ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1477 By: Wood of the House

and

Sharp of the Senate

An Act relating to juries; amending 11 O.S. 2011, Sections 27-120 and 28-116, which relate to municipal juries; *** amending 22 O.S. 2011, Sections 359 and 360, which relate to the Multicounty Grand Jury Act; *** allowing same process used for county grand and petit juries; excepting certain laws from selecting and ordering of juror names; *** amending 22 O.S. 2011, Sections 591 and 633, which relate to jurors for civil and criminal actions; *** amending 38 O.S. 2011, Sections 18, 19, 20, 21, 22, 23, 28, as last amended by Section 1, Chapter 15, O.S.L. 2014 and 36 (38 O.S. Supp. 2014, Section 28), which relate to jurors; *** providing for generation of general jury panel using jury management system; empowering judge to order randomly selected jurors from system; clarifying language; *** directing Administrative Director of the Courts to develop standard summons form; requiring inclusion for district court to add additional information; *** specifying who can make determinations about juror conditions; providing exceptions; *** authorizing disclosure of certain juror information to attorneys of record; prohibiting sharing information except for jury selection; mandating information be returned to the court; stating counsel is under continuing duty to protect information*** construing provision; providing for codification; and declaring an emergency.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to juries; amending 22 O.S. 2011, Sections 359 and 360, which relate to the Multicounty Grand Jury Act; permitting Administrative Director of the Courts to use jury management system to select and summon multicounty grand jurors; directing process be supervised by presiding judge; allowing same process used for county grand and petit juries; excepting certain laws from selecting and ordering of juror names; authorizing Director to issue and serve summons using jury management system; prescribing development of a standard summons form; directing summons be mailed in specific time frame; amending 22 O.S. 2011, Sections 591 and 633, which relate to jurors for civil and criminal actions; allowing jurors to be selected and summoned using a jury management system; excepting certain laws from selecting and ordering juror names; disallowing challenge to the panel based on use of a jury management system; amending 38 O.S. 2011, Sections 18, 19, 20, 21, 22, 23, 28, as last amended by Section 1, Chapter 15, O.S.L. 2014 and 36 (38 O.S. Supp. 2014, Section 28), which relate to jurors; permitting eligible juror list to be maintained electronically; detailing how list will be furnished and maintained; allowing changes provided by an electronic address verification process; authorizing jury management system to generate petit and grand jury panels; expanding who jury panel reports to; providing for generation of general jury panel using jury management system; empowering judge to order randomly selected jurors from system; clarifying language; providing for selection of additional jurors using jury management system; deleting requirement that court clerk serve the summons; permitting automated process to summon grand and petit jurors; directing Administrative Director of the Courts to develop standard summons form; requiring inclusion for district court to add additional information; excepting return-of-service affidavit in certain instances; allowing resources for jurors to submit information to the court; listing possible resources; authorizing court to use jury management system to maintain juror communications; specifying who can make determinations about juror conditions; providing exceptions; limiting how information is used; prohibiting disclosure for purposes other than jury

management; barring public disclosure of juror information without a court order; prescribing request for disclosure process; providing for confidentiality; providing exception; authorizing disclosure of certain juror information to attorneys of record; prohibiting sharing information except for jury selection; mandating information be returned to the court; stating counsel is under continuing duty to protect information; prohibiting public disclosure of grand jurors; providing exception; empowering district court to utilize approved electronic jury management system; providing for applicability; directing court clerk to manage jury selection process; providing for supervision and control by specified judge; allowing trial court administrator to manage jury selection in some instances; providing for delegation of duties to staff; describing process for selecting jurors using the jury management system; authorizing system to draw jury panels in accordance with local court procedures; prohibiting disclosure of general panel jury list; providing exception; letting the system be used to prepare jury summons; directing mailing to those chosen; setting forth procedures for mailing summons; allowing the system to randomly select jurors for a case panel; defining term; requiring written list for each panel; specifying who may receive a list; prohibiting disclosure of list except for jury selection; describing process of how jurors are called; barring juror challenge based on use of system; excepting certain laws from selecting and ordering juror names; permitting record creation and maintenance by the system; empowering court to provide electronic resources for jurors; construing provision; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 359, is amended to read as follows:

Section 359. A. The Administrative Director of the Courts, upon receipt of the State Supreme Court order convening a multicounty grand jury, shall prepare a list of up to two hundred

prospective jurors drawn from the current grand jury lists of the several counties designated in the order.

B. A multicounty grand jury shall be comprised of the same number of members having the same qualifications as provided by law for a county grand jury; provided, however, not more than one-half (1/2) of the members of a multicounty grand jury shall be residents of any one county.

C. Where an electronic jury management system has been authorized for use in the courts pursuant to Section 13 of this act, the Administrative Director of the Courts is authorized to select and summon multicounty grand jurors utilizing the automated functionality provided in the jury management system.

D. The process of empaneling the multicounty grand jury shall be conducted under the supervision and control of the judge presiding over the multicounty grand jury and may be conducted in the same manner as is provided by law for empanelment of county grand and petit juries using the electronic jury management system.

E. Whenever the approved electronic jury management system is used to randomly select and sequentially order juror names during any step in the multicounty grand jury selection process, the laws relating to the use of a jury wheel, and laws requiring paper ballots drawn from a jury wheel or a shaken box, shall not apply, including but not limited to those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of this title.

SECTION 2. AMENDATORY 22 O.S. 2011, Section 360, is amended to read as follows:

Section 360. A. The court clerk of the county in which a prospective member of a multicounty grand jury resides, upon receipt from the Administrative Director of the Courts of a list of prospective multicounty grand jurors residing in the county, shall cause such prospective jurors to be summoned for service.

B. Where an electronic jury management system has been authorized for use in the courts pursuant to Section 13 of this act, the Administrative Director of the Courts is authorized to issue and serve summons to the panel of prospective multicounty grand jurors utilizing the approved system. The Administrative Director of the Courts shall develop a standard summons form for multicounty grand jurors. The Administrative Director of the Courts is authorized to utilize the jury management system to prepare the summons and shall mail the summons by first-class mail to every person whose name is drawn for the multicounty grand jury, not less than ten (10) days prior to the day the person is to appear.

