

AN ACT relating to juries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 15.733 is amended to read as follows:

- (1) For the purposes of this section the following words or phrases shall have the meaning indicated:
 - (a) "Proceeding" includes pretrial, trial, appellate review, or other stages of litigation;
 - (b) "Fiduciary" includes such relationships as executor, administrator, conservator, trustee, and guardian;
 - (c) "Financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party, except that:
 1. Ownership in a mutual or common investment fund that holds securities, or a proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, or ownership of government securities is a "financial interest" only if the outcome of the proceeding could substantially affect the value of the interest;
 2. An office in an educational, religious, charitable, fraternal, or civil organization is not a "financial interest" in securities held by the organization.
- (2) Any prosecuting attorney shall disqualify himself in any proceeding in which he or his spouse, or a member of his immediate family either individually or as a fiduciary:
 - (a) Is a party to the proceeding, or an officer, director, or trustee of a party;
 - (b) Is acting as a lawyer in the proceeding;
 - (c) Is known by the prosecuting attorney to have an interest that could be

- substantially affected by the outcome of the proceeding;
- (d) Is to the prosecuting attorney's knowledge likely to be a material witness in the proceeding;
 - (e) Has served in private practice or government service, other than as a prosecuting attorney, as a lawyer or rendered a legal opinion in the matter in controversy;
 - (f) Has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.
- (3) Any prosecuting attorney may be disqualified by the court in which the proceeding is presently pending, upon a showing of actual prejudice.
- (4) *Any prosecuting attorney may be disqualified by the court in which the proceeding is presently pending if a retrial becomes necessary due to a finding that the prosecuting attorney engaged in discriminatory jury selection practices.*
- (5) In the event that a prosecuting attorney is disqualified, he shall certify such fact in writing to the Attorney General who may direct another Commonwealth's attorney or county attorney or an assistant attorney general as a special prosecutor to represent the Commonwealth in that proceeding.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 27A IS CREATED TO READ AS FOLLOWS:

- (1) *The Administrative Office of the Courts shall create and maintain a statewide system for collecting data on the race, ethnicity, and sex of members of juries seated in felony cases.*
- (2) *The Administrative Office of the Courts shall report to the Governor and the Legislative Research Commission on or before November 1, 2017, and on or before each November 1 thereafter, detailing information on the composition of juries.*