

CHAPTER 124

Senate Bill 164

AN ACT

RELATING TO JURIES; ESTABLISHING THE OFFICE OF AND PROVIDING FOR METHOD OF SETTING SALARY OF JURY COMMISSIONER; PRESCRIBING QUALIFICATIONS FOR JURORS; PRESCRIBING PERSONS ENTITLED TO BE EXCUSED FROM JURY SERVICE; AUTHORIZING PAYMENT OF MILEAGE ONLY IN SPECIAL INSTANCES; PROVIDING FOR A JURY LIST; PROVIDING PROCEDURE FOR SELECTING PROSPECTIVE JURORS, PANELS,

ARRAYS; REQUIRING A JUROR QUESTIONNAIRE; AUTHORIZING POSTPONEMENT OF JURY SERVICE; PRESCRIBING THE TERM OF JURY SERVICE; AUTHORIZING THE USE OF DATA PROCESSING EQUIPMENT; AMENDING TITLE 21, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 3; AMENDING SECTION 21-201, ARIZONA REVISED STATUTES; REPEALING SECTIONS 21-202 AND 21-203, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 21-202; AMENDING SECTION 21-221, ARIZONA REVISED STATUTES; REPEALING TITLE 21, CHAPTER 3, ARTICLES 1 AND 2, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING NEW ARTICLES 1, 2 AND 2.1; REPEALING SECTIONS 21-331 AND 21-336, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 21-331, 21-336 and 21-336.01, AND AMENDING TITLE 21, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4.

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 21, chapter 1, Arizona Revised Statutes, is amended by adding article 3, section 21-131, to read:

ARTICLE 3. JURY COMMISSIONER

21-131. JURY COMMISSIONER

A. The clerk of the superior court shall be the jury commissioner, provided that in any county having a population of more than one hundred thousand persons, the presiding judge of the superior court may appoint a jury commissioner.

B. The salary of a jury commissioner who has been appointed to such position by the presiding judge shall be set by the majority of the superior court judges of the county, subject to approval of the county board of supervisors.

Sec. 2. Sec. 21-201, Arizona Revised Statutes, is amended to read:

21-201. QUALIFICATIONS

Every juror, grand and trial shall be an elector in the county.

Sec. 3. REPEAL

Sections 21-202 and 21-203, Arizona Revised Statutes, are repealed.

Sec. 4. Title 21, chapter 2, article 1, Arizona Revised Statutes, is amended by adding a new section 21-202, to read:

21-202. PERSONS ENTITLED TO BE EXCUSED FROM JURY SERVICE

The following persons shall, upon their timely application to the court, be excused from service as a juror:

1. Any person whose absence from his regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest.

2. Any person upon whom service as a juror would, in the judgment of the court, impose an undue hardship.

Sec. 5. Sec. 21-221, Arizona Revised Statutes, is amended to read:

21-221. FEES AND MILEAGE

A. Each juror shall be paid by the county:

1. For each day's attendance upon the superior court, twelve dollars.

2. For each mile necessarily traveled from his residence to the court, an amount determined by the judge, not to exceed twenty cents per mile and to be computed for one trip and one way only. When a juror necessarily returns to his residence one or more times during the period of service because of a recess ordered by the court, he shall be paid for such travel an additional amount determined by the judge, not to exceed twenty cents per mile one way for each recess.

B. Attendance on the court shall include the first day a juror is required to attend and shall continue each day of actual attendance on the court thereafter, until the juror is either temporarily or permanently excused from jury service. Any juror who is excused from further attendance upon the first day of this appearance in obedience to summons shall receive a mileage allowance only.

C. Each juror shall be paid by the county for each day's attendance upon a justice court or upon an inquest, four dollars.

Sec. 6. REPEAL

Title 21, chapter 3, articles 1 and 2, Arizona Revised Statutes, are repealed.