SECTION 3. AMENDATORY 22 O.S. 2011, Section 591, is amended to read as follows:

Section 591. The jurors duly drawn and summoned for the trial of civil actions~~,~~ may also be the jurors for the trial of criminal actions. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, jurors may

be selected and summoned utilizing the automated functionality provided in the jury management system. Whenever the court utilizes the approved jury management system to randomly select and sequentially order juror names during any step in the jury selection process, the laws relating to the use of a jury wheel, and laws requiring paper ballots drawn from a jury wheel or a shaken box, shall not apply, including but not limited to those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of this title.

SECTION 4. AMENDATORY 22 O.S. 2011, Section 633, is amended to read as follows:

Section 633. A. A challenge to the panel can be founded only on a material departure from the forms prescribed by law, in respect to the drawing and return of the jury, or on the intentional omission of the sheriff to summon one or more of the jurors drawn~~,~~ from which the defendant has suffered material prejudice.

B. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, jurors may be selected and summoned utilizing the automated functionality provided in the jury management system. Use of an electronic jury management system shall not be grounds for a challenge to a panel based on a material departure or irregularity. Whenever the court utilizes the approved jury management system to randomly select and sequentially order juror names during any step in the jury selection

process, the laws relating to the use of a jury wheel, and laws requiring paper ballots drawn from a jury wheel or a shaken box, shall not apply, including but not limited to those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of this title.

SECTION 5. AMENDATORY 38 O.S. 2011, Section 18, is amended to read as follows:

Section 18. For the purpose of ascertaining names of all persons qualified for jury service:

1. The Commissioner of Public Safety shall cause to be provided to the Administrative Director of the Courts, not later than the first day of October of each year, a list by county of residence of persons who reside in the county, who are eighteen (18) years of age or older, and who are holders of a current driver license or a current identification license issued by the Department of Public Safety. The list shall contain the name, date of birth, and mailing address of each person listed. The list may be maintained in electronic format and shall be used exclusively for jury selection purposes. The Administrative Director of the Courts and the court clerk shall not copy or permit any person to copy the list or any portion thereof for purposes other than jury selection;

2. All names and addresses of the persons so listed under the provisions of paragraph 1 of this section shall be used thereafter

in the selection of juries; provided, however, no jury panel shall be quashed because of a duplication of names;

3. The list will be furnished by the Administrative Director of the Courts to the ~~court clerks~~ district courts according to the period of time and in the format prescribed by the Administrative Director of the Courts, and the district courts may maintain and use the list in electronic format as a necessary part of an approved electronic jury management system implemented pursuant to Section 13 of this act;

4. The provisions of this section shall not be construed to preclude persons otherwise qualified to serve as jurors from volunteering for jury service in a manner prescribed by the Administrative Director of the Courts; and

5. The Administrative Director of the Courts, the trial court administrator or the court clerk may accept changes or corrections in a mailing address or county of residence of a qualified juror from such qualified juror or from an electronic address verification process implemented pursuant to Section 13 of this act. Changes may be accepted in any manner prescribed by the Administrative Director of the Courts.

SECTION 6. AMENDATORY 38 O.S. 2011, Section 19, is amended to read as follows:

Section 19. A. The Administrative Director of the Courts shall cause to be generated, from the list of names of all persons who are

known to be qualified jurors under the law, the general panel of jurors as required under Section 20 of this title or the list of prospective multicounty grand jurors as required under Section 359 of Title 22 of the Oklahoma Statutes.

B. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, the general jury panel for petit and county grand juries may be generated by the court clerk or trial court administrator utilizing the random selection processes provided in the jury management system.

SECTION 7. AMENDATORY 38 O.S. 2011, Section 20, is amended to read as follows:

Section 20. A. In each county, the judges of the courts of record shall, more than ten (10) days prior to each term of court, determine approximately the number of jurors that are reasonably necessary for jury service in all the courts of record of the county for each jury period during the time the courts may hold during the term and shall thereupon order the number of jurors from the Administrative Director of the Courts for each jury period, said jury to be known as the general panel of jurors for service in all the courts of such county for the respective weeks for which they are designated to serve. A majority of the judges are authorized to act in carrying out the provisions of this law; provided, however, there is only one judge in the county or where the district judge so

designates in writing the judge of the court of record using the jury is authorized to act in carrying out the provisions of this law or he or she may increase or diminish the number of jurors to be selected for any jury period, and shall order said jurors drawn for as many weeks in advance of service as they or he or she deem proper. The general panel shall report for duty to the presiding judge or chief judge or other district court judge acting as his or her designee or, if none, to the judge of the court of record using the jury, and said judge, for such time as he or she so acts, shall organize said juries and have immediate supervision and control of them.

B. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, the general panel of jurors may be generated by the court clerk or trial court administrator using the random juror selection process and functionality which is provided in that system.

SECTION 8. AMENDATORY 38 O.S. 2011, Section 21, is amended to read as follows:

Section 21. If a grand jury is ordered, the number stated in the judge's order, not to exceed one hundred, shall be summoned as grand jurors, and the grand jury shall be impaneled from said persons. The judge of the district court shall order the court clerk ~~or~~, one of his or her deputies or the court administrator to order the stated number of jurors from the Administrative Director

of the Courts. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, the judge may order the stated number of jurors to be randomly selected and summoned by the court clerk or trial court administrator utilizing the jury management system, and the district court may use the jury management system to randomly select the names of the grand or petit jurors and alternate jurors from the panels so drawn. In addition to the twelve (12) grand jurors to be impaneled, three additional persons shall be selected as alternate grand jurors. The alternate grand jurors shall attend all functions of the grand jury during its term and shall be subject to all laws governing grand jurors. Provided that, no alternate juror shall participate in any deliberations of the grand jury until appointed to fill a vacancy. If the judge so directs, the persons summoned for the grand jury panel who are not used thereon may be transferred to the petit jury panel. Additional and other drawing of as many names as the court may order may be had at any such time as the court or judge may order for the completion of a grand or petit jury panel, or for the impaneling of a new grand or petit jury if, in the judgment of the court, the same shall be necessary, or if, for any cause, the court, in its discretion, shall deem other jurors necessary. The court may excuse or discharge any person drawn and summoned as a grand or petit juror~~,~~ whenever, in its discretion, such action shall be deemed expedient. No person may be required to

render service as a petit juror for more than one (1) day in any one calendar year unless he or she is selected to serve in a trial or is under consideration to serve in a trial and such consideration covers a period of two (2) or more days. Once selected, a juror shall serve on the jury for the duration of the trial unless excused by the presiding judge.

