

SENATE BILL NO. 1175

September 20, 2022, Introduced by Senator HOLLIER and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1301a, 1304a, 1326, 1332, 1345, and 1346 (MCL 600.1301a, 600.1304a, 600.1326, 600.1332, 600.1345, and 600.1346), as amended by 2004 PA 12, and by adding sections 1306 and 1307; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1301a. (1) ~~Except as provided in subsection (2), this~~
2 **This** chapter governs the selection of juries in the following
3 courts:

1 (a) Circuit court.

2 (b) Probate court.

3 (c) District court.

4 **(d) Municipal court.**

5 (2) ~~Sections 1310, 1311, 1312, 1321(1), 1322, 1323, 1330,~~
6 ~~1338, and 1343 do not apply to a court that adopts a method of jury~~
7 ~~selection described in section 1371.~~ **Only circuit courts shall**
8 **determine the qualifications of jurors in each county through the**
9 **circuit court administrator or the clerk of the circuit court, as**
10 **designated by the chief judge.**

11 Sec. 1304a. (1) ~~The~~ **Until September 30, 2023, the** jury board
12 may use electronic and mechanical devices in carrying out its
13 duties under this chapter. **Beginning October 1, 2023, a court or**
14 **clerk of the court may use a computerized, electronic, and**
15 **mechanical process within a jury management software or other**
16 **software in carrying out its duties under this chapter.**

17 (2) ~~The~~ **Until September 30, 2023, the** jury board may use the
18 historic method of preparing separate slips of paper for the second
19 jury list and drawing slips from a jury board box to determine a
20 panel or array of jurors. **Beginning October 1, 2023, the circuit**
21 **court administrator or clerk of the circuit court may use the**
22 **historic manual method of preparing separate slips of paper for the**
23 **second jury list and drawing slips from a container to determine**
24 **the jurors to send the juror qualifications questionnaire to or the**
25 **jurors to summon.**

26 Sec. 1306. (1) The supreme court shall promulgate rules to
27 implement this section, including, but not limited to, providing
28 consistent policies, practices, and procedures relating to the
29 provision of jury pool lists.

1 (2) The state court administrative office shall create and
2 implement a jury selection program in accordance with this chapter
3 and court rules.

4 (3) The state court administrative office shall compile a
5 first jury list of individuals who reside in each jurisdiction to
6 serve as potential jurors under this chapter from the driver
7 license and personal identification cardholder list of names
8 received from the secretary of state.

9 (4) Each year before April 15, the secretary of state shall
10 transmit to the state court administrative office at no cost a
11 randomized full, current, and accurate copy of a list that combines
12 the driver license list and personal identification cardholder list
13 of the name, address, gender, race, ethnicity, and date of birth of
14 individuals residing in each jurisdiction. Upon request, the
15 secretary of state shall furnish additional lists to any federal,
16 state, or local governmental agency, other than the clerk of each
17 county, for the purpose of jury selection. An agency that requests
18 and receives a list shall reimburse the secretary of state for
19 actual costs incurred in the preparation and transmittal of the
20 list and all reimbursements must be deposited in the state general
21 fund. If an agency uses electronic or mechanical devices to carry
22 out its duties, the agency may request and receive a copy of the
23 combined driver license and personal identification cardholder list
24 on any electronically produced medium as required by the secretary
25 of state. The secretary of state shall create and use standard
26 size, format, and content of media utilized specifications to
27 transmit information used for jury selection.

28 (5) The state court administrative office shall electronically
29 transmit the first jury list to the clerk of the court of record.

1 (6) The state court administrative office shall repeat the
2 first jury list process under this section as necessary if
3 additional jurors are required.

4 (7) The state court administrative office shall create a
5 standard juror qualifications questionnaire to be used by either
6 the circuit court administrator or the clerk of the circuit court.
7 The standard juror qualifications questionnaire must contain blanks
8 for the information the state court administrative office desires
9 concerning qualifications for, and exemptions from, jury service.

10 Sec. 1307. (1) The circuit court administrator or the clerk of
11 the circuit court shall receive the first jury list provided by the
12 state court administrative office under section 1306 and remove
13 from the list any individuals who served as a petit or grand juror
14 in that jurisdiction within the last year. If the names are not to
15 be immediately used, the names must be protected or sealed and
16 remain in the custody of the circuit court administrator or the
17 clerk of the circuit court until additional names are needed or
18 until ordered to be released by the chief judge.

