

Arney

81 LSO - 678

# SENATE FILE 186

SENATE FILE 186

Title:

AN ACT to create W.S. 1-11-129 and 1-11-401; to amend W.S. 1-11-101, 1-11-104, 1-11-106(a), 1-11-109(e), 1-11-113(a), 1-11-114, 1-11-116, 1-11-117, 1-11-118, 1-11-121, 1-11-122, 1-11-124, 1-11-125, 1-11-126 and 1-11-127 and to repeal W.S. 1-11-110 through 1-11-112 relating to juries; providing procedures for selecting juries; providing for protection of a juror's employment; modifying qualifications of jurors; modifying use of jury boxes; providing penalties; and providing for an effective date.

Introduced by:

*[Signature]*

DATE	ACTION	DATE	ACTION
1-29-81	INTRODUCED		
	READ FIRST TIME		
	REFERRED TO COM. NO. <u>1</u>		
	DELIVERED TO LSO FOR PRINTING		
	RETURNED FROM LSO FOR PRINTED		
	DELIVERED TO COM. NO. <u>1</u>		
2-9-81	STANDING COMM. REPORT		
	RECOMMENDED DO PASS AS AMENDED		
2-12-81	CONSIDERED ON COM. OF WHOLE		
	STANDING COM. AMST. ADOPTED <u>SF186551-A</u>		
	AND FURTHER AMENDED <u>SF186551-A</u>		
	DO PASS		
2-13-81	READ SECOND TIME		
	AMENDED AS FOLLOWS <u>SF186551-A</u>		
2-14-81	READ THIRD TIME		
	PASSED		
	AYES <u>28</u> NAYS <u>2</u> LAUSED <u>0</u> ABSENT <u>0</u>		
	SENT TO HOUSE		
	ENGROSSED		
2-16-81	Sent to House		
FEB 18 1981	READ FIRST TIME		
	REFERRED TO COM. NO. <u>1</u>		
	DELIVERED TO COM. NO. <u>1</u>		
FEB 21 1981	RETURNED		

RECOMMENDED DO

PASS

CONTINUED ON BACK

# 58 186 3rd Date 2/14/01

# Roll Call of the Senate

## of the FORTY-SIXTH LEGISLATURE

### of Wyoming

	Ayes	Noes	Excused	Absent
31 ARNEY	✓			
30 BOYLE	✓			
29 BUSSART	✓			
28 CHRISTENSEN	✓			
<del>27 CUNDALL</del>				
26 DAILY	✓			
25 DOWNING	✓			
24 FRISBY	✓			
23 GEIS	✓			
22 HICKEY	✓			
21 LARSON, R.	✓			
20 MAJHANOVICH	✓			
19 MOORE	✓			
18 NICHOLAS	✓			
17 NICHOLS	✓			
16 NORRIS	✓			
15 NORTHRUP	✓			
14 PARKS	✓			
13 PECK	✓			
12 PROFFIT	✓			
11 RECTOR	✓			
10 SADLER		✓		
9 SEDAR	✓			
8 STAFFORD	✓			
7 STROOCK	✓			
6 TAGGART		✓		
5 TRUE	✓			
4 TURNER	✓			
3 YOUTZ	✓			
2 ZIMMER	✓			
1 MR. PRESIDENT	✓			

PRESENT \_\_\_\_\_

AYES 28  
 NOES 2  
 EXCUSED 0  
 ABSENT 0  
 TOTAL 30

S.F. 186  
SF186SS1/A

- ✓ Page 2-lines 14 through 17 Delete entirely.
- ✓ Page 2-line 18 Delete "(b)".
- ✓ Page 3-line 1 Delete "of Wyoming".
- ✓ Page 3-lines 2 through 21 Delete entirely.
- ✓ Page 4-lines 1 through 12 Delete entirely.
- ✓ Page 5-line 17 Restore the stricken "In addi-".
- ✓ Page 5-line 18 Restore the stricken language through "a", after stricken "woman" insert "PERSON"; restore the balance of the line.
- ✓ Page 5-line 19 Restore the stricken language; after the restored "require" insert a period.
- ✓ Page 6-line 3 Delete "BASE".
- ✓ Page 6-line 6 Delete "BY ORDER OF THE DISTRICT JUDGE".
- ✓ Page 6-lines 7 through 9 Delete entirely.
- ✓ Page 6-line 10 Delete "LISTS."; delete "AND SUPPLEMENTED WHEN".
- ✓ Page 6-line 11 Delete "APPLICABLE"; strike the comma.
- ✓ Page 11-line 23 Delete "OR THAT".
- ✓ Page 11-line 24 Delete entirely.
- ✓ Page 12-line 1 Delete "HEREIN". -ARNEY

SF186SW1/A

- ✓ Page 9-line 18 After the period insert "WHILE NOT ACTUALLY SERVING ON A JURY, AN EMPANELED JUROR MAY BE EXCUSED FROM BEING PHYSICALLY PRESENT AT THE COURTHOUSE PROVIDED THE JUROR IS SWORN TO REMAIN AVAILABLE FOR SERVICE ON THIRTY (30) MINUTES CALL.". -STROCK
- ✓ Page 11-line 14 After the period insert "WHILE NOT ACTUALLY SERVING ON A JURY, AN EMPANELED JUROR MAY BE EXCUSED FROM BEING PHYSICALLY PRESENT AT THE COURTHOUSE PROVIDED THE JUROR IS SWORN TO REMAIN AVAILABLE FOR SERVICE ON THIRTY (30) MINUTES CALL.". -STROCK

SF186S21/A

- ✓ Page 1-line 4 After "1-11-126" delete the comma and insert "and"; delete "and".
- ✓ Page 1-line 5 Delete "1-11-303".
- ✓ Page 1-line 9 After "boxes;" delete the line through "jurors;".
- ✓ Page 4-line 16 After "1-11-126" delete the comma and insert "and"; delete "and 1-11-303".
- ✓ Page 13-lines 1 through 11 Delete entirely. -ARNEY

## THE LEGISLATURE OF THE STATE OF WYOMING

## House of Representatives

Cheyenne, February 20, 19 81.

Mr. Speaker:

Your Committee No. 1 on JUDICIARY  
 to whom was referred S.F. No. 186  
 respectfully reports same back to the House with the recommendation that it

DO PASS

<u>AYES</u>	<u>NOES</u>	<u>EXCUSED</u>
Chamberlain	Scott, C.	0
Hansen		
Lummis		
McCarthy		
Odde		
Tipton		
Trowbridge		
Wiederspahn		
Crowley		

*Ellen Crowley*  
 Ellen Crowley

Chairman

House of Intro			
_____	To Com No.	_____	
_____	Stand Report Do	Amd _____	Not _____
_____	Com Whole Do	Amd _____	Not _____
_____	2nd Reading Amd	_____	
_____	3rd Reading Amd	Pass _____	Fail _____

Second House			
_____	To Com No.	_____	
_____	Stand Report Do	Amd _____	Not _____
_____	Com Whole Do	Amd _____	Not _____
_____	2nd Reading Amd	_____	
_____	3rd Reading Amd	Pass _____	Fail _____

## INTRODUCED

1981

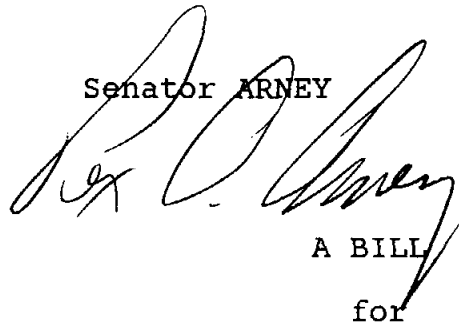
STATE OF WYOMING

81LSO-678.01

SENATE FILE NO. 186

Juries.

Sponsored by: Senator ARNEY

  
A BILL  
for

1 AN ACT to create W.S. 1-11-129 and 1-11-401; to amend W.S.  
2 1-11-101, 1-11-104, 1-11-106(a), 1-11-109(e), 1-11-113(a),  
3 1-11-114, 1-11-116, 1-11-117, 1-11-118, 1-11-121,  
4 1-11-122, 1-11-124, 1-11-125, 1-11-126, 1-11-127 and  
5 1-11-303; and to repeal W.S. 1-11-110 through 1-11-112  
6 relating to juries; providing procedures for selecting  
7 juries; providing for protection of a juror's employment;  
8 modifying qualifications of jurors; modifying use of jury  
9 boxes; increasing compensation of jurors; providing pen-  
10 alties; and providing for an effective date.

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

1           Section 1. W.S. 1-11-129 and 1-11-401 are created to  
2 read:

3           1-11-129. Alternative procedure. The procedures for  
4 compiling and maintaining of jury lists, jury ballots and  
5 jury boxes, and for drawing jurors, may be modified by the  
6 court to permit the compilation and maintenance of jury  
7 lists and ballots and for the drawing of jurors by any  
8 manual, mechanical, electronic or other means calculated  
9 to insure the integrity of the system and a random selec-  
10 tion process.

11   ARTICLE 4

12   JURORS' EMPLOYMENT

13           1-11-401. Protection of jurors' employment.

14           (a) Every employee who, because of jury service, is  
15 absent from scheduled hours of employment is entitled to  
16 the usual compensation received from the employment less  
17 the fee or compensation received for serving as a juror.

18           (b) No employer shall discharge, threaten to dis-  
19 charge, intimidate or coerce any employee by reason of the  
20 employee's jury service, for the attendance or scheduled  
21 attendance in connection with jury service, in any court

1 in the state of Wyoming.

