

House Bill 415 (AS PASSED HOUSE AND SENATE)

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

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 amend
17 Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud
18 and related offenses, so as to provide for definitions; to provide that it shall be unlawful to
19 willfully and knowingly sell, purchase, install, transfer, or possess in this state any automated
20 sales suppression device or zapper or phantom-ware; to provide for penalties and civil
21 remedies; to provide that such devices and software are contraband; to prohibit public
22 disclosure for certain public records relating to governmental security measures and person
23 involved in such issues; to provide for related matters; to provide for effective dates and
24 applicability; to repeal conflicting laws; and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

26

PART I

27

SECTION 1-1.

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

29

SECTION 1-2.

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

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

43

SECTION 1-3.

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

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

52

SECTION 1-4.

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

55 "15-6-89.

56 In addition to the minimum salary provided in Code Section 15-6-88 or any other salary
57 provided by any applicable general or local law, each clerk of the superior court of any
58 county who also serves as clerk of a state court, city court, juvenile court, or civil court

59 under any applicable general or local law of this state or who performs duties pursuant to
 60 paragraph (1) of subsection (a) of Code Section ~~15-12-1~~ 15-12-1.1 shall receive for his or
 61 her services in such other court a salary of not less than \$323.59 per month, to be paid from
 62 the funds of the county. In the event any such court for which a clerk of the superior court
 63 is serving as clerk is abolished, the clerk of the superior court shall not be entitled to any
 64 salary heretofore received for service in such court."

65 SECTION 1-5.

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

68 "15-12-1.

69 As used in this chapter, the term:

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

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

75 (3) 'Clerk' means the clerk of the superior court or a jury clerk if one is appointed
 76 pursuant to subsection (a) of Code Section 15-12-11 or subsection (b) of Code Section
 77 15-12-23.

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

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

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

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

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

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

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

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

94 15-12-1.1.

95 (a)(1) Any person who shows that he or she will be engaged during his or her term of
96 jury duty in work necessary to the public health, safety, or good order or who shows other
97 good cause why he or she should be exempt from jury duty may ~~be~~ have his or her jury
98 service deferred or excused by the judge of the court to which he or she has been
99 summoned or by some other person who has been duly appointed by order of the chief
100 judge to excuse jurors. Such a person may exercise such authority only after the
101 establishment by court order of guidelines governing excuses. Any order of appointment
102 shall provide that, except for permanently mentally or physically disabled persons, all
103 excuses shall be deferred to a date and time certain within that term or the next
104 succeeding term or shall be deferred as set forth in the court order. It shall be the duty
105 of the court to provide affidavits for the purpose of requesting a deferral of or excusal
106 from jury service pursuant to this subsection.

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

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

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

126 (5) Notwithstanding paragraph (1) of this subsection, any person who is the primary
127 unpaid caregiver for a person over the age of six; who executes an affidavit on a form
128 provided by the court stating that such primary caregiver is responsible for the care of a
129 person with such physical or cognitive limitations that he or she is unable to care for
130 himself or herself and cannot be left unattended and that the primary caregiver has no

131 reasonably available alternative to provide for the care; and who requests to be excused
 132 or deferred shall be excused or deferred from jury duty. Any person seeking the
 133 exemption shall furnish to the court, in addition to the aforementioned affidavit, a
 134 statement of a physician, or other medical provider, supporting the affidavit's statements
 135 related to the medical condition of the person with physical or cognitive limitations. ~~It~~
 136 ~~shall be the duty of the court to provide affidavits for the purpose of this paragraph.~~

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

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

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

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

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

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

162 **SECTION 1-6.**

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

165 "15-12-3.

166 No person shall be compellable to serve on the grand or trial jury of the superior court or
 167 on any jury in other courts for more than four weeks in any year. No person shall be
 168 allowed to serve on the trial jury of the superior court ~~or as tales juror in any criminal case~~
 169 or on any jury in other courts for more than four weeks in any one year unless he or she is
 170 actually engaged in the trial of a case when the four weeks expire, in which case he or she
 171 shall be discharged as soon as the case is decided."

172 **SECTION 1-7.**

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

175 "15-12-4.

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

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

189 **SECTION 1-8.**

190 Said title is further amended by revising paragraph (2) of subsection (a) of Code Section
 191 15-12-7, relating to compensation of court bailiffs and expense allowance for jurors to be
 192 fixed by the grand jury, as follows:

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

199 **SECTION 1-9.**

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

202 "15-12-9.

