

## House Bill 415 (COMMITTEE SUBSTITUTE)

By: Representatives Atwood of the 179<sup>th</sup>, Willard of the 49<sup>th</sup>, Benfield of the 85<sup>th</sup>, Lindsey of the 54<sup>th</sup>, and Maddox of the 127<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 15, 16, 21, 40, 45, and 50 of the Official Code of Georgia Annotated,  
2 relating to courts, crimes and offenses, elections, motor vehicles and traffic, public officers  
3 and employees, and state government, respectively, so as to provide for a modernized and  
4 uniform system of compiling, creating, maintaining, and updating jury lists in this state; to  
5 provide for a short title; to provide for state-wide compilation and distribution of the  
6 state-wide master jury list by the Council of Superior Court Clerks of Georgia; to eliminate  
7 forced balancing of county jury pools by race, gender, and ethnicity for the purpose of  
8 complying with the United States and Georgia Constitutions and the Unified Appeal process;  
9 to modernize terminology in Chapter 12 of Title 15 of the Official Code of Georgia  
10 Annotated, relating to juries; to remove nonmechanical procedures relative to selecting  
11 persons for jury service; to change eligibility requirements for grand jurors; to provide that  
12 the Council of Superior Court Clerks of Georgia assist county boards of jury commissioners  
13 with jury matters; to provide for the methodology for county boards of jury commissioners  
14 to obtain county master jury lists; to prohibit public disclosure of jury source lists except  
15 under certain circumstances; to amend the Official Code of Georgia Annotated so as to  
16 conform provisions to the new Chapter 12 of Title 15 and correct cross-references; to provide  
17 for related matters; to provide for a contingent effective date and applicability; to repeal  
18 conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 This Act shall be known and may be cited as the "Jury Composition Reform Act of 2011."

**SECTION 2.**

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising subsection (d) of Code Section 15-6-50.2, relating to the Council of Superior Court Clerks of Georgia, as follows:

"(d) The Council of Superior Court Clerks of Georgia shall be a legal entity and an agency of the State of Georgia; shall have perpetual existence; may contract; may own property; may accept funds, grants, and gifts from any public or private source for use in defraying the expenses of the council; may adopt and use an official seal; may establish a principal office; may employ such administrative or clerical personnel as may be necessary and appropriate to fulfill its necessary duties; shall establish, maintain, and revise the state-wide master jury list as provided in Chapter 12 of this title; shall distribute to the board of jury commissioners of each county the county master jury list as provided in Chapter 12 of this title; and shall have other powers, privileges, and duties as may be reasonable and necessary for the proper fulfillment of its purposes and duties."

**SECTION 3.**

Said title is further amended by revising subsection (a) of Code Section 15-6-61, relating to duties of clerks generally, by striking "and" at the end of paragraph (18), by striking the period and inserting "; and" at the end of paragraph (19), and by adding a new paragraph to read as follows:

"(20) To keep an automated, computer based jury management system that facilitates the maintenance of the county master jury list pursuant to the provisions of Chapter 12 of this title unless this duty is delegated to a jury clerk as provided in subsection (a) of Code Section 15-12-11 or subsection (b) of Code Section 15-12-23."

**SECTION 4.**

Said title is further amended by revising Code Section 15-6-89, relating to additional remuneration for certain services, as follows:

"15-6-89.

In addition to the minimum salary provided in Code Section 15-6-88 or any other salary provided by any applicable general or local law, each clerk of the superior court of any county who also serves as clerk of a state court, city court, juvenile court, or civil court under any applicable general or local law of this state or who performs duties pursuant to paragraph (1) of subsection (a) of Code Section ~~15-12-1~~ 15-12-1.1 shall receive for his or her services in such other court a salary of not less than \$323.59 per month, to be paid from the funds of the county. In the event any such court for which a clerk of the superior court

56 is serving as clerk is abolished, the clerk of the superior court shall not be entitled to any  
57 salary heretofore received for service in such court."

58 **SECTION 5.**

59 Said title is further amended by revising Code Section 15-12-1, relating to exemptions from  
60 jury duty, and by adding a new Code section to read as follows:

61 "15-12-1.

62 As used in this chapter, the term:

63 (1) 'Array' means the body of persons subject to voir dire from which the final jury and  
64 alternate jurors are selected.

65 (2) 'Choose' or 'chosen' means the act of randomly selecting potential jurors from the  
66 county master jury list in a manner that does not deliberately or systematically exclude  
67 identifiable and distinct groups from the venire.

68 (3) 'Clerk' means the clerk of the superior court or a jury clerk if one is appointed  
69 pursuant to subsection (a) of Code Section 15-12-11 or subsection (b) of Code Section  
70 15-12-23.

71 (4) 'Council' means the Council of Superior Court Clerks of Georgia.

72 (5) 'County master jury list' means a list compiled by the council of names of persons,  
73 including their addresses, city of residence, dates of birth, and gender, eligible for jury  
74 service.

75 (6) 'Defer' means a postponement of a person's jury service until a later date.

76 (7) 'Excuse' means the grant of a person's request for temporary exemption from jury  
77 service.

78 (8) 'Inactivate' means removing a person's name and identifying information who has  
79 been identified on the county master jury list as a person who is permanently prevented  
80 from being chosen as a trial or grand juror because such person is statutorily ineligible  
81 or incompetent to serve as a juror.

82 (9) 'Jury commissioner' means a member of a county board of jury commissioners.

83 (10) 'State-wide master jury list' means a comprehensive master list that identifies every  
84 person of this state who can be determined to be prima facie qualified to serve as a juror.

85 (11) 'Venire' means the list of persons summoned to serve as jurors for a particular term  
86 of court.

87 15-12-1.1.

88 (a)(1) Any person who shows that he or she will be engaged during his or her term of  
89 jury duty in work necessary to the public health, safety, or good order or who shows other  
90 good cause why he or she should be exempt from jury duty may ~~be~~ have his or her jury

91 service deferred or excused by the judge of the court to which he or she has been  
92 summoned or by some other person who has been duly appointed by order of the chief  
93 judge to excuse jurors. Such a person may exercise such authority only after the  
94 establishment by court order of guidelines governing excuses. Any order of appointment  
95 shall provide that, except for permanently mentally or physically disabled persons, all  
96 excuses shall be deferred to a date and time certain within that term or the next  
97 succeeding term or shall be deferred as set forth in the court order. It shall be the duty  
98 of the court to provide affidavits for the purpose of requesting a deferral of or excusal  
99 from jury service pursuant to this subsection.

100 (2) Notwithstanding paragraph (1) of this subsection, any person who is a full-time  
101 student at a college, university, vocational school, or other postsecondary school who,  
102 during the period of time the student is enrolled and taking classes or exams, requests to  
103 be excused or deferred from jury duty shall be excused or deferred from jury duty.

104 (3) Notwithstanding paragraph (1) of this subsection, any person who is the primary  
105 caregiver having active care and custody of a child six years of age or younger, who  
106 executes an affidavit on a form provided by the court stating that such person is the  
107 primary caregiver having active care and custody of a child six years of age or younger  
108 and stating that such person has no reasonably available alternative child care, and who  
109 requests to be excused or deferred shall be excused or deferred from jury duty. ~~It shall~~  
110 ~~be the duty of the court to provide affidavits for the purpose of this paragraph and~~  
111 ~~paragraph (4) of this subsection.~~

112 (4) Notwithstanding paragraph (1) of this subsection, any person who is a primary  
113 teacher in a home study program as defined in subsection (c) of Code Section 20-2-690  
114 who, during the period of time the person is teaching, requests to be excused or deferred  
115 from jury duty and executes an affidavit on a form provided by the court stating that such  
116 person is the primary teacher in a home study program and stating that such person has  
117 no reasonably available alternative for the child or children in the home study program  
118 shall be excused or deferred from jury duty.

119 (5) Notwithstanding paragraph (1) of this subsection, any person who is the primary  
120 unpaid caregiver for a person over the age of six; who executes an affidavit on a form  
121 provided by the court stating that such primary caregiver is responsible for the care of a  
122 person with such physical or cognitive limitations that he or she is unable to care for  
123 himself or herself and cannot be left unattended and that the primary caregiver has no  
124 reasonably available alternative to provide for the care; and who requests to be excused  
125 or deferred shall be excused or deferred from jury duty. Any person seeking the  
126 exemption shall furnish to the court, in addition to the aforementioned affidavit, a  
127 statement of a physician, or other medical provider, supporting the affidavit's statements

related to the medical condition of the person with physical or cognitive limitations. ~~It shall be the duty of the court to provide affidavits for the purpose of this paragraph.~~

(b) Any person who is 70 years of age or older shall be entitled to request that the board of jury commissioners to remove such person's name from the jury list of clerk excuse such person from jury service in the county. Upon such request, the board of jury commissioners shall ~~be authorized and directed to remove the person's name from the jury list~~ inactivate such person. The request for excusal shall be made to the board or its clerk in writing and shall be accompanied by an affidavit ~~giving~~ providing the person's name, age, and such other information as the board may require. The board of jury commissioners of each county shall make available affidavit forms for the purposes of this subsection.

