

CHAPTER 252

(HB 781)

AN ACT relating to juries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 29A.010 is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Court" means a Circuit or District Court of this Commonwealth and includes any judge of these courts.
- (2) ~~"Jury wheel" means any physical device or electronic system approved by the Supreme Court for the storage and random selection of the names or identifying numbers of prospective jurors.~~
- (3) "Name" includes an identifying number.

Section 2. KRS 29A.040 is amended to read as follows:

- (1) A list of *all* persons over the age of eighteen (18) and holding valid driver's licenses which were issued in the county, *of the names and addresses of all persons filing Kentucky resident individual income tax returns which show an address in the county, and of all persons registered to vote in the county* ~~and all voter registration lists~~ shall constitute a master list of prospective jurors *for a county*. ~~The jury commission shall annually acquire a copy of the driver's license list from the Transportation Cabinet and copies of the voter registration lists from the official having custody of the required lists. The jury commission shall consult the master list in the manner specified by KRS 29A.050 in the selection of prospective jurors.~~
- (2) *The Administrative Office of the Courts shall at least annually acquire an electronic copy of the driver's license list from the Transportation Cabinet; an electronic copy of the tax roll described in subsection (1) of this section from the Revenue Cabinet; and an electronic copy of the voter registration lists from the State Board of Elections. In addition, the Administrative Office of the Courts shall at least annually acquire a listing of deceased persons from the Department of Vital Statistics.* The Transportation Cabinet, the Revenue Cabinet, the State Board of Elections, and the Department of Vital Statistics and those public officers or employees having custody, possession, or control of any of the lists required under ~~subsection (1) of~~ this section shall annually furnish a copy of the list to the *Administrative Office of the Courts* ~~jury commission~~ without charge.
- (3) *The Administrative Office of the Courts shall merge the lists required by subsections (1) and (2) of this section in a manner designed to create an accurate listing of all persons eligible for jury service. The Administrative Office of the Courts may purge names from the master list upon reasonable evidence of death, change of state residence, change of county residence, or any other reason causing a person to be ineligible for jury service as found in Section 4 of this Act.*
- (4) *Any person who comes into possession of the Kentucky income tax names and addresses as provided in this section shall be bound by the confidentiality provisions of KRS 131.190.*

Section 3. KRS 29A.060 is amended to read as follows:

- (1) Each Circuit or District Judge shall inform the Chief Circuit Judge or *the Chief Circuit Judge's*~~[his]~~ designee of *the need*~~[his needs]~~ for qualified jurors.
- ~~(2) To select a grand jury or a petit jury in Circuit Court, the clerk shall:
 - ~~(a) Draw thirty two (32) names at random from the jury wheel;~~
 - ~~(b) List the names, in the order drawn, from one (1) to thirty two (32);~~
 - ~~(c) Place thirty two (32) numbered balls in a box and shake the box;~~
 - ~~(d) Draw the required number of balls, dependent on the number of jurors required plus alternates, from the box and record the number of each ball as it is drawn.~~~~
- ~~(3) To select a petit jury for a trial in District Court, the clerk shall:
 - ~~(a) Draw sixteen (16) names at random from the jury wheel;~~
 - ~~(b) List the names, in the order drawn, from one (1) to sixteen (16);~~
 - ~~(c) Place sixteen (16) numbered balls in a box and shake the box;~~
 - ~~(d) Draw the required number of balls, dependent on the number of jurors required plus alternates, from the box and record the number of each ball as it is drawn.~~~~
- ~~(4) The names corresponding to the numbers on the balls which have been drawn shall constitute the petit jury. When alternate jurors are permitted the last ball or balls drawn, as the case may be, will represent the alternate jurors.~~
- ~~(5) As jurors are excused and new jurors are required additional balls shall be drawn from the box, one for each juror required, until all of the balls in the box have been exhausted.~~
- ~~(6) In the event that all of the balls in the box have been exhausted the box shall be refilled utilizing the process required by subsections (1) to (4) of this section.~~
- ~~(7) The Chief Circuit Judge or designee shall regulate the random assignment of jurors for use in Circuit and District Courts. Any petit juror assigned to a judge of Circuit or District Court may be used by any other judge of any other branch or division of Circuit or District Court when jurors are needed.~~
- ~~(3)(8) If a grand, petit, or other jury is ordered to be drawn, the Chief Circuit Judge or [his] designee thereafter shall cause each person drawn for jury service to be served with a summons requiring *that person*~~[him]~~ to report for jury service at a specified time and place, unless otherwise notified by the court, and to be available for jury service for thirty (30) judicial days thereafter. The service of summons *shall be made by the court utilizing first class mail*~~[may be either made personally by the sheriff or sent by first class mail]~~, addressed to *each person*~~[him]~~ at his *or her* usual residence, business, or post office address. *In the event service cannot be accomplished by first class mail, the court may cause service to be made personally by the sheriff.* In either case, notice shall be mailed or served to the *prospective* juror at least thirty (30) days before he *or she* is required to attend.~~
- ~~(4)(9) The juror qualification form required by KRS 29A.070 shall be enclosed with the summons. If the summons is served by mail, any prospective juror who does not return the juror qualification form within ten (10) days *may*~~[shall]~~ be personally served by the sheriff *at the discretion of the Chief Circuit Judge or Chief Circuit Judge's designee.*~~
- ~~(5)(10) When there is an unanticipated shortage of available jurors *obtained*~~[drawn]~~ from a *randomized jury list*~~[jury wheel]~~, the *Chief Circuit Judge*~~[court]~~ may cause *to be*~~

