

1 AN ACT relating to juries.

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

3 ➔Section 1. KRS 15.733 is amended to read as follows:

4 (1) For the purposes of this section the following words or phrases shall have the
5 meaning indicated:

6 (a) "Proceeding" includes pretrial, trial, appellate review, or other stages of
7 litigation;

8 (b) "Fiduciary" includes such relationships as executor, administrator,
9 conservator, trustee, and guardian;

10 (c) "Financial interest" means ownership of a legal or equitable interest, however
11 small, or a relationship as director, adviser, or other active participant in the
12 affairs of a party, except that:

13 1. Ownership in a mutual or common investment fund that holds securities,
14 or a proprietary interest of a policyholder in a mutual insurance
15 company, of a depositor in a mutual savings association, or a similar
16 proprietary interest, or ownership of government securities is a
17 "financial interest" only if the outcome of the proceeding could
18 substantially affect the value of the interest;

19 2. An office in an educational, religious, charitable, fraternal, or civil
20 organization is not a "financial interest" in securities held by the
21 organization.

22 (2) Any prosecuting attorney shall disqualify himself in any proceeding in which he or
23 his spouse, or a member of his immediate family either individually or as a
24 fiduciary:

25 (a) Is a party to the proceeding, or an officer, director, or trustee of a party;

26 (b) Is acting as a lawyer in the proceeding;

27 (c) Is known by the prosecuting attorney to have an interest that could be

- 1 substantially affected by the outcome of the proceeding;
- 2 (d) Is to the prosecuting attorney's knowledge likely to be a material witness in
3 the proceeding;
- 4 (e) Has served in private practice or government service, other than as a
5 prosecuting attorney, as a lawyer or rendered a legal opinion in the matter in
6 controversy;
- 7 (f) Has a financial interest in the subject matter in controversy or in a party to the
8 proceeding, or any other interest that could be substantially affected by the
9 outcome of the proceeding.
- 10 (3) Any prosecuting attorney may be disqualified by the court in which the proceeding
11 is presently pending, upon a showing of actual prejudice.
- 12 (4) *Any prosecuting attorney may be disqualified by the court in which the*
13 *proceeding is presently pending if a retrial becomes necessary due to a finding*
14 *that the prosecuting attorney engaged in discriminatory jury selection practices.*
- 15 (5) In the event that a prosecuting attorney is disqualified, he shall certify such fact in
16 writing to the Attorney General who may direct another Commonwealth's attorney
17 or county attorney or an assistant attorney general as a special prosecutor to
18 represent the Commonwealth in that proceeding.

19 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO
20 READ AS FOLLOWS:

- 21 (1) *The Administrative Office of the Courts shall create and maintain a statewide*
22 *system for collecting data on the race, ethnicity, and sex of members of juries*
23 *seated in felony cases.*
- 24 (2) *The Administrative Office of the Courts shall report to the Governor and the*
25 *Legislative Research Commission on or before November 1, 2017, and on or*
26 *before each November 1 thereafter, detailing information on the composition of*
27 *juries.*