

ENROLLED ACT NO. 19, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to civil procedure; amending provisions related to juror selection, composition, exemption, excusal and compensation; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 1-11-101(a)(intro), (i) and by creating a new subsection (c), 1-11-103 through 1-11-106, 1-11-109(c) and (d)(v), 1-11-112, 1-11-116, 1-11-118, 1-11-120, 1-11-129 and 1-11-302 are amended to read:

1-11-101. Qualifications of juror.

(a) A person is ~~competent~~ qualified to act as a juror if he is:

(i) An adult citizen of the United States who has been a resident of the state and of the county ninety (90) days before being selected and returned pursuant to W.S. 1-11-106;

(c) The court shall discharge a person from serving as a juror if the person is not qualified to act as a juror under subsection (a) of this section.

1-11-103. Persons exempt as juror; duty to discharge.

(a) A person is exempt from ~~liability to act as juror jury service~~ if the ~~court finds that the provisions of W.S. 1-11-104 apply or for any other compelling reasons or if a~~ person is:

(i) A salaried and active member of an organized fire department or an active member of a police department of

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a city, town or law enforcement agency of the county or state;
~~or~~

(ii) An elected public official;~~;~~

(iii) An active duty member of the Wyoming national guard; or

(iv) A person exempt under federal law or regulation, including an active duty member of the armed forces when service on a jury would unreasonably interfere with his performance of military duties or adversely affect the readiness of his unit, command or activity pursuant to 32 C.F.R. Part 144.

(b) The court shall discharge a person from serving as a trial juror for the jury term in which he is summoned if it satisfactorily appears that the person is ~~not competent or the person is~~ exempt and specifically claims the benefit of the exemption under W.S. 1-11-105.

1-11-104. Causes for excusal.

(a) A juror may not be excused for a trivial cause or for hardship or inconvenience to his business, but only when material injury or destruction to his property or property entrusted to him is threatened, or when his health or the sickness or death of a member of his family requires his absence. A person who has attained the age of seventy-two (72) years may be excused at his request. ~~if he is over seventy-two (72) years of age.~~ A person may be excused from jury duty when the care of that person's young children requires his absence. Any person who has served on a jury during a jury term shall, upon request, be excused from further jury service in that court for the remainder of that

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jury term and in the discretion of the court may be excused from jury service for the following jury term.

(b) For the purposes of this section:

(i) A person has served on a jury during a jury term when he is summoned to serve and he has complied with the summons;

(ii) A person has not served on a jury during a jury term if he is disqualified for that jury term pursuant to W.S. 1-11-102 or is discharged for that jury term pursuant to W.S. 1-11-103.

1-11-105. Exemption affidavit required; failure to file.

If a person exempt from jury duty is summoned as a juror, he may file his affidavit with the clerk of the court for which he is summoned stating his office, occupation or employment. ~~The affidavit must be delivered by the clerk to the judge of the court where the person is summoned, and if sufficient in substance, must be received as evidence of his right to exemption and as an excuse for nonattendance in person. The affidavit must then be filed by the clerk.~~ If the court determines that the affidavit sufficiently demonstrates that the person is not required to serve as a juror pursuant to W.S. 1-11-103(a), the court shall discharge the person from serving as a trial juror for the jury term in which he was summoned. A person who is discharged under this section is not required to appear in court. Failure of any person who is exempt to file the affidavit is a waiver of his exemption, and he is required to appear upon the day for which the jury is summoned and serve as a juror the same as if he were not entitled to exemption.

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1-11-106. Jury lists; preparation of base jury lists; selecting jury panel; certificate and summons.

(a) The list of persons ~~qualified~~selected to serve as prospective trial jurors, compiled pursuant to W.S. 1-11-129, is the base jury list for the district court and the circuit court ~~from April 1 of the year in which the list is certified and delivered through March 31 of the following year. Upon order of the court, the clerk of the district court shall select a panel of prospective trial jurors from the base jury list for the county. The clerk shall select the number of prospective jurors as specified by the~~ for the jury term set by each court.

(b) The clerk shall prepare a certificate containing the names constituting the ~~panel of trial jurors~~ base jury list, and summon them to ~~appear in court for a trial whenever ordered by the court~~ serve as jurors for the jury term for which they have been selected.

1-11-109. Procedure for selecting jury; contents of certificate; summons.

(c) If any person selected is not ~~competent~~qualified to serve as a trial juror, ~~and the incompetence shall be made to appear to the satisfaction of the court,~~ the name of the person shall be stricken from the base jury list from which summoned. If any person selected is exempt from serving as a trial juror under W.S. 1-11-103(a) and the person has claimed the exemption under W.S. 1-11-105, then the name of the person shall be stricken from the base jury list for the jury term from which summoned.

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(d) When the necessary number of jurors has been randomly selected, the clerk shall make and certify a list of the names selected. The certificate shall state:

(v) The ~~time and~~ place where the jurors are required to appear.

1-11-112. Jurors to appear at time specified.

Each grand juror and petit juror summoned shall appear before the court on the day and at the hour specified ~~in the summons~~ by the court, and depart only with permission of the court.

1-11-116. Empaneling of jury.

At the opening of court on the day that trial jurors are summoned and notified to appear, the clerk shall call the names of those ~~summoned jurors notified to appear~~ summoned and notified. The court shall hear the jurors ~~summoned who are present~~, and shall excuse those whom the court finds are exempt, disqualified or have material cause for being excused.

1-11-118. Procedure upon exhaustion of prospective jurors during empaneling.

If at any time during the empaneling of a jury all the names selected for the panel are exhausted, the court shall enter an order directing that such additional number of names as necessary be randomly selected from the base jury list. The court may excuse any jurors so selected if it appears that, because of distance, the delay occasioned by ~~summoning~~ notifying the juror and requiring his presence would unduly prolong empaneling the trial jury. The clerk shall ~~summon~~ notify the persons selected and not excused to appear in court

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immediately. The process shall continue from time to time when necessary until a jury is obtained.

1-11-120. Persons sworn to constitute jury; generally.

The first six (6) persons, or ~~twelve (12) if demanded~~ other number of persons designated for a jury under W.S. 1-11-119, who appear as their names are randomly selected and are approved as indifferent between the parties and not discharged or excused shall be sworn and constitute the jury to try the issue.

1-11-129. Procedure for maintaining jury lists.

The supreme court shall compile a base jury list for each county. The supreme court shall compile a base jury list for the state as necessary under W.S. 7-5-303. The base jury lists shall be compiled from voter lists and may also include names from Wyoming driver's license or Wyoming department of transportation state identification lists. The base jury lists prepared by the supreme court and panels or lists of prospective jurors selected by the clerk of court may be compiled and maintained using any manual, mechanical, electronic or other means calculated to insure the integrity of the system and a random selection process.

1-11-302. Mileage rate.

~~For each mile actually and necessarily traveled in going to and returning from the place of trial they~~ Jurors shall receive mileage at the rate set in W.S. 9-3-103 when the distance required to be traveled by the juror from the juror's place of residence to the place of trial exceeds five (5) miles one (1) way.

ORIGINAL HOUSE
BILL NO. HB0013

ENGROSSED

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Section 2. This act is effective July 1, 2019.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk