



SENATE BILL 60: Record of Excusals From Jury Duty.

2017-2018 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	February 28, 2017
Introduced by:	Sens. Krawiec, Dunn, Sanderson	Prepared by:	Augustus D. Willis Committee Counsel
Analysis of:	First Edition		

OVERVIEW: Senate Bill 60 would require clerks of superior court to keep, for a minimum of two years, a record of the name and address of each person who requests to be excused from jury duty on the basis that they are not qualified to serve as a juror, along with the reason for that request. If a person is excused from jury duty for reasons that would also make them ineligible to vote, the record of the person's name, address, reason for excusal, and date of the excusal would become public record and be required to be provided to the State Board of Elections (SBOE).

[As introduced, this bill was identical to H29, as introduced by Rep. Cleveland, which is currently in House Judiciary III.]

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, however the commission may use other sources of names if those sources are deemed by the commission 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.

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,
- 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),
- Have not been adjudged non compos mentis.

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:

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

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Section 1: Would add a new section to Article 1 of Chapter 9 of the General Statutes requiring the following:

- That the name and address of each person who requests to be excused from jury duty due to lack of qualifications under the appropriate statute (G.S. 9-3) be retained by the clerk of superior court for at least two years.
- That if a person is excused from jury duty as a result of not being qualified under the appropriate statute, and the reason for the disqualification is also a sufficient basis to make the person ineligible to vote under G.S. 165-55, then the person's name, address, reason for excusal, and the date of the excusal is a public record and must be provided by the clerk of superior court to the SBOE.

Section 2: Would make a conforming change.

Section 3: Would direct the Administrative Office of the Courts to adopt rules to implement the provisions of the act.

EFFECTIVE DATE: This act would become effective January 1, 2018.