2 (c) Any employer who violates the provisions of this  
3 section:

4 (i) Is liable for actual damages for any loss  
5 of wages or other benefits suffered by the employee by  
6 reason of such violation; and

7 (ii) May be enjoined from further violations  
8 of this section in order to provide other appropriate  
9 relief, including but not limited to reinstatement; and

10 (iii) Is liable for exemplary damages to the  
11 employee in an amount set by the court, but not to exceed  
12 one thousand dollars (\$1,000.00) for each violation as to  
13 each employee; and

14 (iv) Is liable for the employee's reasonable  
15 costs and attorney's fees, as set by the court, in enforc-  
16 ing his rights hereunder.

17 (d) Any individual who is reinstated to a position  
18 of employment in accordance with this section shall be  
19 considered as having been on furlough or leave of absence  
20 during his period of jury service, shall be reinstated to  
21 his position of employment without loss of seniority and

1 is entitled to participate in insurance or other benefits  
2 offered by the employer pursuant to established rules and  
3 practices relating to employees on furlough or on leave of  
4 absence in effect with the employer at the time the indi-  
5 vidual entered upon jury service.

6 (e) No action by an employee aggrieved hereunder  
7 shall be brought more than six (6) months after the  
8 alleged violation.

9 (f) The court may award a prevailing employer a  
10 reasonable attorney's fee as part of the cost if the court  
11 determines that any action brought by an employee is  
12 frivolous, vexatious or brought in bad faith.

13 Section 2. W.S. 1-11-101, 1-11-104, 1-11-106(a),  
14 1-11-109(e), 1-11-113(a), 1-11-114, 1-11-116, 1-11-117,  
15 1-11-118, 1-11-121, 1-11-122, 1-11-124, 1-11-125,  
16 1-11-126, 1-11-127 and 1-11-303 are amended to read:

17 1-11-101. Qualifications of juror.

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

19 (i) An adult citizen of the United States who  
20 has not reached his seventy-third birthday, and who has  
21 been a resident of the state ~~one-(1)-year~~ and of the



1 county ninety (90) days before being selected and  
2 returned;

3 (ii) In possession of his natural faculties,  
4 of ordinary intelligence and ~~not--decrepit--and~~ WITHOUT  
5 MENTAL OR PHYSICAL INFIRMITY PREVENTING SATISFACTORY JURY  
6 SERVICE;

7 (iii) Possessed of sufficient knowledge of the  
8 English language.

9 (b) NO CITIZEN SHALL BE EXCLUDED FROM SERVICE AS A  
10 JUROR ON ACCOUNT OF RACE, COLOR, RELIGION, SEX, NATIONAL  
11 ORIGIN OR ECONOMIC STATUS.

12 1-11-104. Causes for excusal. A juror may not be  
13 excused for a trivial cause or for hardship or incon-  
14 venience to his business, but only when material injury or  
15 destruction to his property or property entrusted to him  
16 is threatened, or when his health or the sickness or death  
17 of a member of his family requires his absence. ~~In-addi-~~  
18 ~~tion-to-the-above-causes,-a-woman-may-be-excused-from-jury~~  
19 ~~duty-when-household-duties-or-family--obligations--require~~  
20 ~~her-absence.~~

21 1-11-106. Jury list; preparation of ballots for jury  
22 box; drawing jury panel; certificate and summons.

1           (a) The list of persons qualified to serve as trial  
2 jurors, certified and delivered to the clerk of the dis-  
3 trict court in accordance with W.S. 18-3-402 is the BASE  
4 jury list for the district court, the county court and  
5 justice of the peace courts for the remainder of the  
6 calendar year. ~~Immediately~~ BY ORDER OF THE DISTRICT JUDGE,  
7 COUNTY JUDGE OR JUSTICE OF THE PEACE, FOR THEIR RESPECTIVE  
8 COURTS, THE BASE JURY LIST MAY BE EXPANDED BY INCLUDING  
9 SOME OTHER SOURCE OR SOURCES OF NAMES IN ADDITION TO VOTER  
10 LISTS. After the list is delivered AND SUPPLEMENTED WHEN  
11 APPLICABLE, ~~the clerk of the district court shall--prepare~~  
12 suitable ballots ~~by writing the name of each person con-~~  
13 ~~tained in the list with his place of residence--and--other~~  
14 ~~additions, on a separate piece of paper. The ballots shall~~  
15 ~~be uniform as nearly as may be in appearance and the clerk~~  
16 ~~shall--deposit--them~~ SHALL BE PREPARED AND DEPOSITED in a  
17 box known as and plainly marked "jury box number one".  
18 ~~Within--ten--(10)--days--after--the--ballots--are--deposited~~ UPON  
19 ORDER OF THE COURT, the clerk of the district court,  
20 sheriff and county treasurer shall draw from jury box  
21 number one a panel of trial jurors, ~~for the next--term--of~~  
22 ~~the--district--court,~~ which shall contain ~~forty-eight--(48)~~  
23 SUCH NUMBER OF names ~~or such higher number~~ as specified by  
24 ~~order of the district court. For any trial--other--than--a~~

1 ~~felony--case,--a-panel-of-trial-jurors-shall-be-drawn-from~~  
2 ~~"jury-box-number-three"--whenever-ordered-by-the-court,~~

3 1-11-109. Procedure for drawing jury; contents of  
4 certificate; service.