Sec. 7. Title 21, chapter 3, Arizona Revised Statutes, is amended by adding new articles 1, 2 and 2.1, to read:

ARTICLE 1. JURY LIST

21-301. JURY LIST

A. Names of prospective jurors to serve on trial and grand juries drawn after the effective date of this article shall be selected at random from the voter registration list of the county.

B. Not later than the first day of January following each biennial general election, the county recorder shall provide the jury commissioner with a list containing the names and addresses of all persons qualified to vote at the preceding general election. At least once every six months thereafter the county recorder shall provide the jury commissioner with the names and addresses of all additional persons who have registered as voters since the date of the last list.

C. In those counties in which data processing is not used, the jury commissioner shall place all the names contained in the jury list on separate slips of paper of the same size and appearance, folding each so as to conceal the name thereon, and deposit them in a box or drum for that purpose, which shall be designated the "jury list box" or "jury list wheel". In any county in which the selection and drawing of jurors is performed by data processing equipment, the names contained in the jury list shall be placed on separate cards or records of the same size and appearance.

ARTICLE 2. SELECTING PERSONS FOR
PROSPECTIVE JURY SERVICE21-311. NUMBER OF NAMES TO BE DRAWN FOR JURY
SERVICE

A. During January in each year the presiding judge in each county shall make an order directing the jury commissioner to draw from the master jury list the number of names necessary, in the opinion of the presiding judge, to provide a sufficient number of persons for jury service during the ensuing year.

B. Within ten days after such order is made, the jury commissioner shall draw from the master jury box or master jury wheel, pursuant to section 21-313 or 21-314, the number of names specified by the court.

C. If the presiding judge of the superior court of any county is at any time of the opinion that additional jurors will be required, he may order the jury commissioner to draw additional names from the master jury list.

21-312. DRAWING OF NAMES

The jury commissioner shall conduct the drawing by shaking the master jury box or rotating the master jury wheel so as to mix

thoroughly the slips of paper upon which names were written, and he shall publicly draw from the master jury box or master jury wheel the number of names designated in the order. If, after drawing the entire number required, the name of any person has been drawn who is dead or insane or who has permanently removed from the county in the knowledge of the jury commissioner or any other person attending the drawing, an entry of the fact shall be made in the minutes of the drawing and the corresponding slip destroyed. Another name shall then be drawn to replace the destroyed slip, which shall be entered in the minutes of the drawing. Minutes of the drawing shall be kept and there shall be entered in the minutes the name of each slip as it is drawn.

21-313. USE OF DATA PROCESSING EQUIPMENT

In any county where data processing equipment is used the jury commissioner shall cause the device to be programmed so as to insure the random selection of names on the master jury list. Minutes of the drawing shall be kept, in which shall be entered the method used to insure random selection and the name on each card or record selected.

21-314. JUROR QUESTIONNAIRE

A. The jury commissioner shall supply a questionnaire to each person whose name is drawn from the jury list to determine his qualifications to serve and whether he has valid grounds to be excused from service.

B. Each person shall return the questionnaire fully answered to the jury commissioner within ten days after it is received.

21-315. EXCUSE FROM SERVICE; INVESTIGATION

A. Where a person's answers to a questionnaire indicate that he is unqualified for jury service or, in the opinion of the jury commissioner, state grounds sufficient to be excused from jury service, his name shall not be placed in the qualified juror box or wheel and he shall be notified that he is excused from jury service.

B. The jury commissioner may investigate the accuracy of the answers to the questionnaire and may call upon law enforcement agencies for assistance in the investigation.

21-316. REQUIRING APPEARANCE TO TESTIFY CONCERNING QUALIFICATIONS

The presiding judge may require any person whose name is on the prospective juror list to appear before the jury commissioner at a specified time for the purpose of testifying under oath or affirmation concerning his qualifications to serve as a juror, in addition

to completing the questionnaire. Not less than seven days' notice shall be given, in the manner prescribed by section 21-331, to any person required to appear.

21-317. ADMINISTERING OATH OR AFFIRMATION

The jury commissioner may administer an oath or affirmation in relation to the examination of any matter embraced in this chapter.