(c)(1) As used in this subsection, the term:

(A) 'Ordered military duty' means any military duty performed in the service of the state or of the United States, including, but not limited to, attendance at any service school or schools conducted by the armed forces of the United States which requires a service member to be at least 50 miles from his or her home.

(B) 'Service member' means an active duty member of the regular or reserve component of the United States ~~Armed~~ armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard who was on ordered federal duty for a period of 90 days or longer.

(2) Any service member on ordered military duty ~~and~~ or the spouse of any such service member who requests to be excused or deferred shall be excused or deferred from jury duty upon presentation of ~~either a copy of the official military orders or a written verification signed by the service member's commanding officer of such duty~~ a valid military identification card and execution of an affidavit in the form required by the court for deferral or excusal under this paragraph.

(d) The court shall notify the clerk of its excuse or deferment of a person's jury service."

## SECTION 6.

Said title is further amended by revising Code Section 15-12-3, relating to terms of service on jury, as follows:

"15-12-3.

No person shall be compellable to serve on the grand or trial jury of the superior court or on any jury in other courts for more than four weeks in any year. No person shall be allowed to serve on the trial jury of the superior court ~~or as tales juror in any criminal case~~ or on any jury in other courts for more than four weeks in any one year unless he or she is

actually engaged in the trial of a case when the four weeks expire, in which case he or she shall be discharged as soon as the case is decided."

#### SECTION 7.

Said title is further amended by revising Code Section 15-12-4, relating to ineligibility of juror to serve at next succeeding term of court, as follows:

"15-12-4.

(a) Any ~~juror~~ person who has served as a ~~grand or trial~~ juror at any session of the superior ~~or state~~ courts, ~~state courts~~, or ~~city courts~~ shall be ineligible for duty as a juror at the next succeeding term of the court in which ~~he~~ such person has previously served but shall be eligible to serve at the next succeeding term of court for a different level of court. ~~Nothing contained in this subsection shall prevent any trial juror from serving as a grand juror at the next term of the superior court of his county. This subsection shall not apply to any court in any county wherein the grand jury box contains not exceeding 100 names and the trial jury box contains not exceeding 350 names.~~

(b) In addition to any other qualifications provided under this chapter, no person shall be qualified to serve as a juror under this chapter unless that person is a citizen of the United States. ~~When the name of any juror who is disqualified by subsection (a) of this Code section is drawn, the same shall not be recorded as a juror but shall be returned to the box from which it was drawn; and the drawing shall be continued until the jury is secured."~~

#### SECTION 8.

Said title is further amended by revising paragraph (2) of subsection (a) of Code Section 15-12-7, relating to compensation of court bailiffs and expense allowance for jurors to be fixed by the grand jury, as follows:

"(2) An expense allowance for jurors in the superior courts of such counties for the next succeeding year, ~~such expense allowance~~ not to be less than \$5.00 nor to exceed \$50.00 per diem. The same expense allowance shall be allowed to jurors of the several state courts and special courts as is allowed jurors in the superior court of the county in which the state or special court is located. ~~The expense allowance of tales jurors shall be the same as that of a regularly drawn trial juror; and"~~

#### SECTION 9.

Said title is further amended by revising Code Section 15-12-9, relating to expense allowance of jurors who appear but are not sworn, as follows:

"15-12-9.

The ~~grand and trial jurors who are drawn for service and~~ persons who appear in answer to the summons for trial or grand jury service shall receive the expense allowance for the day of their appearance even if they are not sworn as jurors."

#### SECTION 10.

Said title is further amended by revising Code Section 15-12-10, relating to juror's failure to appear, as follows:

"15-12-10.

If any person is ~~drawn as a juror and~~ duly summoned to appear as ~~such a juror~~ a juror at court, ~~or summoned as a tales juror~~, and neglects or refuses to appear, or if any juror absents himself or herself without leave of the court, said neglect, refusal, or absence may, after notice and hearing, be punished as contempt of court."

#### SECTION 11.

Said title is further amended by revising Code Section 15-12-11, relating to appointment of court personnel in certain counties, as follows:

"15-12-11.

(a) In all counties having a population of 600,000 or more according to the United States decennial census of 1990 or any future such census, the judges of the superior court of such counties, by a majority vote of all of them, shall have the power to appoint a jury clerk and such other personnel as may be deemed necessary or advisable to dispatch the work of the court. The appointments to such positions and the compensation therefor shall be determined by the judges without regard to any other system or rules, such personnel to serve at the pleasure of the judges. The salaries and expenses of the personnel and any attendant expense of administration of the courts are determined to be contingent expense of court and shall be paid as provided by law for the payment of contingent expenses. The duties of the personnel shall be as prescribed by the judges.

(b) ~~All prospective~~ Prospective jurors in all counties may be required to answer written questionnaires, as may be determined and submitted by the judges of such counties, concerning their qualifications as jurors. In propounding the court's questions, the ~~judges~~ court may consider the suggestions of counsel. In the court's questionnaire and during voir dire examination, judges should ensure that the privacy of prospective jurors is reasonably protected and that the questioning by counsel is consistent with the purpose of the voir dire process.

(c) Juror questionnaires shall be confidential and shall be exempt from public disclosure pursuant to Code Section 50-18-70; provided, however, that jury questionnaires shall be

provided to the court and to the parties at any stage of the proceedings, including pretrial, trial, appellate, or post-conviction proceedings, and shall be made a part of the record under seal. The information disclosed to a party pursuant to this subsection shall only be used by the parties for purposes of pursuing a claim, defense, or other issue in the case.

~~(c)~~(d) In the event any prospective juror fails or refuses to answer the questionnaire, the jury clerk shall report the failure or refusal to the court together with the facts concerning the same, and the court shall have such jurisdiction as is provided by law for subpoena, attachment, and contempt powers.

~~(d)~~(e) This Code section shall be supplemental to other provisions of law, with a view toward efficient and orderly handling of jury selection and the administration of justice."

## SECTION 12.

Said title is further amended by revising Code Section 15-12-20, relating to the board of jury commissioners, as follows:

"15-12-20.

(a) In each county, there shall be a six-member board of jury commissioners, ~~whose~~ appointed by the chief judge of the superior court. The members of such board shall be discreet persons who are not practicing attorneys at law ~~nor~~ or county officers, ~~who shall be appointed by the chief judge of the superior court.~~

(b) ~~Absent promulgation of a court rule pursuant to subsection (c) of this Code section specifying a lesser number, the board of jury commissioners shall be composed of six members. When the board is composed of six members, on the first appointment two shall be appointed for two years, two for four years, and two for six years. Their successors shall be appointed for a term of six years. The first appointments to the board shall be fixed in such a manner that not more than two members' terms shall expire during any calendar year. The chief judge shall adjust the composition and terms of members of the board in office if more than two members' terms expire during any calendar year. Successors to members of the board originally appointed shall be appointed for a term of six years. No person who has served for more than three years as a jury commissioner shall be eligible or shall be appointed to succeed himself or herself as a member of the board of jury commissioners.~~

(c) ~~In any county the chief judge of the superior court may establish by court rule duly published and filed a board of jury commissioners composed of not less than three nor more than five members. In counties in which the numerical composition of the board has been established by court rule, the first appointments to the board shall be fixed in such a manner that not more than one member's term shall expire during any calendar year. The chief judge shall adjust the composition and terms of members of the board in office at the~~



~~time of the publication of the court rule. Successors to members of the board originally appointed under the provisions of a court rule shall be appointed for a term of six years.~~  
(d) ~~In all cases, the~~ The chief judge shall have the right authority to remove the jury commissioners at any time, ~~in his discretion, for cause and~~ appoint successors. However, ~~no person who has served for more than three years as a jury commissioner shall be eligible or shall be appointed to succeed himself as a member of the board of jury commissioners."~~

### SECTION 13.

Said title is further amended by revising paragraph (3) of subsection (b) of Code Section 15-12-23, relating to the clerk of board of jury commissioners, as follows:

"(3) In the event any such person fails or refuses to answer such questionnaire, the ~~aforsaid jury~~ clerk shall report such failure or refusal to the court, together with the facts concerning the same, and the court shall have such jurisdiction as is now provided by law for subpoena, attachment, and contempt powers."

### SECTION 14.

Said title is further amended by revising Code Section 15-12-24, relating to compensation of jury commissioners and clerk, as follows:

"15-12-24.

Jury commissioners shall receive \$50.00 ~~for each day's service in~~ per diem for revising the county master jury lists, to be paid from funds from the county treasury. The clerk ~~of the board~~ shall receive \$50.00 to be paid in like manner. The chief judge of the superior court of the judicial circuit in which the county lies shall have the right, subject to the approval of the governing authority of the county, to increase the compensation provided by this Code section for the jury commissioners and clerk in an amount not exceeding \$100.00 ~~for each day's service~~ per diem, to be paid in like manner."

### SECTION 15.

Said title is further amended by revising Code Section 15-12-40, relating to compilation, maintenance, and revision of jury list, as follows:

"15-12-40.

#### (a) **Nonmechanical procedure.**

(1) At least biennially, unless otherwise directed by the chief judge of the superior court, the board of jury commissioners shall compile, maintain, and revise a trial jury list of upright and intelligent citizens of the county to serve as trial jurors and a grand jury list of the most experienced, intelligent, and upright citizens of the county to serve as grand jurors. In composing the trial jury list, the board of jury commissioners shall select a

fairly representative cross section of the intelligent and upright citizens of the county. In composing the grand jury list, the board of jury commissioners shall select a fairly representative cross section of the most experienced, intelligent, and upright citizens of the county. In carrying out revisions of the trial jury list and grand jury list on or after July 1, 2002, the board of jury commissioners shall make use of all of the following:

(A) A list of all residents of the county who are the holders of drivers' licenses or personal identification cards issued by the Department of Driver Services pursuant to the provisions of Chapter 5 of Title 40; and the Department of Driver Services shall periodically make such a list available to the board of jury commissioners of each county;

(B) The registered voters list in the county; and

(C) Any other list of persons resident in the county as may be deemed appropriate by the board of jury commissioners.

The Department of Driver Services shall provide a list, which includes the name, address, date of birth, gender, driver's license or personal identification card number issued pursuant to the provisions of Chapter 5 of Title 40, and, whenever racial and ethnic information is collected by the Department of Driver Services for purposes of voter registration pursuant to Code Section 21-2-221, racial and ethnic information, to the board of jury commissioners of each county. No jury list compiled prior to July 1, 2002, shall be rendered invalid by the use of or a failure to make use of the sources specified in this Code section; but each revision of the jury list on or after that date shall make use of all such sources to the extent actually available to the board of jury commissioners.

(2) The grand jury list shall not exceed two-fifths of the number of citizens on the county's most recent trial jury list.

(3) Once filed, the lists so created shall constitute the body of trial and grand jurors for the county, respectively. Except as otherwise provided in this article, no new names shall be added to either list until those names originally selected have been completely exhausted or until a revised list has been properly created.

**(b) Mechanical or electronic procedure.**

(1) In any county using a plan for the selection of persons to serve as jurors by mechanical or electronic means in conformance with paragraphs (1) and (2) of subsection (b) of Code Section 15-12-42, the board of jury commissioners shall compile and maintain a trial jury list and a grand jury list in conformance with paragraph (1) of subsection (a) of this Code section.

(2) Once the trial or grand jury lists, or both, are established, the board of jury commissioners may revise such lists from time to time by adding new names to the lists,

correcting names and other data on the lists, and deleting names from the lists by reason of death or other legal cause.

(3) The trial jury box for the county shall be taken from the trial jury list established by the board of jury commissioners, and the grand jury box for the county shall be taken from the grand jury list established by the board of jury commissioners. The information contained in the trial and grand jury boxes shall be stored in a security data processing storage bank from which all trial or grand juries in the county shall be selected as provided in the plan adopted pursuant to Code Section 15-12-42.

(4) The number of citizens in the grand jury box shall be established by the board of jury commissioners but shall contain, as a minimum, a number equal to four times the number of grand jurors required to be drawn in the county annually, but not to exceed 5,000 grand jurors.

(5) At each selection of trial or grand jurors, the computer shall be programmed to scan the entire appropriate jury box under the formula and plan adopted by the court pursuant to Code Section 15-12-42.

(6) In any county utilizing a plan for the selection of persons for the trial and grand jury boxes by mechanical or electronic means in conformance with paragraph (4) of subsection (b) of Code Section 15-12-42, the trial or grand jury box for the county may be compiled from the trial or grand jury list of the county by mechanical or electronic means as provided for in the plan.

(c) **Other disposition or transfer.** In any county in which more than 70 percent of the population of the county according to the United States decennial census of 1980 or any future such census resides on property of the United States government which is exempt from taxation by this state, the population of the county for the purpose of this Code section shall be deemed to be the total population of the county minus the population of the county which resides on property of the United States government other than persons who reside on property of the United States government within such county who are registered voters according to the official registered voters list of the county as most recently revised by the county board of registrars or other county election officials and any persons who reside on property of the United States government within such county who are not registered voters and who have requested in writing to the board of jury commissioners that their names be included on the list from which citizens are selected to serve as jurors and grand jurors by the board of jury commissioners.

(d) **Assistance of the Administrative Office of the Courts.**

(1) The Administrative Office of the Courts may assist the clerk of the superior court or the jury clerk, whichever is applicable, by providing a list of county citizens who the

Administrative Office of the Courts certifies are prima facie eligible persons for consideration as jurors on the traverse and grand jury pools.

(2) The Department of Driver Services shall provide the Administrative Office of the Courts the list required by subparagraph (a)(1)(A) of this Code section and the information set forth in the undesignated text of paragraph (1) of subsection (a) of this Code section.

(3) The Secretary of State shall provide the Administrative Office of the Courts the list of registered voters and list of convicted felons.

(e) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

## SECTION 16.

Said title is further amended by revising Code Section 15-12-40.1, relating to the requirement of United States citizenship, as follows:

"15-12-40.1.

~~In addition to any other qualifications provided under this article, no person shall be qualified to serve as a juror under this article unless that person is a citizen of the United States.~~

(a) Beginning on and after the effective date of this Act, the council shall compile a state-wide master jury list. The council shall facilitate updating of all information relative to jurors on the state-wide master jury list and county master jury lists.

(b) Beginning on and after the effective date of this Act, upon the council's request, the Department of Driver Services shall provide the council and the Administrative Office of the Courts a list, which includes the name, address, city of residence, date of birth, gender, driver's license or personal identification card number issued pursuant to the provisions of Chapter 5 of Title 40, and, whenever racial and ethnic information is collected by the Department of Driver Services for purposes of voter registration pursuant to Code Section 21-2-221, racial and ethnic information. The Department of Driver Services shall also provide the address, effective date, document issue date, and document expiration date; shall indicate whether the document is a driver's license or a personal identification card; and shall exclude persons whose driver's license has been suspended or revoked due to a felony conviction. Such lists shall be in electronic format as required by the council.

(c) Beginning on and after the effective date of this Act, upon request by the council, the Secretary of State shall provide to the council and the Administrative Office of the Courts, without cost, the list of registered voters, including the voter's date of birth, gender, race, and when it is available, the voter's ethnicity. It shall also be the duty of the Secretary of

407 State to provide the council and the Administrative Office of the Courts, in electronic  
408 format, with a copy of the lists of persons:  
409 (1) Who have been convicted of felonies in state or federal courts who have not had their  
410 civil rights restored or who have been declared mentally incompetent; and  
411 (2) Whose voting rights have been removed  
412 which are provided to the county board of registrars by the Secretary of State pursuant to  
413 Code Section 21-2-231.  
414 (d) Each county's board of jury commissioners shall obtain its county master jury list from  
415 the council. The council shall disseminate, in electronic format, a county master jury list  
416 to the respective counties' boards of jury commissioners once each calendar year. The  
417 council shall determine the fee to be assessed each county board of jury commissioners for  
418 such list, provided that such fee shall not exceed 3¢ per name on the list. The council shall  
419 invoice each county board of jury commissioners upon the delivery of the county master  
420 jury list, and the county board of jury commissioners shall remit payment within 30 days  
421 of the invoice.  
422 (e) In each county, upon court order, the clerk shall choose a random list of persons from  
423 the county master jury list to comprise the venire."

424 **SECTION 17.**

425 Said title is further amended by revising Code Section 15-12-40.2, relating to the list of  
426 convicted felons and mentally ill provided to the board of jury commissioners, as follows:  
427 "15-12-40.2.  
428 It shall be the duty of the county board of registrars to provide the board of jury  
429 commissioners with a copy of the lists of persons who have been convicted of felonies in  
430 state or federal courts or who have been declared mentally incompetent and whose voting  
431 rights have been removed, which lists are provided to the county board of registrars by the  
432 Secretary of State pursuant to Code Section 21-2-231. Upon receipt of such list, it shall be  
433 the duty of the board of jury commissioners to remove such names from the trial and grand  
434 jury lists and to mail a notice of such action and the reason therefor to the last known  
435 address of such persons by first-class mail. This Code section shall stand repealed and  
436 reserved 12 months after the effective date of this Act."

437 **SECTION 18.**

438 Said title is further amended by revising Code Section 15-12-41, relating to order of revision  
439 of jury list, as follows:

440 "15-12-41.  
441 On failure of the commissioners of any county to revise the jury list as provided in Code  
442 Section 15-12-40, the judge of the superior court of the county shall order the revision  
443 made at such time as he or she may direct. This Code section shall stand repealed and  
444 reserved 12 months after the effective date of this Act."

445 **SECTION 19.**

446 Said title is further amended by revising Code Section 15-12-42, relating to selection of  
447 jurors, as follows:

448 "15-12-42.

449 (a) **Nonmechanical procedure.**

450 (1) The jury commissioners shall place tickets containing all the names of grand jurors  
451 in a box to be provided at public expense, which box shall contain compartments marked  
452 number 'one' and number 'two,' from which grand jurors shall be drawn; the  
453 commissioners shall place the tickets containing all the names of trial jurors in a separate  
454 box from which trial jurors shall be drawn, the box having two separate compartments  
455 similar in design to the grand jurors' box. The tickets with the jurors' names shall be  
456 placed in compartment number 'one.' When each ticket is drawn and the name thereon is  
457 recorded on the proper form or list, the ticket so drawn shall be placed in compartment  
458 number 'two.' Only when all the tickets have been drawn from compartment number 'one'  
459 may the process of drawing jurors' names from compartment number 'two' begin, and  
460 then only when all the tickets have been drawn from compartment number 'two' may the  
461 process of drawing jurors' names from compartment number 'one' begin again.

