

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1367

5 By: Representatives Painter, Vaught  
6 By: Senator J. Boyd  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE PROCESS OF  
10 JURY SELECTION; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13 TO AMEND THE LAW CONCERNING THE PROCESS  
14 OF JURY SELECTION.  
15  
16  
17  
18  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 16-31-101 is amended to read as follows:  
24 16-31-101. Qualifications.

25 (a) Every licensed driver or, in counties where an enhanced  
26 prospective jury list is utilized, every registered voter, licensed driver,  
27 or person issued an identification card under § 27-16-805, who is a citizen  
28 of the United States, eighteen (18) years of age or older, and a resident of  
29 the State of Arkansas and of the county in which he or she may be summoned  
30 for jury service is legally qualified to act as a grand or petit juror if not  
31 otherwise disqualified under the express provisions of this act.  
32

33 SECTION 2. Arkansas Code § 16-32-103 is amended to read as follows:  
34 16-32-103. Master list.

35 (a) During the month of November or December of each year, the  
36 prospective jurors for the following calendar year shall be selected from



1 among the current list of ~~registered voters~~ licensed drivers of the  
 2 applicable district or county in the following manner:

3 (1) The circuit judge, in the presence of the circuit clerk,  
 4 shall select at random a number between one (1) and one hundred (100),  
 5 inclusive, which shall be the starting number, and the circuit court shall  
 6 then select the person whose name appears on the current ~~voter registration~~  
 7 list of licensed drivers in that numerical position, counting sequentially  
 8 from the first name on the list;

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

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 in the appropriate  
 21 district or county as reflected by the current list of ~~registered voters~~  
 22 licensed drivers provided by the ~~county clerk under legal requirements~~  
 23 Department of Finance and Administration and, unless a larger number is  
 24 designated by the circuit judge, the minimum number selected shall be as  
 25 follows:

26	27	28	29
	Number of	Minimum Number	Minimum Number
	<del>Registered Voters</del>	of Prospective	of Prospective
	<u>Licensed Drivers</u>	Petit Jurors	Grand Jurors
30			
31	90,000 or more	1,200	120
32	16,000 to 89,999	1,000	100
33	10,000 to 15,999	800	90
34	6,000 to 9,999	600	75
35	2,000 to 5,999	500	75
36	0 to 1,999	250 or 50% of	

1 the ~~registered voters~~ licensed drivers,  
2 whichever is smaller

3 (c)(1) After the list of prospective jurors has been submitted by the  
4 circuit clerk, the circuit judge may, in the exercise of his or her  
5 discretion, authorize clerical assistance in preparing the alphabetized  
6 master list and separate cards, chips, disks, or other appropriate means of  
7 including the names and addresses of the prospective jurors in the wheel or  
8 box.

9 (2) The expense of this clerical help shall be paid by the  
10 county as an expense of the administration of justice.

11 (3) Clerical employees shall take the following oath:  
12 "I will not make known to anyone the names of the prospective jurors who have  
13 been selected and I will not, directly or indirectly, converse with anyone  
14 selected as a juror concerning the merits of any proceeding pending or likely  
15 to come before the grand jury or court until after the case is tried or  
16 otherwise finally disposed of."

17 (d) Subsections (a)-(c) of this section shall be applicable to all  
18 circuit courts and counties within the state that are not using a  
19 computerized random jury selection process.

20 (e)(1)(A) All circuit clerks who maintain on computers ~~voter~~  
21 ~~registration~~ licensed drivers lists or the enhanced list of prospective  
22 jurors authorized by § 16-32-302, whether in-house or contracted, may utilize  
23 the computers and associated equipment for the purpose of selecting jury  
24 panels from the ~~voter registration~~ licensed drivers lists or the enhanced  
25 list of prospective jurors instead of compiling a master list under  
26 subsections (a)-(c) of this section if the computer program is capable of  
27 randomly selecting names for the jury panels from the ~~voter registration~~  
28 licensed drivers lists or enhanced list of prospective jurors.

29 (B) If the computer program is not capable of randomly  
30 selecting names for the jury panels from the ~~voter registration~~ licensed  
31 drivers lists or enhanced list of prospective jurors, the clerks may use the  
32 computers and associated equipment for the purpose of creating the master  
33 list under subsections (a)-(c) of this section.

