

ORIGINAL HOUSE
BILL NO. 0033

ENROLLED ACT NO. 20, HOUSE OF REPRESENTATIVES

SIXTY-SECOND LEGISLATURE OF THE STATE OF WYOMING
2014 BUDGET SESSION

AN ACT relating to juries; updating, amending, conforming, and repealing provisions relating to selection of jurors; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 1-11-106(a), 1-11-109(a), (c), (d)(intro) and (i) through (iii), 1-11-113(a), 1-11-116, 1-11-118, 1-11-120, 1-11-123, 1-11-125, 1-11-129, 7-5-102, 7-5-303, 14-3-423(b), 14-6-223(c) and 14-6-423(b) are amended to read:

1-11-106. Jury lists; preparation of base jury lists; selecting jury panel; certificate and summons.

(a) The list of persons qualified to serve as trial jurors, compiled pursuant to W.S. 1-11-129, is the base jury list for the district court and the circuit court from April 1 of the year in which the list is certified and delivered through March 31 of the following year. ~~By order of the district judge or circuit judge, for their respective courts, the base jury list may be expanded by including some other source or sources of names in addition to voter lists. After the list is delivered and supplemented when applicable, suitable ballots shall be prepared and deposited in a box known as and plainly marked "jury box number one".~~ Upon order of the court, the clerk of the district court, ~~sheriff and county treasurer shall draw from jury box number one a panel of trial jurors, which shall contain such~~ shall select a panel of prospective trial jurors from the base jury list for the county. The clerk shall select the number of ~~names~~ prospective jurors as specified by the court.

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1-11-109. Procedure for selecting jury; contents of certificate; summons.

(a) The clerk shall ~~shake the box containing the names of the regular jurors so as to mix the ballots therein as well as possible. He shall then draw from the box as many ballots as are ordered by the court~~ choose the prospective jurors from the base jury list using a random method of selection.

(c) If ~~the name of any person is drawn who~~ selected is not competent to serve as a trial juror, and the incompetence shall be made to appear to the satisfaction of the court, the name of the person shall be stricken from the jury list ~~., the ballot containing the name shall be destroyed, and such fact shall be entered in the minutes of the court.~~

(d) When the necessary number of jurors has been ~~drawn randomly~~ selected, the clerk shall make and certify a list of the names ~~drawn~~ selected. The certificate shall state:

(i) The date of the court order for the ~~drawing~~ selection;

(ii) The date of the ~~drawing~~ selection;

(iii) The number of jurors ~~drawn~~ selected;

1-11-113. Completion of jury panel.

(a) The persons ~~drawn from jury box number one and certified as trial jurors~~ summoned by the clerk shall appear in answer to the summons and be examined as to their qualifications. If after all qualified trial jurors have

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been accepted it appears that there are not enough in attendance, the court shall order the clerk to ~~draw from jury box number one~~ randomly select the necessary number of names from the base jury list to complete the jury panel, and the clerk shall continue to ~~draw from that box~~ randomly select names until a sufficient number of jurors are obtained. The persons so ~~drawn~~ selected shall be summoned to appear.

1-11-116. Empaneling of jury.

At the opening of court on the day that trial jurors are summoned to appear, the clerk shall call the names of those summoned. The court shall hear the jurors summoned, and shall excuse those whom the court finds are exempt, disqualified or have material cause for being excused. ~~The clerk shall write the names of the jurors present and not excused upon separate ballots, fold the ballots so that the names are concealed, and deposit the ballots in a sealed box numbered two. The box shall remain sealed until ordered by the court to be opened.~~

1-11-118. Procedure upon exhaustion of prospective jurors during empaneling.

If at any time during the empaneling of a jury all the ~~ballots contained in box number two~~ names selected for the panel are exhausted, the court shall enter an order directing that such additional number of names as necessary be ~~drawn from box number one~~ randomly selected from the base jury list. The court may excuse any jurors so ~~drawn~~ selected if it appears that, because of distance, the delay occasioned by summoning the juror and requiring his presence would unduly prolong empaneling the trial jury. The clerk shall ~~forthwith~~ summon the persons ~~drawn~~ selected and not excused to appear in court immediately. ~~The names~~

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~~of those accepted by the court shall be placed in box number two and shall be drawn therefrom to complete the jury.~~ The process shall continue from time to time when necessary until a jury is obtained.

1-11-120. Persons sworn to constitute jury; generally.

The first six (6) persons, or twelve (12) if demanded, who appear as their names are ~~drawn~~ randomly selected and are approved as indifferent between the parties and not discharged or excused shall be sworn and constitute the jury to try the issue.

1-11-123. Discharge of jurors; absent or excused jurors.

The ~~ballet containing the~~ name of a juror who is absent when his name is ~~drawn~~ selected, or is set aside, or excused from serving on that trial shall ~~be returned to the box containing the undrawn ballots as soon as the jury is sworn~~ remain on the base jury list.

1-11-125. Procedure when sufficient number of jurors fail to attend.

