



HOUSE BILL 29: Record of Excusals From Jury Duty.

2017-2018 General Assembly

Committee:	House Judiciary III	Date:	April 10, 2017
Introduced by:	Rep. Cleveland	Prepared by:	Brad Krehely
Analysis of:	PCS to First Edition H29-CSRN-8		Committee Co-Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 29 would provide that the name and address of each person who requests to be excused from jury duty on the basis that the person is not qualified to serve must be retained by the clerk of superior court for the remainder of the biennium. It also would provide that if a person is excused from jury duty for any reason related to qualifications to vote, then the person's name, address, reason for excusal, and date of excusal must be provided by the clerk of court electronically to the local board of elections and the State Board of Elections quarterly. The act would become effective January 1, 2018.*

The PCS differs from the 1st edition in the following ways: (1) provides that excusals under G.S. 9-3 must be retained by the clerk of superior court for the remainder of the biennium (was for not less than two years) and (2) provides for excusals based on qualifications to vote, (i) the information must be provided electronically, (ii) must go to the local board of elections and the State Board of Elections quarterly, and (iii) the State Board of Elections must retain the records for two years, and the clerk of superior court may destroy the records at the end of the biennium.

[As introduced, this bill was identical to S60, as introduced by Sens. Krawiec, Dunn, Sanderson, which is currently in Senate Judiciary.]

CURRENT LAW: Each county's 3 person jury commission prepares a master list of prospective jurors using a list of registered voters and persons with drivers license records supplied by the Department of Motor Vehicles. The commission may use other sources of names if the Commission deems those sources to be reliable. The commission must merge the entire list of names from each source and randomly select the desired number to form the master list.

The master list must be maintained in the office of the clerk of court, along with a statement of the sources used and procedures followed in preparing the list, and be made available for public inspection during regular office hours. Addresses and dates of birth of prospective jurors are not subject to public disclosure without a court order.

Qualifications of prospective jurors under G.S. 9-3 include any persons who:

- Are citizens of the State and residents of the county,
- Have not served as jurors during the preceding two years or have not served a full term of service as a grand juror during the preceding six years,
- Are 18 years of age or older,
- Are physically and mentally competent,
- Can understand the English language,

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House PCS 29

Page 2

- Have not been convicted of a felony or pleaded guilty or nolo contendere to an indictment charging a felony (unless they have had their citizenship restored following such a conviction or plea).

Any judge ruling on applications for excusals from jury duty is required to excuse any juror who is disqualified for the above reasons. The clerk of superior court is required to keep a list of all jurors who are excused for this, or any other reason.

BILL ANALYSIS:

Section 1 would provide:

- That the name and address of each person who requests to be excused from jury duty on the basis that the person is not qualified to serve must be retained by the clerk of superior court for the remainder of the biennium. The records are not a public record.
- That if a person is excused from jury duty for any reason related to qualifications to vote, then the person's name, address, reason for excusal, and date of excusal is a public record and must be provided by the clerk of court to the local board of elections and the State Board of Elections quarterly. The State Board of Elections must retain the records for two years, and the clerk of superior court may destroy the records at the end of the biennium.

Section 2 would make a conforming change.

Section 3 would require the Administrative Office of the Courts to adopt rules to implement the act.

EFFECTIVE DATE: January 1, 2018.

Augustus Willis, Attorney for the Legislative Analysis Division, contributed to this summary.