

IN THE SENATE

SENATE BILL NO. 1018

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO JURY SELECTION AND SERVICE; AMENDING SECTION 2-208, IDAHO CODE,
2 TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE PROVISIONS RELATING
3 TO CONTEMPT PROCEEDINGS FOR A PROSPECTIVE JUROR WHO FAILS TO APPEAR PUR-
4 SUANT TO COURT ORDER.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 2-208, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 2-208. NAMES RANDOMLY DRAWN FROM MASTER JURY LIST -- QUALIFICATION
10 QUESTIONNAIRE FORMS FOR PROSPECTIVE JURORS -- MAILING AND RETURN -- ORDER
11 TO APPEAR -- CRIMINAL CONTEMPT -- PENALTY FOR MISREPRESENTATION. (1) The
12 court or any other state or county official having authority to conduct a
13 trial or hearing with a jury within the county may direct the jury commission
14 to draw and assign to that court or official the number of qualified jurors
15 deemed necessary for one (1) or more jury panels or as required by law for a
16 grand jury. Upon receipt of the direction and in a manner prescribed by the
17 court, the jury commission shall publicly draw at random, by use of a manual,
18 mechanical, or automated system, from the master jury list the number of
19 prospective jurors specified. Neither the names drawn nor the list shall be
20 disclosed to any person except upon specific order of the presiding judge.

21 (2) Each person on the prospective jury panel shall be served with a
22 summons, issued by the clerk of the court or the jury commissioner. The sum-
23 mons shall be served either personally, or by regular mail or certified mail,
24 addressed to the prospective juror at that person's usual residence, busi-
25 ness or post office address.

26 (3) The clerk or the jury commissioner shall mail a qualification
27 questionnaire form, accompanied by instructions, addressed to the prospec-
28 tive jurors at their usual residence, business or post office address. The
29 qualification questionnaire form may be sent together with the summons in
30 a single mailing to a prospective juror. The qualification questionnaire
31 form shall be in a form prescribed by the supreme court. The qualification
32 questionnaire form must be completed and returned to the clerk or the jury
33 commissioner within ten (10) days from the date of mailing. The qualifi-
34 cation questionnaire form shall elicit the name, address of residence, and
35 age of the prospective juror and whether the prospective juror: (a) is a
36 citizen of the United States of America and a resident of the county, (b) is
37 able to read, speak and understand the English language, (c) has any dis-
38 ability impairing his capacity to render satisfactory jury service, and (d)
39 has lost the right to serve on a jury because of a felony criminal conviction
40 as provided by section 3, article VI, of the constitution of the state of
41 Idaho, and who has not been restored to the rights of citizenship pursuant
42 to section 18-310, Idaho Code, or other applicable law. The qualification

1 questionnaire form shall contain the prospective juror's declaration that
2 his responses are true to the best of his knowledge and his acknowledgment
3 that a willful misrepresentation of a material fact may be punished as a
4 misdemeanor. Notarization of the completed qualification questionnaire
5 form shall not be required. If the prospective juror is unable to complete
6 the form, another person may do so on his or her behalf and shall indicate
7 that such person has done so and the reason therefor. If it appears there is
8 an omission, ambiguity, or error in a returned form, the clerk or the jury
9 commissioner shall again send the form with instructions to the prospective
10 juror to make the necessary addition, clarification, or correction and to
11 return the form to the jury commission within ten (10) days after its second
12 mailing.

13 (4) Any prospective juror who fails to return a completed qualifica-
14 tion questionnaire form as instructed shall be directed by the jury commis-
15 sion to appear forthwith before the clerk or the jury commissioner to com-
16 plete the qualification questionnaire form. At the time of his appearance
17 for jury service, or at the time of interview before the court, clerk, or the
18 jury commissioner, any prospective juror may be required to complete another
19 qualification questionnaire form in the presence of the court, clerk, or the
20 jury commissioner, at which time the prospective juror may be questioned,
21 but only with regard to his responses to questions contained on the form and
22 grounds for his excuse or disqualification. Any information thus acquired
23 by the court, clerk, or the jury commissioner shall be noted on the qualifi-
24 cation questionnaire form.

25 (5) A prospective juror who fails to appear as directed by the commis-
26 sion, pursuant to subsection (~~34~~) of this section shall be ordered by the
27 court to appear and show cause for his failure to appear as directed. ~~If the A~~
28 ~~prospective juror who fails to appear pursuant to the court's order or fails~~
29 ~~to show good cause for his failure to appear as directed by the jury commis-~~
30 ~~sion, he is guilty of contempt and upon conviction may be fined not more than~~
31 ~~three hundred dollars (\$300) or imprisoned not more than three (3) days, or~~
32 ~~both may be subject to contempt proceedings under chapter 6, title 7, Idaho~~
33 ~~Code, and applicable rules of the supreme court, and the prospective juror's~~
34 ~~service may be postponed to a new prospective jury panel as set by the presid-~~
35 ~~ing judge.~~

36 (6) Any person who willfully misrepresents a material fact on a quali-
37 fication questionnaire form for the purpose of avoiding or securing service
38 as a juror is guilty of a misdemeanor.

39 (7) The contents of the juror qualification questionnaire form shall be
40 confidential to the extent provided by rules of the Idaho supreme court.

41 (8) The clerk or the jury commissioner may provide an opportunity to a
42 prospective juror to complete and return the qualification questionnaire
43 form through electronic mail, facsimile transmission, or other reliable
44 means of communication prior to mailing the qualification questionnaire
45 form to the prospective juror. If the prospective juror completes and
46 returns the qualification questionnaire form in such manner, the qualifica-
47 tion questionnaire form need not be mailed to the prospective juror.