5 (e) The JURORS ON THE certified list shall be ~~deliv-~~  
6 ~~ered~~ SUMMONED to ~~the-sheriff-for-service~~ APPEAR.

7 1-11-113. Completion of jury panel.

8 (a) The persons drawn from jury box number one and  
9 certified ~~to-the-sheriff~~ as trial jurors shall appear in  
10 answer to the ~~sheriff's~~ summons and be examined as to  
11 their qualifications. If after all qualified trial jurors  
12 have been accepted it appears that there are not enough in  
13 attendance, the court shall order the clerk to draw from  
14 jury box number ~~three~~ ONE the necessary number of names to  
15 complete the jury panel, and the clerk shall continue to  
16 draw from that box until ~~the-panel-is-completed~~ A SUFFI-  
17 CIENT NUMBER OF JURORS ARE OBTAINED. THE PERSON SO DRAWN  
18 SHALL BE SUMMONED TO APPEAR.

19 1-11-114. Service of summons; return and proof of  
20 service.

21 (a) ~~When-he-receives-the-list-of-jurors--drawn,--the~~

1 ~~sheriff-shall-summon-the-persons-named-to-attend-the-court~~  
2 ~~at--the-time-specified-in-the-order.~~ Service of the A sum-  
3 mons may be made ~~personally-as-provided-by-Rule-4(d)(1)-of~~  
4 ~~the-Wyoming-Rules-of-Civil--Procedure,~~ ~~or--by--registered~~  
5 ~~mail---with--return--receipt--signed--by--addressee--only,~~  
6 ~~addressed-to-the-juror-at-the-address-returned-on-the-jury~~  
7 ~~list~~ BY SUCH MEANS AS THE COURT MAY ORDER.

8 (b) ~~The-sheriff-shall-return-the-list-together--with~~  
9 IF NECESSARY THE COURT MAY REQUIRE proof of service. ~~to~~  
10 ~~the-court-before-the-time-when-the-jurors-are-required--to~~  
11 ~~appear---Proof-of-service-shall-be-made-as-provided-in-the~~  
12 ~~Wyoming-Rules-of-Civil-Procedure.~~

13 1-11-116. Empaneling of jury. At the opening of  
14 court on the day that trial jurors are summoned to appear,  
15 the clerk shall call the names of those summoned. The  
16 court shall hear the jurors summoned, and shall excuse  
17 those whom the court finds are exempt, disqualified or  
18 have material cause for being excused. The clerk shall  
19 write the names of the jurors present and not excused upon  
20 separate ballots, fold the ballots so that the names are  
21 concealed, and ~~in-the-presence-of-the--court~~ deposit the  
22 ballots in a sealed box numbered ~~four~~ TWO. The box shall  
23 remain sealed until ordered by the court to be opened.

1           1-11-117. Drawing trial jury. When an issue of fact  
2 to be tried by a jury is brought to trial, the clerk under  
3 the direction of the court shall openly draw out of box  
4 number ~~four~~ TWO as many ballots as necessary to form a  
5 jury. Before the first ballot is drawn, the box must be  
6 well shaken so as to thoroughly mix the contents, and the  
7 clerk shall draw each ballot without seeing the name writ-  
8 ten on any of them.

9           1-11-118. Procedure upon exhaustion of ballots  
10 during empaneling. If at any time during the empaneling of  
11 a jury all the ballots contained in box number ~~four~~ TWO  
12 are exhausted, the court shall enter an order ~~upon the~~  
13 ~~minutes-of-the-court~~ directing that such number of names  
14 as necessary be drawn from box number ~~three-in-open-court~~  
15 ONE. THE COURT MAY EXCUSE ANY JURORS SO DRAWN IF IT  
16 APPEARS THAT, BECAUSE OF DISTANCE, THE DELAY OCCASIONED BY  
17 SUMMONING THE JUROR AND REQUIRING HIS PRESENCE WOULD  
18 UNDULY PROLONG EMPANELING THE TRIAL JURY. The clerk shall  
19 forthwith ~~issue-a-summons-for~~ SUMMON the persons drawn to  
20 appear in court immediately. The names of those accepted  
21 by the court shall be placed in box number ~~four~~ TWO and  
22 shall be drawn therefrom to complete the jury. The process  
23 shall continue from time to time when necessary until a

1 jury is obtained.