462 (2) There shall only be one trial jury box for each county, that being the trial jury box  
463 prepared for the use of the superior court of each county.

464 (3) All trial jurors' names for use in any court in the county shall be drawn from the one  
465 trial jury box. The judge of any court shall draw the jurors' names as the need for the  
466 services of jurors shall arise in his or her court. The judge of any court held outside of the  
467 county courthouse using the trial jury box shall draw his or her juries in the courthouse  
468 and in the presence of the clerk or a deputy clerk of the superior court.

469 (b) **Mechanical or electronic procedure.**

470 (1) In lieu of the procedure set forth in subsection (a) of this Code section, the chief  
471 judge of the superior court in any county having facilities available for the  
472 implementation of this subsection, with the concurrence of the other judge or judges of  
473 the superior court, may establish a plan for the selection of persons to serve as jurors in  
474 such county by mechanical or electronic means. The plan shall be established by a duly  
475 published and filed rule of the court. ~~The clerk of the superior court, as clerk of the board~~

476 ~~of jury commissioners,~~ shall implement and maintain the jury selection process  
477 established by the plan.

478 (2) The plan:

479 (A) Shall provide for a fair, impartial, and objective method of selecting persons for  
480 jury service with the aid of mechanical or electronic equipment, using the jury boxes  
481 compiled in accordance with Code Section 15-12-40;

482 (B) Shall contain adequate safeguards relative to the creation, handling, maintenance,  
483 processing, and storage of magnetic tapes, data banks, and other materials and records  
484 used in the selection process;

485 (C) Shall contain such other regulations and guidelines as are necessary to fully  
486 implement this subsection and to facilitate the use of the plan for the selection of  
487 persons for jury service by all of the courts in such county; and

488 (D) May be amended from time to time as necessary to keep the entire jury selection  
489 process updated.

490 (3) In any county in which a plan has been established under this subsection such plan  
491 shall conform as nearly as practicable to paragraphs (2) and (3) of subsection (a) of this  
492 Code section. However, where the computer data storage cell is used as the jury box, the  
493 provisions contained in such paragraphs shall not apply.

494 (4) In any county having facilities available for the implementation of this subsection,  
495 the chief judge of the superior court, with the concurrence of the other judge or judges  
496 of the superior court, may establish a plan by a duly published and filed rule of court for  
497 the trial and grand jury boxes for the county to be taken from the trial or grand jury lists  
498 established by the board of jury commissioners by mechanical or electronic procedures.

499 Such plan:

500 (A) Shall provide for a fair, impartial, and objective method of selecting persons for  
501 inclusion in the trial or grand jury box with the aid of mechanical or electronic  
502 equipment and for a system of allowing jurors the greatest opportunity to serve, using  
503 the jury lists compiled by the board of jury commissioners in accordance with Code  
504 Section 15-12-40;

505 (B) Shall contain adequate safeguards relative to the creation, handling, maintenance,  
506 processing, and storage of magnetic tapes, data banks, and other materials and records  
507 used in the process of composing and maintaining the trial and grand jury boxes;

508 (C) Shall contain such other regulations and guidelines as are necessary to fully  
509 implement this subsection; and

510 (D) May be amended from time to time as necessary to keep the trial and grand jury  
511 box composition process updated.

(c) **Contract for mechanical or electronic juror selection.** A county utilizing mechanical or electronic means for the selection of jurors may, under proper court rule, contract for the drawing of their respective trial and grand jurors with any entity with which a county may contract under Article IX, Section III, Paragraph I, subparagraph (a) of the Constitution and with any private business or entity within this state, but any such contract shall ensure that proper safeguards are maintained as provided in paragraph (2) of subsection (b) of this Code section. The drawing may be held outside of the county so contracting by a judge of the circuit or his or her designee upon proper posting and advertising in the county legal organ of the rule of court allowing this service to be performed for the county.

(d) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

## SECTION 20.

Said title is further amended by revising Code Section 15-12-43, relating to jury list book or computer printout, as follows:

"15-12-43.

(a) The clerk ~~of the superior court~~ shall make out, in a book, lists of the names contained in the grand jury box and in the trial jury box, respectively, alphabetically arranged, and shall place the book in his or her office after the lists therein have been certified by the clerk and commissioners to contain, respectively, all the names placed in the jury boxes.

(b) In counties utilizing mechanical or electronic means for the selection of trial and grand jurors, a computer printout, alphabetically arranged, shall constitute the official jury list. The clerk ~~of the superior court~~ shall bind such list after it has been certified by the clerk and the jury commissioners to contain, respectively, all of the names in the electronic data cell comprising the jury boxes.

(c) Each time the jury box is updated by the board of jury commissioners, an amended list shall be made out by the clerk showing all changes contained in the subsequent list.

(d) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

## SECTION 21.

Said title is further amended by adding a new Code section to read as follows:

"15-12-43.1.

On and after 12 months after the effective date of this Act, upon the request of a party or his or her attorney, the clerk shall make available for review by such persons the county master jury list."



**SECTION 22.**

Said title is further amended by revising Code Section 15-12-44, relating to procedures on loss or destruction of jury box or jury list, as follows:

"15-12-44.

(a) **Nonmechanical procedure.** When the jury list and jury box, or either, are lost or destroyed between the time of drawing juries and the beginning of the term for which the drawing was made, or before the service of the precepts on the persons named therein, the chief judge of the circuit in which such loss or destruction occurs, immediately on being informed thereof, shall issue an order to the jury commissioners of the county to meet at the county site and prepare a list of citizens eligible to serve as jurors under the Constitution of the state, which list shall contain the names of not less than two-thirds of the upright and intelligent citizens of the county. From this list the commissioners shall select a sufficient number, not exceeding two-fifths of the whole, taking for this purpose the names of the most experienced, intelligent, and upright citizens, and, from the list so selected, shall at once proceed to draw 30 names of persons to serve as grand jurors at the next term of the court. From the remaining three-fifths of the names on the list, the commissioners shall then proceed to draw, in the same manner, not less than 36 to serve as trial jurors at the next term of the court. When the drawings have been completed, the commissioners shall immediately make out and deliver to the clerk ~~of the superior court~~ correct lists of the grand and trial jurors so drawn, and the clerk shall at once deliver to the sheriff, or to the coroner in case the sheriff shall be disqualified, proper precepts containing the names of the persons drawn to serve as grand and trial jurors, respectively, to be served personally, as required by law. The persons so drawn and served, if otherwise eligible, shall be competent to serve as jurors during the term for which they were drawn, without regard to the time of the preparation of the list, the drawing of the jurors, or the date of the service of the venire on the persons whose names are contained therein.

(b) **Mechanical or electronic procedure.** In counties utilizing mechanical or electronic means for the selection of jurors, all the information contained on the jury lists and in the jury box shall be recorded on microfilm and stored in the vault by the ~~superior court~~ clerk. In the event the information in the storage cell is destroyed or otherwise lost, the microfilm shall be used to reprogram the computer and to create a new storage cell.

(c) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

**SECTION 23.**

Said title is further amended by adding a new Code section to read as follows:

"15-12-44.1.

The state-wide master jury lists and county master jury lists shall be safeguarded against catastrophic, routine, or any other form of loss or destruction, and on and after 12 months after the effective date of this Act, the council shall develop, implement, and provide a state-wide system to ensure that jury data for all counties of this state shall be systematically preserved in perpetuity and that all jury list data can be restored in the event of loss."

#### **SECTION 24.**

Said title is further amended by revising Code Section 15-12-45, relating to loss or destruction of precepts, as follows:

"15-12-45.

(a) In case the precepts containing the names of grand and trial jurors drawn for any term of the court, or either of such precepts, are lost or destroyed before the persons named in them, or in either of them, have been served and there is no record or official list of the names contained in the original precepts so lost or destroyed, the jury commissioners of the county shall meet immediately on being informed of such loss or destruction and shall draw and deliver to the clerk ~~of the court~~ lists of the jurors so drawn. The clerk shall forthwith prepare and deliver to the proper officer new precepts to be served personally. The persons so drawn, listed, and served, if otherwise competent under the Constitution of this state, shall be competent and compellable to serve as jurors for the term for which they were drawn, without regard to the date of the drawing and delivering of the lists to the clerk or the date of the issuing or service of the precepts.

(b) In counties utilizing mechanical or electronic means for the selection of jurors, subsection (b) of Code Section 15-12-44 shall be applied in the event the precepts described in subsection (a) of this Code section are lost or destroyed prior to service on the persons named therein.

(c) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

#### **SECTION 25.**

Said title is further amended by revising Code Section 15-12-46, relating to adjournment of term pending drawing of jurors, as follows:

"15-12-46.

