

House Bill 1078 (AS PASSED HOUSE AND SENATE)

By: Representatives Kelley of the 16<sup>th</sup>, Atwood of the 179<sup>th</sup>, and Willard of the 51<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to  
2 juries, so as to clarify provisions relating to juries; to revise definitions; to change provisions  
3 relating to choosing grand jurors; to provide for concurrent grand juries; to provide for a  
4 preliminary oath to be administered to grand juries; to change provisions relating to when  
5 there are insufficient persons to complete a panel of grand jurors; to provide for related  
6 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries, is  
10 amended by revising paragraphs (5), (10), and (11) of Code Section 15-12-1, relating to  
11 definitions, as follows:

12 "(5) 'County master jury list' means a list compiled by the council of names of persons,  
13 including their addresses, city of residence, dates of birth, and gender, eligible for trial  
14 or grand jury service."

15 "(10) 'State-wide master jury list' means a comprehensive master list that identifies every  
16 person of this state who can be determined to be prima facie qualified to serve as a trial  
17 or grand juror.

18 (11) 'Venire' means the list of persons summoned to serve as trial or grand jurors for a  
19 particular term of court."

20 **SECTION 2.**

21 Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section  
22 15-12-1.1, relating to exemptions from jury duty, as follows:

23 "(a)(1) Any person who shows that he or she will be engaged during his or her term of  
24 jury duty as a trial or grand juror in work necessary to the public health, safety, or good  
25 order or who shows other good cause why he or she should be exempt from jury duty

26 may have his or her jury service deferred or excused by the judge of the court to which  
 27 he or she has been summoned or by some other person who has been duly appointed by  
 28 order of the chief judge to excuse jurors. Such a person may exercise such authority only  
 29 after the establishment by court order of guidelines governing excuses. Any order of  
 30 appointment shall provide that, except for permanently mentally or physically disabled  
 31 persons, all excuses shall be deferred to a date and time certain within that term or the  
 32 next succeeding term or shall be deferred as set forth in the court order. It shall be the  
 33 duty of the court to provide affidavits for the purpose of requesting a deferral of or  
 34 excusal from jury service pursuant to this subsection."

35 **SECTION 3.**

36 Said chapter is further amended by revising Code Section 15-12-3, relating to term of service  
 37 on jury, as follows:

38 "15-12-3.

39 ~~No person shall be compellable to serve on the grand or trial jury of the superior court or~~  
 40 ~~on any jury in other courts for more than four weeks in any year.~~ No person shall be  
 41 allowed to serve on the trial jury of the superior court or on any trial jury in other courts  
 42 for more than four weeks in any one year unless he or she is actually engaged in the trial  
 43 of a case when the four weeks expire, in which case he or she shall be discharged as soon  
 44 as the case is decided."

45 **SECTION 4.**

46 Said chapter is further amended by revising subsection (a) of Code Section 15-12-4, relating  
 47 to eligibility of person to serve as a juror, as follows:

48 "(a) Any person who has served as a trial or grand juror at any session of the superior or  
 49 state courts shall be ineligible for duty as a juror at until the next succeeding ~~term of the~~  
 50 ~~court in which such person has previously served but shall be eligible to serve at the next~~  
 51 ~~succeeding term of court for a different level of court~~ county master jury list has been  
 52 received by the clerk."

53 **SECTION 5.**

54 Said chapter is further amended by revising paragraph (2) of subsection (a) of Code Section  
 55 15-12-7, relating to compensation of court bailiffs and expense allowance for jurors, as  
 56 follows:

57 "(2) An expense allowance for trial or grand jurors in the superior courts of such counties  
 58 for the next succeeding year not to be less than \$5.00 nor to exceed \$50.00 per diem. The  
 59 same expense allowance shall be allowed to jurors of the several state courts and special

60 courts as is allowed jurors in the superior court of the county in which the state or special  
61 court is located; and"

62 **SECTION 6.**

63 Said chapter is further amended by revising Code Section 15-12-10, relating to juror's failure  
64 to appear or unauthorized absence and contempt, as follows:

65 "15-12-10.

66 If any person is duly summoned to appear as a trial or grand juror at court and neglects or  
67 refuses to appear, or if any juror absents himself or herself without leave of the court, ~~said~~  
68 such neglect, refusal, or absence may, after notice and hearing, be punished as contempt  
69 of court."