2 1-11-121. Same; names placed in another box. The  
3 ballots containing the names of the jurors so sworn shall  
4 be deposited in another box numbered ~~five~~ THREE and there  
5 kept apart from the other ballots until that jury is dis-  
6 charged.

7 1-11-122. Disposition of ballots; discharge of jury.  
8 After the jury is discharged the ballots containing their  
9 names shall be returned to the box ~~from--which--they--were~~  
10 ~~taken,~~ NUMBERED TWO and the same course shall be pursued  
11 as often as an issue is brought to trial by a jury.

12 1-11-124. Procedure where additional jury needed. If  
13 an issue is brought to trial while a jury is empaneled in  
14 another cause and not then discharged, the court may order  
15 a jury for the trial of that issue to be drawn out of box  
16 number ~~four~~ TWO containing the ballots then undrawn and  
17 the second jury may be completed as provided by law. In  
18 any other case the ballots containing the names of all  
19 trial jurors returned and attending the court shall be  
20 placed together in the same box before a jury is drawn.

21 1-11-125. Procedure when sufficient number of jurors  
22 fail to attend. If a sufficient number of jurors duly

1 drawn and notified do not attend to form a jury the court  
2 shall, ~~by an order entered in the minutes,~~ direct the  
3 clerk to draw a sufficient number of ballots from box  
4 number ~~three~~ ONE to complete the jury. ~~The sheriff shall~~  
5 ~~notify the persons drawn to attend immediately or at a~~  
6 ~~time~~ AND SHALL SUMMON THE PERSONS DRAWN TO ATTEND IMMEDI-  
7 ATELY OR AT A TIME fixed by the court. If for any reason a  
8 sufficient number of jurors to try the issue is not  
9 obtained from the persons notified, the court may make  
10 successive orders until a sufficient number is obtained.  
11 THE COURT MAY EXCUSE ANY JUROR SO DRAWN IF IT APPEARS  
12 THAT, BECAUSE OF DISTANCE, THE DELAY OCCASIONED BY SUMMON-  
13 ING THE JUROR AND REQUIRING HIS PRESENCE WOULD UNDULY  
14 PROLONG EMPANELING THE TRIAL JURY. Each person so noti-  
15 fied, unless excused by the court, shall serve as a juror  
16 at the trial. For a neglect or refusal to serve he may be  
17 fined in the same manner as a trial juror regularly drawn  
18 and notified and he is subject to the same exceptions and  
19 challenges as any other trial juror.

20 1-11-126. No objection jury not original one  
21 returned. It is not a valid objection to a jury that it  
22 contains none of the jurors originally returned to the  
23 court or is only partially composed of such jurors OR THAT  
24 THE BASE JURY LIST WAS NOT SUPPLEMENTED AS PERMITTED

1     HEREIN.

2             1-11-127. Furnishing of jury boxes; number, form,  
3     etc. The board of county commissioners of each county of  
4     this state shall furnish to the clerk of the district  
5     court in their county ~~five-(5) jury boxes,--numbered--one~~  
6     ~~(1),--two-(2),--three-(3),--four-(4)-and-five-(5),--Boxes-num-~~  
7     ~~bered--one-(1),--two-(2)-and-three-(3)-shall-be-in-the-form~~  
8     ~~of-a-circular-cylinder,--divided-by-partitions--into--three~~  
9     ~~(3)---separate--compartments,--each--compartment--numbered~~  
10    ~~respectively-as-jury-boxes-one-(1),--two-(2)-and-three-(3),~~  
11    ~~Jury-boxes-numbered-four-(4)-and-five-(5)--shall--be--sep-~~  
12    ~~arate--boxes,--The-openings-to-all-jury-boxes-shall-conven-~~  
13    ~~iently-admit-the-hand-of-the-clerk,--The-opening--shall--be~~  
14    ~~closed-by-a-lock,--the-combination-or-key-to-which-shall-be~~  
15    ~~in--possession--of-only-the-clerk-or-deputy,--No-one-other~~  
16    ~~than-the-clerk-or-deputy-shall-open,--close,--draw--from--or~~  
17    ~~return--to--the--jury--boxes-any-ballots,--under-penalty-of~~  
18    ~~misdemeanor,--Except-as-required-by-law,--the--clerk--shall~~  
19    ~~not-open,--close,--draw-from-or-return-to-the-jury-boxes-any~~  
20    ~~ballots--except--in--open-court-and-by-order-in-writing-of~~  
21    ~~the-judge,--Before-being-placed-in-any-jury-box-except-jury~~  
22    ~~box-number-five-(5),--all-ballots-shall-be-folded-so-as-not~~  
23    ~~to-show-any-portion-of-the-printed-or--written--matter--on~~  
24    ~~the--ballots~~     SUITABLE FOR THE PURPOSES PRESCRIBED HEREIN.



