

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 55th Legislature (2015)

4   HOUSE BILL 1477

                                  By: Wood of the House

5   and

6   Sharp of the Senate

7  
8  
9   AS INTRODUCED

10           An Act relating to juries; amending 11 O.S. 2011,  
11           Sections 27-120 and 28-116, which relate to municipal  
12           juries; allowing district court to use jury  
13           management system to select jurors for municipal  
14           court; authorizing electronic format for juror list;  
15           stating no requirement to provide written list or  
16           prepare juror summons; amending 22 O.S. 2011,  
17           Sections 359 and 360, which relate to the Multicounty  
18           Grand Jury Act; permitting Administrative Director of  
19           the Courts to use jury management system to select  
20           and summon multicounty grand jurors; directing  
21           process be supervised by presiding judge; allowing  
22           same process used for county grand and petit juries;  
23           excepting certain laws from selecting and ordering of  
24           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

1 electronically; detailing how list will be furnished  
2 and maintained; allowing changes provided by an  
3 electronic address verification process; authorizing  
4 jury management system to generate petit and grand  
5 jury panels; expanding who jury panel reports to;  
6 providing for generation of general jury panel using  
7 jury management system; empowering judge to order  
8 randomly selected jurors from system; clarifying  
9 language; providing for selection of additional  
10 jurors using jury management system; deleting  
11 requirement that court clerk serve the summons;  
12 permitting automated process to summon grand and  
13 petit jurors; directing Administrative Director of  
14 the Courts to develop standard summons form;  
15 requiring inclusion for district court to add  
16 additional information; excepting return-of-service  
17 affidavit in certain instances; allowing resources  
18 for jurors to submit information to the court;  
19 listing possible resources; authorizing court to use  
20 jury management system to maintain juror  
21 communications; specifying who can make  
22 determinations about juror conditions; providing  
23 exceptions; limiting how information is used;  
24 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

1       forth procedures for mailing summons; allowing the  
2       system to randomly select jurors for a case panel;  
3       defining term; requiring written list for each panel;  
4       specifying who may receive a list; prohibiting  
5       disclosure of list except for jury selection;  
6       describing process of how jurors are called; barring  
7       juror challenge based on use of system; excepting  
8       certain laws from selecting and ordering juror names;  
9       permitting record creation and maintenance by the  
10       system; empowering court to provide electronic  
11       resources for jurors; construing provision; providing  
12       for codification; and declaring an emergency.

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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

1 judge of the municipal court. On completion of the draw, the clerk  
2 shall immediately return to the jury wheel all names drawn which are  
3 not placed on the certified list. The judge of the municipal court  
4 shall make written request to the chief judge of the district court  
5 for a stated number of additional jurors if, after allowance of  
6 claimed statutory exemptions, the listed number is found to be  
7 insufficient. Summons of the prospective jurors shall be issued as  
8 set out by ordinance, and may be served in person by the chief of  
9 police or any member of the police force of the municipality, or may  
10 be served by the clerk of the municipal court by mail.

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

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

21 Section 28-116. A. Upon written request of the presiding judge  
22 of the municipal criminal court of record for a stated number of  
23 jurors to the presiding judge of the appropriate district court, it  
24 shall be the duty of the clerk of the district court to draw from

1 the jury wheel the requested number of jurors in the same manner as  
2 is provided by the law for the district court, and to prepare a list  
3 of the names drawn and certify such list to the judge of the  
4 municipal criminal court of record. Upon receipt of such jury list  
5 by the judge of said court, the same shall be filed in the records  
6 of the court and the judge or clerk shall thereupon write the name  
7 of each person upon such list upon a separate slip of paper of  
8 uniform size and color and place the same in a box in the same  
9 manner as required by law in the preparation of jury boxes in the  
10 district court; except that the box wherein the names of jurors of  
11 the court shall be kept shall be locked with two ~~(2)~~ keys, one of  
12 which shall be retained and kept by the judge of the municipal court  
13 and the other by the chief of police of the city.

