

## CHAPTER 159

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**COURTS**

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**SENATE BILL 98-136**

BY SENATORS Mutzebaugh, Congrove, Pascoe, Perlmutter, Powers, and Tanner;  
also REPRESENTATIVES T. Williams, Dyer, Lawrence, and Udall.

**AN ACT**

CONCERNING JURY SERVICE.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 13-71-104, Colorado Revised Statutes, is amended to read:

**13-71-104. Eligibility for juror service - prohibition of discrimination.** Juror service is a duty that every qualified person shall perform when selected. All trial and grand jurors shall be selected at random from a fair cross section of the population of the area served by the court. All selected and summoned jurors shall serve, except as otherwise provided in this article. No person shall be exempted or excluded from serving as a trial or grand juror because of race, color, religion, sex, national origin, economic status, or occupation. Physically impaired persons shall serve, except where the court finds that such service is not feasible. The court shall strictly enforce the provisions of this article; EXCEPT THAT THE SUPREME COURT MAY PROVIDE BY RULE FOR THE EXCLUSION IN A CRIMINAL TRIAL OF A JUROR WHO IS EMPLOYED BY A PUBLIC LAW ENFORCEMENT AGENCY OR PUBLIC DEFENDER'S OFFICE.

**SECTION 2.** 13-71-105 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**13-71-105. Qualifications for juror service.** (2) A prospective trial or grand juror shall be disqualified, based on the following grounds:

(g) SERVICE AS A JUROR IN ACCORDANCE WITH THE PROVISIONS OF SECTION 13-71-120 WITHIN THE CURRENT CALENDAR YEAR. ANY PERSON CLAIMING THIS

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

DISQUALIFICATION SHALL SUBMIT A LETTER OR CERTIFICATE FROM THE APPROPRIATE AUTHORITY VERIFYING SUCH PRIOR JUROR SERVICE.

(h) SERVICE WITHOUT POSTPONEMENT OR DEFERMENT IN THE IMMEDIATELY PRECEDING TWO CONSECUTIVE CALENDAR YEARS; BUT THIS DISQUALIFICATION APPLIES ONLY TO A PERSON RESIDING IN A CLASS A OR CLASS B COUNTY AND DOES NOT APPLY IN EMERGENCY CIRCUMSTANCES AS PROVIDED FOR IN SECTION 13-71-112.

**SECTION 3.** 13-71-107 (1), Colorado Revised Statutes, is amended to read:

**13-71-107. Master juror list.** (1) Each ~~November~~ YEAR, the state court administrator shall obtain from the secretary of state a voter registration list for each county in the state. The supreme court, from time to time, shall designate the supplementation of voter registration lists with licensed driver lists and other lists of persons living in the counties. The supplemented voter registration lists, without duplication of names, shall be used to compile the master juror list for the following year. A COPY OF the master juror list THAT DOES NOT CONTAIN ADDRESSES OF THE JURORS shall be open to the public for examination as a public record.

**SECTION 4.** 13-71-108, Colorado Revised Statutes, is amended to read:

**13-71-108. Master juror wheel.** The state court administrator shall use an electronic automated system to compile and maintain a master juror wheel and shall determine annually, based upon past requirements, the total number of prospective jurors from each county to be placed on the master juror wheel. The wheel shall consist of names and identifying numbers for prospective jurors taken from the master juror list. The state court administrator may add, as necessary or upon court order, the names of additional jurors. ~~By January 31 of~~ Each year, the master juror wheel shall be emptied and refilled in compliance with the provisions of this article. Jurors receiving cancellations or postponements of juror service may be replaced on the master juror wheel for the succeeding year and shall receive new summonses for their new dates in the succeeding year.

**SECTION 5.** 13-71-136, Colorado Revised Statutes, is amended to read:

**13-71-136. Availability of juror list.** (1) ABSENT A COURT ORDER TO THE CONTRARY, upon request, the jury commissioner shall make available for inspection by parties, counsel, OR their agents ~~or members of the public~~ a list of prospective jurors containing the jurors' names. ~~and addresses.~~ THE JURY COMMISSIONER SHALL ASSURE THAT THE JUROR RESIDES IN THE PROPER COUNTY.

(2) ABSENT A COURT ORDER TO THE CONTRARY, UPON REQUEST, THE JURY COMMISSIONER SHALL MAKE AVAILABLE FOR INSPECTION BY COUNSEL OR PRO SE PARTIES A LIST OF PROSPECTIVE JURORS CONTAINING THE JURORS' NAMES AND ADDRESSES.

(3) UPON REQUEST, THE JURY COMMISSIONER SHALL MAKE AVAILABLE FOR INSPECTION BY MEMBERS OF THE PUBLIC A LIST OF PROSPECTIVE JURORS CONTAINING ONLY THE JURORS' NAME AND JUROR NUMBER.

**SECTION 6.** 16-10-103 (1) (k), Colorado Revised Statutes, is amended to read:

**16-10-103. Challenge of jurors for cause.** (1) The court shall sustain a challenge for cause on one or more of the following grounds:

(k) The juror is ~~a lawyer or~~ a compensated employee of a public law enforcement agency OR A PUBLIC DEFENDER'S OFFICE.

**SECTION 7. Effective date.** This act shall take effect January 1, 1999.

**SECTION 8. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 21, 1998