

1 HOUSE BILL NO. 87

2 INTRODUCED BY K. SWANSON

3 BY REQUEST OF THE OFFICE OF THE COURT ADMINISTRATOR AND THE SECRETARY OF STATE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE DUTIES FOR PRODUCING JURY LISTS
6 FROM THE SECRETARY OF STATE TO THE OFFICE OF COURT ADMINISTRATOR; AND AMENDING
7 SECTIONS 3-15-402, 3-15-403, AND 61-5-127, MCA."8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10
11 **Section 1.** Section 3-15-402, MCA, is amended to read:12 **"3-15-402. Selection of qualified persons.** The secretary of state shall select from the most recent list
13 of all registered active electors, as defined in 13-1-101, and make a list of the names of all persons qualified to
14 serve as trial jurors, as prescribed in part 3 of this chapter. ~~The~~ On or before the second Monday of April of each
15 year, the secretary of state shall deliver the list to the office of court administrator. The office of court administrator
16 shall then combine the resulting list with the list submitted to the ~~secretary of state~~ office of court administrator
17 under 61-5-127, ensuring that a person's name does not appear on the combined list more than once. Each name
18 appearing on the combined list must be assigned a number that must be placed opposite the name on the
19 combined list and must be considered the number of the juror opposite whose name it appears. A person's name
20 may not appear on a combined list for more than one court during a 1-year term."21
22 **Section 2.** Section 3-15-403, MCA, is amended to read:23 **"3-15-403. Jury lists -- filing -- public inspection.** (1) On or before the first Monday in May, the
24 combined list prepared under 3-15-402 must be delivered by the ~~secretary of state~~ office of court administrator
25 to the clerk of the district court and filed by the clerk of the district court in the clerk of the district court's office no
26 later than 5 business days after the receipt of the combined list.27 (2) A copy of the latest jury lists filed under subsection (1) and compiled under 3-15-404 and 46-17-202
28 and a description of the approved computerized random selection process, if one is used, must be kept in the
29 office of the clerk of the district court. An excerpt, listing the name, address, and birth year of all jurors, must be
30 made available for public inspection during normal business hours."

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2 **Section 3.** Section 61-5-127, MCA, is amended to read:

3 "**61-5-127. Providing lists list of licensed drivers and holders of Montana identification cards to**

4 **~~clerks of district court~~ for jury selection purposes.** (1) On the second Monday of April of each year, the

5 department shall submit to the ~~secretary of state~~ office of court administrator a list, prepared from the

6 department's databases of licensed drivers and holders of Montana identification cards, showing the name,

7 address, and date of birth of all licensed drivers and holders of Montana identification cards, authorized by

8 61-12-501, who are 18 years of age or older ~~and whose address is in that county~~. The list must be compiled on

9 a county-by-county basis and be further divided by the city of residence of the persons named on the list to

10 enable the drawing of lists for city courts that are composed of only those residents living within a city's

11 jurisdiction. The list must be provided for the exclusive purpose of making a list of persons to serve as trial jurors

12 for the ensuing year.

13 (2) The list submitted by the department under subsection (1) must be certified by the attorney general

14 or the attorney general's designee.

15 (3) The department may not provide the social security or driver's license numbers of persons on the

16 list for any purpose."

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