19 (2) On or before May 1, the chief judge of the circuit court
20 shall receive from the chief judge of each court of record in the
21 circuit an estimate of the number of jurors that will be needed by
22 the court for a 1-year period beginning September 1 of that year.
23 This estimate must be submitted in writing and delivered to the
24 circuit court administrator or the clerk of the circuit court, as
25 designated by the chief judge.

26 (3) The circuit court administrator or the clerk of the
27 circuit court shall randomly select individuals from the first jury
28 list. The circuit court administrator or the clerk of the circuit
29 court shall mail the standard juror qualifications questionnaire

1 created in section 1306 to individuals selected as needed to ensure
2 sufficient potential jurors in accordance with subsection (2). If
3 the trial court determines that a supplemental juror qualifications
4 questionnaire is necessary, the circuit court administrator or the
5 clerk of the circuit court may include the supplemental juror
6 qualifications questionnaire in the mail sent to the selected
7 individuals. The individual must fully complete and return any
8 questionnaire that was sent under this subsection to the circuit
9 court administrator or the clerk of the circuit court within 10
10 days after it is received. All juror qualifications questionnaires
11 must be kept on file by the clerk of the court for a period of 3
12 years, but the chief circuit judge may order the juror
13 qualifications questionnaires to be kept on file for a longer
14 period.

15 (4) The circuit court administrator or the clerk of the
16 circuit court shall provide annual reports to the state court
17 administrative office as required by the supreme court. The state
18 court administrative office shall develop and adopt rules regarding
19 the contents of the annual reports and determining access to the
20 annual reports data for research and litigation purposes. In
21 addition to the information required for the annual reports, the
22 circuit court administrator or the clerk of the circuit court of
23 record shall collect and record of all of the following
24 information:

25 (a) The name, sex, race, ethnicity, and religion of an
26 individual who is selected and summoned from the first jury list.

27 (b) The name of an individual who does not return the juror
28 qualifications questionnaire.

29 (c) The name of an individual who is disqualified from jury

1 service based on the individual's juror qualifications
2 questionnaire responses.

3 (d) The name of an individual examined under subsection (6)
4 and a record of the individual's qualifications to serve as a
5 juror.

6 (e) The name of an individual excused from service under
7 subsection (7).

8 (f) For an individual examined on a jury panel, all of the
9 following, if applicable:

10 (i) The case name and number.

11 (ii) The name of an individual removed from a jury panel for
12 cause by a judge.

13 (iii) The name of an individual removed from a jury panel by
14 peremptory challenge.

15 (iv) If a party challenged the validity of an individual's
16 removal from the jury by peremptory challenge.

17 (g) The name of each individual who was selected to serve on
18 the jury or as an alternate juror.

19 (5) On the basis of the answers to the juror qualifications
20 questionnaire, the circuit court administrator or the clerk of the
21 circuit court may excuse from service an individual on the first
22 jury list who claims exemption and gives satisfactory proof of the
23 right and any individual who is not qualified for jury service. The
24 circuit court administrator or the clerk of the circuit court may
25 investigate the accuracy of the answers to a juror qualifications
26 questionnaire and may call on law enforcement agencies for
27 assistance in the investigation.

28 (6) The chief circuit judge, or the clerk of the court, may
29 require any individual on the first jury list to appear before the

1 circuit court at a specified time, for the purpose of testifying
2 under oath or affirmation concerning the individual's
3 qualifications to serve as a juror, in addition to completing the
4 juror qualifications questionnaire. Notice must be given,
5 personally or by mail, to an individual not less than 7 days before
6 the individual is required to appear before the circuit court. The
7 circuit court shall hold evening sessions as necessary for
8 examining prospective jurors who are unable to attend at other
9 times. The clerk of the court may administer an oath or affirmation
10 in relation to the examination of any matter embraced in this
11 chapter.

12 (7) If a prospective juror without legal disqualification or
13 exemption applies to the clerk of a court of record to be excused
14 from jury service, the clerk may, with the written approval of the
15 chief circuit judge, excuse the prospective juror if it appears
16 that the interests of the public or of the prospective juror will
17 be materially injured by the prospective juror's attendance or if
18 the health of the prospective juror or that of a member of the
19 prospective juror's family requires the prospective juror's absence
20 from court.

