

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB192

Hearing Date: Wednesday February 22, 2017
Committee On: Judiciary
Introducer: Pansing Brooks
One Liner: Change and modernize provisions relating to the qualifying and summoning of jurors

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks
Nay:
Absent:
Present Not Voting: 1 Senator Chambers

Verbal Testimony:

Proponents:

Senator Patty Pansing Brooks
Beth Bazyn Ferrell
Janet Wiechelman

Representing:

Introducer
Nebraska Association of County Officials
Clerk of District Courts Association

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 192 makes changes to the jury selection process. Section 1 of LB 192 would establish the Jury Selection Act. Sections 2 through 32 then add new sections to statute and replace current sections of statute with revised versions to better organize the provisions related to jury selection and to uniformly incorporate the bill's changes.

Section 2 revises Neb. Rev. Stat. Sec. 25-1601.03, strikes the statutory section identifier to clarify that it is part of the Jury Selection Act, and provides a stated purpose and intent for the Act.

Section 3 institutes definitions to guide the selection of jurors. It defines terms such as "electronic jury selection process", "grand jury", and "jury commissioner", among others.

Section 4 adds to provisions related to jury commissioner salary that in counties having an excess of 200,000 inhabitants, if a jury commissioner receives a salary, it shall be fixed by the district judges in an amount not to exceed \$3,000 per annum. (This language was simply moved from another provision of statute.) Section 4 further adds a statement of intent that the purpose is to provide adequate compensation for the jury commissioner.

Section 5 strikes language that was added to Section 4 as provided hereinabove.

Section 7 updates language related to juror qualifications with modern terminology. Section 7 strikes language that would currently allow a nursing mother to be excused from jury service until she is no longer nursing her child.

Section 9 provides grounds for a challenge for cause if the potential juror does not meet the qualifications necessary to serve, or requests any officer of the court to be placed on the jury panel.

Section 10 allows for the use of an electronic process of randomly selecting a key number for purposes of jury selection. The Section further provides that counties of less than 3,000 population shall draw at least two key numbers, and may draw more if the district judge(s) in the county believe it necessary. In counties having more than 3,000 population, only one key number is necessary, but more may be ordered at the discretion of the district judge(s).

Section 11 updates language dealing with the jury lists and how they are retrieved from the records of the DMV. The Section also provides that a county of more than 7,000 population produce a master list at least once per year, and counties having more than 3,000 population produce a master list at least once every two years. Counties having a population of less than 3,000 could draw only once every five years.

Section 12 provides the process for selecting the members of the jury pool. The bill would invoke the use of the two-step qualifying process or one-step qualifying process as those processes are defined in Section 3 of the bill. The one-step qualifying process allows for a qualification form and summons to be sent to a potential juror at the same time. The two-step process requires the qualification form to first be sent, and if the jury is qualified and drawn for a jury panel, a summons is then sent. The jury commissioner has the option to use either the one-step or two-step process. The Section also notes that "If any person places a name or asks to have a name placed in the revised jury pool in a manner that is not authorized under the Jury Selection Act, he or she shall be guilty of a Class IV felony".

Sections 13 and 14 update language of existing statute. Section 13 does allow a juror to return the jury questionnaire via an electronic submission process.

Section 16 allows the jury commissioner to use either a manual or electronic selection process for carrying out the process of selecting the jury. The bill defines an electronic selection process as "a process by which jurors are randomly selected to serve on a grand jury or petit jury through electronic means and for which the presence of a district court judge or other designated official is not required".

Sections 17 through 21 update language in current statute. They also clarify that those summoned for jury duty must appear, and that those excused are discharged from service at that time.

Section 22 provides the process for drawing a grand jury and allows for either manual or electronic processes for doing so.

Section 23 provides the process for serving a jury summons and provides for service based on the one or two step qualifying process.

Section 24 provides that a person who fails to appear on a jury summons must appear to provide good cause for such failure, and may be held in contempt of court if they fail to show such good cause. Section 24 further makes an exception for a finding of contempt of court if the jury commissioner uses the one-step qualifying system and the summons is delivered via first class mail.

Section 27 requires the clerk magistrate to notify the jury commissioner of an upcoming jury trial not less than 30 days prior to the trial.

Sections 25, 26, and sections 28 through 44 update language of statutes related to juries.

Section 45 increases the amount paid to a juror for his or her services from \$30 per day to \$35 per day.

Explanation of amendments:

The white copy amendment makes minor tweaks to language at the suggestion of the Court Administrator's Office and

the District Court Clerks. Specifically, the amendment adjusts language related to the drawing and investigation of members of a grand jury. It further allows the jury commissioner and the clerk magistrate to waive the 30-day notice requirement of the need for a jury trial. Finally, the amendment clarifies language related to excusal from jury service due to an individual serving on active duty for the United States Armed Forces and requires the person to provide some documentation to the jury commissioner to verify such service.

Laura Ebke, Chairperson