1           1-11-303. Amount of fees. When-the-time--of--attend-  
2    ance--of--any-juror-in-district-court-does-not-exceed-one-  
3    half-day-he-shall-reeeive-six-dollars--(\$6.00)--When--the  
4    time-of-attendance-is-one-(1)-day-or-more-he-shall-reeeive  
5    twelve-dollars-(\$12.00)-for-each-day-of-attendance. JURORS  
6    SHALL RECEIVE THIRTY DOLLARS (\$30.00) FOR EACH FULL OR  
7    PART DAY OF ACTUAL ATTENDANCE. A JUROR IN ATTENDANCE FOR  
8    MORE THAN FIVE (5) CONSECUTIVE DAYS, EXCLUSIVE OF SATUR-  
9    DAYS, SUNDAYS AND HOLIDAYS, MAY, IN THE DISCRETION OF THE  
10   COURT, BE ALLOWED AN ADDITIONAL TWENTY DOLLARS (\$20.00)  
11   PER DAY FOR EACH DAY ACTUALLY IN ATTENDANCE.

12           Section 3. W.S. 1-11-110 through 1-11-112 are  
13   repealed.

14           Section 4. This act is effective May 20, 1981.

15 (END)

FISCAL NOTE

Anticipated REVENUE to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE		
ADDITIONAL		
Anticipated/COST to:	Fiscal Year 19 82	Fiscal Year 19 83
Counties	\$642,000.00	\$642,000.00
TOTAL ESTIMATED COST	\$642,000.00	\$642,000.00

1. Passage of this measure would increase jury costs incurred by counties approximating the above. Presently county jury costs are running about \$275,000 per year.

2. No apparent personnel impact.

1981

STATE OF WYOMING

81LSO-678/eng

SENATE FILE NO. 186

Juries.

Sponsored by: Senator ARNEY

## A BILL

for

1 AN ACT to create W.S. 1-11-129 and 1-11-401; to amend W.S.  
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5 to repeal W.S. 1-11-110 through 1-11-112 relating to  
6 juries; providing procedures for selecting juries; provid-  
7 ing for protection of a juror's employment; modifying  
8 qualifications of jurors; modifying use of jury boxes;  
9 providing penalties; and providing for an effective date.

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8 manual, mechanical, electronic or other means calculated  
9 to insure the integrity of the system and a random selec-  
10 tion process.

11                                   ARTICLE 4

12                                   JURORS' EMPLOYMENT

13           ~~1-11-401. Protection of jurors' employment.~~ No  
14 employer shall discharge, threaten to discharge, intimi-  
15 date or coerce any employee by reason of the employee's  
16 jury service, for the attendance or scheduled attendance  
17 in connection with jury service, in any court in the  
18 state.

19           Section 2. W.S. 1-11-101, 1-11-104, 1-11-106(a),  
20 1-11-109(e), 1-11-113(a), 1-11-114, 1-11-116, 1-11-117,  
21 1-11-118, 1-11-121, 1-11-122, 1-11-124, 1-11-125, 1-11-126  
22 and 1-11-127 are amended to read:

1        1-11-101. Qualifications of juror.

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

3                (i) An adult citizen of the United States who  
4 has not reached his seventy-third birthday, and who has  
5 been a resident of the state ~~one--(1)--year~~ and of the  
6 county ninety (90) days before being selected and  
7 returned;

8                (ii) In possession of his natural faculties,  
9 of ordinary intelligence and ~~not-decrepit--and~~ WITHOUT  
10 MENTAL OR PHYSICAL INFIRMITY PREVENTING SATISFACTORY JURY  
11 SERVICE;

12                (iii) Possessed of sufficient knowledge of the  
13 English language.

14        (b) NO CITIZEN SHALL BE EXCLUDED FROM SERVICE AS A  
15 JUROR ON ACCOUNT OF RACE, COLOR, RELIGION, SEX, NATIONAL  
16 ORIGIN OR ECONOMIC STATUS.

17        1-11-104. Causes for excusal. A juror may not be  
18 excused for a trivial cause or for hardship or incon-  
19 venience to his business, but only when material injury or  
20 destruction to his property or property entrusted to him  
21 is threatened, or when his health or the sickness or death

1 of a member of his family requires his absence. In addi-  
2 tion to the above causes, a woman PERSON may be excused  
3 from jury duty when household duties or family obligations  
4 require her absence.

5 1-11-106. Jury list; preparation of ballots for jury  
6 box; drawing jury panel; certificate and summons.

