

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

SENATE BILL 187

5 By: Senator Higginbothom
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS CODE TO PROVIDE FOR
10 THE SELECTION OF JURORS FROM A COMPILED LIST OF
11 REGISTERED VOTERS, PERSONS LICENSED TO OPERATE
12 MOTOR VEHICLES AND PERSONS ISSUED IDENTIFICATION
13 CARDS BY THE DEPARTMENT OF FINANCE AND
14 ADMINISTRATION; AND FOR OTHER PURPOSES.
15

Subtitle

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17
18 TO AMEND THE ARKANSAS CODE TO PROVIDE
19 FOR THE SELECTION OF JURORS FROM A
20 COMPILED LIST OF REGISTERED VOTERS,
21 PERSONS LICENSED TO OPERATE MOTOR
22 VEHICLES AND PERSONS ISSUED
23 IDENTIFICATION CARDS BY THE DEPARTMENT.
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 16-32-103 is amended to read as follows:
29 16-32-103. Master list.

30 (a) During the month of November or December of each year, the
31 prospective jurors for the following calendar year shall be selected from
32 among the current list of registered voters ~~of the, licensed drivers, and~~
33 persons issued an identification card under § 27-16-805, who are citizens of
34 the United States, eighteen (18) years of age or older, and are residing in
35 the applicable district or county in the following manner:

36 (1) The circuit judge, in the presence of the circuit clerk,



1 shall select at random a number between one (1) and one hundred (100),
 2 inclusive, which shall be the starting number, and the circuit court shall
 3 then select the person whose name appears on the ~~current voter registration~~
 4 ~~list in that numerical position, counting sequentially from the first name on~~
 5 ~~the~~ compiled list, of registered voters, licensed drivers, and persons issued
 6 an identification card under § 27-16-805, who are citizens of the United
 7 States and eighteen (18) years of age or older, in that numerical position,
 8 counting sequentially from the first name on the list.

9 (2) The circuit clerk shall then select the one hundredth
 10 (100th) voter registrant name appearing on the list after the starting
 11 number. As an example, if the starting number is sixty-seven (67), which is
 12 the first selection, the second selection would be the one hundred
 13 sixty-seventh (167th) registered voter name, the third selection would be the
 14 two hundred sixty-seventh (267th) registered voter name, and so forth until
 15 the current ~~registered voter~~ list is exhausted.

16 (3) The circuit judge and the circuit clerk shall then repeat
 17 the random selection process until the number of jurors set out in this
 18 subsection have been selected.

19 (b) The number of persons to be selected shall be based upon the
 20 number of qualified registered voters, licensed drivers, and persons issued
 21 an identification card under § 27-16-805, who are citizens of the United
 22 States and eighteen (18) years of age or older, in the appropriate district
 23 or county as reflected by the current compiled list of registered voters,
 24 licensed drivers, and persons issued an identification card under § 27-16-
 25 805, who are citizens of the United States and eighteen (18) years of age or
 26 older, provided by the county clerk under legal requirements and, unless a
 27 larger number is designated by the circuit judge, the minimum number selected
 28 shall be as follows:

29 30 Number of 31 Registered Voters, 32 <u>Licensed drivers and</u> 33 <u>Persons issued</u> 34 <u>Identification Cards</u> 35 <u>Under § 27-16-805</u>	Minimum Number of Prospective Petit Jurors	Minimum Number of Prospective Grand Jurors
36 90,000 or more	1,200	120

1	16,000 to 89,999	1,000	100
2	10,000 to 15,999	800	90
3	6,000 to 9,999	600	75
4	2,000 to 5,999	500	75
5	0 to 1,999	250 or 50% of	
6		the registered voters,	
7		<u>licensed drivers, and persons</u>	
8		<u>issued identification cards</u>	
9		<u>under § 27-16-805,</u>	
10		whichever is smaller	

11 (c) After the list of prospective jurors has been submitted by the
 12 circuit clerk, the circuit judge may, in the exercise of his discretion,
 13 authorize clerical assistance in preparing the alphabetized master list and
 14 separate cards, chips, disks, or other appropriate means of including the
 15 names and addresses of the prospective jurors in the wheel or box.

16 (1) The expense of this clerical help shall be paid by the
 17 county as an expense of the administration of justice.

18 (2) Clerical employees shall take the following oath:
 19 "I will not make known to anyone the names of the prospective
 20 jurors who have been selected and I will not, directly or
 21 indirectly, converse with anyone selected as a juror concerning
 22 the merits of any proceeding pending or likely to come before the
 23 grand jury or court until after the case is tried or otherwise
 24 finally disposed of."

25 (d) Subsections (a)-(c) of this section shall be applicable to all
 26 circuit courts and counties within the state.

27 (e) All circuit clerks ~~who maintain voter registration lists on~~
 28 ~~computers, whether in house or contracted,~~ may utilize the computers and
 29 associated equipment for the purpose of selecting jury panels from the ~~voter~~
 30 ~~registration lists~~ compiled list of registered voters, licensed drivers and
 31 persons issued identification cards under § 27-16-805, who are citizens of
 32 the United States and eighteen (18) years of age or older. The master list
 33 of jurors' names and addresses shall not be available for public inspection,
 34 publication, or copying, but it may be examined in the presence of the
 35 circuit judge by litigants or their attorneys who desire to verify that names
 36 drawn from the wheel or box were placed there in the manner provided in this

1 act by the commissioners.

2
3 SECTION 2. Arkansas Code 16-32-201(b) is amended to read as follows:

4 (b) Circuit courts to which criminal cases are assigned may call grand
5 jurors from the wheel or box from which petit jurors are drawn, or the
6 circuit judge may direct the jury commissioners to provide the minimum number
7 of names for a separate grand jury wheel or box in the minimum number set
8 forth in § 16-32-103(a)-(d). In the event the circuit judge directs the jury
9 commissioners to provide the minimum number of names for a separate grand
10 jury wheel or box, the jury commissioners shall select the names of persons
11 whom they believe to be qualified from the current ~~voter registration~~
12 compiled list of registered voters, licensed drivers, and persons issued
13 identification cards under § 27-16-805, who are citizens of the United States
14 and eighteen (18) years of age or older.

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16 SECTION 3. The Department of Finance and Administration shall no later
17 than October 31 of each year provide to the circuit clerk of each county a
18 list of all persons licensed by the department to operate motor vehicles and
19 persons issued identification cards under § 27-16-805, who are citizens of
20 the United States, eighteen (18) years of age or older, and who reside within
21 the counties which the circuit clerk serves.