SECTION 9. AMENDATORY 38 O.S. 2011, Section 22, is amended to read as follows:

Section 22. ~~Said jurors, when impaneled, shall constitute a general panel for service as jurors in all district, superior, common pleas and county court in the county, and shall be used interchangeably in all such courts.~~ In the event of a deficiency of jurors at any given time to meet the ~~requirement of all of such courts~~ needs of the district court, the presiding judge or chief judge, or other district court judge acting as his or her designee, having control of the general panel shall direct the ~~district~~ court clerk or trial court administrator to request from the Administrative Director of the Courts such additional jurors as may be sufficient to meet ~~such emergency, but such jurors shall act only as special jurors and shall be discharged as soon as their services are no further needed~~ the court's requirements. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, the additional jurors authorized by this section may be randomly selected and summoned by the court

clerk or trial court administrator utilizing the electronic jury management system.

SECTION 10. AMENDATORY 38 O.S. 2011, Section 23, is amended to read as follows:

Section 23. A. The Administrative Director of the Courts shall develop a standard form to be used as a summons for service on the grand and petit juries in the district courts of this state. The standard form shall include the time, place and the name of the court where said jurors are required to attend.

B. The summons shall be served by ~~the court clerk by~~ mailing a copy of such summons ~~by registered or certified mail, or as directed by the judge,~~ to the person selected for service not less than ten (10) days before the day said person is to appear as a juror in such court. The ~~court clerk~~ person mailing the summons shall make a return of such service by filing an affidavit stating the date of mailing ~~and type of mail used in sending~~ the summons; provided, that this shall not prevent service of special venire or talesman by the sheriff of the county.

C. In any district court where an electronic jury management system is implemented pursuant to Section 13 of this act, grand and petit jurors may be summoned by using the automated process of creating and mailing juror summons provided in the electronic jury management system. The Administrative Director of the Courts shall develop a standard juror summons form to be used in the system,

which shall include a section for the district court to add information specific to the local court. Where the court follows the procedures for creating and mailing the summons as set forth in Section 13 of this act, the return-of-service affidavit required by subsection B of this section need not be filed.

SECTION 11. AMENDATORY 38 O.S. 2011, Section 28, as last amended by Section 1, Chapter 15, O.S.L. 2014 (38 O.S. Supp. 2014, Section 28), is amended to read as follows:

Section 28. A. It is the policy of this state that all citizens qualified for jury service pursuant to this section have an obligation to serve on petit juries when summoned by the courts of this state, unless excused.

B. All citizens of the United States, residing in this state, having the qualifications of electors of this state, 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 five (5) 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:

1. The prospective juror has a mental or physical condition that causes him or her to be incapable of performing jury service. The juror, or the juror's personal representative, shall provide the court with documentation from a physician licensed to practice

medicine verifying that a mental or physical condition renders the person unfit for jury service for a period of up to twenty-four (24) months; or

2. Jury service would cause undue or extreme physical or financial hardship to the prospective juror or a person under his or her care or supervision. A judge of the court for which the individual was called to jury service shall make undue or extreme physical or financial hardship determinations. The authority to make these determinations is delegable only to court officials or personnel who are authorized by the laws of this state to function as members of the judiciary. A person requesting to be excused based on a finding of undue or extreme physical or financial hardship shall take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty. For purposes of this section, "undue or extreme physical or financial hardship" is limited to circumstances in which an individual would be required to abandon a person under his or her personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury, incur costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom he or she provides the principle means of support, or suffer physical hardship that would result in illness or disease.

Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from his or her place of employment. A person requesting a judge to grant an excuse based on undue or extreme physical or financial hardship shall be required to provide the judge with documentation, such as, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused.

After two (2) years, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

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

1. Justices of the Supreme Court or the Court of Civil Appeals;

2. Judges of the Court of Criminal Appeals or the district court;

3. Sheriffs or deputy sheriffs;

4. Licensed attorneys engaged in the practice of law;

5. 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

6. Legislators during a session of the Legislature or when involved in state business.

D. Jailers or law enforcement officers, municipal, state or federal, shall be eligible to serve on noncriminal actions only.

E. Upon his or her request, a person shall be exempt from service as a juror if the person is:

1. A member of the Armed Forces of the United States who is serving on active duty during a time of war or declared hostilities; or

2. A mother who is breast-feeding a baby.

F. The district court may provide electronic resources for persons summoned for jury duty to obtain information about their jury service and to submit information to the court, including but not limited to communications via telephone, text message, electronic mail and website. The court may utilize an approved electronic jury management system to record, process, respond to, and maintain juror communications. The court clerk and the trial court administrator, under the supervision and control of the presiding judge or chief judge, or any district judge acting as his

or her designee, may be authorized to make determinations regarding juror excusals, exemptions, disqualifications, postponements and deferrals. However, determinations regarding extreme physical or financial hardship shall be made as provided in paragraph 2 of subsection B of this section.

G. Information provided to the court pursuant to this section by persons summoned for jury service shall be used exclusively for purposes of determining jury disqualifications or excusals. No person shall disclose, copy or permit any person to copy this information for purposes other than jury management.

SECTION 12. AMENDATORY 38 O.S. 2011, Section 36, is amended to read as follows:

Section 36. A. Persons serving as jurors during a trial shall not be asked or required to give their complete residence address or telephone number in the presence of the defendant.

B. Names and personal information concerning prospective and sitting jurors shall not be disclosed to the public outside open court, except upon order of the court. A request for disclosure of petit jurors' names and personal information shall be made in writing directly to the presiding judge or chief judge, or any district judge acting as his or her designee. The court shall order juror names and personal information to be kept confidential unless the interests of justice require otherwise.

C. Names and personal information concerning prospective petit jurors may be provided to the attorneys of record after the general panel jurors have been selected and summoned, unless otherwise directed by the court. The names and information will be provided in written form only, hereafter referred to as "the jury list". The attorneys shall not share the jury list or information contained in the jury list except as necessary for purposes of jury selection. Following jury selection, the attorneys shall return the original jury lists and any copies to the court. Counsel shall be under a continuing duty to protect the confidentiality of juror information.

