

HOUSE BILL No. 4859

May 29, 2007, Introduced by Reps. Cushingberry, Johnson, Alma Smith, Clack, Robert Jones, Condino, Lemmons, Scott, Virgil Smith, Bauer, Miller, Young, Melton, Coulouris, Dean, Ebli, Nofs, Gaffney, Jackson, Vagnozzi and Meadows and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1304, 1312, and 1321 (MCL 600.1304, 600.1312, and 600.1321), sections 1304 and 1321 as amended by 2004 PA 12 and section 1312 as amended by 2005 PA 6, and by adding sections 1301c, 1310a, and 1310b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1301C. (1) THE COUNTY BOARD OF COMMISSIONERS SHALL
2 OVERSEE THE OPERATIONS OF THE JURY BOARD IN EACH COUNTY.

3 (2) THE JURY BOARD IN EACH COUNTY SHALL NOT ENTER INTO ANY
4 CONTRACT FOR EQUIPMENT OR SERVICES WITHOUT THE PRIOR APPROVAL OF
5 THE COUNTY BOARD OF COMMISSIONERS.

6 (3) THE JURY BOARD IN EACH COUNTY SHALL REPORT ANNUALLY TO THE
7 COUNTY BOARD OF COMMISSIONERS ON THE GEOGRAPHICAL DIVERSITY OF
8 JURIES SELECTED IN THAT COUNTY DURING THE PRECEDING 12 MONTHS.

1 Sec. 1304. The jury board shall select **THE NAMES OF PERSONS AS**
2 **PROVIDED IN THIS CHAPTER TO SERVE AS JURORS** from a list that
3 combines the driver's license list, ~~and the personal identification~~
4 ~~cardholder list, the names of persons as provided in this chapter~~
5 ~~to serve as jurors~~ **CURRENT VOTER REGISTRATION LISTS OR BOOKS, AND A**
6 **LIST OF INDIVIDUALS WHO FILED A STATE INCOME TAX RETURN.**

7 **SEC. 1310A. (1) BETWEEN APRIL 15 AND MAY 1 OF EACH YEAR, THE**
8 **TOWNSHIP OR CITY CLERK SHALL DELIVER TO THE COUNTY CLERK A FULL,**
9 **CURRENT, AND ACCURATE COPY OF THE VOTER REGISTRATION CARDS**
10 **CONTAINING THE NAMES AND ADDRESSES OF THE REGISTERED VOTERS, OR A**
11 **FULL, CURRENT, AND ACCURATE LIST OF THOSE REGISTERED TOGETHER WITH**
12 **THE CURRENT ADDRESSES SHOWN ON THE CARD.**

13 **(2) THE BOARD SHALL SECURE FROM THE COUNTY CLERK, AND THE**
14 **COUNTY CLERK SHALL PROVIDE, COPIES OF THE CURRENT VOTER**
15 **REGISTRATION CARDS OR THE CURRENT VOTER REGISTRATION LISTS FOR EACH**
16 **PRECINCT IN THE COUNTY. THE BOARD SHALL TREAT THE CARDS AND LISTS**
17 **AS 1 LIST, WITH VOTERS GROUPED EITHER BY PRECINCT OR BY CITY,**
18 **TOWNSHIP, OR VILLAGE, AS THEY MAY BE PROVIDED.**

19 **(3) IF ELECTRONIC OR MECHANICAL DEVICES ARE USED BY THE**
20 **TOWNSHIP, CITY, OR VILLAGE CLERKS TO CARRY OUT THEIR DUTIES, THE**
21 **BOARD, INSTEAD OF RECEIVING A LIST FROM THE COUNTY CLERK OF CURRENT**
22 **REGISTERED VOTERS, MAY ORDER THE CLERKS TO PROVIDE ONLY THE NAMES**
23 **AND ADDRESSES SELECTED BY APPLYING THE KEY NUMBER AND STARTING**
24 **NUMBER DESIGNATED BY THE BOARD.**

25 **SEC. 1310B. (1) BETWEEN APRIL 15 AND MAY 1 OF EACH YEAR, THE**
26 **STATE TREASURER SHALL TRANSMIT ANNUALLY TO THE CLERK OF EACH COUNTY**
27 **AT NO EXPENSE A FULL, CURRENT, AND ACCURATE COPY OF A LIST OF THE**

1 NAMES AND ADDRESSES OF ALL INDIVIDUALS RESIDING IN THAT COUNTY WHO
2 FILED A STATE INCOME TAX RETURN FOR THE PRECEDING CALENDAR YEAR. AT
3 THE REQUEST OF THE BOARD BEFORE MARCH 1, THE STATE TREASURER SHALL
4 TRANSMIT ONLY A FIRST JURY LIST CONSISTING OF THE NAMES AND
5 ADDRESSES OF THOSE PERSONS SELECTED AT RANDOM, BASED ON THE TOTAL
6 NUMBER OF JURORS REQUIRED AS SUBMITTED TO THE STATE TREASURER BY
7 THE BOARD, USING ELECTRONIC OR OTHER MECHANICAL DEVICES.