7 (a) The list of persons qualified to serve as trial  
8 jurors, certified and delivered to the clerk of the dis-  
9 trict court in accordance with W.S. 18-3-402 is the jury  
10 list for the district court, the county court and justice  
11 of the peace courts for the remainder of the calendar  
12 year. Immediately after the list is delivered, the clerk  
13 of the district court shall prepare suitable ballots by  
14 writing the name of each person contained in the list with  
15 his place of residence and other additions, on a separate  
16 piece of paper. The ballots shall be uniform as nearly as  
17 may be in appearance and the clerk shall deposit them  
18 SHALL BE PREPARED AND DEPOSITED in a box known as and  
19 plainly marked "jury box number one". Within ten (10) days  
20 after the ballots are deposited UPON ORDER OF THE COURT,  
21 the clerk of the district court, sheriff and county treas-  
22 urer shall draw from jury box number one a panel of trial  
23 jurors, for the next term of the district court, which

1 shall contain ~~forty-eight-(48)~~ SUCH NUMBER OF names or  
2 ~~such--higher--number~~ as specified by order-of the district  
3 court. ~~For any trial other than a felony case a panel--of~~  
4 ~~trial--jurors--shall--be--drawn--from--"jury-box-number-three"~~  
5 ~~whenever-ordered-by-the-court.~~

6 1-11-109. Procedure for drawing jury: contents of  
7 certificate; service.

8 (e) The JURORS ON THE certified list shall be deliv-  
9 ered SUMMONED to the-sheriff-for-service APPEAR.

10 1-11-113. Completion of jury panel.

11 (a) The persons drawn from jury box number one and  
12 certified to-the-sheriff as trial jurors shall appear in  
13 answer to the sheriff's summons and be examined as to  
14 their qualifications. If after all qualified trial jurors  
15 have been accepted it appears that there are not enough in  
16 attendance, the court shall order the clerk to draw from  
17 jury box number three ONE the necessary number of names to  
18 complete the jury panel, and the clerk shall continue to  
19 draw from that box until the-panel-is-completed A SUFFI-  
20 CIENT NUMBER OF JURORS ARE OBTAINED. THE PERSON SO DRAWN  
21 SHALL BE SUMMONED TO APPEAR.

22 1-11-114. Service of summons: return and proof of

1 service.

2 (a) ~~When he receives the list of jurors drawn, the~~  
3 ~~sheriff shall summon the persons named to attend the court~~  
4 ~~at the time specified in the order.~~ Service of the A sum-  
5 mons may be made ~~personally as provided by Rule 4(d)(1) of~~  
6 ~~the Wyoming Rules of Civil Procedure, or by registered~~  
7 ~~mail with return receipt signed by addressee only,~~  
8 ~~addressed to the juror at the address returned on the jury~~  
9 ~~list~~ BY SUCH MEANS AS THE COURT MAY ORDER.

10 (b) ~~The sheriff shall return the list together with~~  
11 IF NECESSARY THE COURT MAY REQUIRE proof of service, to  
12 ~~the court before the time when the jurors are required to~~  
13 ~~appear. Proof of service shall be made as provided in the~~  
14 ~~Wyoming Rules of Civil Procedure.~~

15 1-11-116. Empaneling of jury. At the opening of  
16 court on the day that trial jurors are summoned to appear,  
17 the clerk shall call the names of those summoned. The  
18 court shall hear the jurors summoned, and shall excuse  
19 those whom the court finds are exempt, disqualified or  
20 have material cause for being excused. The clerk shall  
21 write the names of the jurors present and not excused upon  
22 separate ballots, fold the ballots so that the names are  
23 concealed, and ~~in the presence of the court~~ deposit the



1 ballots in a sealed box numbered four TWO. The box shall  
2 remain sealed until ordered by the court to be opened.

3 1-11-117. Drawing trial jury. When an issue of fact  
4 to be tried by a jury is brought to trial, the clerk under  
5 the direction of the court shall openly draw out of box  
6 number four TWO as many ballots as necessary to form a  
7 jury. Before the first ballot is drawn, the box must be  
8 well shaken so as to thoroughly mix the contents, and the  
9 clerk shall draw each ballot without seeing the name writ-  
10 ten on any of them.

11 1-11-118. Procedure upon exhaustion of ballots  
12 during empaneling. If at any time during the empaneling of  
13 a jury all the ballots contained in box number four TWO  
14 are exhausted, the court shall enter an order upon the  
15 minutes-of-the-court directing that such number of names  
16 as necessary be drawn from box number three-in-open-court  
17 ONE. THE COURT MAY EXCUSE ANY JURORS SO DRAWN IF IT  
18 APPEARS THAT, BECAUSE OF DISTANCE, THE DELAY OCCASIONED BY  
19 SUMMONING THE JUROR AND REQUIRING HIS PRESENCE WOULD  
20 UNDULY PROLONG EMPANELING THE TRIAL JURY. WHILE NOT ACTU-  
21 ALLY SERVING ON A JURY, AN EMPANELED JUROR MAY BE EXCUSED  
22 FROM BEING PHYSICALLY PRESENT AT THE COURTHOUSE PROVIDED  
23 THE JUROR IS SWORN TO REMAIN AVAILABLE FOR SERVICE ON

1 THIRTY 1301 MINUTES CALL. The clerk shall forthwith ~~issue~~  
2 ~~a--summons-for~~ SUMMON the persons drawn to appear in court  
3 immediately. The names of those accepted by the court  
4 shall be placed in box number ~~four~~ TWO and shall be drawn  
5 therefrom to complete the jury. The process shall continue  
6 from time to time when necessary until a jury is obtained.