D. The names of grand jurors shall not be maintained in any public record or otherwise disclosed to the public except upon an order of the court issued on a showing that exceptional circumstances have created a demonstrated need for disclosure.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18.2 of Title 38, unless there is created a duplication in numbering, reads as follows:

A. In lieu of a local plan adopted pursuant to subsection A of Section 18.1 of Title 38 of the Oklahoma Statutes, each district court may utilize an approved electronic jury management system (JMS) authorized by the Administrative Director of the Courts for the random selection of grand and petit jurors and for the general administration of the jury process. In any district court where an

approved electronic JMS is implemented, the provisions set forth in this section shall apply.

B. The clerk of the district court shall manage the jury selection process, under the supervision and control of the presiding judge or chief judge or any other district judge acting as his or her designee. In district courts with a trial court administrator, the court administrator may be authorized to manage some or all of the jury selection process, under the supervision and control of the presiding judge or chief judge or any other district judge acting as his or her designee. In managing the jury selection process, the court clerk and the trial court administrator are authorized to delegate duties to their staff and to utilize the electronic processes, random selection functionality and data processing services of the authorized JMS, as may be necessary in the jury selection and maintenance process.

C. In each district court, the presiding judge or chief judge or any other district judge acting as his or her designee shall, more than twenty (20) days prior to each term of court, determine approximately the number of jurors that are reasonably necessary to meet the needs of the district court for each jury term and shall order the drawing of that number of jurors, either all at one time or at periodic intervals, in advance of each term as he or she deems proper.

D. The court clerk or the trial court administrator may utilize the JMS to randomly draw a sufficient number of names from the source list provided by the Administrative Director of the Courts, pursuant to Section 18 of Title 38 of the Oklahoma Statutes, to satisfy the number of jurors ordered by the judge, including a margin of extra names sufficient to compensate for the estimated number that will be unavailable or ineligible. The names drawn shall comprise the general panel of jurors from which jurors are selected for service in the district court during the period for which they are designated to serve. The court clerk or the trial court administrator may use the JMS to draw jury panels in accordance with the local district court procedures, including jury panels for an "on call" jury system or a "trailing" jury system. The Administrative Director of the Courts, the trial court administrator and the court clerk shall not disclose, copy or permit any person to copy any general panel jury list or any portion thereof except as provided in Section 36 of Title 38 of the Oklahoma Statutes.

E. The court clerk or the trial court administrator may utilize the JMS to prepare the summons for jury service and shall cause the same to be mailed by first-class mail to every person whose name is drawn for the general jury panel. At the option of the court clerk or trial court administrator, juror summons may be mailed by the clerk's office or by a commercial mailing service. The court may

utilize an automated address verification process to avoid mailing summons to incomplete or invalid addresses or to persons who no longer reside in the jurisdiction.

F. The court clerk or the trial court administrator may utilize the JMS to randomly select names of prospective jurors for assignment to a specific trial or grand jury, collectively referred to as "case panel". The court clerk or the trial court administrator shall produce a written list of each case panel, with the names of the jurors selected for the case panel appearing in a random sequential order assigned by the JMS. The court and the attorneys of record in the case may be provided with a copy of the written case panel list. No person shall disclose, copy or permit any other person to copy the list or any portion of the list for purposes other than jury selection. The judge, court clerk or court staff may call the individual jurors and alternate jurors to be impaneled in the case or on a grand jury, one by one, in the order by which they appear on the written case panel list. Whenever a juror is dismissed for cause or preemptory challenge, the juror whose name next appears on the written list may be called, and this process shall continue until the jury is sworn or affirmed.

G. Use of an approved electronic JMS shall not be grounds for a challenge to a juror or a panel based on a material departure or irregularity from the requirements prescribed by law. Whenever the court utilizes the approved JMS to randomly select and sequentially

order juror names during any step in the jury selection process, the laws relating to the selection of grand or petit jurors by use of a jury wheel, and laws requiring paper ballots drawn from a jury wheel or a shaken box, including those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of Title 22 of the Oklahoma Statutes, shall not apply.

H. The court clerk or the trial court administrator may utilize the JMS for the creation and maintenance of all records and documents necessary to summon, qualify, manage and pay jurors for service and may maintain jury records in electronic format utilizing the data processing methods which are provided in the JMS.

I. Each district court may provide electronic resources, including but not limited to an automated telephone system and a website, for jurors to obtain information about their jury service and submit information to the court.

J. The court may utilize the JMS to prepare and mail juror questionnaires and may provide for jurors to answer juror questionnaires either by mail or by the court's website.

K. Nothing in this section shall be construed to minimize or repeal the authority granted in Section 18.1 of Title 38 of the Oklahoma Statutes regarding use of an approved electronic method for jury selection.

SECTION 14. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the Senate the 20th day of April, 2015.

_____
Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

_____
Presiding Officer of the House
of Representatives

ENGROSSED HOUSE
BILL NO. 1477 By: Wood of the House

and

Sharp of the Senate

An Act relating to juries; amending 11 O.S. 2011, Sections 27-120 and 28-116, which relate to municipal juries; allowing district court to use jury management system to select jurors for municipal court; authorizing electronic format for juror list; stating no requirement to provide written list or prepare juror summons; amending 22 O.S. 2011, Sections 359 and 360, which relate to the Multicounty Grand Jury Act; permitting Administrative Director of the Courts to use jury management system to select and summon multicounty grand jurors; directing process be supervised by presiding judge; allowing same process used for county grand and petit juries; excepting certain laws from selecting and ordering of juror names; authorizing Director to issue and serve summons using jury management system; prescribing development of a standard summons form; directing summons be mailed in specific time frame; amending 22 O.S. 2011, Sections 591 and 633, which relate to jurors for civil and criminal actions; allowing jurors to be selected and summoned using a jury management system; excepting certain laws from selecting and ordering juror names; disallowing challenge to the panel based on use of a jury management system; amending 38 O.S. 2011, Sections 18, 19, 20, 21, 22, 23, 28, as last amended by Section 1, Chapter 15, O.S.L. 2014 and 36 (38 O.S. Supp. 2014, Section 28), which relate to jurors; permitting eligible juror list to be maintained electronically; detailing how list will be furnished and maintained; allowing changes provided by an electronic address verification process; authorizing jury management system to generate petit and grand jury panels; expanding who jury panel reports to; providing for generation of general jury panel using

jury management system; empowering judge to order randomly selected jurors from system; clarifying language; providing for selection of additional jurors using jury management system; deleting requirement that court clerk serve the summons; permitting automated process to summon grand and petit jurors; directing Administrative Director of the Courts to develop standard summons form; requiring inclusion for district court to add additional information; excepting return-of-service affidavit in certain instances; allowing resources for jurors to submit information to the court; listing possible resources; authorizing court to use jury management system to maintain juror communications; specifying who can make determinations about juror conditions; providing exceptions; limiting how information is used; prohibiting disclosure for purposes other than jury management; barring public disclosure of juror information without a court order; prescribing request for disclosure process; providing for confidentiality; providing exception; authorizing disclosure of certain juror information to attorneys of record; prohibiting sharing information except for jury selection; mandating information be returned to the court; stating counsel is under continuing duty to protect information; prohibiting public disclosure of grand jurors; providing exception; empowering district court to utilize approved electronic jury management system; providing for applicability; directing court clerk to manage jury selection process; providing for supervision and control by specified judge; allowing trial court administrator to manage jury selection in some instances; providing for delegation of duties to staff; describing process for selecting jurors using the jury management system; authorizing system to draw jury panels in accordance with local court procedures; prohibiting disclosure of general panel jury list; providing exception; letting the system be used to prepare jury summons; directing mailing to those chosen; setting forth procedures for mailing summons; allowing the system to randomly select jurors for a case panel; defining term; requiring written list for each panel; specifying who may receive a list; prohibiting disclosure of list except for jury selection; describing process of how jurors are called; barring

juror challenge based on use of system; excepting certain laws from selecting and ordering juror names; permitting record creation and maintenance by the system; empowering court to provide electronic resources for jurors; construing provision; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 27-120, is amended to read as follows:

Section 27-120. A. Jurors in the municipal court shall be selected pursuant to this section under the same terms and conditions as are provided for by law for the district courts, or in the alternative, pursuant to Section 18.1 of Title 38 of the Oklahoma Statutes. Upon written request of the judge of the municipal court for a stated number of jurors to the chief judge of the appropriate district court, it shall be the duty of the clerk of the district court to draw from the jury wheel a requested number of jurors in the same manner as is provided by law for the district court until the number requested, who from their addresses appear to reside within the corporate limits of the municipality, is drawn, and to prepare a list of names drawn and certify such list to the judge of the municipal court. On completion of the draw, the clerk shall immediately return to the jury wheel all names drawn which are not placed on the certified list. The judge of the municipal court

shall make written request to the chief judge of the district court for a stated number of additional jurors if, after allowance of claimed statutory exemptions, the listed number is found to be insufficient. Summons of the prospective jurors shall be issued as set out by ordinance~~,~~ and may be served in person by the chief of police or any member of the police force of the municipality, or may be served by the clerk of the municipal court by mail.

B. Where an electronic jury management system has been authorized for use in the courts pursuant to Section 15 of this act, the district court may utilize the jury management system to select the names of jurors for municipal court as required in this title. The district court may provide the list of potential jurors to the municipal court in electronic format and shall not be required to provide written jury lists or prepare juror summons for the municipal court.

SECTION 2. AMENDATORY 11 O.S. 2011, Section 28-116, is amended to read as follows:

Section 28-116. A. Upon written request of the presiding judge of the municipal criminal court of record for a stated number of jurors to the presiding judge of the appropriate district court, it shall be the duty of the clerk of the district court to draw from the jury wheel the requested number of jurors in the same manner as is provided by the law for the district court~~,~~ and to prepare a list of the names drawn and certify such list to the judge of the

municipal criminal court of record. Upon receipt of such jury list by the judge of said court, the same shall be filed in the records of the court and the judge or clerk shall thereupon write the name of each person upon such list upon a separate slip of paper of uniform size and color and place the same in a box in the same manner as required by law in the preparation of jury boxes in the district court; except that the box wherein the names of jurors of the court shall be kept shall be locked with two ~~(2)~~ keys, one of which shall be retained and kept by the judge of the municipal court and the other by the chief of police of the city.

B. The judge of the court shall ascertain if any of the prospective jurors reside outside the corporate limits of the city and shall not summon for jury duty any nonresident of the city.

C. Where an electronic jury management system has been authorized for use in the courts pursuant to Section 15 of this act, the district court clerk may utilize the jury management system to select the names of jurors for municipal court as required in this title. The district court clerk may provide the list of potential jurors to the municipal court in electronic format and shall not be required to provide written jury lists or prepare juror summons for the municipal court.

SECTION 3. AMENDATORY 22 O.S. 2011, Section 359, is amended to read as follows:

Section 359. A. The Administrative Director of the Courts, upon receipt of the State Supreme Court order convening a multicounty grand jury, shall prepare a list of up to two hundred prospective jurors drawn from the current grand jury lists of the several counties designated in the order.

B. A multicounty grand jury shall be comprised of the same number of members having the same qualifications as provided by law for a county grand jury; provided, however, not more than one-half (1/2) of the members of a multicounty grand jury shall be residents of any one county.

C. Where an electronic jury management system has been authorized for use in the courts pursuant to Section 15 of this act, the Administrative Director of the Courts is authorized to select and summon multicounty grand jurors utilizing the automated functionality provided in the jury management system.

D. The process of impaneling the multicounty grand jury shall be conducted under the supervision and control of the judge presiding over the multicounty grand jury and may be conducted in the same manner as is provided by law for impanelment of county grand and petit juries using the electronic jury management system.

E. Whenever the approved electronic jury management system is used to randomly select and sequentially order juror names during any step in the multicounty grand jury selection process, the laws relating to the use of a jury wheel, and laws requiring paper

ballots drawn from a jury wheel or a shaken box, shall not apply, including but not limited to those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of this title.