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

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

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

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

8 B. A multicounty grand jury shall be comprised of the same  
9 number of members having the same qualifications as provided by law  
10 for a county grand jury; provided, however, not more than one-half  
11 (1/2) of the members of a multicounty grand jury shall be residents  
12 of any one county.

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

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

23 E. Whenever the approved electronic jury management system is  
24 used to randomly select and sequentially order juror names during

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

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

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

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

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

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

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

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

23 B. In any district court where an electronic jury management  
24 system is implemented pursuant to Section 15 of this act, jurors may

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.



1 be selected and summoned utilizing the automated functionality  
2 provided in the jury management system. Use of an electronic jury  
3 management system shall not be grounds for a challenge to a panel  
4 based on a material departure or irregularity. Whenever the court  
5 utilizes the approved jury management system to randomly select and  
6 sequentially order juror names during any step in the jury selection  
7 process, the laws relating to the use of a jury wheel, and laws  
8 requiring paper ballots drawn from a jury wheel or a shaken box,  
9 shall not apply, including but not limited to those requirements set  
10 forth in Sections 301 through 363 and Sections 591 through 693 of  
11 this title.

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

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

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

1 purposes. The Administrative Director of the Courts and the court  
2 clerk shall not copy or permit any person to copy the list or any  
3 portion thereof for purposes other than jury selection;

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

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

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

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

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

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

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

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

19 Section 20. A. In each county, the judges of the courts of  
20 record shall, more than ten (10) days prior to each term of court,  
21 determine approximately the number of jurors that are reasonably  
22 necessary for jury service in all the courts of record of the county  
23 for each jury period during the time the courts may hold during the  
24 term and shall thereupon order the number of jurors from the

1 Administrative Director of the Courts for each jury period, said  
2 jury to be known as the general panel of jurors for service in all  
3 the courts of such county for the respective weeks for which they  
4 are designated to serve. A majority of the judges are authorized to  
5 act in carrying out the provisions of this law; provided, however,  
6 there is only one judge in the county or where the district judge so  
7 designates in writing the judge of the court of record using the  
8 jury is authorized to act in carrying out the provisions of this law  
9 or he or she may increase or diminish the number of jurors to be  
10 selected for any jury period, and shall order said jurors drawn for  
11 as many weeks in advance of service as they or he or she deem  
12 proper. The general panel shall report for duty to the presiding  
13 judge or chief judge or other district court judge acting as his or  
14 her designee or, if none, to the judge of the court of record using  
15 the jury, and said judge, for such time as he or she so acts, shall  
16 organize said juries and have immediate supervision and control of  
17 them.

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

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

1 Section 21. If a grand jury is ordered, the number stated in  
2 the judge's order, not to exceed one hundred, shall be summoned as  
3 grand jurors, and the grand jury shall be impaneled from said  
4 persons. The judge of the district court shall order the court  
5 clerk, ~~or~~ one of his or her deputies or the court administrator to  
6 order the stated number of jurors from the Administrative Director  
7 of the Courts. In any district court where an electronic jury  
8 management system is implemented pursuant to Section 15 of this act,  
9 the judge may order the stated number of jurors to be randomly  
10 selected and summoned by the court clerk or trial court  
11 administrator utilizing the jury management system, and the district  
12 court may use the jury management system to randomly select the  
13 names of the grand or petit jurors and alternate jurors from the  
14 panels so drawn. In addition to the twelve (12) grand jurors to be  
15 impaneled, three additional persons shall be selected as alternate  
16 grand jurors. The alternate grand jurors shall attend all functions  
17 of the grand jury during its term and shall be subject to all laws  
18 governing grand jurors. Provided that, no alternate juror shall  
19 participate in any deliberations of the grand jury until appointed  
20 to fill a vacancy. If the judge so directs, the persons summoned  
21 for the grand jury panel who are not used thereon may be transferred  
22 to the petit jury panel. Additional and other drawing of as many  
23 names as the court may order may be had at any such time as the  
24 court or judge may order for the completion of a grand or petit jury

