DRAWING JURIES IN JUSTICE COURT
Act 179 of 1951

AN ACT to provide an optional method of drawing juries in justice courts or in any court having the civil and criminal jurisdiction of a justice court, in civil and criminal cases, in cities, and in which a court clerk is provided for by law.

History: 1951, Act 179, Eff. Sept. 28, 1951.

The People of the State of Michigan enact:

730.401 Juries in justice courts; impaneling and drawing.

Sec. 1. Juries in civil and criminal cases in justice courts or in any court having the civil and criminal jurisdiction of justices of the peace, in cities, and having a clerk, may be impaneled and drawn in the manner prescribed in this act.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.402 Juries; duties of city clerk and assessing officer.

Sec. 2. The city clerk and city assessor or other assessing officer shall, on or before October first of each year, prepare a list in duplicate of the names and addresses of not less than 1 resident of the county for each 1,000 inhabitants of such county, according to the last federal census taken previous to the preparation of any such list, and in no case shall less than 100 names be placed on such list. The above named officials shall then sign each copy and shall certify thereon that every person whose name and address appears thereon is to the best of his knowledge legally qualified and that such list is a true list of the names and addresses of the persons selected. The said officials shall then, on or before October first, file 1 copy with the city clerk and 1 copy with the clerk of the court; and juries may be drawn during the ensuing calendar year from the said list in the manner and under the conditions hereinafter set forth.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.403 Juries; additional list of names and addresses, disposition.

Sec. 3. At any time the judge or justice, or judges or justices, as the case may be, shall so request of the city clerk in writing, the aforesaid officials shall prepare and file an additional list of names and addresses of persons having the qualifications prescribed by this act, within such time and containing the number of names specified in such request; and the names of persons listed therein shall be placed by the clerk of the court in the box hereinafter provided for in receptacles as herein provided for, and with the names already in such box, used in the drawing of juries during the balance of the calendar year.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.404 Juries; qualifications; persons over 70 years of age.

Sec. 4. The officials preparing jury lists shall select only residents of and qualified and registered electors of the county in which such city is situated; and in making such selection they shall take the names of such only as are not exempt from serving on juries, by the provisions of this act, who are in possession of their natural faculties, and are not infirm or decrepit, of good character, of approved integrity, of sound judgment, and well informed in and conversant with the English language, and free from all legal exceptions: Provided, That the name of any person more than 70 years of age who is otherwise eligible may be placed on a list, but such a person if drawn as a juror shall be excused upon his request, and the fact that such person is more than 70 years of age shall not be ground for challenge for cause.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.405 Juries; exemption from serving.

Sec. 5. Any person shall be exempt from serving on a jury drawn in accordance with the provisions of this act if such person is exempt from serving on juries in the circuit courts of the state, except as is otherwise provided by this act.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.406 Juries; reasons for exemption.

Sec. 6. Any person shall be entitled to be excused from serving on a jury drawn in accordance with the provisions of this act for the same reasons he would be entitled to be excused from serving as a juror in the circuit courts of the state, except as is herein otherwise provided.

History: 1951, Act 179, Eff. Sept. 28, 1951.

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730.407 Juries; slips, receptacles; custody.

Sec. 7. The clerk of the court shall write the name and address of each person named on any list, on a separate slip of paper, together with such other information as may aid in communicating with such person. Each slip shall then be placed in a separate receptacle so designed as to conceal the information contained on the slip, and all the receptacles containing the slips shall then be placed in a box to be kept for that purpose, which shall be kept locked when not being used to draw a jury. The clerk of the court shall be the custodian of the slips, receptacles, box, lock, and key.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.408 Juries; drawing, method; compelling appearance.

