

## HOUSE BILL NO. HB0033

Jury pool selection-archaic language.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

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

4

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

6

7       **Section 1.**       W.S. 1-11-106(a), 1-11-109(a), (c),  
8 (d) (intro) and (i) through (iii), 1-11-113(a), 1-11-116,  
9 1-11-118, 1-11-120, 1-11-123, 1-11-125, 1-11-129, 7-5-102,  
10 7-5-303, 14-3-423(b), 14-6-223(c) and 14-6-423(b) are  
11 amended to read:

12

13       **1-11-106. Jury lists; preparation of base jury lists;**  
14 **selecting jury panel; certificate and summons.**

15

16       (a) The list of persons qualified to serve as trial  
17 jurors, compiled pursuant to W.S. 1-11-129, is the base

1 jury list for the district court and the circuit court from  
2 April 1 of the year in which the list is certified and  
3 delivered through March 31 of the following year. ~~By order~~  
4 ~~of the district judge or circuit judge, for their~~  
5 ~~respective courts, the base jury list may be expanded by~~  
6 ~~including some other source or sources of names in addition~~  
7 ~~to voter lists. After the list is delivered and~~  
8 ~~supplemented when applicable, suitable ballots shall be~~  
9 ~~prepared and deposited in a box known as and plainly marked~~  
10 ~~"jury box number one".~~ Upon order of the court, the clerk  
11 of the district court, ~~sheriff and county treasurer shall~~  
12 ~~draw from jury box number one a panel of trial jurors,~~  
13 ~~which shall contain such~~ shall select a panel of  
14 prospective trial jurors from the base jury list for the  
15 county. The clerk shall select the number of ~~names~~  
16 prospective jurors as specified by the court.

17

18 **1-11-109. Procedure for selecting jury; contents of**  
19 **certificate; summons.**

20

21 (a) The clerk shall ~~shake the box containing the~~  
22 ~~names of the regular jurors so as to mix the ballots~~  
23 ~~therein as well as possible. He shall then draw from the~~  
24 ~~box as many ballots as are ordered by the court~~ choose the

1 prospective jurors from the base jury list using a random  
2 method of selection.

3

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

11

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

16

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

19

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

21

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

23

24 **1-11-113. Completion of jury panel.**

1

2 (a) The persons ~~drawn from jury box number one and~~  
3 ~~certified as trial jurors~~ summoned by the clerk shall  
4 appear in answer to the summons and be examined as to their  
5 qualifications. If after all qualified trial jurors have  
6 been accepted it appears that there are not enough in  
7 attendance, the court shall order the clerk to ~~draw from~~  
8 ~~jury box number one~~ randomly select the necessary number of  
9 names from the base jury list to complete the jury panel,  
10 and the clerk shall continue to ~~draw from that box~~ randomly  
11 select names until a sufficient number of jurors are  
12 obtained. The persons so ~~drawn~~ selected shall be summoned  
13 to appear.

14

15 **1-11-116. Empaneling of jury.**

16

17 At the opening of court on the day that trial jurors are  
18 summoned to appear, the clerk shall call the names of those  
19 summoned. The court shall hear the jurors summoned, and  
20 shall excuse those whom the court finds are exempt,  
21 disqualified or have material cause for being excused. ~~The~~  
22 ~~clerk shall write the names of the jurors present and not~~  
23 ~~excused upon separate ballots, fold the ballots so that the~~  
24 ~~names are concealed, and deposit the ballots in a sealed~~

1 ~~box numbered two. The box shall remain sealed until ordered~~  
2 ~~by the court to be opened.~~

3

4 **1-11-118. Procedure upon exhaustion of prospective**  
5 **jurors during empaneling.**

6

7 If at any time during the empaneling of a jury all the  
8 ~~ballots contained in box number two~~ names selected for the  
9 panel are exhausted, the court shall enter an order  
10 directing that such additional number of names as necessary  
11 be ~~drawn from box number one~~ randomly selected from the  
12 base jury list. The court may excuse any jurors so ~~drawn~~  
13 selected if it appears that, because of distance, the delay  
14 occasioned by summoning the juror and requiring his  
15 presence would unduly prolong empaneling the trial jury.  
16 The clerk shall ~~forthwith~~ summon the persons ~~drawn~~ selected  
17 and not excused to appear in court immediately. ~~The names~~  
18 ~~of those accepted by the court shall be placed in box~~  
19 ~~number two and shall be drawn therefrom to complete the~~  
20 ~~jury.~~ The process shall continue from time to time when  
21 necessary until a jury is obtained.

22

23 **1-11-120. Persons sworn to constitute jury;**  
24 **generally.**

1

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

7

8 **1-11-123. Discharge of jurors; absent or excused**  
9 **jurors.**

10

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

16

17 **1-11-125. Procedure when sufficient number of jurors**  
18 **fail to attend.**

19

20 If a sufficient number of jurors duly ~~drawn~~ selected and  
21 notified do not attend to form a jury the court shall  
22 direct the clerk to ~~draw~~ select a sufficient number of  
23 ~~ballots from box number one~~ names from the base jury list  
24 to complete the jury and shall summon the persons ~~drawn~~

1 selected to attend immediately or at a time fixed by the  
2 court. If for any reason a sufficient number of jurors to  
3 try the issue is not obtained from the persons notified,  
4 the court may make successive orders until a sufficient  
5 number is obtained. The court may excuse any juror so ~~drawn~~  
6 selected if it appears that, because of distance, the delay  
7 occasioned by summoning the juror and requiring his  
8 presence would unduly prolong empaneling the trial jury.  
9 Each person so notified, unless excused by the court, shall  
10 serve as a juror at the trial. For a neglect or refusal to  
11 serve he may be fined in the same manner as a trial juror  
12 regularly ~~drawn~~selected and notified and he is subject to  
13 the same exceptions and challenges as any other trial  
14 juror.

15

16 **1-11-129. Procedure for maintaining jury lists.**

17

18 ~~The procedures for compiling and maintaining of jury lists,~~  
19 ~~jury ballots and jury boxes, and for drawing jurors, may~~  
20 ~~be set by the court to permit the compilation and~~  
21 ~~maintenance of jury lists and ballots and for the drawing~~  
22 ~~of jurors by~~ The supreme court shall compile a base jury  
23 list for each county. The supreme court shall compile a  
24 base jury list for the state as necessary under W.S.

1 7-5-303. The base jury lists shall be compiled from voter  
2 lists and may include names from Wyoming driver's license  
3 lists. The base jury lists prepared by the supreme court  
4 and panels or lists of prospective jurors selected by the  
5 clerk of court may be compiled and maintained using any  
6 manual, mechanical, electronic or other means calculated to  
7 insure the integrity of the system and a random selection  
8 process.

9  
10 **7-5-102. Manner of summoning; term.**

11  
12 A grand jury shall be ~~drawn~~selected, summoned and  
13 impaneled in the same manner as trial juries in civil  
14 actions and shall serve for one (1) year following  
15 selection unless discharged sooner by the district judge.

16  
17 **7-5-303. Selection and term of members.**

18  
19 ~~The clerk of the district court in each county of the~~  
20 ~~state, upon receipt of an order of the district judge of~~  
21 ~~the court granting a petition to impanel a state grand~~  
22 ~~jury, shall prepare a list of fifteen (15) prospective~~  
23 ~~state grand jurors drawn from existing jury lists of the~~  
24 ~~county. The list so prepared shall be immediately sent to~~



1 ~~the clerk of the court granting the petition to impanel the~~  
2 ~~state grand jury.~~ The district judge granting the ~~order~~  
3 petition to convene a state grand jury shall impanel the  
4 state grand jury from ~~the lists~~ a base jury list for the  
5 state compiled by the ~~clerks of~~ supreme court. The ~~judge~~  
6 ~~preparing the final list from which the grand jurors will~~  
7 ~~be chosen need~~ district court judge may specify that the  
8 base jury list for the state not include the names of  
9 jurors from every county within the state ~~having due regard~~  
10 ~~for the~~ to limit juror expense and inconvenience of travel.  
11 A state grand jury shall be composed of twelve (12)  
12 persons, but not more than one-half (1/2) of the members of  
13 the state grand jury shall be residents of any one (1)  
14 county. The members of the state grand jury shall be  
15 selected by the court in the same manner as jurors of  
16 county grand juries and shall serve for one (1) year  
17 following selection unless discharged sooner by the  
18 district judge.

19

20 **14-3-423. Rights of parties generally; demand for and**  
21 **conduct of jury trial.**

22

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

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

15

16 **14-6-223. Privilege against self-incrimination;**  
17 **rights of parties generally; demand for and conduct of jury**  
18 **trial.**

19

20 (c) A party against whom a petition has been filed or  
21 the district attorney may demand a trial by jury at an  
22 adjudicatory hearing. The jury shall be composed of jurors  
23 selected, qualified and compensated as provided by law for  
24 the trial of civil matters in the district court. The jury

1 may also be ~~drawn from the jury panel of the district court~~  
2 ~~or a special jury panel may be drawn from "jury box number~~  
3 ~~three (3)" containing the names of persons~~ selected from  
4 the prospective jurors on the base jury list residing  
5 within five (5) miles of the city or town where the trial  
6 is to be held, whichever the court directs. Demand for a  
7 jury trial must be made to the court not later than ten  
8 (10) days after the party making the demand is advised of  
9 his right to a jury trial. No deposit for jury fees is  
10 required. Failure of a party to demand a jury is a waiver  
11 of this right.

12

13 **14-6-423. Rights of parties generally; demand for and**  
14 **conduct of jury trial.**

15

16 (b) A party against whom a petition has been filed or  
17 the district attorney may demand a trial by jury at an  
18 adjudicatory hearing. The jury shall be composed of jurors  
19 selected, qualified and compensated as provided by law for  
20 the trial of civil matters in the district court. The jury  
21 may also be ~~drawn from the jury panel of the district court~~  
22 ~~or a special jury panel may be drawn from "jury box number~~  
23 ~~three (3)" containing the names of persons~~ selected from  
24 the prospective jurors on the base jury list residing

1 within five (5) miles of the city or town where the trial  
2 is to be held, whichever the court directs. Demand for a  
3 jury trial must be made to the court not later than ten  
4 (10) days after the party making the demand is advised of  
5 his right to a jury trial. No deposit for jury fees is  
6 required. Failure of a party to demand a jury is a waiver  
7 of this right.

8

9       **Section 2.** W.S. 1-11-107, 1-11-108(a), 1-11-109(b),  
10 1-11-117, 1-11-121, 1-11-124, 1-11-127 and 1-11-128 are  
11 repealed.

12

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

17

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

19

20

(END)