summonsed a sufficient number of jurors selected sequentially from the randomized jury list beginning with the first name following the last name previously selected~~[additional names to be drawn]~~. The persons so chosen shall be summonsed as provided in this section, but need not be given the notice provided in subsection (3)~~(8)~~ of this section.

- (6)~~(11)~~ Only persons duly qualified and *summonsed*~~[summonsed]~~ under subsection (3)~~(8)~~ of this section and KRS 29A.070 shall serve as jurors.
- (7)~~(12)~~ If, after making a fair effort in good faith, the judge is satisfied that it will be impracticable to obtain a jury free of bias in the county in which the prosecution is pending, *the judge*~~[he]~~ may obtain a sufficient number of jurors from some adjoining county in which the judge believes there is the greatest probability of obtaining impartial jurors. The judge shall request the Chief Circuit Judge for the adjoining county to draw and summon as many jurors as are needed. Jurors summonsed under this subsection need not be given the notice provided in subsection (3)~~(8)~~ of this section.

~~[(13) The names of jurors drawn from the jury wheel shall be made available to the public.]~~

Section 4. KRS 29A.080 is amended to read as follows:

- (1) The Chief Circuit Judge or *one (1) or more judges of the court, the court's clerk, a deputy clerk, the court's administrator, or a deputy court administrator so designated by the Chief Circuit Judge*~~[another judge designated by him]~~ shall determine on the basis of the information provided on the juror qualification form whether the prospective juror is disqualified for jury service for any of the reasons listed in subsection (2) of this section.~~[He shall enter]~~ This determination *shall be entered* in the space provided on the juror qualification form ~~[and on the list of names drawn from the jury wheel]~~. The Chief Circuit Judge shall cause each disqualified juror to be immediately notified of *the juror's*~~[his]~~ disqualification.
- (2) A prospective juror is disqualified to serve on a jury if *the juror*~~[he]~~:
- (a) Is under eighteen (18) years of age;
 - (b) Is not a citizen of the United States;
 - (c) Is not a resident of the county;
 - (d) Has insufficient knowledge of the English language;
 - (e) Has been previously convicted of a felony and has not been pardoned *or received a restoration of civil rights* by the Governor or other authorized person of the jurisdiction in which *the person*~~[he]~~ was convicted;
 - (f) Is presently under indictment; or
 - (g) Has served on a jury within the *time limitations set out under Section 7 of this Act*~~[past twelve (12) months]~~.
- (3) *The Chief Circuit Judge may grant a permanent exemption based upon an individual's request and a finding by the Chief Circuit Judge of a permanent medical condition rendering the individual incapable of serving. The judge granting the permanent exemption shall notify the requesting person and the Administrative Office of the Courts. Upon receiving notification of a permanent exemption the Administrative Office of the Courts shall remove the person's name from the master list.*

- (4) There shall be no waiver of these disqualifications, except that pursuant to the Federal Americans With Disabilities Act of 1990, an individual with a disability shall not be disqualified solely by reason of the disability. For the purposes of this section, "individual with a disability" means a person with a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual, a record of the impairment, or being regarded as having the impairment.

Section 5. KRS 29A.100 is amended to read as follows:

- (1) Upon the request of a prospective juror prior to ~~his~~ assignment to a trial court, the Chief Circuit Judge, or after *the juror's* ~~his~~ assignment to a trial court, the trial judge may excuse such juror upon a showing of undue hardship, extreme inconvenience or public necessity. ***On the day on which the prospective jurors are summonsed to appear, any person not previously excused who desires to be excused shall be heard.***
- (2) ***The Chief Circuit Judge may designate and authorize one (1) or more judges of the court, the court's clerk, a deputy clerk, the court's administrator, or a deputy court administrator to excuse a juror from service for a period not to exceed ten (10) days or to postpone jury service for a period not to exceed twelve (12) months. The reasons for excuse or postponement shall be entered in the space provided on the juror qualification form.***
- (3)~~(2)~~ In his *or her* discretion the judge may excuse a juror from service entirely, ***reduce the number of days of service***, or may postpone the juror's service temporarily ***for a period of time not to exceed, however, twenty-four (24) months***. Whenever possible the judge shall favor temporary postponement of service ***or reduced service*** over permanent excuse. When excusing a juror, the judge shall record the juror's name, as provided in KRS 29A.080, and ***the*** ~~his~~ reasons for granting the excuse.