SECTION 4. AMENDATORY 22 O.S. 2011, Section 360, is amended to read as follows:

Section 360. A. The court clerk of the county in which a prospective member of a multicounty grand jury resides, upon receipt from the Administrative Director of the Courts of a list of prospective multicounty grand jurors residing in the county, shall cause such prospective jurors to be summoned for service.

B. Where an electronic jury management system has been authorized for use in the courts pursuant to Section 15 of this act, the Administrative Director of the Courts is authorized to issue and serve summons to the panel of prospective multicounty grand jurors utilizing the approved system. The Administrative Director of the Courts shall develop a standard summons form for multicounty grand jurors. The Administrative Director of the Courts is authorized to utilize the jury management system to prepare the summons and shall mail the summons by first-class mail to every person whose name is drawn for the multicounty grand jury, not less than ten (10) days prior to the day the person is to appear.

SECTION 5. AMENDATORY 22 O.S. 2011, Section 591, is amended to read as follows:

Section 591. The jurors duly drawn and summoned for the trial of civil actions~~,~~ may also be the jurors for the trial of criminal actions. In any district court where an electronic jury management system is implemented pursuant to Section 15 of this act, jurors may be selected and summoned utilizing the automated functionality provided in the jury management system. Whenever the court utilizes the approved jury management system to randomly select and sequentially order juror names during any step in the jury selection process, the laws relating to the use of a jury wheel, and laws requiring paper ballots drawn from a jury wheel or a shaken box, shall not apply, including but not limited to those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of this title.

SECTION 6. AMENDATORY 22 O.S. 2011, Section 633, is amended to read as follows:

Section 633. A. A challenge to the panel can be founded only on a material departure from the forms prescribed by law, in respect to the drawing and return of the jury, or on the intentional omission of the sheriff to summon one or more of the jurors drawn~~,~~ from which the defendant has suffered material prejudice.

B. In any district court where an electronic jury management system is implemented pursuant to Section 15 of this act, jurors may be selected and summoned utilizing the automated functionality provided in the jury management system. Use of an electronic jury

management system shall not be grounds for a challenge to a panel based on a material departure or irregularity. Whenever the court utilizes the approved jury management system to randomly select and sequentially order juror names during any step in the jury selection process, the laws relating to the use of a jury wheel, and laws requiring paper ballots drawn from a jury wheel or a shaken box, shall not apply, including but not limited to those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of this title.

SECTION 7. AMENDATORY 38 O.S. 2011, Section 18, is amended to read as follows:

Section 18. For the purpose of ascertaining names of all persons qualified for jury service:

1. The Commissioner of Public Safety shall cause to be provided to the Administrative Director of the Courts, not later than the first day of October of each year, a list by county of residence of persons who reside in the county, who are eighteen (18) years of age or older, and who are holders of a current driver license or a current identification license issued by the Department of Public Safety. The list shall contain the name, date of birth, and mailing address of each person listed. The list may be maintained in electronic format and shall be used exclusively for jury selection purposes. The Administrative Director of the Courts and the court

clerk shall not copy or permit any person to copy the list or any portion thereof for purposes other than jury selection;

2. All names and addresses of the persons so listed under the provisions of paragraph 1 of this section shall be used thereafter in the selection of juries; provided, however, no jury panel shall be quashed because of a duplication of names;

3. The list will be furnished by the Administrative Director of the Courts to the ~~court clerks~~ district courts according to the period of time and in the format prescribed by the Administrative Director of the Courts, and the district courts may maintain and use the list in electronic format as a necessary part of an approved electronic jury management system implemented pursuant to Section 15 of this act;

4. The provisions of this section shall not be construed to preclude persons otherwise qualified to serve as jurors from volunteering for jury service in a manner prescribed by the Administrative Director of the Courts; and

5. The Administrative Director of the Courts, the trial court administrator or the court clerk may accept changes or corrections in a mailing address or county of residence of a qualified juror from such qualified juror or from an electronic address verification process implemented pursuant to Section 15 of this act. Changes may be accepted in any manner prescribed by the Administrative Director of the Courts.

SECTION 8. AMENDATORY 38 O.S. 2011, Section 19, is amended to read as follows:

Section 19. A. The Administrative Director of the Courts shall cause to be generated, from the list of names of all persons who are known to be qualified jurors under the law, the general panel of jurors as required under Section 20 of this title or the list of prospective multicounty grand jurors as required under Section 359 of Title 22 of the Oklahoma Statutes.

B. In any district court where an electronic jury management system is implemented pursuant to Section 15 of this act, the general jury panel for petit and county grand juries may be generated by the court clerk or trial court administrator utilizing the random selection processes provided in the jury management system.

SECTION 9. AMENDATORY 38 O.S. 2011, Section 20, is amended to read as follows:

Section 20. A. In each county, the judges of the courts of record shall, more than ten (10) days prior to each term of court, determine approximately the number of jurors that are reasonably necessary for jury service in all the courts of record of the county for each jury period during the time the courts may hold during the term and shall thereupon order the number of jurors from the Administrative Director of the Courts for each jury period, said jury to be known as the general panel of jurors for service in all

the courts of such county for the respective weeks for which they are designated to serve. A majority of the judges are authorized to act in carrying out the provisions of this law; provided, however, there is only one judge in the county or where the district judge so designates in writing the judge of the court of record using the jury is authorized to act in carrying out the provisions of this law or he or she may increase or diminish the number of jurors to be selected for any jury period, and shall order said jurors drawn for as many weeks in advance of service as they or he or she deem proper. The general panel shall report for duty to the presiding judge or chief judge or other district court judge acting as his or her designee or, if none, to the judge of the court of record using the jury, and said judge, for such time as he or she so acts, shall organize said juries and have immediate supervision and control of them.

B. In any district court where an electronic jury management system is implemented pursuant to Section 15 of this act, the general panel of jurors may be generated by the court clerk or trial court administrator using the random juror selection process and functionality which is provided in that system.