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

206 **SECTION 1-10.**

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

209 "15-12-10.

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

214 **SECTION 1-11.**

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

217 "15-12-11.

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

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

233 protected and that the questioning by counsel is consistent with the purpose of the voir dire
234 process.

235 (c) Juror questionnaires shall be confidential and shall be exempt from public disclosure
236 pursuant to Code Section 50-18-70; provided, however, that jury questionnaires shall be
237 provided to the court and to the parties at any stage of the proceedings, including pretrial,
238 trial, appellate, or post-conviction proceedings, and shall be made a part of the record under
239 seal. The information disclosed to a party pursuant to this subsection shall only be used
240 by the parties for purposes of pursuing a claim, defense, or other issue in the case.

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

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

247 **SECTION 1-12.**

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

250 "15-12-20.

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

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

267 ~~(c) In any county the chief judge of the superior court may establish by court rule duly~~
268 ~~published and filed a board of jury commissioners composed of not less than three nor~~

269 ~~more than five members. In counties in which the numerical composition of the board has~~
 270 ~~been established by court rule, the first appointments to the board shall be fixed in such a~~
 271 ~~manner that not more than one member's term shall expire during any calendar year. The~~
 272 ~~chief judge shall adjust the composition and terms of members of the board in office at the~~
 273 ~~time of the publication of the court rule. Successors to members of the board originally~~
 274 ~~appointed under the provisions of a court rule shall be appointed for a term of six years.~~
 275 ~~(d) In all cases, the~~ The chief judge shall have the right authority to remove the jury
 276 ~~commissioners at any time, in his discretion, for cause and appoint successors. However,~~
 277 ~~no person who has served for more than three years as a jury commissioner shall be eligible~~
 278 ~~or shall be appointed to succeed himself as a member of the board of jury commissioners."~~

279 **SECTION 1-13.**

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

282 ~~"(b)(1) In all counties of this state having a population of not less than 183,000 and not~~
 283 ~~more than 216,000 according to the United States decennial census for 1990 or any such~~
 284 ~~future census, the chief judge of the superior court of such counties shall have the power~~
 285 ~~to appoint a jury clerk and such other personnel as may be deemed necessary or advisable~~
 286 ~~to dispatch the work of the court, and the appointments to these positions and the~~
 287 ~~compensation therefor shall be determined by said judge without regard to any other~~
 288 ~~system or rules, said personnel to serve at the pleasure of said judge, and the salaries and~~
 289 ~~expenses thereof, and any attendant expense of administration of the courts are~~
 290 ~~determined to be contingent expense of court, and shall be paid as provided by law for~~
 291 ~~the payment of contingent expenses. The duties of said personnel shall be as prescribed~~
 292 ~~by said judge. In all counties of this state where the chief superior court judge of the~~
 293 ~~county had the power to appoint a jury clerk on January 1, 2011, the chief judge of the~~
 294 ~~superior court of such counties shall continue to have the power to appoint a jury clerk~~
 295 ~~and such other personnel as may be deemed necessary or advisable to dispatch the work~~
 296 ~~of the court, and the appointments to these positions and the compensation therefor shall~~
 297 ~~be determined by said judge without regard to any other system or rules, said personnel~~
 298 ~~to serve at the pleasure of said judge, and the salaries and expenses thereof, and any~~
 299 ~~attendant expense of administration of the courts are determined to be contingent expense~~
 300 ~~of court, and shall be paid as provided by law for the payment of contingent expenses.~~
 301 ~~The duties of said personnel shall be as prescribed by said judge.~~
 302 (2) All prospective jurors in such counties shall be required to answer questionnaires as
 303 may be determined and submitted by said chief judge of such counties concerning their
 304 qualifications as jurors.

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

309 (4) This subsection shall be in addition and supplemental to other provisions provided
 310 by law, with a view toward efficient and orderly handling of jury selection and the
 311 administration of justice."

312 **SECTION 1-14.**

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

315 "15-12-24.

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

323 **SECTION 1-15.**

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

326 "15-12-40.

327 (a) **Nonmechanical procedure.**

328 (1) At least biennially, unless otherwise directed by the chief judge of the superior court,
 329 the board of jury commissioners shall compile, maintain, and revise a trial jury list of
 330 upright and intelligent citizens of the county to serve as trial jurors and a grand jury list
 331 of the most experienced, intelligent, and upright citizens of the county to serve as grand
 332 jurors. In composing the trial jury list, the board of jury commissioners shall select a
 333 fairly representative cross section of the intelligent and upright citizens of the county. In
 334 composing the grand jury list, the board of jury commissioners shall select a fairly
 335 representative cross section of the most experienced, intelligent, and upright citizens of
 336 the county. In carrying out revisions of the trial jury list and grand jury list on or after
 337 July 1, 2002, the board of jury commissioners shall make use of all of the following:

338 (A) A list of all residents of the county who are the holders of drivers' licenses or
 339 personal identification cards issued by the Department of Driver Services pursuant to

340 the provisions of Chapter 5 of Title 40; and the Department of Driver Services shall
 341 periodically make such a list available to the board of jury commissioners of each
 342 county;

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

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

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

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

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

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

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

367 (2) Once the trial or grand jury lists, or both, are established, the board of jury
 368 commissioners may revise such lists from time to time by adding new names to the lists,
 369 correcting names and other data on the lists, and deleting names from the lists by reason
 370 of death or other legal cause.

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

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

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

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

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

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

403 (1) The Administrative Office of the Courts may assist the clerk ~~of the superior court or~~
 404 ~~the jury clerk, whichever is applicable,~~ by providing a list of county citizens who the
 405 Administrative Office of the Courts certifies are prima facie eligible persons for
 406 consideration as jurors on the traverse and grand jury pools.

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

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

413 (e) This Code section shall stand repealed and reserved on July 1, 2012."

SECTION 1-16.

414
415 Said title is further amended by revising Code Section 15-12-40.1, relating to the requirement
416 of United States citizenship, as follows:

417 "15-12-40.1.

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

421 (a) Beginning on and after July 1, 2011, the council shall compile a state-wide master jury
422 list. The council shall facilitate updating of all information relative to jurors on the
423 state-wide master jury list and county master jury lists.

424 (b) Beginning on and after July 1, 2011, upon the council's request, the Department of
425 Driver Services shall provide the council and the Administrative Office of the Courts a list,
426 which includes the name, address, city of residence, date of birth, gender, driver's license
427 or personal identification card number issued pursuant to the provisions of Chapter 5 of
428 Title 40, and, whenever racial and ethnic information is collected by the Department of
429 Driver Services for purposes of voter registration pursuant to Code Section 21-2-221, racial
430 and ethnic information. The Department of Driver Services shall also provide the address,
431 effective date, document issue date, and document expiration date; shall indicate whether
432 the document is a driver's license or a personal identification card; and shall exclude
433 persons whose driver's license has been suspended or revoked due to a felony conviction.
434 Such lists shall be in electronic format as required by the council.

435 (c) Beginning on and after July 1, 2011, upon request by the council, the Secretary of State
436 shall provide to the council and the Administrative Office of the Courts, without cost, the
437 list of registered voters, including the voter's date of birth, gender, race, social security
438 number, driver's license number, and when it is available, the voter's ethnicity. It shall also
439 be the duty of the Secretary of State to provide the council and the Administrative Office
440 of the Courts, in electronic format, with a copy of the lists of persons:

441 (1) Who have been convicted of felonies in state or federal courts who have not had their
442 civil rights restored or who have been declared mentally incompetent; and

443 (2) Whose voting rights have been removed

444 which are provided to the county board of registrars by the Secretary of State pursuant to
445 Code Section 21-2-231.

446 (d) On and after July 1, 2012, each county's board of jury commissioners shall obtain its
447 county master jury list from the council. The council shall disseminate, in electronic
448 format, a county master jury list to the respective counties' boards of jury commissioners
449 once each calendar year. The council shall determine the fee to be assessed each county
450 board of jury commissioners for such list, provided that such fee shall not exceed 3¢ per

451 name on the list. The council shall invoice each county board of jury commissioners upon
 452 the delivery of the county master jury list, and the county board of jury commissioners
 453 shall remit payment within 30 days of the invoice.

454 (e) On and after July 1, 2012, in each county, upon court order, the clerk shall choose a
 455 random list of persons from the county master jury list to comprise the venire."

456 **SECTION 1-17.**

457 Said title is further amended by revising Code Section 15-12-40.2, relating to the list of
 458 convicted felons and mentally ill provided to the board of jury commissioners, as follows:

459 "15-12-40.2.