21 (8) If an individual who was selected for jury service is
22 deceased, the name of that individual must be removed from the
23 first jury list and that fact may be forwarded to the local clerk.

24 (9) The trial judge, in the trial judge's discretion, may
25 grant a deferral of jury service to an individual if the individual
26 claims that serving on the date the individual is called creates a
27 hardship. If the trial judge grants a deferral, the individual
28 must be rescheduled by the court to serve on a future date. The
29 circuit court administrator or clerk of the court may also

1 reschedule a prospective juror with written permission of the chief
2 judge.

3 (10) Upon the order of the chief circuit judge, jury panels or
4 parts of jury panels selected for any court in the county may be
5 used for jury selection in any court of record in the county, if
6 jurors on the panel or part of a panel selected are otherwise
7 eligible to serve as jurors in the particular court.

8 (11) The circuit court administrator or clerk of the circuit
9 court shall make an additional list consisting of the names of
10 prospective jurors segregated by the geographical area of the
11 jurisdiction of each district court district and transmit the list
12 to the district court.

13 (12) If a city located in more than 1 county is placed
14 entirely within a single district of the district court pursuant to
15 chapter 81, the supreme court by rule shall specify the procedure
16 for compiling the jury list for that district court district so as
17 to include the names and addresses of residents from the parts of
18 the counties that comprise that district.

19 (13) The judges of each circuit court may establish rules, not
20 inconsistent with this chapter, necessary to carry out and ensure
21 the proper selection of jurors.

22 Sec. 1326. (1) ~~¶~~ ~~Until September 30, 2023, if~~ a grand jury is
23 ordered by the court, or required by statute, the board shall
24 select the names of a sufficient number of ~~persons,~~ **individuals**, as
25 determined by the chief circuit judge, to serve as grand jurors in
26 accordance with the provisions of section 11 of chapter VII of the
27 code of criminal procedure, 1927 PA 175, MCL 767.11. The names
28 ~~shall~~ **must** be selected in the same manner and from the same source
29 as petit jurors. The term of service of grand jurors ~~shall be as is~~

1 prescribed ~~by~~**under** section 7a of chapter VII of the code of
2 criminal procedure, 1927 PA 175, MCL 767.7a.

3 **(2) Beginning October 1, 2023, if a grand jury is ordered by**
4 **the court, or required by statute, the trial court shall select the**
5 **names of a sufficient number of individuals to serve as grand**
6 **jurors in accordance with the provisions of section 11 of chapter**
7 **VII of the code of criminal procedure, 1927 PA 175, MCL 767.11. The**
8 **names must be selected in the same manner and from the same source**
9 **as petit jurors. The term of service of grand jurors shall be as is**
10 **prescribed under section 7a of chapter VII of the code of criminal**
11 **procedure, 1927 PA 175, MCL 767.7a.**

12 Sec. 1332. **(1) ~~The~~Until September 30, 2023, the** clerk, jury
13 board, or sheriff shall summon jurors for court attendance at ~~such~~
14 **those** times and in ~~such~~**the** manner as directed by the chief judge
15 or by the judge to whom the action in which jurors are being called
16 for service is assigned. For a juror's first required court
17 appearance, service ~~shall~~**must** be by a written notice addressed to
18 the juror at the juror's place of residence as shown by the records
19 of the board. ~~, which~~**The notice for a juror's first required court**
20 **appearance** may be by ordinary mail or by personal service. For
21 subsequent service notice may be in any manner directed by the
22 judge. The officer giving notice to jurors shall keep a record of
23 the service of the notice and ~~shall~~make a return if directed by
24 the court. The return ~~shall be~~**is** presumptive evidence of the fact
25 of service.

26 **(2) Beginning October 1, 2023, the circuit court**
27 **administrator, the clerk of the circuit court, or the sheriff shall**
28 **summon jurors for attendance at those times and in the manner as**
29 **directed by the chief judge or by the judge to whom the action in**

1 which jurors are being called for service is assigned. For a
2 juror's first required court appearance, service must be by a
3 written notice addressed to the juror at the juror's place of
4 residence as shown by the records of the court. The notice for a
5 juror's first required court appearance may be by ordinary mail or
6 by personal service. For subsequent service notice may be in any
7 manner directed by the judge. The person or officer giving notice
8 to jurors shall keep a record of the service of the notice and make
9 a return if directed by the court. The return is presumptive
10 evidence of the fact of service. The circuit court administrator or
11 the clerk of the circuit court shall, within 14 days, notify a
12 juror in writing by ordinary mail or electronic communication if
13 the juror is excused.