If a sufficient number of jurors duly ~~drawn~~ selected and notified do not attend to form a jury the court shall direct the clerk to ~~draw~~ select a sufficient number of ~~ballots from box number one~~ names from the base jury list to complete the jury and shall summon the persons ~~drawn~~ selected to attend immediately or at a time fixed by the court. If for any reason a sufficient number of jurors to try the issue is not obtained from the persons notified, the court may make successive orders until a sufficient number is obtained. The court may excuse any juror so ~~drawn~~

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selected if it appears that, because of distance, the delay occasioned by summoning the juror and requiring his presence would unduly prolong empaneling the trial jury. Each person so notified, unless excused by the court, shall serve as a juror at the trial. For a neglect or refusal to serve he may be fined in the same manner as a trial juror regularly ~~drawn~~selected and notified and he is subject to the same exceptions and challenges as any other trial juror.

1-11-129. Procedure for maintaining jury lists.

~~The procedures for compiling and maintaining of jury lists, jury ballots and jury boxes, and for drawing jurors, may be set by the court to permit the compilation and maintenance of jury lists and ballots and for the drawing of jurors by~~The supreme court shall compile a base jury list for each county. The supreme court shall compile a base jury list for the state as necessary under W.S. 7-5-303. The base jury lists shall be compiled from voter lists and may include names from Wyoming driver's license lists. The base jury lists prepared by the supreme court and panels or lists of prospective jurors selected by the clerk of court may be compiled and maintained using any manual, mechanical, electronic or other means calculated to insure the integrity of the system and a random selection process.

7-5-102. Manner of summoning; term.

A grand jury shall be ~~drawn~~selected, summoned and impaneled in the same manner as trial juries in civil actions and shall serve for one (1) year following selection unless discharged sooner by the district judge.

7-5-303. Selection and term of members.

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~~The clerk of the district court in each county of the state, upon receipt of an order of the district judge of the court granting a petition to impanel a state grand jury, shall prepare a list of fifteen (15) prospective state grand jurors drawn from existing jury lists of the county. The list so prepared shall be immediately sent to the clerk of the court granting the petition to impanel the state grand jury.~~ The district judge granting the order petition to convene a state grand jury shall impanel the state grand jury from the lists a base jury list for the state compiled by the clerks of supreme court. The judge preparing the final list from which the grand jurors will be chosen need district court judge may specify that the base jury list for the state not include the names of jurors from every county within the state having due regard for the to limit juror expense and inconvenience of travel. A state grand jury shall be composed of twelve (12) persons, but not more than one-half (1/2) of the members of the state grand jury shall be residents of any one (1) county. The members of the state grand jury shall be selected by the court in the same manner as jurors of county grand juries and shall serve for one (1) year following selection unless discharged sooner by the district judge.

14-3-423. Rights of parties generally; demand for and conduct of jury trial.

(b) A party against whom a petition has been filed or the district attorney may demand a trial by jury at an adjudicatory hearing. The jury shall be composed of jurors selected, qualified and compensated as provided by law for the trial of civil matters in the district court. The jury may also be ~~drawn from the jury panel of the district court or a special jury panel may be drawn from "jury box number~~

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~~three (3)" containing the names of persons~~ selected from the prospective jurors on the base jury list residing within five (5) miles of the city or town where the trial is to be held, ~~whichever~~ if the court directs. Demand for a jury trial must be made to the court not later than ten (10) days after the party making the demand is advised of his right to a jury trial at the initial hearing. No deposit for jury fees is required. Failure of a party to demand a jury is a waiver of this right.

14-6-223. Privilege against self-incrimination; rights of parties generally; demand for and conduct of jury trial.

(c) A party against whom a petition has been filed or the district attorney may demand a trial by jury at an adjudicatory hearing. The jury shall be composed of jurors selected, qualified and compensated as provided by law for the trial of civil matters in the district court. The jury may also be ~~drawn from the jury panel of the district court or a special jury panel may be drawn from "jury box number three (3)" containing the names of persons~~ selected from the prospective jurors on the base jury list residing within five (5) miles of the city or town where the trial is to be held, whichever the court directs. Demand for a jury trial must be made to the court not later than ten (10) days after the party making the demand is advised of his right to a jury trial. No deposit for jury fees is required. Failure of a party to demand a jury is a waiver of this right.

14-6-423. Rights of parties generally; demand for and conduct of jury trial.

(b) A party against whom a petition has been filed or the district attorney may demand a trial by jury at an

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adjudicatory hearing. The jury shall be composed of jurors selected, qualified and compensated as provided by law for the trial of civil matters in the district court. The jury may also be ~~drawn from the jury panel of the district court or a special jury panel may be drawn from "jury box number three (3)" containing the names of persons~~ selected from the prospective jurors on the base jury list residing within five (5) miles of the city or town where the trial is to be held, whichever the court directs. Demand for a jury trial must be made to the court not later than ten (10) days after the party making the demand is advised of his right to a jury trial. No deposit for jury fees is required. Failure of a party to demand a jury is a waiver of this right.

Section 2. W.S. 1-11-107, 1-11-108(a), 1-11-109(b), 1-11-117, 1-11-121, 1-11-124, 1-11-127 and 1-11-128 are repealed.

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Section 3. Notwithstanding W.S. 8-1-107, the provisions of this act shall apply to all actions pending on the effective date of this act for which a jury has not been empaneled and all actions filed thereafter.

Section 4. This act is effective July 1, 2014.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk