

REVISIONS TO JURY POOL SELECTION PROCESS

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House Bills 4755 and 4859

Sponsor: Rep. George Cushingberry

Committee: Judiciary

Complete to 12-11-07

A SUMMARY OF HOUSE BILL 4755 AS INTRODUCED 5-15-07 AND HOUSE BILL 4859 INTRODUCED 5-29-07

The bills would revise the current jury selection process. The bills are tie-barred to each other, meaning that neither could take effect unless both are enacted.

House Bill 4859 would amend the Revised Judicature Act (MCL 600.1304 et al.) to include in the jury pool registered voters and taxpayers and to provide for more diversity in the pool. First, the bill would place the operations of the jury board in each county under the oversight of the county board of commissioners. Prior approval of the commissioners would be needed before a jury board could enter into a contract for equipment or services. The jury board would have to report annually to the commissioners on the geographical diversity of juries selected in that county during the preceding 12 months.

The jury board would also have to reorder the first jury list so that names of persons residing in each postal zip code within a county would be represented in jury pools selected in that county in proportion to that postal zip code's percentage of the county's total population, as reflected in the most recent federal decennial census.

Jury pool. Currently, the jury board selects names of persons to serve as jurors from a list that combines the names of people holding a driver's license or state ID card. The bill would require the list to also include current voter registration lists or books and individuals who had filed a state income tax return.

Voter lists. Under the bill, between April 15 and May 1 of each year, the township or city clerk would have to deliver to the county clerk a full, current, and accurate copy of the voter registration cards containing the names and addresses of the registered voters, or a full, current, and accurate list of those registered together with the current addresses shown on the card. The county clerk would have to provide the jury board with copies of the current voter registration cards or lists for each precinct in the county. The cards and lists would have to be treated by the jury board as one list, with voters grouped either by precinct or by city, township, or village, as they may be provided. If the clerks of a municipality used electronic or mechanical devices to carry out their duties, the jury board—instead of receiving a list of current registered voters from the county clerk—could order the local clerks to provide the names and addresses selected by applying the key number and starting number designated by the board.

Tax lists. Between April 15 and May 1 of each year, the state treasurer would have to transmit annually to the clerk of each county at no expense a full, current, and accurate copy of a list of the names and addresses of all individuals residing in that county who filed a state income tax return for the preceding calendar year. At the request of a jury board before March 1, the state treasurer would have to transmit only a first jury list that consisted of the names and addresses of those persons selected at random, based on the total number of jurors required as submitted to the state treasurer by the board, using electric or other mechanical devices. If the county used electronic or mechanical devices to carry out its duties, the county could request and receive a copy of the list on any electronically produced medium under specifications prescribed by the state treasurer. The state treasurer could establish specifications standardizing the size, format, and content of media utilized to transmit information used for jury selection.

Geographical diversity. Currently, the names of persons on the first jury list who are qualified for and not exempt from jury service are compiled into a list known as the second jury list. The jury board is required to make an additional list from the names on the second jury list segregated by the geographical area of the jurisdiction of each district court district. When there are not sufficient names on the segregated list for any district court district, the jury board is required to apply again the key number to that district only and obtain as many additional jurors as needed for that district.

The bill would require the board, after this task was completed, to make an additional list consisting of these names segregated by geographical areas within the county. If there was not sufficient geographical diversity within the segregated list, the jury board would have to again apply the key number to any underrepresented geographical area and obtain as many additional jurors as needed to ensure geographical diversity. "Geographical diversity" would be defined to mean the proportional representation of the population of each postal zip code within the county as a percentage of the total population of the county, as reflected in the most recent federal decennial census.

House Bill 4755 would amend the Revenue Act (Public Act 122 of 1941, at MCL 205.28) to allow the state treasurer to disclose the names and addresses of taxpayers to the extent required under Section 1310b of the Revised Judicature Act. Section 1310b would be added by House Bill 4859.

FISCAL IMPACT:

House Bill 4775 would have no fiscal impact on the judiciary system and an indeterminate fiscal impact on the Department of Treasury.

To the extent that House Bill 4859 increases the administrative workload of local jury boards, the bill may increase costs to county governments. Depending upon the county's size, the local county jury board is appointed by either the county executive with the concurrence of the county board of commissioners or by the county board of commissioners. The members of the jury board and their staff receive compensation

from the county. Any fiscal impact of this bill to counties would be related to increased administrative workload to county jury boards that might arise under the bill's provisions.

The bill may have a minimal fiscal impact on local governments from the bill's requirement that local clerks annually provide the county clerk copies of voter registration cards.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.