7 1-11-121. Same; names placed in another box. The  
8 ballots containing the names of the jurors so sworn shall  
9 be deposited in another box numbered ~~five~~ THREE and there  
10 kept apart from the other ballots until that jury is dis-  
11 charged.

12 1-11-122. Disposition of ballots; discharge of jury.  
13 After the jury is discharged the ballots containing their  
14 names shall be returned to the box ~~from-which-they-were~~  
15 ~~taken~~ NUMBERED TWO and the same course shall be pursued  
16 as often as an issue is brought to trial by a jury.

17 1-11-124. Procedure where additional jury needed. If  
18 an issue is brought to trial while a jury is empaneled in  
19 another cause and not then discharged, the court may order  
20 a jury for the trial of that issue to be drawn out of box  
21 number ~~four~~ TWO containing the ballots then undrawn and  
22 the second jury may be completed as provided by law. In  
23 any other case the ballots containing the names of all

1 trial jurors returned and attending the court shall be  
2 placed together in the same box before a jury is drawn.

3 1-11-125. Procedure when sufficient number of jurors  
4 fail to attend. If a sufficient number of jurors duly  
5 drawn and notified do not attend to form a jury the court  
6 shall ~~by an order entered in the minutes~~ direct the  
7 clerk to draw a sufficient number of ballots from box  
8 number three ONE to complete the jury. ~~The sheriff shall~~  
9 ~~notify the persons drawn to attend immediately or at a~~  
10 ~~time~~ AND SHALL SUMMON THE PERSONS DRAWN TO ATTEND IMMEDI-  
11 ATELY OR AT A TIME fixed by the court. If for any reason a  
12 sufficient number of jurors to try the issue is not  
13 obtained from the persons notified, the court may make  
14 successive orders until a sufficient number is obtained.  
15 THE COURT MAY EXCUSE ANY JUROR SO DRAWN IF IT APPEARS  
16 THAT, BECAUSE OF DISTANCE, THE DELAY OCCASIONED BY SUMMON-  
17 ING THE JUROR AND REQUIRING HIS PRESENCE WOULD UNDULY  
18 PROLONG EMPANELING THE TRIAL JURY, WHILE NOT ACTUALLY  
19 SERVING ON A JURY, AN EMPANELED JUROR MAY BE EXCUSED FROM  
20 BEING PHYSICALLY PRESENT AT THE COURTHOUSE PROVIDED THE  
21 JUROR IS SWORN TO REMAIN AVAILABLE FOR SERVICE ON THIRTY  
22 (30) MINUTES CALL. Each person so notified, unless  
23 excused by the court, shall serve as a juror at the trial.  
24 For a neglect or refusal to serve he may be fined in the

1 same manner as a trial juror regularly drawn and notified  
2 and he is subject to the same exceptions and challenges as  
3 any other trial juror.

4 1-11-126. No objection jury not original one  
5 returned. It is not a valid objection to a jury that it  
6 contains none of the jurors originally returned to the  
7 court or is only partially composed of such jurors.

8 1-11-127. Furnishing of jury boxes; number, form,  
9 etc. The board of county commissioners of each county of  
10 this state shall furnish to the clerk of the district  
11 court in their county five-(5) jury boxes--numbered--one  
12 (1)--two-(2)--three-(3)--four-(4)--and-five-(5)--Boxes-num-  
13 bered--one-(1)--two-(2)--and-three-(3)--shall-be-in-the-form  
14 of-a-circular-cylinderr-divided-by-partitions--into--three  
15 (3)--separate--compartments--each--compartment--numbered  
16 respectively-as-jury-boxes-one-(1)--two-(2)--and-three-(3)--  
17 jury-boxes-numbered-four-(4)--and-five-(5)--shall--be--sep-  
18 arate--boxes--The-openings-to-all-jury-boxes-shall-conven-  
19 iently-admit-the-hand-of-the-clerk--The-opening--shall--be  
20 closed-by-a-lock--the-combination-or-key-to-which-shall-be  
21 in-possession--of-only-the-clerk-or-deputy--No-one-other  
22 than-the-clerk-or-deputy-shall-open--close--draw--from--or  
23 return--to--the--jury--boxes--any-ballots--under-penalty-of

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11 (END)