SECTION 10. AMENDATORY 38 O.S. 2011, Section 21, is amended to read as follows:

Section 21. If a grand jury is ordered, the number stated in the judge's order, not to exceed one hundred, shall be summoned as

grand jurors, and the grand jury shall be impaneled from said persons. The judge of the district court shall order the court clerk ~~or~~, one of his or her deputies or the court administrator to order the stated number of jurors from the Administrative Director of the Courts. In any district court where an electronic jury management system is implemented pursuant to Section 15 of this act, the judge may order the stated number of jurors to be randomly selected and summoned by the court clerk or trial court administrator utilizing the jury management system, and the district court may use the jury management system to randomly select the names of the grand or petit jurors and alternate jurors from the panels so drawn. In addition to the twelve (12) grand jurors to be impaneled, three additional persons shall be selected as alternate grand jurors. The alternate grand jurors shall attend all functions of the grand jury during its term and shall be subject to all laws governing grand jurors. Provided that, no alternate juror shall participate in any deliberations of the grand jury until appointed to fill a vacancy. If the judge so directs, the persons summoned for the grand jury panel who are not used thereon may be transferred to the petit jury panel. Additional and other drawing of as many names as the court may order may be had at any such time as the court or judge may order for the completion of a grand or petit jury panel, or for the impaneling of a new grand or petit jury if, in the judgment of the court, the same shall be necessary, or if, for any

cause, the court, in its discretion, shall deem other jurors necessary. The court may excuse or discharge any person drawn and summoned as a grand or petit juror~~,~~ whenever, in its discretion, such action shall be deemed expedient. No person may be required to render service as a petit juror for more than one (1) day in any one calendar year unless he or she is selected to serve in a trial or is under consideration to serve in a trial and such consideration covers a period of two (2) or more days. Once selected, a juror shall serve on the jury for the duration of the trial unless excused by the presiding judge.

SECTION 11. AMENDATORY 38 O.S. 2011, Section 22, is amended to read as follows:

Section 22. ~~Said jurors, when impaneled, shall constitute a general panel for service as jurors in all district, superior, common pleas and county court in the county, and shall be used interchangeably in all such courts.~~ In the event of a deficiency of jurors at any given time to meet the ~~requirement of all of such courts~~ needs of the district court, the presiding judge or chief judge, or other district court judge acting as his or her designee, having control of the general panel shall direct the ~~district~~ court clerk or trial court administrator to request from the Administrative Director of the Courts such additional jurors as may be sufficient to meet ~~such emergency, but such jurors shall act only as special jurors and shall be discharged as soon as their services~~

~~are no further needed~~ the court's requirements. In any district court where an electronic jury management system is implemented pursuant to Section 15 of this act, the additional jurors authorized by this section may be randomly selected and summoned by the court clerk or trial court administrator utilizing the electronic jury management system.

SECTION 12. AMENDATORY 38 O.S. 2011, Section 23, is amended to read as follows:

Section 23. A. The Administrative Director of the Courts shall develop a standard form to be used as a summons for service on the grand and petit juries in the district courts of this state. The standard form shall include the time, place and the name of the court where said jurors are required to attend.

B. The summons shall be served by ~~the court clerk by~~ mailing a copy of such summons ~~by registered or certified mail, or as directed by the judge,~~ to the person selected for service not less than ten (10) days before the day said person is to appear as a juror in such court. The ~~court clerk~~ person mailing the summons shall make a return of such service by filing an affidavit stating the date of mailing ~~and type of mail used in sending~~ the summons; provided, that this shall not prevent service of special venire or talesman by the sheriff of the county.

C. In any district court where an electronic jury management system is implemented pursuant to Section 15 of this act, grand and

petit jurors may be summoned by using the automated process of creating and mailing juror summons provided in the electronic jury management system. The Administrative Director of the Courts shall develop a standard juror summons form to be used in the system, which shall include a section for the district court to add information specific to the local court. Where the court follows the procedures for creating and mailing the summons as set forth in Section 15 of this act, the return-of-service affidavit required by subsection B of this section need not be filed.

SECTION 13. AMENDATORY 38 O.S. 2011, Section 28, as last amended by Section 1, Chapter 15, O.S.L. 2014 (38 O.S. Supp. 2014, Section 28), is amended to read as follows:

Section 28. A. It is the policy of this state that all citizens qualified for jury service pursuant to this section have an obligation to serve on petit juries when summoned by the courts of this state, unless excused.

B. All citizens of the United States, residing in this state, having the qualifications of electors of this state, 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 five (5) 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:

1. The prospective juror has a mental or physical condition that causes him or her to be incapable of performing jury service. The juror, or the juror's personal representative, shall provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the person unfit for jury service for a period of up to twenty-four (24) months; or

2. Jury service would cause undue or extreme physical or financial hardship to the prospective juror or a person under his or her care or supervision. A judge of the court for which the individual was called to jury service shall make undue or extreme physical or financial hardship determinations. The authority to make these determinations is delegable only to court officials or personnel who are authorized by the laws of this state to function as members of the judiciary. A person requesting to be excused based on a finding of undue or extreme physical or financial hardship shall take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty. For purposes of this section, "undue or extreme physical or financial hardship" is limited to circumstances in which an individual would be required to abandon a person under his or her personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury,

incur costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom he or she provides the principle means of support, or suffer physical hardship that would result in illness or disease. Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from his or her place of employment. A person requesting a judge to grant an excuse based on undue or extreme physical or financial hardship shall be required to provide the judge with documentation, such as, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused.

After two (2) years, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

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

1. Justices of the Supreme Court or the Court of Civil Appeals;

2. Judges of the Court of Criminal Appeals or the district court;

3. Sheriffs or deputy sheriffs;

4. Licensed attorneys engaged in the practice of law;

5. 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

6. Legislators during a session of the Legislature or when involved in state business.

D. Jailers or law enforcement officers, municipal, state or federal, shall be eligible to serve on noncriminal actions only.

E. Upon his or her request, a person shall be exempt from service as a juror if the person is:

1. A member of the Armed Forces of the United States who is serving on active duty during a time of war or declared hostilities; or

2. A mother who is breast-feeding a baby.

F. The district court may provide electronic resources for persons summoned for jury duty to obtain information about their jury service and to submit information to the court, including but not limited to communications via telephone, text message, email and website. The court may utilize an approved electronic jury

management system to record, process, respond to, and maintain juror communications. The court clerk and the trial court administrator, under the supervision and control of the presiding judge or chief judge, or any district judge acting as his or her designee, may be authorized to make determinations regarding juror excusals, exemptions, disqualifications, postponements and deferrals. However, determinations regarding extreme physical or financial hardship shall be made as provided in paragraph 2 of subsection B of this section.