8 (2) IF A COUNTY USES ELECTRONIC OR MECHANICAL DEVICES TO CARRY
9 OUT ITS DUTIES, THE COUNTY MAY REQUEST AND RECEIVE A COPY OF THE
10 LIST DESCRIBED IN SUBSECTION (1) ON ANY ELECTRONICALLY PRODUCED
11 MEDIUM UNDER SPECIFICATIONS PRESCRIBED BY THE STATE TREASURER. THE
12 STATE TREASURER SHALL ESTABLISH SPECIFICATIONS STANDARDIZING THE
13 SIZE, FORMAT, AND CONTENT OF MEDIA UTILIZED TO TRANSMIT INFORMATION
14 USED FOR JURY SELECTION.

15 Sec. 1312. The board shall apply the key number uniformly to
16 the names on the list received pursuant to ~~section~~ **SECTIONS** 1310,
17 **1310A, AND 1310B** and compile a list or card index, to be known as
18 the first jury list, which shall include every name and only those
19 names as the application of the key number has designated. The
20 board shall do this as follows:

21 (a) Select by a random method a starting number between 0 and
22 the key number.

23 (b) Count down the list the number of names to reach the
24 starting number. That name shall be placed on the first jury list.

25 (c) Continue from that name counting down the list, beginning
26 to count again with the number 1, until the key number is reached.
27 That name shall be placed on the first jury list.

1 (d) Repeat the process provided in subdivision (c) until the
2 whole list has been counted and the names placed on the first jury
3 list.

4 (e) The board shall then remove from the first jury list the
5 name of any person who its records show served, pursuant to the
6 provisions of this chapter, as a petit or grand juror in any court
7 of record in the county at any time in the preceding 1 year.

8 (f) The board, with the approval of the chief circuit judge,
9 may remove from the first jury list the name of any person who has
10 been convicted of a felony and is therefore disqualified from
11 serving as a juror pursuant to section 1307a(1)(e).

12 **(G) THE BOARD SHALL REORDER THE FIRST JURY LIST TO THE EXTENT**
13 **NECESSARY TO ENSURE THAT NAMES OF PERSONS RESIDING IN EACH POSTAL**
14 **ZIP CODE WITHIN THE COUNTY WILL BE REPRESENTED IN JURY POOLS**
15 **SELECTED IN THAT COUNTY IN PROPORTION TO THAT POSTAL ZIP CODE'S**
16 **PERCENTAGE OF THE COUNTY'S TOTAL POPULATION, AS REFLECTED IN THE**
17 **MOST RECENT FEDERAL DECENNIAL CENSUS.**

18 Sec. 1321. (1) The names of those persons on the first jury
19 list whom the board accepts as persons qualified for and not exempt
20 from jury service shall be compiled into a list to be known as the
21 second jury list. The list shall remain sealed until otherwise
22 ordered by the chief circuit judge.

23 (2) The board shall make an additional list consisting of the
24 names on the second jury list segregated by the geographical area
25 of the jurisdiction of each district court district. If there are
26 not sufficient names on the segregated list for any district court
27 district, the board shall apply again the key number to that

1 district only and obtain as many additional jurors as needed for
2 that district.

3 (3) AFTER COMPLETING THE OPERATION REQUIRED UNDER SUBSECTION
4 (2), THE BOARD SHALL MAKE AN ADDITIONAL LIST CONSISTING OF THE
5 NAMES ON THE LIST COMPILED UNDER SUBSECTION (2), SEGREGATED BY
6 GEOGRAPHICAL AREAS WITHIN THE COUNTY. IF THERE IS NOT SUFFICIENT
7 GEOGRAPHICAL DIVERSITY WITHIN THE SEGREGATED LIST, THE BOARD AGAIN
8 SHALL APPLY THE KEY NUMBER TO ANY UNDERREPRESENTED GEOGRAPHICAL
9 AREA AND OBTAIN AS MANY ADDITIONAL JURORS NEEDED TO ENSURE
10 GEOGRAPHICAL DIVERSITY. AS USED IN THIS SUBSECTION, "GEOGRAPHICAL
11 DIVERSITY" MEANS THE PROPORTIONAL REPRESENTATION OF THE POPULATION
12 OF EACH POSTAL ZIP CODE WITHIN THE COUNTY AS A PERCENTAGE OF THE
13 TOTAL POPULATION OF THE COUNTY, AS REFLECTED IN THE MOST RECENT
14 FEDERAL DECENNIAL CENSUS.

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No. ____ or House Bill No. 4755(request no.
17 00983'07 a) of the 94th Legislature is enacted into law.