460 It shall be the duty of the county board of registrars to provide the board of jury
 461 commissioners with a copy of the lists of persons who have been convicted of felonies in
 462 state or federal courts or who have been declared mentally incompetent and whose voting
 463 rights have been removed, which lists are provided to the county board of registrars by the
 464 Secretary of State pursuant to Code Section 21-2-231. Upon receipt of such list, it shall be
 465 the duty of the board of jury commissioners to remove such names from the trial and grand
 466 jury lists and to mail a notice of such action and the reason therefor to the last known
 467 address of such persons by first-class mail. This Code section shall stand repealed and
 468 reserved on July 1, 2012."

469 **SECTION 1-18.**

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

472 "15-12-41.

473 On failure of the commissioners of any county to revise the jury list as provided in Code
 474 Section 15-12-40, the judge of the superior court of the county shall order the revision
 475 made at such time as he or she may direct. This Code section shall stand repealed and
 476 reserved on July 1, 2012."

477 **SECTION 1-19.**

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

480 "15-12-42.

481 (a) **Nonmechanical procedure.**

482 (1) The jury commissioners shall place tickets containing all the names of grand jurors
 483 in a box to be provided at public expense, which box shall contain compartments marked
 484 number 'one' and number 'two,' from which grand jurors shall be drawn; the

485 commissioners shall place the tickets containing all the names of trial jurors in a separate
 486 box from which trial jurors shall be drawn, the box having two separate compartments
 487 similar in design to the grand jurors' box. The tickets with the jurors' names shall be
 488 placed in compartment number 'one.' When each ticket is drawn and the name thereon is
 489 recorded on the proper form or list, the ticket so drawn shall be placed in compartment
 490 number 'two.' Only when all the tickets have been drawn from compartment number 'one'
 491 may the process of drawing jurors' names from compartment number 'two' begin, and
 492 then only when all the tickets have been drawn from compartment number 'two' may the
 493 process of drawing jurors' names from compartment number 'one' begin again.

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

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

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

502 (1) In lieu of the procedure set forth in subsection (a) of this Code section, the chief
 503 judge of the superior court in any county having facilities available for the
 504 implementation of this subsection, with the concurrence of the other judge or judges of
 505 the superior court, may establish a plan for the selection of persons to serve as jurors in
 506 such county by mechanical or electronic means. The plan shall be established by a duly
 507 published and filed rule of the court. ~~The clerk of the superior court, as clerk of the board~~
 508 ~~of jury commissioners,~~ shall implement and maintain the jury selection process
 509 established by the plan.

510 (2) The plan:

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

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

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

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

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

526 (4) In any county having facilities available for the implementation of this subsection,
 527 the chief judge of the superior court, with the concurrence of the other judge or judges
 528 of the superior court, may establish a plan by a duly published and filed rule of court for
 529 the trial and grand jury boxes for the county to be taken from the trial or grand jury lists
 530 established by the board of jury commissioners by mechanical or electronic procedures.
 531 Such plan:

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

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

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

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

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

554 (d) This Code section shall stand repealed and reserved on July 1, 2012."

555 **SECTION 1-20.**

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

558 "15-12-43.

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

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

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

570 (d) This Code section shall stand repealed and reserved on July 1, 2012."

571 **SECTION 1-21.**

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

573 "15-12-43.1.

574 On and after July 1, 2012, upon the request of a party or his or her attorney, the clerk shall
575 make available for review by such persons the county master jury list."

576 **SECTION 1-22.**

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

579 "15-12-44.

580 (a) **Nonmechanical procedure.** When the jury list and jury box, or either, are lost or
581 destroyed between the time of drawing juries and the beginning of the term for which the
582 drawing was made, or before the service of the precepts on the persons named therein, the
583 chief judge of the circuit in which such loss or destruction occurs, immediately on being
584 informed thereof, shall issue an order to the jury commissioners of the county to meet at
585 the county site and prepare a list of citizens eligible to serve as jurors under the
586 Constitution of the state, which list shall contain the names of not less than two-thirds of
587 the upright and intelligent citizens of the county. From this list the commissioners shall
588 select a sufficient number, not exceeding two-fifths of the whole, taking for this purpose
589 the names of the most experienced, intelligent, and upright citizens, and, from the list so
590 selected, shall at once proceed to draw 30 names of persons to serve as grand jurors at the
591 next term of the court. From the remaining three-fifths of the names on the list, the
592 commissioners shall then proceed to draw, in the same manner, not less than 36 to serve

593 as trial jurors at the next term of the court. When the drawings have been completed, the
 594 commissioners shall immediately make out and deliver to the clerk ~~of the superior court~~
 595 correct lists of the grand and trial jurors so drawn, and the clerk shall at once deliver to the
 596 sheriff, or to the coroner in case the sheriff shall be disqualified, proper precepts containing
 597 the names of the persons drawn to serve as grand and trial jurors, respectively, to be served
 598 personally, as required by law. The persons so drawn and served, if otherwise eligible,
 599 shall be competent to serve as jurors during the term for which they were drawn, without
 600 regard to the time of the preparation of the list, the drawing of the jurors, or the date of the
 601 service of the venire on the persons whose names are contained therein.

