

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 133
House Committee Substitute Favorable 6/21/12

Short Title: Modernize Jury List Procedures.

(Public)

Sponsors:

Referred to:

February 28, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE OBSOLETE PROVISIONS FROM, AND MAKE CLARIFYING
3 CHANGES TO, THE LAWS GOVERNING PREPARATION AND STORAGE OF JURY
4 LISTS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 9-2 reads as rewritten:

7 "§ 9-2. Preparation of master jury list; sources of names.

8 (a) It shall be the duty of the jury commission ~~on July 1 of~~ during every odd-numbered
9 year to prepare a master list of prospective jurors qualified under this Chapter to serve in the
10 biennium beginning on January 1 of the next year. Instead of providing a master list for an
11 entire biennium, the commission may prepare a master list each year if the senior regular
12 resident superior court judge requests in writing that it do so.

13 (b) In preparing the master list, the jury commission shall use the list of registered
14 voters and persons with drivers license records supplied to the county by the Commissioner of
15 Motor Vehicles pursuant to G.S. 20-43.4. ~~The commission shall remove from the list the names
16 of those residents of the county who are recently deceased, which shall be supplied to the
17 commission by the State Registrar under G.S. 130A-121(a).~~ The commission may use fewer
18 than all the names from the list if it uses a random method of selection. The commission may
19 use other sources of names deemed by it to be reliable.

20 (c),(d) Repealed by Session Laws 2003-226, s. 7(d), effective January 1, 2004.

21 (e) The jury commission shall merge the entire list of names of each source used and
22 randomly select the desired number of names to form the jury-master list.

23 (f) The jury-master list shall contain not less than one and one-quarter times and not
24 more than three times as many names as were drawn for jury duty in all courts in the county
25 during the previous biennium, or, if an annual list is being prepared as requested under
26 subsection (a) of this section the jury-master list shall contain not less than one and one-quarter
27 times and not more than three times as many names as were drawn for jury duty in all courts in
28 the county during the previous year but in no event shall the list include fewer than 500 names,
29 except that in counties in which a different panel of jurors is selected for each day of the week,
30 there is no limit to the number of names that may be placed on the jury-master list.

31 (g) Repealed by Session Laws 2003-226, s. 7(d), effective January 1, 2004.

32 (h) As used in this section "random" or "randomly" refers to a method of selection that
33 results in each name on a list having an equal opportunity to be selected.

34 (i) To facilitate random selection of jurors, all the names on the master list may be
35 sorted into random order before the first panel is drawn. Thereafter, names may be selected



1 sequentially from the randomized list without further randomization, except as required by
2 G.S. 15A-1214.

3 (j) The procedure for performing the preparation of the master list shall be in writing,
4 adopted by the jury commission, and kept available for public inspection in the office of the
5 clerk of court. The procedure must effectively preserve the authorized grounds for
6 disqualification, the right of public access to the master list of prospective jurors as provided by
7 G.S. 9-4, and the time sequence for drawing and summoning a jury panel.

8 (k) In counties utilizing electronic data processing equipment, the functions of
9 preparing and maintaining custody of the master list of prospective jurors, the procedure for
10 drawing and summoning panels of jurors, and the procedure for maintaining records of names
11 of jurors who have served, been excused or disqualified, or whose service has been deferred
12 may be performed by this equipment, except that decisions as to mental or physical competence
13 of prospective jurors shall continue to be made by jury commissioners."

14 **SECTION 2.** G.S. 9-2.1 is repealed.

15 **SECTION 3.** G.S. 9-3 reads as rewritten:

16 **"§ 9-3. Qualifications of prospective jurors.**

17 All persons are qualified to serve as jurors and to be included on the master jury list who
18 are citizens of the State and residents of the county, who have not served as jurors during the
19 preceding two years, who are 18 years of age or over, who are physically and mentally
20 competent, who can understand the English language, who have not been convicted of a felony
21 or pleaded guilty or nolo contendere to an indictment charging a felony (or if convicted of a
22 felony or having pleaded guilty or nolo contendere to an indictment charging a felony have had
23 their citizenship restored pursuant to law), and who have not been adjudged non compos
24 mentis. Persons not qualified under this section are subject to challenge for cause."

25 **SECTION 4.** G.S. 9-4 reads as rewritten:

26 **"§ 9-4. Preparation and custody of alphabetized list; ~~list~~; access to list.**

27 (a) As the master jury list is prepared, the name ~~and address~~ of each qualified person
28 selected for the list shall be recorded and alphabetically arranged, ~~written on a separate card.~~
29 ~~The cards shall then be alphabetized and permanently numbered, the numbers running~~
30 ~~consecutively with a different number on each card. These cards shall constitute the jury list for~~
31 ~~the county, arranged.~~ The alphabetized list shall be maintained in filed with the office of the
32 clerk of court, ~~register of deeds of the county,~~ together with a statement of the sources used and
33 procedures followed in preparing the list. The alphabetized list shall be kept under lock and
34 key, but shall be available for public inspection during regular office hours. The clerk of court
35 may elect to store an electronic copy of the alphabetized jury list for the county.

36 (b) Public access to juror information shall be limited to the alphabetized list of the
37 names. The addresses of prospective jurors are confidential and not subject to disclosure
38 without an order of the court."

39 **SECTION 5.** G.S. 9-5 reads as rewritten:

40 **"§ 9-5. Procedure for drawing panel of jurors; ~~jurors~~; ~~numbers drawn~~.**

41 The board of county commissioners in each county shall provide the clerk of superior court
42 with a jury box, the construction and dimensions of which shall be prescribed by the
43 administrative officer of the courts. At least 30 days prior to January 1 of any year for which a
44 list of prospective jurors has been prepared, a number of discs, squares, counters or markers
45 equal to the number of names on the jury list shall be placed in the jury box. The discs, squares,
46 counters, or markers shall be uniform in size, weight, and appearance, and may be made of any
47 suitable material. They shall be numbered consecutively to correspond with the numbers on the
48 jury list. The jury box shall be of sufficient size to hold the discs, squares, counters or markers
49 so that they may be easily shaken and mixed, and the box shall have a hinged lid through which
50 the discs, squares, counters or markers can be drawn. The lid shall have a lock, the key to
51 which shall be kept by the clerk of superior court.

1 At least 30 days prior to any session or sessions of superior or district court requiring a jury,
2 the clerk of superior court or ~~his assistant or deputy clerk shall, in public, after thoroughly~~
3 ~~shaking the box, draw therefrom the number of discs, squares, counters, or markers shall~~
4 prepare or have electronically prepared a randomized list of names from the master jury list
5 equal to the number of jurors required for the session or sessions scheduled. The clerk of
6 superior court may decrease the number of randomized names to account for the addition of
7 names of previously selected jurors whose service has been deferred to this session. For each
8 week of a superior court session, the senior resident superior court judge for the district or set
9 of districts as defined in G.S. 7A-41.1(a) in which the county is located shall specify the
10 number of jurors to be drawn. For each week of a district court jury session, the chief district
11 judge of the district court district in which the county is located shall specify the number of
12 jurors to be drawn. Pooling of jurors between or among concurrent sessions of various courts is
13 authorized in the discretion of the senior regular resident superior court judge. When pooling is
14 utilized, the senior regular resident superior court judge, after consultation with the chief
15 district judge when a district court jury is required, shall specify the total number of jurors to be
16 drawn for such concurrent sessions. When grand jurors are needed, at least nine additional
17 numbers-names shall be drawn.

18 ~~As the discs, squares, counters, or markers are drawn, they shall be separately stored by the~~
19 ~~clerk until a new jury list is prepared.~~

20 The clerk of superior court shall either (i) prepare and issue the summonses or (ii) deliver
21 the printed summonses or the list of numbers drawn from the jury box to the register of deeds,
22 ~~who shall match the numbers received with the numbers on the jury list. The register of deeds~~
23 ~~shall within three days thereafter notify the sheriff to summon for jury duty the persons on the~~
24 ~~jury list whose numbers are thus matched-names and addresses of jurors to the sheriff, who~~
25 shall issue the summonses in accordance with the provisions of G.S. 9-10(a). Jurors who serve
26 each week shall be discharged at the close of the weekly session or sessions, unless actually
27 engaged in the trial of a case, and then they shall not be discharged until their service in that
28 case is completed."

29 **SECTION 6.** G.S. 9-6(e) reads as rewritten:

30 "(e) The judge shall inform the clerk of superior court of persons excused under this
31 section, and the clerk ~~within 10 days shall so notify the register of deeds, who shall note the~~
32 ~~excuse on the juror's card and file it shall keep a record of excuses separate from the master~~
33 ~~separately from the jury list."~~

34 **SECTION 7.** G.S. 9-6.1 reads as rewritten:

35 "**§ 9-6.1. Requests to be excused.**

36 (a) Any person summoned as a juror who is 72 years or older and who wishes to be
37 excused, deferred, or exempted may make the request without appearing in person by filing a
38 signed statement of the ground of the request with the chief district court judge of that district,
39 or the district court judge or trial court administrator designated by the chief district court judge
40 pursuant to G.S. 9-6(b), ~~at anytime~~ any time five business days before the date upon which the
41 person is summoned to appear.

