

CHAPTER 14

COURTS

SENATE BILL 00-002

BY SENATORS Tebedo and Powers;
also REPRESENTATIVES Lee, Clarke, Lawrence, Mace, and Smith.

AN ACT

CONCERNING JURY SERVICE.

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

SECTION 1. 13-71-104 (2), Colorado Revised Statutes, is amended to read:

13-71-104. Eligibility for juror service - prohibition of discrimination.

(2) 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 OR BY COURT RULE.

SECTION 2. 13-71-105 (2) (f), (2) (g), and (2) (h), Colorado Revised Statutes, are amended to read:

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

(f) Service for five days or more as a trial or grand juror in any MUNICIPAL, TRIBAL, MILITARY, state, or federal court within the preceding twelve months or ~~has been~~ BEING scheduled for juror service within the next twelve months. Any person claiming this disqualification must submit a letter or certificate from the appropriate authority verifying prior or pending juror service.

(g) ~~Service~~ APPEARANCE as a PROSPECTIVE juror IN STATE COURT in accordance with the provisions of section 13-71-120 within the current calendar year. Any person claiming this disqualification shall submit a letter or certificate from the appropriate authority verifying such prior juror ~~service~~ APPEARANCE. THIS EXEMPTION, HOWEVER, DOES NOT APPLY IN EMERGENCY CIRCUMSTANCES AS PROVIDED FOR IN SECTION 13-71-112.

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

(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. 13-71-108, Colorado Revised Statutes, is amended to read:

13-71-108. Master juror wheel. (1) 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, ADDRESSES, DATES OF BIRTH, and identifying numbers, AND JURY HISTORIES 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.~~ 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 APPEARANCE AND 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.

(2) IN ORDER TO MORE EQUITABLY DISTRIBUTE THE RESPONSIBILITY FOR JUROR APPEARANCE AND SERVICE THROUGHOUT THE QUALIFIED POPULATION OF EACH COUNTY AND TO AVOID REPEATEDLY SUMMONING THE SAME INDIVIDUALS FOR JURY APPEARANCE AND SERVICE, THE STATE COURT ADMINISTRATOR SHALL IMPLEMENT REASONABLE PROCEDURES TO MATCH PRIOR YEAR RECORDS OF JUROR SELECTION, APPEARANCE, AND SERVICE IN THE STATE COURTS WITH THE PROSPECTIVE JUROR NAMES INCLUDED IN THE MASTER JUROR WHEEL. TO THE EXTENT PRACTICAL, THE PRIOR JUROR SELECTION AND SERVICE RECORDS SHALL BE USED TO PRIORITIZE THE JUROR NAMES IN THE MASTER JUROR WHEEL. TO THE EXTENT PRACTICAL, INDIVIDUALS WITH THE LEAST AMOUNT OF JURY APPEARANCES OR SERVICE IN THE MOST RECENT YEARS SHALL BE SUMMONED PRIOR TO INDIVIDUALS WHO HAVE APPEARED OR SERVED MORE RECENTLY.

SECTION 4. 13-71-116, Colorado Revised Statutes, is amended to read:

13-71-116. Trial juror's right to one postponement. A trial juror shall have the right to one postponement of the term of juror service. SUCH POSTPONEMENT SHALL NOT LAST ~~for not~~ more than six months, BUT MAY EXTEND INTO THE NEXT CALENDAR YEAR. To exercise this right, the juror shall notify the jury commissioner by telephone or in writing requesting an alternate date to which juror service may be postponed. Jury commissioners, in their discretion, may set the date to which the juror's service is postponed, and the juror shall receive a new summons designating the new date.

SECTION 5. 13-71-121, Colorado Revised Statutes, is amended to read:

13-71-121. Extended trials. Before a jury is impaneled, the ~~trial judge~~ COURT shall inform the jurors if a trial is expected to last more than three trial days and may excuse a juror from performing juror service in that trial upon a finding of hardship or inconvenience, taking into account the expected length of the trial. Any juror so

excused shall otherwise complete the term of juror service.

SECTION 6. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 10, 2000