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

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

15 Section 22. ~~Said jurors, when impaneled, shall constitute a~~  
16 ~~general panel for service as jurors in all district, superior,~~  
17 ~~common pleas and county court in the county, and shall be used~~  
18 ~~interchangeably in all such courts.~~ In the event of a deficiency of  
19 jurors at any given time to meet the ~~requirement of all of such~~  
20 ~~courts~~ needs of the district court, the presiding judge or chief  
21 judge, or other district court judge acting as his or her designee,  
22 having control of the general panel shall direct the ~~district~~ court  
23 clerk or trial court administrator to request from the  
24 Administrative Director of the Courts such additional jurors as may

1 be sufficient to meet ~~such emergency, but such jurors shall act only~~  
2 ~~as special jurors and shall be discharged as soon as their services~~  
3 ~~are no further needed~~ the court's requirements. In any district  
4 court where an electronic jury management system is implemented  
5 pursuant to Section 15 of this act, the additional jurors authorized  
6 by this section may be randomly selected and summoned by the court  
7 clerk or trial court administrator utilizing the electronic jury  
8 management system.

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

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

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

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~~Strike thru~~ language denotes deletion from present Statutes.

1        C. In any district court where an electronic jury management  
2 system is implemented pursuant to Section 15 of this act, grand and  
3 petit jurors may be summoned by using the automated process of  
4 creating and mailing juror summons provided in the electronic jury  
5 management system. The Administrative Director of the Courts shall  
6 develop a standard juror summons form to be used in the system,  
7 which shall include a section for the district court to add  
8 information specific to the local court. Where the court follows  
9 the procedures for creating and mailing the summons as set forth in  
10 Section 15 of this act, the return-of-service affidavit required by  
11 subsection B of this section need not be filed.

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

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

19        B. All citizens of the United States, residing in this state,  
20 having the qualifications of electors of this state, are competent  
21 jurors to serve on all grand and petit juries within their counties;  
22 provided, that persons over seventy (70) years of age and persons  
23 who have served as a grand or petit juror during the last five (5)  
24 immediately preceding calendar years shall not be compelled to serve



1 as jurors in this state and the court may excuse or discharge any  
2 juror drawn and summoned as a grand or petit juror if:

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

10 2. Jury service would cause undue or extreme physical or  
11 financial hardship to the prospective juror or a person under his or  
12 her care or supervision. A judge of the court for which the  
13 individual was called to jury service shall make undue or extreme  
14 physical or financial hardship determinations. The authority to  
15 make these determinations is delegable only to court officials or  
16 personnel who are authorized by the laws of this state to function  
17 as members of the judiciary. A person requesting to be excused  
18 based on a finding of undue or extreme physical or financial  
19 hardship shall take all actions necessary to have obtained a ruling  
20 on that request by no later than the date on which the individual is  
21 scheduled to appear for jury duty. For purposes of this section,  
22 "undue or extreme physical or financial hardship" is limited to  
23 circumstances in which an individual would be required to abandon a  
24 person under his or her personal care or supervision due to the

1 impossibility of obtaining an appropriate substitute caregiver  
2 during the period of participation in the jury pool or on the jury,  
3 incur costs that would have a substantial adverse impact on the  
4 payment of the individual's necessary daily living expenses or on  
5 those for whom he or she provides the principle means of support, or  
6 suffer physical hardship that would result in illness or disease.  
7 Undue or extreme physical or financial hardship does not exist  
8 solely based on the fact that a prospective juror will be required  
9 to be absent from his or her place of employment. A person  
10 requesting a judge to grant an excuse based on undue or extreme  
11 physical or financial hardship shall be required to provide the  
12 judge with documentation, such as, but not limited to, federal and  
13 state income tax returns, medical statements from licensed  
14 physicians, proof of dependency or guardianship, and similar  
15 documents, which the judge finds to clearly support the request to  
16 be excused. Failure to provide satisfactory documentation shall  
17 result in a denial of the request to be excused.