Section 6. KRS 29A.110 is amended to read as follows:

The contents of any records or papers used by the *Administrative Office of the Courts* ~~jury commission~~ or the clerk in connection with the selection process and not required to be made public under this chapter shall not be disclosed, except in connection with the preparation or presentation of a motion under the Rules of Civil Procedure or the Rules of Criminal Procedure ***or upon order of the Chief Justice.***

Section 7. KRS 29A.130 is amended to read as follows:

- (1) ***Except as set out in this section***, in any ***twenty-four (24)*** ~~twelve (12)~~ month period, a person shall not be required to:
- (a)~~(1)~~ Serve or attend court for prospective service as a petit juror more than thirty (30) court days except when necessary to complete service in a particular case; or
- (b)~~(2)~~ Serve on more than one grand jury; or
- (c)~~(3)~~ Serve as both a grand and petit juror ~~except as provided in KRS 29A.260~~.
- (2) ***For the purpose of this section, court includes all federal courts, all other state courts, and any court of the Commonwealth.***

At any time for cause shown, the court may excuse a grand juror either temporarily or permanently and may swear another grand juror from a current jury panel in place of the one excused. The discharge of any such grand juror shall in no way or manner affect any indictment found by the grand jury as it was composed either before or after such discharge. If it is

impossible to fill the vacancy on the grand jury from a current jury panel, the Chief Circuit Judge may summon, using the procedure in KRS 29A.060(5)~~[(4)]~~, such number of prospective jurors as deemed necessary for the purpose.

Section 8. KRS 29A.260 is amended to read as follows:

At any time for cause shown, the court may excuse a grand juror either temporarily or permanently and may swear another grand juror from a current jury panel in place of the one excused. The discharge of any such grand juror shall in no way or manner affect any indictment found by the grand jury as it was composed either before or after such discharge. If it is impossible to fill the vacancy on the grand jury from a current jury panel, the Chief Circuit Judge may summon, using the procedure in KRS 29A.060(5)~~[(4)]~~, such number of prospective jurors as deemed necessary for the purpose.

Section 9. KRS 29A.330 is amended to read as follows:

- (1) The jury fee for a civil trial in Circuit Court *and District Court* shall be *set in accordance with KRS 48.195*~~[twenty five dollars (\$25). The jury fee for a civil trial in District Court shall be twelve dollars and fifty cents (\$12.50)].~~
- (2) The jury fee shall be assessed as costs against the unsuccessful party upon judgment or dismissal of the action.
- (3) If two (2) or more cases are consolidated by order of the court and tried together, the clerk shall collect only one (1) jury fee.
- (4) If a plaintiff sues in forma pauperis, he *or she* shall not be liable for a jury fee.
- (5) If a request for a jury trial is withdrawn or the case is disposed of not less than two (2) court days prior to the date set for trial the clerk shall not assess the jury fee.

Section 10. KRS 29A.990 is amended to read as follows:

- (1) Any employer who violates subsection (1) *or* (2) of KRS 29A.160 is guilty of a Class B misdemeanor.
- (2) Any willful violation of KRS 29A.010 to 29A.330 for which a penalty is not otherwise provided by statute shall be punishable as a Class A misdemeanor.

Section 11. KRS 30A.110 is amended to read as follows:

- (1) Each clerk shall pay to each juror~~[, each jury commissioner,]~~ and to each witness the compensation allowed to him by law, under appropriations provided by the General Assembly and in accordance with procedures governing expenditures from appropriations. *The clerk*~~[He]~~ shall take a receipt for each payment made by him showing the date on which payment is made. A canceled check shall be the equivalent of a receipt. For the purpose of providing for such payments, the State Treasurer, on direction of the Finance and Administration Cabinet, shall advance to each clerk two (2) imprest funds: one for the payment of jurors~~[and jury commissioners]~~ which shall be sufficient for the period of service of each grand or petit jury panel, or both, but not to exceed a period of sixty (60) days; the other for the payment of Commonwealth witnesses, which shall be sufficient for a period of time not to exceed sixty (60) days.
- (2) Each clerk shall be liable on *the clerk's*~~[his]~~ official bond to account for the full amounts advanced to *the clerk*~~[him]~~ under this section. Each clerk shall file a separate statement concerning each imprest fund with the Finance and Administration Cabinet, in such form as

the cabinet prescribes, showing the amounts disbursed since the last preceding report, accompanied by a copy of the canceled check, or a receipt for each amount disbursed signed by the person to whom it was paid, and showing the date of the payment and such other information as the cabinet prescribes. These reports shall be forwarded to the cabinet within thirty (30) days after the end of the period for which funds are advanced.

- (3) Any clerk who fails to comply with the provisions of subsection (2) of this section shall be required to pay a penalty of five percent (5%) of all funds not so paid or accounted for.

Section 12. The following KRS sections are repealed:

29A.030 Jury commissioners -- Qualifications -- Compensation -- Term -- Duties.

29A.050 Selection of names of prospective jurors by jury commission.

29A.120 Preservation of records and papers compiled in selection process.

Approved April 8, 2002