If juries have not been ~~drawn~~ chosen for any regular term of the superior court and there is not sufficient time for ~~drawing~~ choosing and summoning prospective jurors to serve at the regular term, the judge of the superior court for the county in which the failure has occurred, by order passed at chambers, may adjourn the court to another day, may require

618 the requisite number of prospective grand and trial jurors to be summoned, and may  
619 enforce their attendance at the term so called."

620 **SECTION 26.**

621 Said title is further amended by revising Code Section 15-12-60, relating to qualifications of  
622 grand jurors, as follows:

623 "15-12-60.

624 (a) Except as provided in subsection (b) of this Code section, all citizens of this state 18  
625 years of age or older who are not incompetent because of mental illness or mental  
626 retardation; and who have resided in the county for at least six months preceding the time  
627 of service, ~~and who are the most experienced, upright, and intelligent persons are~~ shall be  
628 qualified and liable to serve as grand jurors unless otherwise exempted by law.

629 (b) The following persons ~~are incompetent~~ shall not be eligible to serve as grand jurors:

630 (1) Any person who holds any elective office in state or local government or who has  
631 held any such office within a period of two years preceding the time of service as a grand  
632 juror; and

633 (2) Any person who has been convicted of a felony and who has not been pardoned or  
634 had his or her civil rights restored."

635 **SECTION 27.**

636 Said title is further amended by revising subsection (b) of Code Section 15-12-61, relating  
637 to number of grand jurors, as follows:

638 "(b) The grand jury shall be authorized to request the ~~foreman or clerk~~ foreperson of the  
639 previous grand jury to appear before it for the purpose of reviewing and reporting the  
640 actions of the immediately preceding grand jury if the succeeding grand jury determines  
641 that such service would be beneficial. While serving a succeeding grand jury, the ~~foreman~~  
642 ~~or clerk~~ foreperson of the immediately preceding grand jury shall receive the same  
643 compensation as ~~do~~ other members of the grand jury. Any person serving as ~~foreman or~~  
644 ~~clerk~~ foreperson of a grand jury and then ~~being~~ requested to report to an immediately  
645 succeeding grand jury shall not be eligible to again serve as a grand juror ~~during~~ for one  
646 year following the conclusion of such earlier service."

647 **SECTION 28.**

648 Said title is further amended by revising Code Section 15-12-62, relating to selection of  
649 grand jurors, as follows:

650 "15-12-62.

651 (a) The judges of the superior courts, at the close of each term, in open court, shall unlock  
652 the box and break the seal and shall cause to be drawn from compartment number 'one' not  
653 less than 18 nor more than 75 names to serve as grand jurors at the next term of the court,  
654 all of which names shall be deposited in compartment number 'two.' When all the names  
655 have been drawn out of compartment number 'one,' then the drawing shall commence from  
656 compartment number 'two,' and the tickets shall be returned to number 'one,' and so on  
657 alternately. No name so deposited in the box shall, on any pretense whatever, be thrown  
658 out of it or destroyed except when it is satisfactorily shown to the judge that the juror is  
659 dead, removed out of the county, or otherwise disqualified by law.

660 (b) In those counties utilizing mechanical or electronic means for the selection of jurors,  
661 subsection (a) of this Code section shall not apply. Rather, the judges of the superior court  
662 shall draw a grand jury from the 'electronic jury box' in the same manner and under the  
663 same plan that trial juries are drawn. They shall draw not less than 18 nor more than 75  
664 names to serve as grand jurors at the next term of court.

665 (c) This Code section shall stand repealed and reserved 12 months after the effective date  
666 of this Act."

667 **SECTION 29.**

668 Said title is further amended by adding a new Code section to read as follows:

669 "15-12-62.1.

670 On and after 12 months after the effective date of this Act, the clerk shall choose a  
671 sufficient number of persons to serve as grand jurors. The clerk, not less than 20 days  
672 before the commencement of each term of court at which a regular grand jury is impaneled,  
673 shall issue summonses by mail to the persons chosen for grand jury service. The clerk shall  
674 choose grand jurors in the manner specified by and in accordance with the rules adopted  
675 by the Supreme Court."

676 **SECTION 30.**

677 Said title is further amended by revising Code Section 15-12-63, relating to separate  
678 drawings for each week authorized, as follows:

679 "15-12-63.

680 When the superior court is held for longer than one week, the presiding judge may ~~draw~~  
681 ~~separate panels of grand jurors~~ direct the clerk to choose separate grand juries for each  
682 week ~~if, in his opinion, the public interest requires it."~~

**SECTION 31.**

Said title is further amended by revising Code Section 15-12-64, relating to procedure where judge has failed to draw grand jury, as follows:

"15-12-64.

Whenever from any cause the judge fails to draw a grand jury as provided in Code Section 15-12-62, the judge of the probate court of the county in which such failure occurred, together with the jury commissioners and the clerk ~~of the superior court~~, shall meet at the courthouse at least 20 days prior to the next ensuing term of the court, whether such term is a regular or special term, and then and there shall draw grand jurors to serve at that term, which proceedings shall be duly entered by the clerk on the minutes of the court and shall be signed by the judge of the probate court. This Code section shall stand repealed reserved 12 months after the effective date of this Act."

**SECTION 32.**

Said title is further amended by revising Code Section 15-12-65, relating to service of summons, as follows:

"15-12-65.

(a) **Counties utilizing nonmechanical selection procedures.** Within 30 days after the grand jurors have been drawn by a judge of the superior court or within five days after they have been drawn by the judge of the probate court and the commissioners as provided in Code Section 15-12-64, the clerk ~~of the superior court~~ shall issue and deliver to the sheriff or his or her deputy a precept containing the names of the persons drawn as grand jurors. Upon the receipt of the precept, the sheriff or his or her deputy shall cause the persons whose names are therein written to be served personally or by leaving the summons at their most notorious places of residence at least ten days prior to the term of the court the jurors were drawn to attend; provided, however, the sheriff may, in his or her discretion, serve the persons whose names appear on the precept by sending the summons by certified United States mail or statutory overnight delivery, return receipt requested, addressed to their most notorious places of abode at least 15 days prior to the term of the court the jurors were drawn to attend. Failure to receive the notice personally shall be a defense to a contempt citation.

(b) **Counties utilizing mechanical or electronic selection procedures.** In those counties utilizing mechanical or electronic means for the selection of jurors, the sheriff of the county may authorize the clerk in writing to mail all summonses by first-class mail addressed to the jurors' most notorious places of abode at least 25 days prior to the term of the court the jurors were drawn to attend. Failure to receive the notice personally shall be a defense to

a contempt citation. This subsection shall in no way affect the provisions for drawing jurors and the service upon jurors by other courts in the county.  
(c) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

### SECTION 33.

Said title is further amended by adding a new Code section to read as follows:

"15-12-65.1.

On and after 12 months after the effective date of this Act, the clerk shall be authorized to mail all summonses by first-class mail addressed to the prospective jurors' most notorious places of abode at least 25 days prior to the date of the court the prospective jurors shall attend. Failure to receive the notice personally shall be a defense to a contempt citation."

### SECTION 34.

Said title is further amended by revising Code Section 15-12-66, relating to tales jurors, as follows:

"15-12-66.

When from challenge or from any other cause there are not a sufficient number of persons in attendance to complete the panel of jurors, the judge shall draw tales jurors from the jury boxes of the county and shall order the sheriff to summon the jurors so drawn. When the sheriff or his or her deputy is disqualified to summon tales jurors, they may be summoned by the coroner or such other person as the judge may appoint. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

### SECTION 35.

Said title is further amended by adding a new Code section to read as follows:

"15-12-66.1.

On and after 12 months after the effective date of this Act, when from challenge or from any other cause there are not a sufficient number of persons in attendance to complete the panel of jurors, the clerk shall choose prospective trial jurors from the county master jury list and summon the jurors so chosen."

### SECTION 36.

Said title is further amended by revising subsections (a) and (d) of Code Section 15-12-82, relating to change of venue in criminal grand jury investigation, as follows:

"(a) The judges of the superior courts are authorized and empowered to transfer the investigation by a grand jury from the county where the crime was committed to the grand

jury in any other county in ~~the~~ this state when it appears that a qualified grand jury cannot be had for the purpose of such investigation in the county where the crime was committed. The ~~grand jury box~~ county master jury list shall be exhausted in trying to secure a qualified jury before a transfer of the investigation shall be made, unless the accused consents to a transfer."

"(d) The sheriff and the clerk ~~of the superior court~~ of the county in which the crime was committed shall be qualified and authorized to perform the duties of such officers in the same manner as if there had been no change of venue. Any order or summons issued in connection with the investigation or trial shall be as binding as if no change of venue had been made."

### SECTION 37.

Said title is further amended by revising subsection (b) of Code Section 15-12-100, relating to the procedure for impaneling special grand jury, as follows:

"(b) Until 12 months after the effective date of this Act, the ~~The~~ chief judge of the superior court of the county shall submit the question of impaneling a special grand jury to the judges of the superior court of the county and, if a majority of the total number of the judges vote in favor of impaneling a special grand jury, the members of a special grand jury shall be drawn in the manner prescribed by Code Section 15-12-62. On and after 12 months after the effective date of this Act, the chief judge of the superior court of the county shall submit the question of impaneling a special grand jury to the judges of the superior court of the county and, if a majority of the total number of the judges vote in favor of impaneling a special grand jury, the members of a special grand jury shall be chosen in the manner prescribed by Code Section 15-12-62.1. Any special grand jury shall consist of not less than 16 nor more than 23 persons. The ~~foreman~~ foreperson of any special grand jury shall be selected in the manner prescribed by Code Section 15-12-67."