Sec. 8. When a jury is to be drawn, the clerk of the court shall bring said box into open court, and draw therefrom such names, one at a time, as may be needed to impanel the jury, and the parties or their attorneys may be present. Any person whose name is drawn may be compelled to appear by subpoena, or the justice or judge may in his discretion communicate with such person by telephone or in any other manner, or cause such person to be so communicated with. If in the discretion of the judge or justice before whom such trial is held, any person whose name is drawn cannot be reached or brought into court with sufficient promptness or within a reasonable time, he may order such name passed and another drawn: Provided, however, That no person shall be adjudged guilty of contempt of court for failure or refusal to appear as a juror under the provisions of this act unless he has been duly served with a subpoena to appear signed by the judge or justice.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.409 Juries; slips, replacing.

Sec. 9. All slips drawn shall be replaced in the receptacle and returned to the box, after the drawing of a jury has been completed, whether or not any or all of the persons named on said slips served on such jury, and used with the names already in the box in the drawing of subsequent juries.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.410 Juries; alphabetical list kept.

Sec. 10. The clerk of the court shall keep an alphabetical list of the names and addresses of all persons who have served on juries drawn under this act, together with the date such persons served, and whether a civil or criminal trial; if a criminal trial the name of the respondent; if a civil trial the file number and the names of plaintiff and defendant.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.411 Deputy clerk; authority.

Sec. 11. Any deputy clerk of any court affected by the provisions of this act is hereby authorized to perform all duties and is granted all powers, so far as the duties imposed and powers granted by this act are concerned, which the clerk is herein authorized and enjoined to perform.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.412 Number of jurors.

Sec. 12. Juries in all cases drawn in accordance with the provisions of this act shall consist of 6 persons, or less if agreed to by both parties.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.413 Charge of jury.

Sec. 13. Any deputy sheriff of the county or police officer of the city in which a court drawing a jury by virtue of the provisions of this act is situated, or any duly authorized process server of such court, may be authorized by the justice or judge conducting the trial to have charge of the jury. Before entering upon such duty, the justice or judge shall administer to such officer the same oath that a person having charge of a jury in a jury trial in justice court in this state is or may by law be required to take.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.414 Excusing from service; challenge.

Sec. 14. No person shall be required to serve as a juror more than twice within 1 year. Any person who has served in said court as a juror 4 or more times within a year shall be excused by the court upon his request, and may be challenged for cause by any party to a cause.

History: 1951, Act 179, Eff. Sept. 28, 1951.

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730.415 Challenging; time.

Sec. 15. Any person drawn as a juror by virtue of the provisions of this act may be challenged either at the time of drawing or at the time of trial for cause for the same reasons he could be challenged for cause if drawn as a juror on a jury drawn in accordance with the statutes providing for jury trials in justice courts in townships, in addition to the grounds for challenge for cause provided for in this act, unless inconsistent with the provisions of this act.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.416 Peremptory challenges.

Sec. 16. In a criminal trial the people and the respondent shall each be entitled to 4 peremptory challenges and no more. In a civil trial the plaintiff and the defendant shall each be entitled to 2 peremptory challenges and no more.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.417 Laws governing.

Sec. 17. The provisions of existing laws relative to civil and criminal juries and jury trials in justice courts in townships shall govern in jury trials in which the jury is drawn in accordance with the provisions of this act, unless contrary to the provisions of this act or to the provisions of other laws or charter provisions to which such court is subject: Provided, That the only qualifications necessary to being placed on a jury list and serving as a juror are those stated in section 4 of this act.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.418 Optional method of drawing juries.

Sec. 18. This act shall not be construed to repeal the provisions of any other law in effect in a particular city providing a method of drawing juries, but the justice or judge conducting a trial may in any case order a jury drawn according to the provisions of this act or in any other way permitted by law, and this act shall be an optional method of drawing juries.

History: 1951, Act 179, Eff. Sept. 28, 1951.

730.419 List filed before act effective.

Sec. 19. This act shall not go into effect in any city to which it applies unless the judge or judges, or justice or justices, notify the city clerk and city assessor or assessing officer in writing to prepare and file lists of names as is provided for herein. The first list shall be filed as soon as it is prepared and may be used to draw juries at the expiration of 2 months from the date of filing and until the first regular annual list provided for herein goes into effect.

History: 1951, Act 179, Eff. Sept. 28, 1951.

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