70 **SECTION 7.**

71 Said chapter is further amended by revising subsection (b) of Code Section 15-12-11, relating  
72 to appointment of jury clerk and other personnel, juror questionnaires, and construction with  
73 other laws, as follows:

74 "(b) Prospective trial and grand jurors in all counties may be required to answer written  
75 questionnaires, as may be determined and submitted by the judges of such counties,  
76 concerning their qualifications as jurors. In propounding the court's questions, the court  
77 may consider the suggestions of counsel. In the court's questionnaire and during voir dire  
78 examination, judges should ensure that the privacy of prospective jurors is reasonably  
79 protected and that the questioning by counsel is consistent with the purpose of the voir dire  
80 process."

81 **SECTION 8.**

82 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section  
83 15-12-23, relating to clerk of board of jury commissioners, jury clerk, juror questionnaires,  
84 and construction with other laws, as follows:

85 "(2) All prospective trial or grand jurors in such counties shall be required to answer  
86 questionnaires as may be determined and submitted by said chief judge of such counties  
87 concerning their qualifications as jurors."

88 **SECTION 9.**

89 Said chapter is further amended by revising Code Section 15-12-46, relating to adjournment  
90 of term pending choosing of jurors, as follows:

91 "15-12-46.

92 If juries have not been chosen for any regular term of the superior court and there is not  
 93 sufficient time for choosing and summoning prospective trial and grand jurors to serve at  
 94 the regular term, the judge of the superior court for the county in which the failure has  
 95 occurred, by order passed at chambers, may adjourn the court to another day, may require  
 96 the requisite number of prospective ~~grand and trial~~ and grand jurors to be summoned, and  
 97 may enforce their attendance at the term so called."

98 **SECTION 10.**

99 Said chapter is further amended by revising Code Section 15-12-62.1, relating to choosing  
 100 grand jurors, as follows:

101 "15-12-62.1.

102 ~~The On and after July 1, 2012, the~~ clerk shall choose a sufficient number of persons to  
 103 serve as grand jurors from the county master jury list in the same manner as trial jurors are  
 104 chosen. The clerk, not less than 20 days before the commencement of each term of court  
 105 at which a regular grand jury is impaneled, shall issue summonses by mail to the persons  
 106 chosen for grand jury service. ~~The clerk shall choose grand jurors in the manner specified~~  
 107 ~~by and in accordance with the rules adopted by the Supreme Court."~~

108 **SECTION 11.**

109 Said chapter is further amended by revising Code Section 15-12-63, relating to choosing  
 110 separate grand juries for each week, as follows:

111 "15-12-63.

112 In any term of court when the public interest requires it, the court, on application of the  
 113 district attorney, may empanel one or more concurrent grand juries. ~~When the superior~~  
 114 ~~court is held for longer than one week, the presiding judge may direct the clerk to choose~~  
 115 ~~separate grand juries for each week."~~

116 **SECTION 12.**

117 Said chapter is further amended by revising Code Section 15-12-66, which is designated as  
 118 reserved, as follows:

119 "15-12-66.

120 (a) Prior to empaneling, swearing, and charging the grand jury, the presiding judge and the  
 121 district attorney may examine prospective grand jurors as to their qualifications to serve  
 122 as provided in Code Sections 15-12-4 and 15-12-60. Such examination shall be conducted  
 123 after the administration of the preliminary oath set forth in subsection (b) of this Code

124 section. Any prospective grand juror who is not qualified to serve shall be excused by the  
 125 presiding judge.

126 (b) Prior to examination, the presiding judge, the district attorney, or the clerk shall  
 127 administer the following oath or affirmation to prospective grand jurors:

128 'You shall give true answers to all questions as may be asked by the court or the district  
 129 attorney concerning your qualifications to serve as a grand juror.' ~~Reserved."~~

130 **SECTION 13.**

131 Said chapter is further amended by revising Code Section 15-12-66.1, relating to insufficient  
 132 number of persons to complete panel of grand jurors, as follows:

133 "15-12-66.1.

134 ~~When~~ ~~On and after July 1, 2012, when~~ from challenge or from any other cause there are  
 135 not a sufficient number of persons in attendance to complete the ~~panel~~ empaneling of grand  
 136 jurors, the presiding judge shall order the clerk shall to choose at random from the names  
 137 of persons summoned as trial jurors a sufficient number of prospective trial grand jurors  
 138 from the county master jury list and summon the jurors so chosen necessary to complete  
 139 the grand jury. Nothing in this Code section shall be construed as barring the court from  
 140 taking any action against a person who has been summoned to appear as a juror as provided  
 141 in Code Section 15-12-10."

142 **SECTION 14.**

143 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 144 without such approval.

145 **SECTION 15.**

146 All laws and parts of laws in conflict with this Act are repealed.