

ENROLLED SENATE
BILL NO. 1294

By: Smith of the Senate

and

Steidley of the House

An Act relating to jurors; amending 38 O.S. 1991, Sections 26 and 28, as amended by Section 21, Chapter 343, O.S.L. 1994 (38 O.S. Supp. 1995, Section 28), which relate to selection and qualifications of jurors; clarifying language; exempting from jury service persons who have previously served within previous two years; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 38 O.S. 1991, Section 26, is amended to read as follows:

Section 26. When the names are drawn for jury service, the cards containing the names shall be sealed in separate envelopes, endorsed "cards containing the names of jurors for the grand jury or for the petit jury for the _____ two weeks of the _____ term of the _____ court of _____ county," (filling in the blanks properly): and the envelopes shall be retained securely by the clerk, unopened, until after the jury has been impaneled for that week; and, after the jurors so impaneled have served more than one (1) jury week, the envelopes containing the cards bearing the names of the jurors for that week shall then be opened by the court clerk, or the court clerk's deputy, and those cards bearing the names of persons who have not been impaneled and who have not served as many as two (2) weeks shall be immediately returned to the wheel by the court clerk, or the court clerk's deputy; and the cards bearing the names of the persons serving as many as two (2) weeks shall be put in a box provided for that purpose for the use of the officers who shall next select the jurors for the wheel; provided, no person shall be compelled to serve as a juror more often than once in a two-year period of time.

SECTION 2. AMENDATORY 38 O.S. 1991, Section 28, as amended by Section 21, Chapter 343, O.S.L. 1994 (38 O.S. Supp. 1995, Section 28), is amended to read as follows:

Section 28. A. All citizens of the United States, residing in this state, having the qualifications of electors of this state, who are of sound mind and discretion and of good moral character are competent jurors to serve on all grand and petit juries within their counties; provided, that persons over seventy (70) years of age and

persons who have served as a grand or petit juror during the last two (2) immediately preceding calendar years shall not be compelled to serve as jurors in this state and the court may excuse or discharge any juror drawn and summoned as a grand or petit juror if jury service would result in substantial hardship to the prospective juror.

B. Persons who are not qualified to serve as jurors are:

1. Justices of the Supreme Court or the Court of Appeals;
2. Judges of the Court of Criminal Appeals or the district court;
3. Sheriffs or deputy sheriffs;
4. Jailers or law enforcement officers, state or federal, having custody of prisoners;
5. Licensed attorneys engaged in the practice of law;
6. Persons who have been convicted of any felony or who have served a term of imprisonment in any penitentiary, state or federal, for the commission of a felony; provided, any such citizen convicted, who has been fully restored to his or her civil rights, shall be eligible to serve as a juror; and
7. Legislators during session of the Legislature or involved in state business.

SECTION 3. This act shall become effective November 1, 1996.