14 Sec. 1345. (1) ~~A~~ **Until September 30, 2023**, a board member
15 shall report to the prosecuting attorney and the chief circuit
16 judge the name of any ~~person~~ **individual** who in any manner seeks by
17 request, hint, or suggestion to influence the board or its members
18 in the selection of any juror.

19 (2) **Beginning October 1, 2023**, the clerk of the court of
20 record shall report to the prosecuting attorney and the chief
21 circuit judge the name of any individual who in any manner seeks by
22 request, hint, or suggestion to influence the selection of a juror.

23 Sec. 1346. The following acts are punishable by the circuit
24 court as contempts of court:

25 (a) Failing to answer the questionnaire provided for in **former**
26 section 1313.

27 (b) ~~Failing~~ **Until September 30, 2023, failing** to appear before
28 the board or a member of the board, without being excused at the
29 time and place notified to appear. **After October 1, 2023, failing**

1 to appear before the circuit court that sent the juror
2 qualifications questionnaire.

3 (c) Refusing to take an oath or affirmation.

4 (d) ~~Refusing~~ **Before September 30, 2023, refusing** to answer
5 questions pertaining to ~~his or her~~ **the individual's** qualifications
6 as a juror, when asked by a member of the board. **After October 1,**
7 **2023, refusing to answer questions pertaining to the individual's**
8 **qualifications as a juror when asked by the circuit court.**

9 (e) Failing to attend court, without being excused, at the
10 time specified in the notice, or from day to day, when summoned as
11 a juror.

12 (f) Giving a false certificate, making a false representation,
13 or refusing to give information that ~~he or she~~ **the individual** can
14 give affecting the liability or qualification of ~~a person~~ **an**
15 **individual** other than ~~himself or herself~~ **the individual** to serve as
16 a juror.

17 (g) Offering, promising, paying, or giving money or anything
18 of value to, or taking money or anything of value from, a person,
19 firm, or corporation for the purpose of enabling ~~himself or herself~~
20 **the individual** or another ~~person~~ **individual** to evade service or to
21 be wrongfully discharged, exempted, or excused from service as a
22 juror.

23 (h) Tampering unlawfully in any manner with a jury list or the
24 jury selection process.

25 (i) Willfully doing or ~~omitting~~ **failing** to do an act with the
26 design to subvert the purpose of this act.

27 (j) Willfully omitting ~~to put on~~ **from** the jury list the name
28 of ~~a person~~ **an individual** qualified and liable for jury duty.

29 (k) Willfully ~~omitting~~ **failing** to prepare or file a list or

1 slip.

2 (l) Doing or ~~omitting~~ **failing** to do an act with the design to
3 prevent the name of ~~a person~~ **an individual** qualified and liable to
4 serve as a juror from being placed on a jury list or from being
5 selected for service as a juror.

6 (m) Willfully placing the name of ~~a person upon~~ **an individual**
7 **on** a list who is not qualified as a juror.

8 Enacting section 1. Sections 1301, 1301b, 1302, 1303, 1303a,
9 1304, 1305, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316,
10 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1327, 1330, 1331,
11 1338, 1339, 1341, 1342, 1353, 1375, and 1376 of the revised
12 judicature act of 1961, 1961 PA 236, MCL 600.1301, 600.1301b,
13 600.1302, 600.1303, 600.1303a, 600.1304, 600.1305, 600.1308,
14 600.1309, 600.1310, 600.1311, 600.1312, 600.1313, 600.1314,
15 600.1315, 600.1316, 600.1317, 600.1318, 600.1319, 600.1320,
16 600.1321, 600.1322, 600.1323, 600.1324, 600.1327, 600.1330,
17 600.1331, 600.1338, 600.1339, 600.1341, 600.1342, 600.1353,
18 600.1375, and 600.1376, are repealed.

19 Enacting section 2. 1929 PA 288, MCL 730.251 to 730.271, is
20 repealed.

21 Enacting section 3. 1951 PA 179, MCL 730.401 to 730.419, is
22 repealed.

23 Enacting section 4. This amendatory act takes effect October
24 1, 2023.