 1321 as
amended by 2004 PA 12, section 1312 as amended by 2005 PA 6, and
section 1344 as amended by 2002 PA 739, and by adding sections
1301c, 1310a, and 1310b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1301C. (1) THE CIRCUIT COURT SHALL OVERSEE THE OPERATIONS
2 OF THE JURY BOARD IN EACH COUNTY.

3 (2) THE JURY BOARD IN EACH COUNTY SHALL NOT ENTER INTO ANY
4 CONTRACT FOR EQUIPMENT OR SERVICES WITHOUT THE PRIOR APPROVAL OF
5 THE CIRCUIT COURT.

6 (3) THE JURY BOARD IN EACH COUNTY SHALL REPORT ANNUALLY TO THE

1 CIRCUIT COURT ON THE GEOGRAPHICAL DIVERSITY OF JURIES SELECTED IN
2 THAT COUNTY DURING THE PRECEDING 12 MONTHS.

3 Sec. 1304. The jury board shall select THE NAMES OF PERSONS AS
4 PROVIDED IN THIS CHAPTER TO SERVE AS JURORS from a list that
5 combines the driver's license list, ~~and the personal identification~~
6 ~~cardholder list, the names of persons as provided in this chapter~~
7 ~~to serve as jurors~~ CURRENT VOTER REGISTRATION LISTS OR BOOKS, AND A
8 LIST OF INDIVIDUALS WHO FILED A STATE INCOME TAX RETURN.

9 SEC. 1310A. (1) BETWEEN APRIL 15 AND MAY 1 OF EACH YEAR, THE
10 TOWNSHIP OR CITY CLERK SHALL DELIVER TO THE COUNTY CLERK A FULL,
11 CURRENT, AND ACCURATE LIST OF THE NAMES AND ADDRESSES OF CURRENT
12 REGISTERED VOTERS. IF ELECTRONIC OR MECHANICAL DEVICES ARE USED BY
13 THE TOWNSHIP, VILLAGE, OR CITY CLERKS TO CARRY OUT THEIR DUTIES,
14 THE COUNTY CLERK MAY REQUEST AND RECEIVE A COPY OF THE LIST OF
15 CURRENT REGISTERED VOTERS ON ANY ELECTRONICALLY PRODUCED MEDIUM
16 UNDER SPECIFICATIONS PRESCRIBED BY THE COUNTY CLERK.

17 (2) THE BOARD SHALL SECURE FROM THE COUNTY CLERK, AND THE
18 COUNTY CLERK SHALL PROVIDE, COPIES OF THE CURRENT VOTER
19 REGISTRATION LISTS FOR EACH PRECINCT IN THE COUNTY, WITH VOTERS
20 GROUPED EITHER BY PRECINCT OR BY CITY, TOWNSHIP, OR VILLAGE, AS
21 THEY MAY BE PROVIDED.

22 (3) IF ELECTRONIC OR MECHANICAL DEVICES ARE USED BY THE
23 TOWNSHIP, CITY, OR VILLAGE CLERKS TO CARRY OUT THEIR DUTIES, THE
24 BOARD, INSTEAD OF RECEIVING A LIST FROM THE COUNTY CLERK OF CURRENT
25 REGISTERED VOTERS, MAY ORDER THE CLERKS TO PROVIDE ONLY THE NAMES
26 AND ADDRESSES SELECTED BY APPLYING THE KEY NUMBER AND STARTING
27 NUMBER DESIGNATED BY THE BOARD.

1 SEC. 1310B. (1) BETWEEN APRIL 15 AND MAY 1 OF EACH YEAR, THE
2 STATE TREASURER SHALL TRANSMIT ANNUALLY TO THE CLERK OF EACH COUNTY
3 AT NO EXPENSE A FULL, CURRENT, AND ACCURATE COPY OF A LIST OF THE
4 NAMES AND ADDRESSES OF ALL INDIVIDUALS RESIDING IN THAT COUNTY WHO
5 FILED A STATE INCOME TAX RETURN FOR THE PRECEDING CALENDAR YEAR. AT
6 THE REQUEST OF THE BOARD BEFORE MARCH 1, THE STATE TREASURER SHALL
7 TRANSMIT ONLY A LIST CONSISTING OF THE NAMES AND ADDRESSES OF THOSE
8 PERSONS SELECTED AT RANDOM, BASED ON THE TOTAL NUMBER OF JURORS
9 REQUIRED AS SUBMITTED TO THE STATE TREASURER BY THE BOARD, USING
10 ELECTRONIC OR OTHER MECHANICAL DEVICES.

11 (2) IF A COUNTY USES ELECTRONIC OR MECHANICAL DEVICES TO CARRY
12 OUT ITS DUTIES, THE COUNTY MAY REQUEST AND RECEIVE A COPY OF THE
13 LIST DESCRIBED IN SUBSECTION (1) ON ANY ELECTRONICALLY PRODUCED
14 MEDIUM UNDER SPECIFICATIONS PRESCRIBED BY THE STATE TREASURER. THE
15 STATE TREASURER SHALL ESTABLISH SPECIFICATIONS STANDARDIZING THE
16 SIZE, FORMAT, AND CONTENT OF MEDIA UTILIZED TO TRANSMIT INFORMATION
17 USED FOR JURY SELECTION.

18 Sec. 1312. The board shall apply the key number uniformly to
19 the names on the list received pursuant to ~~section~~ **SECTIONS** 1310,
20 **1310A, AND 1310B** and compile a list or card index, to be known as
21 the first jury list, which shall include every name and only those
22 names as the application of the key number has designated. The
23 board shall do this as follows:

24 (a) Select by a random method a starting number between 0 and
25 the key number.

26 (b) Count down the list the number of names to reach the
27 starting number. That name shall be placed on the first jury list.

1 (c) Continue from that name counting down the list, beginning
2 to count again with the number 1, until the key number is reached.
3 That name shall be placed on the first jury list.

4 (d) Repeat the process provided in subdivision (c) until the
5 whole list has been counted and the names placed on the first jury
6 list.

7 (e) The board shall then remove from the first jury list the
8 name of any person who its records show served, pursuant to the
9 provisions of this chapter, as a petit or grand juror in any court
10 of record in the county at any time in the preceding 1 year.

11 (f) The board, with the approval of the chief circuit judge,
12 may remove from the first jury list the name of any person who has
13 been convicted of a felony and is therefore disqualified from
14 serving as a juror pursuant to section 1307a(1)(e).

15 **(G) THE BOARD SHALL CONTINUE TO REORDER THE FIRST JURY LIST TO**
16 **THE EXTENT NECESSARY TO ENSURE THAT NAMES OF PERSONS RESIDING IN**
17 **EACH POSTAL ZIP CODE WITHIN THE COUNTY WILL BE REPRESENTED IN JURY**
18 **POOLS SELECTED IN THAT COUNTY IN PROPORTION TO THAT POSTAL ZIP**
19 **CODE'S PERCENTAGE OF THE COUNTY'S TOTAL POPULATION, AS REFLECTED IN**
20 **THE MOST RECENT FEDERAL DECENNIAL CENSUS.**

21 Sec. 1321. (1) The names of those persons on the first jury
22 list whom the board accepts as persons qualified for and not exempt
23 from jury service shall be compiled into a list to be known as the
24 second jury list. The list shall remain sealed until otherwise
25 ordered by the chief circuit judge.

26 (2) The board shall make an additional list consisting of the
27 names on the second jury list segregated by the geographical area

1 of the jurisdiction of each district court district. If there are
2 not sufficient names on the segregated list for any district court
3 district, the board shall apply again the key number to that
4 district only and obtain as many additional jurors as needed for
5 that district.

6 (3) AFTER COMPLETING THE OPERATION REQUIRED UNDER SUBSECTION
7 (2), THE BOARD SHALL MAKE AN ADDITIONAL LIST CONSISTING OF THE
8 NAMES ON THE LIST COMPILED UNDER SUBSECTION (2), SEGREGATED BY
9 GEOGRAPHICAL AREAS WITHIN THE COUNTY. IF THERE IS NOT SUFFICIENT
10 GEOGRAPHICAL DIVERSITY WITHIN THE SEGREGATED LIST, THE BOARD AGAIN
11 SHALL APPLY THE KEY NUMBER TO ANY UNDERREPRESENTED GEOGRAPHICAL
12 AREA AND OBTAIN AS MANY ADDITIONAL JURORS NEEDED TO ENSURE
13 GEOGRAPHICAL DIVERSITY. AS USED IN THIS SUBSECTION, "GEOGRAPHICAL
14 DIVERSITY" MEANS THE PROPORTIONAL REPRESENTATION OF THE POPULATION
15 OF EACH POSTAL ZIP CODE WITHIN THE COUNTY AS A PERCENTAGE OF THE
16 TOTAL POPULATION OF THE COUNTY, AS REFLECTED IN THE MOST RECENT
17 FEDERAL DECENNIAL CENSUS.

18 Sec. 1344. (1) A juror shall be reimbursed for his or her
19 traveling expenses at a rate, determined by the county board of
20 commissioners, that is not less than ~~10~~22 cents per mile for
21 traveling from the juror's residence to the place of holding court
22 and returning for each day or 1/2 day of actual attendance at
23 sessions of the court.

24 (2) A juror also shall be compensated at a rate, determined by
25 the county board of commissioners, as follows:

26 ~~—— (a) Until October 1, 2003, not less than \$15.00 per day and~~
27 ~~\$7.50 per 1/2 day of actual attendance at the court.~~

1 ~~—— (b) Beginning October 1, 2003, a rate determined as follows:~~

2 (A) ~~(i)~~ For the first day or 1/2 day of actual attendance at
3 the court, not less than \$25.00 per day and \$12.50 per 1/2 day.

4 (B) ~~(ii)~~ For each subsequent day or 1/2 day of actual
5 attendance at the court, not less than \$40.00 per day and \$20.00
6 per 1/2 day.

7 (3) If an action is removed from the circuit court to a lower
8 court, the jury fee shall be paid to the circuit court whether paid
9 before or after removal of the action to the lower court, and the
10 circuit court shall be responsible for payment of the compensation
11 to the juror involved.

12 (4) A clerk or deputy clerk of the court who fraudulently
13 issues a certificate of attendance of a juror on which the juror
14 receives pay, except as allowed by law, is guilty of a misdemeanor,
15 punishable by imprisonment for not more than 6 months, or a fine of
16 not more than \$500.00, or both.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. ____ or House Bill No. 5477(request no.
19 01447'09 a) of the 95th Legislature is enacted into law.