### SECTION 38.

Said title is further amended by revising Code Section 15-12-120, relating to selection and summoning of trial jurors, as follows:

"15-12-120.

Trial juries shall be selected as provided in Code Sections 15-12-40 and 15-12-42. At the same time and in the same manner that grand juries are drawn, the judge of the superior court shall draw names to serve as trial jurors for the trial of civil and criminal cases in the court. Such trial jurors shall be summoned in the same manner as is provided in Code Section 15-12-65 ~~for summoning grand jurors~~. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

**SECTION 39.**

Said title is further amended by adding a new Code section to read as follows:

"15-12-120.1.

On and after 12 months after the effective date of this Act, trial juries shall be chosen from a county master jury list. The presiding judge shall order the clerk to choose the number of jurors necessary to conduct the business of the court. The clerk shall choose the names of persons to serve as trial jurors for the trial of civil and criminal cases in the court. Such trial jurors shall be summoned in the same manner as provided in Code Section 15-12-65.1."

**SECTION 40.**

Said title is further amended by revising Code Section 15-12-121, relating to procedure where judge fails to draw jurors, as follows:

"15-12-121.

Whenever the presiding judge of the superior court fails to draw juries at any regular term of the court, the jury commissioners may draw trial jurors at the same time and in the same manner as grand jurors are drawn in such cases. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

**SECTION 41.**

Said title is further amended by revising Code Section 15-12-124, relating to tales jurors in civil actions, as follows:

"15-12-124.

When from challenge or from any other cause there is not a sufficient number of persons in attendance to complete a panel of trial jurors, the judge shall draw tales jurors from the jury box of the county and shall order the sheriff to summon the jurors so drawn. When the sheriff or his or her deputy is disqualified to summon tales jurors, they may be summoned by the coroner or such other person as the judge may appoint after their names have first been drawn from the jury box by the judge as above provided. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

**SECTION 42.**

Said title is further amended by adding a new Code section to read as follows:

"15-12-124.1.

On and after 12 months after the effective date of this Act, when from challenge or from any other cause there is not a sufficient number of persons in attendance to complete a



819 panel of trial jurors, the clerk shall choose and cause to be summoned additional  
820 prospective trial jurors."

821 **SECTION 43.**

822 Said title is further amended by revising Code Section 15-12-125, relating to demand of jury  
823 panels for misdemeanor trials, as follows:

824 "15-12-125.

825 For the trial of misdemeanors in all courts, each party may demand a full panel of 12  
826 competent and impartial jurors from which to select a jury. When one or more of the  
827 regular panel of trial jurors is absent or for any reason disqualified, the judge, at the request  
828 of counsel for either party, shall cause the panel to be filled by additional competent and  
829 impartial jurors to the number of 12 before requiring the parties or their counsel to strike  
830 a jury. From this panel, the ~~defendant~~ accused and the state shall each have the right to  
831 challenge three jurors peremptorily. The ~~defendant~~ accused and the state shall exercise  
832 their challenges as provided in Code Section 15-12-166. The remaining six jurors shall  
833 constitute the jury."

834 **SECTION 44.**

835 Said title is further amended by revising Code Section 15-12-126, relating to additional jurors  
836 in misdemeanor cases, as follows:

837 "15-12-126.

838 When the regular panels of trial jurors cannot be furnished to make up panels of the correct  
839 number from which to take juries in misdemeanor cases because of the absence of any of  
840 such panels, where they, or any part of them, are engaged in the consideration of a case,  
841 the presiding judge may cause the panels to be filled by summoning such numbers of  
842 persons who are competent jurors as may be necessary to fill the panels. Such panels shall  
843 be used as the regular panels are used. The presiding judge shall draw the additional  
844 competent and impartial jurors from the jury box of the county and shall order the sheriff  
845 to summon them in the event that there are not sufficient jurors. This Code section shall  
846 stand repealed and reserved 12 months after the effective date of this Act."

847 **SECTION 45.**

848 Said title is further amended by adding a new Code Section to read as follows:

849 "15-12-126.1.

850 On and after 12 months after the effective date of this Act, when the regular panels of trial  
851 jurors cannot be furnished to make up panels of the correct number from which to take  
852 juries in misdemeanor cases because of the absence of any of such panels, where jurors,

853 or any part of a panel, are engaged in the consideration of a case, the presiding judge may  
854 cause the panels to be filled by summoning such numbers of persons who are competent  
855 jurors as may be necessary to fill the panels. Such panels shall be used as the regular  
856 panels are used. The clerk shall choose and cause to be summoned additional prospective  
857 trial jurors."

858 **SECTION 46.**

859 Said title is further amended by revising Code Section 15-12-127, relating to separate panels  
860 to be drawn for each week, as follows:

861 "15-12-127.

862 When the court is held for longer than one week, the presiding judge shall draw separate  
863 panels of trial jurors for each week of the court. This Code section shall stand repealed and  
864 reserved 12 months after the effective date of this Act."

865 **SECTION 47.**

866 Said title is further amended by revising Code Section 15-12-128, relating to term of service  
867 as tales juror, as follows:

868 "15-12-128.

869 No person shall be competent or compellable to serve ~~as a tales juror~~ upon the trial jury in  
870 a court for more than two weeks at any one term. However, this Code section shall not  
871 apply to any person regularly drawn for jury duty nor to jurors actually engaged in the trial  
872 of a case at the expiration of the two weeks. This Code section shall stand repealed and  
873 reserved 12 months after the effective date of this Act."

874 **SECTION 48.**

875 Said title is further amended by revising Code Section 15-12-129, relating to drawing of  
876 juries where necessary, as follows:

877 "15-12-129.

878 Whenever the session of any court of record is prolonged beyond the week or period for  
879 which juries were drawn at the close of the preceding term, or where the judge anticipates  
880 that the same is about to be so prolonged, or where from any other cause the court has  
881 convened or is about to convene and there have been no juries drawn for the same, the  
882 judge, in the manner prescribed for drawing juries at the close of the regular term, shall  
883 draw such juries as may be necessary and shall cause them to be summoned. This Code  
884 section shall stand repealed and reserved 12 months after the effective date of this Act."

**SECTION 49.**

Said title is further amended by adding a new Code section to read as follows:

"15-12-129.1.

On and after 12 months after the effective date of this Act, whenever the session of any court of record is prolonged beyond the week or period for which jurors were electronically selected at the close of the preceding term, or where the judge anticipates that the same is about to be so prolonged, or where from any other cause the court has convened or is about to convene and there have been no jurors chosen for the same, the clerk, in the same manner prescribed for choosing prospective jurors at the close of the regular term, shall choose the names of prospective jurors and shall cause them to be summoned."

**SECTION 50.**

Said title is further amended by revising Code Section 15-12-130, relating to when jurors selected for service in superior court may serve other courts with concurrent jurisdiction, as follows:

"15-12-130.

(a) In any county of this state where there is located any court or courts having county-wide jurisdiction concurrent with the superior courts of this state to try any, all, or any type of case not within the exclusive jurisdiction of the superior courts of this state, any prospective trial juror drawn, selected, and summoned for service in the trial of civil and criminal cases in the superior court of such county shall be legally competent and qualified to serve as a prospective juror in any such other court or courts located in the county for the same period of time as he or she is competent and qualified to serve as a prospective trial juror in the superior court of the county.

(b) Subsection (a) of this Code section shall be applicable only if:

(1) At the time the names of trial jurors are drawn by the judge of the superior court in accordance with Code Section 15-12-120, the judge who draws the jurors shall announce in open court the name or names of the court or courts other than the superior court wherein the jurors shall be competent and qualified to serve by virtue of this Code section;

(2) The precept issued by the clerk ~~of the superior court~~ in accordance with Code Section 15-12-65 shows that the jurors listed thereon are qualified and competent to serve as jurors in courts other than the superior court and shows the name of such court or courts; and

(3) The summons served upon or sent to each of the jurors pursuant to Code Section 15-12-65 affirmatively shows the name of all the courts wherein the juror is eligible to serve.

921 (c) This Code section shall stand repealed and reserved 12 months after the effective date  
922 of this Act."

923 **SECTION 51.**

924 Said title is further amended by adding a new Code section to read as follows:

925 "15-12-130.1.

926 (a) On and after 12 months after the effective date of this Act, in any county of this state  
927 where there is located any court or courts having county-wide jurisdiction concurrent with  
928 the superior courts of this state to try any, all, or any type of case not within the exclusive  
929 jurisdiction of the superior courts of this state, any prospective trial juror chosen and  
930 summoned for service in the trial of civil and criminal cases in the superior court of such  
931 county shall be legally competent and qualified to serve as a prospective juror in any such  
932 other court or courts located in the county for the same period of time as he or she is  
933 competent and qualified to serve as a prospective trial juror in the superior court of the  
934 county.