G. Information provided to the court pursuant to this section by persons summoned for jury service shall be used exclusively for purposes of determining jury disqualifications or excusals. No person shall disclose, copy or permit any person to copy this information for purposes other than jury management.

SECTION 14. AMENDATORY 38 O.S. 2011, Section 36, is amended to read as follows:

Section 36. A. Persons serving as jurors during a trial shall not be asked or required to give their complete residence address or telephone number in the presence of the defendant.

B. Names and personal information concerning prospective and sitting jurors shall not be disclosed to the public outside open court, except upon order of the court. A request for disclosure of petit jurors' names and personal information shall be made in writing directly to the presiding judge or chief judge, or any

district judge acting as his or her designee. The court shall order juror names and personal information to be kept confidential unless the interests of justice require otherwise.

C. Names and personal information concerning prospective petit jurors may be provided to the attorneys of record after the general panel jurors have been selected and summoned, unless otherwise directed by the court. The names and information will be provided in written form only, hereafter referred to as "the jury list". The attorneys shall not share the jury list or information contained in the jury list except as necessary for purposes of jury selection. Following jury selection, the attorneys shall return the original jury lists and any copies to the court. Counsel shall be under a continuing duty to protect the confidentiality of juror information.

D. The names of grand jurors shall not be maintained in any public record or otherwise disclosed to the public except upon an order of the court issued on a showing that exceptional circumstances have created a demonstrated need for disclosure.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18.2 of Title 38, unless there is created a duplication in numbering, reads as follows:

A. In lieu of a local plan adopted pursuant to subsection A of Section 18.1 of Title 38 of the Oklahoma Statutes, each district court may utilize an approved electronic jury management system (JMS) authorized by the Administrative Director of the Courts for

the random selection of grand and petit jurors and for the general administration of the jury process. In any district court where an approved electronic JMS is implemented, the provisions set forth in this section shall apply.

B. The clerk of the district court shall manage the jury selection process, under the supervision and control of the presiding judge or chief judge or any other district judge acting as his or her designee. In district courts with a trial court administrator, the court administrator may be authorized to manage some or all of the jury selection process, under the supervision and control of the presiding judge or chief judge or any other district judge acting as his or her designee. In managing the jury selection process, the court clerk and the trial court administrator are authorized to delegate duties to their staff and to utilize the electronic processes, random selection functionality and data processing services of the authorized JMS, as may be necessary in the jury selection and maintenance process.

C. In each district court, the presiding judge or chief judge or any other district judge acting as his or her designee shall, more than twenty (20) days prior to each term of court, determine approximately the number of jurors that are reasonably necessary to meet the needs of the district court for each jury term and shall order the drawing of that number of jurors, either all at one time

or at periodic intervals, in advance of each term as he or she deems proper.

D. The court clerk or the trial court administrator may utilize the JMS to randomly draw a sufficient number of names from the source list provided by the Administrative Director of the Courts, pursuant to Section 18 of Title 38 of the Oklahoma Statutes, to satisfy the number of jurors ordered by the judge, including a margin of extra names sufficient to compensate for the estimated number that will be unavailable or ineligible. The names drawn shall comprise the general panel of jurors from which jurors are selected for service in the district court during the period for which they are designated to serve. The court clerk or the trial court administrator may use the JMS to draw jury panels in accordance with the local district court procedures, including jury panels for an "on call" jury system or a "trailing" jury system. The Administrative Director of the Courts, the trial court administrator and the court clerk shall not disclose, copy or permit any person to copy any general panel jury list or any portion thereof except as provided in Section 36 of Title 38 of the Oklahoma Statutes.

E. The court clerk or the trial court administrator may utilize the JMS to prepare the summons for jury service and shall cause the same to be mailed by first-class mail to every person whose name is drawn for the general jury panel. At the option of the court clerk

or trial court administrator, juror summons may be mailed by the clerk's office or by a commercial mailing service. The court may utilize an automated address verification process to avoid mailing summons to incomplete or invalid addresses or to persons who no longer reside in the jurisdiction.

F. The court clerk or the trial court administrator may utilize the JMS to randomly select names of prospective jurors for assignment to a specific trial or grand jury, collectively referred to as "case panel". The court clerk or the trial court administrator shall produce a written list of each case panel, with the names of the jurors selected for the case panel appearing in a random sequential order assigned by the JMS. The court and the attorneys of record in the case may be provided with a copy of the written case panel list. No person shall disclose, copy or permit any other person to copy the list or any portion of the list for purposes other than jury selection. The judge, court clerk or court staff may call the individual jurors and alternate jurors to be impaneled in the case or on a grand jury, one by one, in the order by which they appear on the written case panel list. Whenever a juror is dismissed for cause or preemptory challenge, the juror whose name next appears on the written list may be called, and this process shall continue until the jury is sworn or affirmed.

G. Use of an approved electronic JMS shall not be grounds for a challenge to a juror or a panel based on a material departure or

irregularity from the requirements prescribed by law. Whenever the court utilizes the approved JMS to randomly select and sequentially order juror names during any step in the jury selection process, the laws relating to the selection or grand or petit jurors by use of a jury wheel, and laws requiring paper ballots drawn from a jury wheel or a shaken box, including those requirements set forth in Sections 301 through 363 and Sections 591 through 693 of Title 22 of the Oklahoma Statutes, shall not apply.

H. The court clerk or the trial court administrator may utilize the JMS for the creation and maintenance of all records and documents necessary to summon, qualify, manage and pay jurors for service and may maintain jury records in electronic format utilizing the data processing methods which are provided in the JMS.

I. Each district court may provide electronic resources, including but not limited to an automated telephone system and a website, for jurors to obtain information about their jury service and submit information to the court.

J. The court may utilize the JMS to prepare and mail juror questionnaires and may provide for jurors to answer juror questionnaires either by mail or by the court's website.

K. Nothing in this section shall be construed to minimize or repeal the authority granted in Section 18.1 of Title 38 of the Oklahoma Statutes regarding use of an approved electronic method for jury selection.

SECTION 16. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 11th day of March, 2015.

_____
Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2015.

_____
Presiding Officer of the Senate