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

607 (c) This Code section shall stand repealed and reserved on July 1, 2012."

608 **SECTION 1-23.**

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

610 "15-12-44.1.

611 The state-wide master jury lists and county master jury lists shall be safeguarded against
 612 catastrophic, routine, or any other form of loss or destruction, and on and after July 1, 2012,
 613 the council shall develop, implement, and provide a state-wide system to ensure that jury
 614 data for all counties of this state shall be systematically preserved in perpetuity and that all
 615 jury list data can be restored in the event of loss."

616 **SECTION 1-24.**

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

619 "15-12-45.

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

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

635 (c) This Code section shall stand repealed and reserved on July 1, 2012."

636 **SECTION 1-25.**

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

639 "15-12-46.

640 If juries have not been ~~drawn~~ chosen for any regular term of the superior court and there
 641 is not sufficient time for ~~drawing~~ choosing and summoning prospective jurors to serve at
 642 the regular term, the judge of the superior court for the county in which the failure has
 643 occurred, by order passed at chambers, may adjourn the court to another day, may require
 644 the requisite number of prospective grand and trial jurors to be summoned, and may
 645 enforce their attendance at the term so called."

646 **SECTION 1-26.**

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

649 "15-12-60.

650 (a) Except as provided in subsection (b) of this Code section, all citizens of this state 18
 651 years of age or older who are not incompetent because of mental illness or mental
 652 retardation; and who have resided in the county for at least six months preceding the time

653 of service, ~~and who are the most experienced, upright, and intelligent persons are~~ shall be
 654 qualified and liable to serve as grand jurors unless otherwise exempted by law.

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

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

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

661 **SECTION 1-27.**

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

664 "(b) The grand jury shall be authorized to request the ~~foreman or clerk~~ foreperson of the
 665 previous grand jury to appear before it for the purpose of reviewing and reporting the
 666 actions of the immediately preceding grand jury if the succeeding grand jury determines
 667 that such service would be beneficial. While serving a succeeding grand jury, the ~~foreman~~
 668 ~~or clerk~~ foreperson of the immediately preceding grand jury shall receive the same
 669 compensation as ~~to~~ other members of the grand jury. Any person serving as ~~foreman or~~
 670 ~~clerk~~ foreperson of a grand jury and then ~~being~~ requested to report to an immediately
 671 succeeding grand jury shall not be eligible to again serve as a grand juror ~~during~~ for one
 672 year following the conclusion of such earlier service."

673 **SECTION 1-28.**

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

676 "15-12-62.

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

686 (b) In those counties utilizing mechanical or electronic means for the selection of jurors,
 687 subsection (a) of this Code section shall not apply. Rather, the judges of the superior court

688 shall draw a grand jury from the 'electronic jury box' in the same manner and under the
 689 same plan that trial juries are drawn. They shall draw not less than 18 nor more than 75
 690 names to serve as grand jurors at the next term of court.

691 (c) This Code section shall stand repealed and reserved on July 1, 2012."

692 **SECTION 1-29.**

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

694 "15-12-62.1.

695 On and after July 1, 2012, the clerk shall choose a sufficient number of persons to serve as
 696 grand jurors. The clerk, not less than 20 days before the commencement of each term of
 697 court at which a regular grand jury is impaneled, shall issue summonses by mail to the
 698 persons chosen for grand jury service. The clerk shall choose grand jurors in the manner
 699 specified by and in accordance with the rules adopted by the Supreme Court."

700 **SECTION 1-30.**

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

703 "15-12-63.

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

707 **SECTION 1-31.**

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

710 "15-12-64.

711 Whenever from any cause the judge fails to draw a grand jury as provided in Code Section
 712 15-12-62, the judge of the probate court of the county in which such failure occurred,
 713 together with the jury commissioners and the clerk of the superior court, shall meet at the
 714 courthouse at least 20 days prior to the next ensuing term of the court, whether such term
 715 is a regular or special term, and then and there shall draw grand jurors to serve at that term,
 716 which proceedings shall be duly entered by the clerk on the minutes of the court and shall
 717 be signed by the judge of the probate court. This Code section shall stand repealed and
 718 reserved on July 1, 2012."