34 (2) The master list of jurors' names and addresses shall not be  
35 available for public inspection, publication, or copying, but it may be  
36 examined in the presence of the circuit judge by litigants or their attorneys

1 who desire to verify that names drawn from the wheel or box were placed there  
2 in the manner provided in this act by the commissioners.

3 (3)(A) In counties where jury selection is conducted by a  
4 computerized random process, the source list of potential jurors' names and  
5 addresses shall not be available for public inspection, publication, or  
6 copying.

7 (B) The source list may be examined in the presence of the  
8 circuit judge by litigants or their attorneys who desire to verify that names  
9 randomly selected by computer were selected from the list.

10  
11 SECTION 3. Arkansas Code § 16-32-104(b), concerning the jury wheel or  
12 box, is amended to read as follows:

13 (b) The courts are authorized to use a computer program that is  
14 capable of random selection of names from the list of ~~registered voters~~  
15 licensed drivers or the enhanced list of prospective jurors authorized under  
16 § 16-32-302 instead of maintaining the jury wheel or box required under  
17 subdivisions (a)(1)-(4) of this section.

18  
19 SECTION 4. Arkansas Code § 16-32-108(2)(A), concerning additional  
20 jurors, is amended to read as follows:

21 (2)(A) The circuit judge may direct the circuit clerk who  
22 selected the original names placed in the jury wheel or box to submit the  
23 names and last known addresses of additional ~~registered voters~~ licensed  
24 drivers whom the circuit clerk shall select in the manner provided by § 16-  
25 32-103(a)-(d).

26  
27 SECTION 5. Arkansas Code § 16-32-109(a)(2)(A), concerning selection of  
28 trial juror upon challenge by litigant, is amended to read as follows:

29 (2)(A) If the trial judge sustains the challenge to the use of  
30 names in the jury wheel or box for the drawing of trial jurors, he or she  
31 shall instruct the circuit clerk to select such a number of persons as the  
32 trial judge may designate from the current ~~voter registration~~ licensed  
33 drivers list in the manner provided by § 16-32-103(a)-(d).

34  
35 SECTION 6. Arkansas Code § 16-32-201(a)(2)(B), concerning the  
36 selection of grand jury, is amended to read as follows:

1 (B) In the event the circuit judge directs the circuit clerk to  
2 provide the minimum number of names for a separate grand jury wheel or box,  
3 the circuit clerk shall select the names of persons whom the circuit clerk  
4 believes to be qualified from the current ~~voter registration~~ licensed drivers  
5 list or the enhanced prospective juror list authorized by § 16-32-302.

6  
7 SECTION 7. Arkansas Code § 16-32-301 is amended to read as follows:  
8 16-32-301. Enhanced prospective juror pool.

9 (a) The pool of names from which prospective jurors are chosen may be  
10 expanded from the list of ~~registered voters~~ licensed drivers to include the  
11 list of ~~licensed drivers~~ registered voters and persons issued an  
12 identification card under § 27-16-805.

13 (b) The qualifications for serving on a jury under § 16-31-101 and the  
14 disqualifications under § 16-31-102 shall apply to the enhanced prospective  
15 juror pool permitted under subsection (a) of this section.

16  
17 SECTION 8. Arkansas Code § 16-32-302(b)(1), concerning an enhanced  
18 list of prospective jurors, is amended to read as follows:  
19 16-32-302. Enhanced list of prospective jurors.

20 (b)(1) The Secretary of State shall receive from the Department of  
21 Finance and Administration and county clerk and the Department of Finance and  
22 administration at mutually agreeable times each year a list of all licensed  
23 drivers, registered voters, and persons issued identification cards under §  
24 27-16-805 who are citizens of the United States and sixteen (16) years of age  
25 or older.

26  
27 SECTION 9. Arkansas Code § 16-32-303(a), concerning judicial  
28 determination of need for an expanded list, is amended to read as follows:

29 (a) The administrative circuit judge for each county shall determine  
30 that either the list of ~~registered voters~~ licensed drivers or the enhanced  
31 list, but not both, shall be utilized in the selection of all prospective  
32 jurors for all circuit court divisions within the county, based upon a  
33 consideration of whether the use of ~~registered voters~~ licensed drivers  
34 creates a sufficient pool for the selection of jurors to offer an adequate  
35 cross section of the community.

36