

## HOUSE BILL NO. HB0013

Jury procedure amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to civil procedure; amending provisions  
 2 related to juror selection, composition, exemption, excusal  
 3 and compensation; repealing a provision related to completing  
 4 a jury panel; and providing for an effective date.

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

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

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13 **1-11-101. Qualifications of juror.**

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

1

2 (i) An adult citizen of the United States who has  
3 been a resident of the state and of the county ninety (90)  
4 days before being selected and returned pursuant to W.S.  
5 1-11-106;

6

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

10

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

12

13 (a) A person is exempt from ~~liability to act as juror~~  
14 jury service if the ~~court finds that the provisions of W.S.~~  
15 ~~1-11-104 apply or for any other compelling reasons or if a~~  
16 person is:

17

18 (i) A salaried and active member of an organized  
19 fire department or an active member of a police department of  
20 a city, town or law enforcement agency of the county or state;  
21 ~~or~~

22

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

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

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(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.

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**1-11-104. Causes for excusal.**

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(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

1 sickness or death of a member of his family requires his  
2 absence. A person who has attained the age of seventy-two  
3 (72) years may be excused at his request. ~~if he is over~~  
4 ~~seventy two (72) years of age.~~ A person may be excused from  
5 jury duty when the care of that person's young children  
6 requires his absence. Any person who has served on a jury  
7 during a jury term shall, upon request, be excused from  
8 further jury service in that court for the remainder of that  
9 jury term and in the discretion of the court may be excused  
10 from jury service for the following jury term.

11

12 (b) For the purposes of this section:

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

17

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

22

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

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4 If a person exempt from jury duty is summoned as a juror, he  
5 may file his affidavit with the clerk of the court for which  
6 he is summoned stating his office, occupation or employment.

7 ~~The affidavit must be delivered by the clerk to the judge of~~  
8 ~~the court where the person is summoned, and if sufficient in~~  
9 ~~substance, must be received as evidence of his right to~~  
10 ~~exemption and as an excuse for nonattendance in person. The~~

11 ~~affidavit must then be filed by the clerk.~~ If the court  
12 determines that the affidavit sufficiently demonstrates that  
13 the person is not required to serve as a juror pursuant to  
14 W.S. 1-11-103(a), the court shall discharge the person from  
15 serving as a trial juror for the jury term in which he was  
16 summoned. A person who is discharged under this section is  
17 not required to appear in court. Failure of any person who is

18 exempt to file the affidavit is a waiver of his exemption,  
19 and he is required to appear upon the day for which the jury  
20 is summoned and serve as a juror the same as if he were not  
21 entitled to exemption.

22

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

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

14  
15           (b) The clerk shall prepare a certificate containing  
16 the names constituting the ~~panel of trial jurors~~ base jury  
17 list, and summon them to ~~appear in court for a trial whenever~~  
18 ~~ordered by the court~~ serve as jurors for the jury term for  
19 which they have been selected.

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21           **1-11-109. Procedure for selecting jury; contents of**  
22 **certificate; summons.**

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

10  
11 (d) When the necessary number of jurors has been  
12 randomly selected, the clerk shall make and certify a list of  
13 the names selected. The certificate shall state:

14  
15 (v) The ~~time and~~ place where the jurors are  
16 required to appear.

17  
18 **1-11-112. Jurors to appear at time specified.**

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

23

1           **1-11-116. Empaneling of jury.**

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

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10           **1-11-118. Procedure upon exhaustion of prospective**  
11 **jurors during empaneling.**

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13     If at any time during the empaneling of a jury all the names  
14     selected for the panel are exhausted, the court shall enter  
15     an order directing that such additional number of names as  
16     necessary be randomly selected from the base jury list. The  
17     court may excuse any jurors so selected if it appears that,  
18     because of distance, the delay occasioned by ~~summoning~~  
19     notifying the juror and requiring his presence would unduly  
20     prolong empaneling the trial jury. The clerk shall ~~summon~~  
21     notify the persons selected and not excused to appear in court  
22     immediately. The process shall continue from time to time  
23     when necessary until a jury is obtained.

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2           **1-11-119. Number of jurors; fees and mileage.**

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4 Trial juries in circuit courts shall be composed of six (6)  
5 persons. Trial juries in civil cases and all other proceedings  
6 in the district courts except criminal cases shall be composed  
7 of six (6) jurors unless one (1) of the parties to the action  
8 files a written demand for twelve (12) jurors within the time  
9 a demand for jury may be filed, in which event the number of  
10 jurors shall be twelve (12). Jurors in all courts shall be  
11 allowed the same fees and mileage as jurors in district court.  
12 Trial juries in criminal cases in district courts shall be  
13 composed of twelve (12) jurors unless the parties stipulate  
14 and the judge approves that the jury shall consist of any  
15 number from six (6) to twelve (12) jurors.

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17           **1-11-120. Persons sworn to constitute jury; generally.**

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19 The first six (6) persons, or ~~twelve (12) if demanded~~ other  
20 number of persons designated for a jury under W.S. 1-11-119,  
21 who appear as their names are randomly selected and are  
22 approved as indifferent between the parties and not

1 discharged or excused shall be sworn and constitute the jury  
2 to try the issue.

3

4 **1-11-129. Procedure for maintaining jury lists.**

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

16

17 **1-11-302. Mileage rate.**

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19 ~~For each mile actually and necessarily traveled in going to~~  
20 ~~and returning from the place of trial they~~ Jurors shall  
21 receive mileage at the rate set in W.S. 9-3-103 when the  
22 distance required to be traveled by the juror from his place

1 of residence to the place of trial exceeds five (5) miles one  
2 (1) way.

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4 **Section 2.** W.S. 1-11-113(a) is repealed.

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6 **Section 3.** This act is effective July 1, 2019.

7

8 (END)