935 (b) Subsection (a) of this Code section shall be applicable only if an order is entered by the  
936 judges of the affected courts identifying the courts in which prospective jurors may serve."

937 **SECTION 52.**

938 Said title is further amended by revising Code Section 15-12-132, relating to oath of jury on  
939 voir dire, as follows:

940 "15-12-132.

941 Each panel, prior to commencing voir dire, shall take the following oath:

942 'You shall give true answers to all questions as may be asked by the court or its authority,  
943 including all questions asked by the parties or their attorneys, concerning your  
944 qualifications as jurors in the case of \_\_\_\_\_ (herein state the case). So help  
945 you God.'

946 This oath shall be administered by the trial judge or the clerk ~~of court.~~"

947 **SECTION 53.**

948 Said title is further amended by revising Code Section 15-12-133, relating to right to  
949 individual examination of panel, as follows:

950 "15-12-133.

951 In all civil cases, the parties thereto shall have the right to an individual examination of the  
952 panel of prospective jurors from which the jury is to be selected, without interposing any  
953 challenge. In all criminal cases, both the state and the ~~defendant~~ accused shall have the  
954 right to an individual examination of each prospective juror from which the jury is to be

selected prior to interposing a challenge. The examination shall be conducted after the administration of a preliminary oath to the panel or in criminal cases after the usual voir dire questions have been put by the court. In the examination, the counsel for either party shall have the right to inquire of the individual prospective jurors examined touching any matter or thing which would illustrate any interest of the prospective juror in the case, including any opinion as to which party ought to prevail, the relationship or acquaintance of the prospective juror with the parties or counsel therefor, any fact or circumstance indicating any inclination, leaning, or bias which the prospective juror might have respecting the subject matter of the action or the counsel or parties thereto, and the religious, social, and fraternal connections of the prospective juror."

#### SECTION 54.

Said title is further amended by revising Code Section 15-12-139, relating to oath in criminal case, as follows:

"15-12-139.

In all criminal cases, the following oath shall be administered to the trial jury:

'You shall well and truly try the issue formed upon this bill of indictment (or accusation) between the State of Georgia and (name of accused), who is charged with (here state the crime or offense), and a true verdict give according to the evidence. So help you God.'

The judge or clerk ~~of the court~~ shall administer the oath to the jurors."

#### SECTION 55.

Said title is further amended by revising Code Section 15-12-160, relating to required panel of jurors in felony trials, as follows:

"15-12-160.

When any person stands indicted for a felony, the court shall have impaneled 30 jurors from which the defense and prosecution may strike jurors; provided, however, that in any case in which the state announces its intention to seek the death penalty, the court shall have impaneled 42 jurors from which the defense and state may strike jurors. If, for any reason, after striking from the panel there remain less than 12 qualified jurors to try the case, the presiding judge shall summon such numbers of persons who are competent prospective jurors as may be necessary to provide a full panel or successive panels. In making up the panel or successive panels, the presiding judge shall draw the tales jurors from the jury box of the county and shall order the sheriff to summon them. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

**SECTION 56.**

Said title is further amended by adding a new Code section to read as follows:

"15-12-160.1.

On and after 12 months after the effective date of this Act, when any person stands indicted for a felony, the court shall have impaneled 30 jurors from which the defense and prosecution may strike jurors; provided, however, that in any case in which the state announces its intention to seek the death penalty, the court shall have impaneled 42 jurors from which the defense and state may strike jurors. If, for any reason, after striking from the panel there remain fewer than 12 qualified jurors to try the case, the clerk shall choose and cause to be summoned such numbers of persons who are competent prospective jurors as may be necessary to provide a full panel or successive panels. In making up the panel or successive panels, the clerk shall choose the names of prospective trial jurors in the same manner as prospective trial jurors are chosen and cause such persons to be summoned."

**SECTION 57.**

Said title is further amended by revising Code Section 15-12-161, relating to assigning panel to defendant, as follows:

"15-12-161.

The clerk shall ~~make out three lists of each panel and shall furnish one to the prosecuting counsel and one to the counsel for the defense. The clerk shall then call over the panel and it shall be immediately put upon the accused~~ provide the prosecuting attorney and the accused with the names and identifying information relative to prospective jurors for the case being tried."

**SECTION 58.**

Said title is further amended by revising subsection (b) of Code Section 15-12-164, relating to questions on voir dire, as follows:

"(b) Either the state or the ~~defendant~~ accused shall have the right to introduce evidence before the judge to show that a juror's answers, or any of them, are untrue. It shall be the duty of the judge to determine the truth of such answers as may be thus questioned before the court."

**SECTION 59.**

Said title is further amended by revising Code Section 15-12-165, relating to number of peremptory challenges, as follows:

"15-12-165.

Every person accused of a felony may peremptorily challenge nine of the jurors impaneled to try him or her. The state shall be allowed the same number of peremptory challenges allowed to the ~~defendant~~ accused; provided, however, that in any case in which the state announces its intention to seek the death penalty, the ~~defendant~~ accused may peremptorily challenge 15 jurors and the state shall be allowed the same number of peremptory challenges."

#### SECTION 60.

Said title is further amended by revising Code Section 15-12-169, relating to the manner of selecting alternative jurors, as follows:

"15-12-169.

Alternate jurors ~~must~~ shall be drawn from the same source and in the same manner and have the same qualifications as the jurors already sworn. They shall be subject to the same examination and challenges. The number of alternate jurors shall be determined by the court. The state and the ~~defendant~~ accused shall be entitled to as many peremptory challenges to alternate jurors as there are alternate jurors called. The peremptory challenges allowed to the state and to the ~~defendant~~ accused in such event shall be in addition to the regular number of peremptory challenges allowed in criminal cases to the ~~defendant~~ accused and to the state as provided by law. When two or more ~~defendants~~ accused are tried jointly, the number and manner of exercising peremptory challenges shall be determined as provided in Code Section 17-8-4. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

#### SECTION 61.

Said title is further amended by adding a new Code section to read as follows:

"15-12-169.1.

On and after 12 months after the effective date of this Act, alternate jurors shall be chosen from the same county master jury list and in the same manner and have the same qualifications as the jurors already sworn. They shall be subject to the same examination and challenges. The number of alternate jurors shall be determined by the court. The state and the accused shall be entitled to as many peremptory challenges to alternate jurors as there are alternate jurors called. The peremptory challenges allowed to the state and to the accused in such event shall be in addition to the regular number of peremptory challenges allowed in criminal cases to the accused and to the state as provided by law. When two or more accused are tried jointly, the number and manner of exercising peremptory challenges shall be determined as provided in Code Section 17-8-4."

**SECTION 62.**

Said title is further amended by revising subsection (a) of Code Section 15-16-21, relating to fees for sheriff's services, as follows:

"(a) For summoning each prospective juror, grand or trial, drawn to serve at any regular term of any ~~city~~, state, or superior court or any ~~tales juror~~, grand or trial juror, drawn during any term of any city, state, or superior court, the sheriff shall receive the sum of \$1.00. In all counties in this state where the sheriff is paid a salary only, this Code section shall apply as far as fees to be charged, but all such fees shall be turned over to the county treasurer or fiscal officer of the county. This subsection shall stand reserved 12 months after the effective date of this Act."

**SECTION 63.**

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising paragraphs (1) and (2) of subsection (a) of Code Section 16-10-97, relating to intimidation or injury of grand or petit juror or court officer, as follows:

"(1) Endeavors to intimidate or impede any grand juror or ~~petit trial~~ juror or any officer in or of any court of this state or any court of any county or municipality of this state or any officer who may be serving at any proceeding in any such court while in the discharge of such juror's or officer's duties;

(2) Injures any grand juror or ~~petit trial~~ juror in his or her person or property on account of any indictment or verdict assented to by him or her or on account of his or her being or having been such juror; or"

**SECTION 64.**

Said title is further amended by revising division (9)(A)(xxxiv) of Code Section 16-14-3, relating to definitions for RICO, as follows:

"(xxxiv) Code Section 16-10-97, relating to intimidation of grand or ~~petit trial~~ juror or court officer;"

**SECTION 65.**

Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by revising paragraph (2) of subsection (b) of Code Section 21-2-211, relating to list of registered electors, as follows:

"(2) The Secretary of State is authorized to procure and provide all of the necessary equipment to permit the county boards of registrars and the Council of Superior Court Clerks of Georgia to access and utilize the official list of electors maintained by the



1088 Secretary of State pursuant to this Code section, provided that funds are specifically  
1089 appropriated by the General Assembly for that purpose."

1090 **SECTION 66.**

1091 Said title is further amended by revising Code Section 21-2-225, relating to confidentiality  
1092 of original registration applications, as follows:

1093 "21-2-225.

1094 (a) Neither the original applications for voter registration nor any copies thereof shall be  
1095 open for public inspection except upon order of a court of competent jurisdiction.