21-318. REVIEW OF COMMISSIONER'S ACTION

If the jury commissioner refuses to excuse from jury service any person who claims that he is entitled to be excused or that he is not qualified for jury service, and such person makes written application for review, the presiding judge shall decide whether he should be excused.

ARTICLE 2.1. SELECTING PERSONS FOR PANEL OR ARRAY

21-321. QUALIFIED JUROR BOX OR WHEEL

The names of all persons drawn from the master jury box or master jury wheel, who are qualified as jurors and not exempt, shall be placed in a box or drum which will be designated the qualified juror box or qualified juror wheel.

21-322. ORDER FOR DRAWING ARRAY OR PANEL; NUMBER DRAWN

A. Not less than ten days before the time at which either a grand jury or trial jury panel is required to be in attendance upon the superior court, the presiding judge thereof shall order the jury commissioner to draw names of qualified jurors and shall specify the number of names to be drawn.

B. If the order is to form a grand jury the order shall specify the number of jurors to constitute the grand jury, which shall be not less than sixteen nor more than twenty-one. The order shall also provide for summoning such number of prospective jurors as the judge may deem necessary to insure qualification of the number of grand jurors required by the order. If the order is to form a trial jury panel, the number shall be as the judge directs in his order.

C. The order shall state the time at which prospective jurors, grand or trial, shall be in attendance.

21-323. DRAWING NAMES FOR GRAND JURY OR TRIAL JURY PANEL

A. In drawing names from the qualified juror box or qualified

juror wheel, the jury commissioner shall follow the procedure prescribed in section 21-322.

B. In any county where the use of data processing equipment is authorized, the jury commissioner shall follow the procedure prescribed in section 21-313.

21-324. GENERAL PANEL FOR ALL DIVISIONS IN ONE COUNTY

In any county where there is more than one division of the superior court, trial jury panels drawn shall constitute a pool to be used by all the superior court divisions in the county. The jury commissioner shall draw by lot from the particular panel or pool the names of individual jurors to be called for each trial in such manner as to insure random selection.

21-325. COPIES OF LIST OF JURORS

The jury commissioner shall furnish any person who applies therefor, and pays the fees allowed by law, a copy of the list of jurors drawn to attend upon the superior court.

Sec. 8. REPEAL

Sections 21-331 and 21-336, Arizona Revised Statutes, are repealed.

Sec. 9. Title 21, chapter 3, article 3, Arizona Revised Statutes, is amended by adding new sections 21-331, 21-336 and 21-336.01, to read:

21-331. SUPERIOR COURT JURY

A. The jury commissioner shall summon the persons whose names have been drawn for grand or trial jury service to attend the court at the time fixed in the order to form the jury, by giving personal notice to each of them, or by leaving a written notice to that effect at his place of residence, with some person of proper age and discretion, or by mailing such notice by first class mail, registered mail or certified mail.

B. Any juror who fails to appear in response to a notice sent by first class mail shall be immediately resummoned by a notice sent by registered mail or certified mail and shall not be subject to attachment or fine as provided in section 21-335 unless he fails to appear in response to this second mailing.

21-336. POSTPONEMENT OF JURY SERVICE

The court may postpone the service of a juror to a later time

certain. The jury commissioner shall thereafter cause such juror's name to be included on a separate list for serving on such later date.

21-336.01. JURORS TERM OF SERVICE

The term of service of jurors shall not exceed one hundred twenty days, unless at the end of this period a juror is serving in connection with an unfinished case, in which event he shall serve only until the case in which he is serving is finished.

Sec. 10. Title 21, chapter 3, Arizona Revised Statutes, is amended by adding article 4, section 21-351, to read:

ARTICLE 4. DATA PROCESSING EQUIPMENT

21-351. DATA PROCESSING EQUIPMENT AUTHORIZED

Data processing equipment may be utilized wherever feasible in the performance of the duties imposed by this chapter.

Approved by the Governor—May 1, 1970

Filed in the office of the Secretary of State—May 4, 1970