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

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

- 1 1. Justices of the Supreme Court or the Court of Civil Appeals;  
2 2. Judges of the Court of Criminal Appeals or the district  
3 court;  
4 3. Sheriffs or deputy sheriffs;  
5 4. Licensed attorneys engaged in the practice of law;  
6 5. Persons who have been convicted of any felony or who have  
7 served a term of imprisonment in any penitentiary, state or federal,  
8 for the commission of a felony; provided, any such citizen  
9 convicted, who has been fully restored to his or her civil rights,  
10 shall be eligible to serve as a juror; and  
11 6. Legislators during a session of the Legislature or when  
12 involved in state business.

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

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

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

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

21 F. The district court may provide electronic resources for  
22 persons summoned for jury duty to obtain information about their  
23 jury service and to submit information to the court, including but  
24 not limited to communications via telephone, text message, e-mail

1 and website. The court may utilize an approved electronic jury  
2 management system to record, process, respond to, and maintain juror  
3 communications. The court clerk and the trial court administrator,  
4 under the supervision and control of the presiding judge or chief  
5 judge, or any district judge acting as his or her designee, may be  
6 authorized to make determinations regarding juror excusals,  
7 exemptions, disqualifications, postponements and deferrals.  
8 However, determinations regarding extreme physical or financial  
9 hardship shall be made as provided in paragraph 2 of subsection B of  
10 this section.

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

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

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

21 B. Names and personal information concerning prospective and  
22 sitting jurors shall not be disclosed to the public outside open  
23 court, except upon order of the court. A request for disclosure of  
24 petit jurors' names and personal information shall be made in

1 writing directly to the presiding judge or chief judge, or any  
2 district judge acting as his or her designee. The court shall order  
3 juror names and personal information to be kept confidential unless  
4 the interests of justice require otherwise.

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

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

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

22 A. In lieu of a local plan adopted pursuant to subsection A of  
23 Section 18.1 of Title 38 of the Oklahoma Statutes, each district  
24 court may utilize an approved electronic jury management system

1 (JMS) authorized by the Administrative Director of the Courts for  
2 the random selection of grand and petit jurors and for the general  
3 administration of the jury process. In any district court where an  
4 approved electronic JMS is implemented, the provisions set forth in  
5 this section shall apply.

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

22 E. The court clerk or the trial court administrator may utilize  
23 the JMS to prepare the summons for jury service and shall cause the  
24 same to be mailed by first-class mail to every person whose name is

1 drawn for the general jury panel. At the option of the court clerk  
2 or trial court administrator, juror summons may be mailed by the  
3 clerk's office or by a commercial mailing service. The court may  
4 utilize an automated address verification process to avoid mailing  
5 summons to incomplete or invalid addresses or to persons who no  
6 longer reside in the jurisdiction.

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

24



1 G. Use of an approved electronic JMS shall not be grounds for a  
2 challenge to a juror or a panel based on a material departure or  
3 irregularity from the requirements prescribed by law. Whenever the  
4 court utilizes the approved JMS to randomly select and sequentially  
5 order juror names during any step in the jury selection process, the  
6 laws relating to the selection of grand or petit jurors by use of a  
7 jury wheel, and laws requiring paper ballots drawn from a jury wheel  
8 or a shaken box, including those requirements set forth in Sections  
9 301 through 363 and Sections 591 through 693 of Title 22 of the  
10 Oklahoma Statutes, shall not apply.

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

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

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

23 K. Nothing in this section shall be construed to minimize or  
24 repeal the authority granted in Section 18.1 of Title 38 of the

1 Oklahoma Statutes regarding use of an approved electronic method for  
2 jury selection.

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

7  
8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,  
9 dated 02/10/2015 - DO PASS, As Coauthored.

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