1096 (b) Except as provided in Code Section 21-2-225.1, all data collected and maintained on  
1097 electors whose names appear on the list of electors maintained by the Secretary of State  
1098 pursuant to this article shall be available for public inspection with the exception of bank  
1099 statements submitted pursuant to subsection (c) of Code Section 21-2-220 and  
1100 subsection (c) of Code Section 21-2-417, the month and day of birth, the social security  
1101 numbers, and driver's license numbers of the electors, and the locations at which the  
1102 electors applied to register to vote, which shall remain confidential and shall be used only  
1103 for voter registration purposes; provided, however, that any and all information relating to  
1104 the dates of birth, social security numbers, and driver's license numbers of electors may be  
1105 made available to other agencies of this state, agencies of other states and territories of the  
1106 United States, and to agencies of the federal government if the agency is authorized to  
1107 maintain such information and the information is used only to identify the elector on the  
1108 receiving agency's data base and is not disseminated further and remains confidential.  
1109 Information regarding an elector's year of birth shall be available for public inspection. All  
1110 information relating to dates of birth and driver's license numbers of electors shall be made  
1111 available to the Council of Superior Court Clerks of Georgia and any vendor selected by  
1112 the council for use in compiling state-wide master jury lists and county master jury lists.  
1113 The council shall be authorized to provide such data to county boards of jury  
1114 commissioners for use in compiling and maintaining county master jury lists as provided  
1115 in Chapter 12 of Title 15.

1116 (c) It shall be the duty of the Secretary of State to furnish copies of such data as may be  
1117 collected and maintained on electors whose names appear on the list of electors maintained  
1118 by the Secretary of State pursuant to this article, within the limitations provided in this  
1119 article, on electronic media or computer run list or both. Notwithstanding any other  
1120 provision of law to the contrary, the Secretary of State shall establish the cost to be charged  
1121 for such data but shall not charge the Council of Superior Court Clerks of Georgia for such  
1122 data. The Secretary of State may contract with private vendors to make such data available  
1123 in accordance with this subsection. Such data ~~may~~ shall not be used by any person for

1124 commercial purposes. The Secretary of State shall provide such data to the Council of  
1125 Superior Court Clerks of Georgia in the electronic media format required by the council."

1126 **SECTION 67.**

1127 Said title is further amended by revising Code Section 21-2-231, relating to monthly  
1128 transmittal of information to the Secretary of State and removal of persons from the list of  
1129 electors, as follows:

1130 "(a) Unless otherwise notified by the Secretary of State, the ~~clerk of the superior court of~~  
1131 ~~each county~~ Georgia Crime Information Center shall, on or before the tenth day of each  
1132 month, prepare and transmit to the Secretary of State, ~~in a format as prescribed by the~~  
1133 ~~Secretary of State,~~ a complete list of all persons, including ~~addresses, ages, and other~~  
1134 ~~identifying~~ dates of birth, social security numbers, and other information as prescribed by  
1135 the Secretary of State, who were convicted of a felony ~~involving moral turpitude in this~~  
1136 ~~state since~~ during the preceding calendar month in that county reporting period. The  
1137 Secretary of State may, by agreement with the commissioner of ~~the Department of~~  
1138 ~~Corrections~~ corrections, obtain criminal information relating to the conviction, sentencing,  
1139 and completion of sentencing requirements of felonies ~~involving moral turpitude.~~  
1140 Additionally, the Secretary of State shall be authorized to obtain such criminal information  
1141 relating to Georgia electors convicted of ~~felonies involving moral turpitude, if possible,~~  
1142 ~~from other states~~ a felony in another state, if such information is available.

1143 (a.1) The clerk of the superior court of each county shall, on or before the tenth day of  
1144 each month, prepare and transmit to the Secretary of State, in a format as prescribed by the  
1145 Secretary of State, a complete list of all persons, including addresses, ages, and other  
1146 identifying information as prescribed by the Secretary of State, who identify themselves  
1147 as not being citizens of the United States during their qualification to serve as a juror  
1148 during the preceding calendar month in that county.

1149 (b) The judge of the probate court of each county shall, on or before the tenth day of each  
1150 month, prepare and transmit to the Secretary of State, in a format as prescribed by the  
1151 Secretary of State, a complete list of all persons, including addresses, ages, and other  
1152 identifying information as prescribed by the Secretary of State, who were declared mentally  
1153 incompetent during the preceding calendar month in the county and whose voting rights  
1154 were removed.

1155 (c) Upon receipt of the lists described in subsections (a), (a.1), and (b) of this Code section  
1156 and the lists of persons convicted of felonies in federal courts received pursuant to 42  
1157 U.S.C. Section 1973gg-6(g), the Secretary of State shall transmit the names of such persons  
1158 whose names appear on the list of electors to the appropriate county board of registrars who

shall remove all such names from the list of electors and shall mail a notice of such action and the reason therefor to the last known address of such persons by first-class mail.

(d) Unless otherwise notified by the Secretary of State, the local registrar of vital statistics of each county shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all persons, including addresses, ages, and other identifying information as prescribed by the Secretary of State, who died during the preceding calendar month in the county. The Secretary of State may, by agreement with the commissioner of community health, obtain such information from the state registrar of vital statistics. Additionally, the Secretary of State is authorized to obtain such lists of deceased Georgia electors, if possible, from other states.

(e) Upon receipt of the lists described in subsection (d) of this Code section, the Secretary of State or his or her designated agent shall remove all such names of deceased persons from the list of electors and shall notify the registrar in the county where the deceased person was domiciled at the time of his or her death.

(f) County registrars shall initiate appropriate action regarding the right of an elector to remain on the list of qualified registered voters within 60 days after receipt of the information described in this Code section. Failure to take such action may subject the registrars or the county governing authority for whom the registrars are acting to a fine by the State Election Board.

(g) The Secretary of State shall provide to the Council of Superior Court Clerks of Georgia not later than the last day of each month all information enumerated in subsections (a) through (d) of this Code section and Code Section 21-2-232 and a list of voters who have failed to vote and inactive voters, as identified pursuant to Code Sections 21-2-234 and 21-2-235. Such data shall only be used by the council, the council's vendors, and county boards of jury commissioners for maintenance of state-wide master jury lists and county master jury lists. Such data shall be provided to the council or its vendors in the electronic format required by the council for such purposes."

## SECTION 68.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising paragraph (7) of subsection (f) of Code Section 40-5-2, relating to keeping and furnishing of information on licensees, as follows:

"(7) The lists required to be made available to boards of jury commissioners, the Council of Superior Court Clerks of Georgia, and the Administrative Office of the Courts pursuant to Code Section 15-12-40 or 15-12-40.1 regarding county residents who are the holders of drivers' licenses or personal identification cards issued pursuant to this chapter.

1195 Such lists shall identify each such person by name, address, date of birth, and gender,  
 1196 and, whenever racial and ethnic information is collected by the department for purposes  
 1197 of voter registration pursuant to Code Section 21-2-221, the department shall also provide  
 1198 such information. The department shall also provide the address, effective date, document  
 1199 issue date, and document expiration date and shall indicate whether the document is a  
 1200 driver's license or a personal identification card. Such information shall be provided to  
 1201 the Council of Superior Court Clerks of Georgia and the Administrative Office of the  
 1202 Courts upon request in the electronic format required by the council for such purposes  
 1203 and without any charge for such data."

#### 1204 **SECTION 69.**

1205 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
 1206 is amended by revising subsection (i) of Code Section 45-11-4, relating to unprofessional  
 1207 conduct, as follows:

1208 "(i) If a true bill is returned by the grand jury, the indictment shall, as in other cases, be  
 1209 published in open court and shall be placed on the superior court criminal docket of cases  
 1210 to be tried by a petit trial jury."

#### 1211 **SECTION 70.**

1212 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
 1213 by revising subsection (a) of Code Section 50-18-72, relating to when public disclosure of  
 1214 certain records is not required and the disclosure of exempting legal authority, by adding a  
 1215 new paragraph to read as follows:

1216 "(4.2) Jury list data, including, but not limited to, persons' names, dates of birth,  
 1217 addresses, ages, race, gender, telephone numbers, social security numbers, and when it  
 1218 is available, the person's ethnicity, and other confidential identifying information that is  
 1219 collected and used by the Council of Superior Court Clerks of Georgia for creating,  
 1220 compiling, and maintaining state-wide master jury lists and county master jury lists for  
 1221 the purpose of establishing and maintaining county jury source lists pursuant to the  
 1222 provisions of Chapter 12 of Title 15; provided, however, that when ordered by the judge  
 1223 of a court having jurisdiction over a case in which a challenge to the array of the grand  
 1224 or trial jury has been filed, the Council of Superior Court Clerks of Georgia or the clerk  
 1225 of the county board of jury commissioners of any county shall provide data within the  
 1226 time limit established by the court for the limited purpose of such challenge. Neither the  
 1227 Council of Superior Court Clerks of Georgia nor the clerk of a county board of jury  
 1228 commissioners shall be liable for any use or misuse of such data;"

1229 **SECTION 71.**

1230 This Act shall become effective only if funds are specifically appropriated for purposes of  
1231 this Act in an appropriations Act making specific reference to this Act and shall become  
1232 effective when funds so appropriated become available for expenditure.

1233 **SECTION 72.**

1234 All laws and parts of laws in conflict with this Act are repealed.