42 (b) Any person summoned as a juror who has a disability that could interfere with the
43 person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may
44 make the request without appearing in person by filing a signed statement of the ground of the
45 request, including a brief explanation of the disability that interferes with the person's ability to
46 serve as a juror, with the chief district court judge of that district, or the district court judge or
47 trial court administrator designated by the chief district court judge pursuant to G.S. 9-6(b), at
48 any time five business days before the date upon which the person is summoned to appear.
49 Upon request of the court, medical documentation of any disability may be submitted. Any
50 privileged medical information or protected health information described in this section shall be
51 confidential and shall be exempt from the provisions of Chapter 132 of the General Statutes or

1 any other provision requiring information and records held by State agencies to be made public
2 or accessible to the public.

3 (c) A person may request either a temporary or permanent exemption under this
4 section, and the judge or trial court administrator may accept or reject either in the exercise of
5 discretion conferred by G.S. 9-6(b), including the substitution of a temporary exemption for a
6 requested permanent exemption. In the case of supplemental jurors summoned under G.S. 9-11,
7 notice may be given when summoned. In case the chief district court judge, or the judge or trial
8 court administrator designated by the chief district court judge pursuant to G.S. 9-6(b), rejects
9 the request for exemption, the prospective juror shall be immediately notified by the trial court
10 administrator or the clerk of court by telephone, letter, or personally."

11 **SECTION 8.** G.S. 9-7 reads as rewritten:

12 "**§ 9-7. Removal Notation on master jury list of names of jurors who have served;served**
13 **from jury list; retention.**

14 ~~As persons are summoned for jury service, the cards upon which their names appear shall~~
15 ~~be withdrawn from the jury list and filed separately. The date for which each juror serves shall~~
16 ~~be noted on his card.~~

17 All cards removed from the jury list because of service, or having been excused from
18 service, or because of disqualification, shall be retained for reference in compiling the next jury
19 list. When the succeeding list has been prepared, the list of persons who have served shall be
20 retained for a period of two years. The names of persons summoned for jury service and the
21 date or dates on which each person served shall be noted on the master jury list. This
22 information shall be retained for two years, and persons shall be exempt from jury service for a
23 period of two years from the date on which they were discharged from their prior service."

24 **SECTION 9.** G.S. 9-10(a) reads as rewritten:

25 "**§ 9-10. Summons to jurors.**

26 (a) ~~The register of deeds clerk of court shall, within three days after the receipt of~~
27 ~~numbers drawn, shall serve the summons by first-class mail, or shall deliver either printed~~
28 ~~summonses or the list of the panel of prospective jurors to the sheriff of the county, who shall~~
29 ~~summon the persons named therein. The summons shall be served personally, or by leaving a~~
30 ~~copy thereof at the place of residence of the juror, or by telephone or first-class mail, at least 15~~
31 ~~days before the session of court for which the juror is summoned. Service by telephone, or by~~
32 ~~first-class mail if mailed to the correct current address of the juror on or before the fifteenth day~~
33 ~~before the day the court convenes, shall be valid and binding on the person served, and he shall~~
34 ~~be bound to appear in the same manner as if personally served. The summons shall contain~~
35 ~~information as to the time, place, and authority before whom applications for excuses from jury~~
36 ~~service may be heard."~~

37 **SECTION 10.** Article 1 of Chapter 9 of the General Statutes is amended by adding
38 a new section to read:

39 "**§ 9-7.1. Trial court administrator may assist clerk with performance of duties.**

40 Upon the request of the clerk of superior court and with the agreement of the clerk of
41 superior court and the senior resident superior court judge, the duties and responsibilities of the
42 clerk of superior court under this Article may be assigned to the trial court administrator
43 pursuant to G.S. 7A-356."

44 **SECTION 11.** G.S. 9-11(a) reads as rewritten:

45 "(a) If necessary, the court may, without using the jury list, order the sheriff to summon
46 from day to day additional jurors to supplement the original venire. Jurors so summoned shall
47 have the same qualifications and be subject to the same challenges as jurors selected for the
48 regular jury list. If the presiding judge finds that service of summons by the sheriff is not
49 suitable because of his direct or indirect interest in the action to be tried, the judge may appoint
50 some suitable person in place of the sheriff to summon supplemental jurors. The clerk of

1 superior court shall ~~furnish the register of deeds~~ keep a record of the names of those additional
2 jurors who are so summoned and who report for jury service."

3 **SECTION 12.** G.S. 130A-121(a) is repealed.

4 **SECTION 13.** This act is effective when it becomes law.