719 **SECTION 1-32.**

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

722 "15-12-65.

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

737 (b) **Counties utilizing mechanical or electronic selection procedures.** In those counties
 738 utilizing mechanical or electronic means for the selection of jurors, the sheriff of the county
 739 may authorize the clerk in writing to mail all summonses by first-class mail addressed to
 740 the jurors' most notorious places of abode at least 25 days prior to the term of the court the
 741 jurors were drawn to attend. Failure to receive the notice personally shall be a defense to
 742 a contempt citation. This subsection shall in no way affect the provisions for drawing jurors
 743 and the service upon jurors by other courts in the county.

744 (c) This Code section shall stand repealed and reserved on July 1, 2012."

745 **SECTION 1-33.**

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

747 "15-12-65.1.

748 On and after July 1, 2012, the clerk shall be authorized to mail all summonses by first-class
 749 mail addressed to the prospective jurors' most notorious places of abode at least 25 days
 750 prior to the date of the court the prospective jurors shall attend. Failure to receive the
 751 notice personally shall be a defense to a contempt citation."

752 **SECTION 1-34.**

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

755 "15-12-66.

756 When from challenge or from any other cause there are not a sufficient number of persons
757 in attendance to complete the panel of jurors, the judge shall draw tales jurors from the jury
758 boxes of the county and shall order the sheriff to summon the jurors so drawn. When the
759 sheriff or his or her deputy is disqualified to summon tales jurors, they may be summoned
760 by the coroner or such other person as the judge may appoint. This Code section shall
761 stand repealed and reserved on July 1, 2012."

762 **SECTION 1-35.**

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

764 "15-12-66.1.

765 On and after July 1, 2012, when from challenge or from any other cause there are not a
766 sufficient number of persons in attendance to complete the panel of jurors, the clerk shall
767 choose prospective trial jurors from the county master jury list and summon the jurors so
768 chosen."

769 **SECTION 1-36.**

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

772 "(a) The judges of the superior courts are authorized and empowered to transfer the
773 investigation by a grand jury from the county where the crime was committed to the grand
774 jury in any other county in ~~the~~ this state when it appears that a qualified grand jury cannot
775 be had for the purpose of such investigation in the county where the crime was committed.
776 ~~The grand jury box~~ county master jury list shall be exhausted in trying to secure a qualified
777 jury before a transfer of the investigation shall be made, unless the accused consents to a
778 transfer."

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

784 **SECTION 1-37.**

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

787 "(b) Until July 1, 2012, the ~~The~~ chief judge of the superior court of the county shall submit
788 the question of impaneling a special grand jury to the judges of the superior court of the
789 county and, if a majority of the total number of the judges vote in favor of impaneling a
790 special grand jury, the members of a special grand jury shall be drawn in the manner
791 prescribed by Code Section 15-12-62. On and after July 1, 2012, the chief judge of the
792 superior court of the county shall submit the question of impaneling a special grand jury
793 to the judges of the superior court of the county and, if a majority of the total number of the
794 judges vote in favor of impaneling a special grand jury, the members of a special grand jury
795 shall be chosen in the manner prescribed by Code Section 15-12-62.1. Any special grand
796 jury shall consist of not less than 16 nor more than 23 persons. The ~~foreman~~ foreperson
797 of any special grand jury shall be selected in the manner prescribed by Code Section
798 15-12-67."

799 **SECTION 1-38.**

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

802 "15-12-120.

803 Trial juries shall be selected as provided in Code Sections 15-12-40 and 15-12-42. At the
804 same time and in the same manner that grand juries are drawn, the judge of the superior
805 court shall draw names to serve as trial jurors for the trial of civil and criminal cases in the
806 court. Such trial jurors shall be summoned in the same manner as is provided in Code
807 Section 15-12-65 ~~for summoning grand jurors.~~ This Code section shall stand repealed and
808 reserved on July 1, 2012."

809 **SECTION 1-39.**

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

811 "15-12-120.1.

812 On and after July 1, 2012, trial juries shall be chosen from a county master jury list. The
813 presiding judge shall order the clerk to choose the number of jurors necessary to conduct
814 the business of the court. The clerk shall choose the names of persons to serve as trial
815 jurors for the trial of civil and criminal cases in the court. Such trial jurors shall be
816 summoned in the same manner as provided in Code Section 15-12-65.1."

817 **SECTION 1-40.**

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

820 "15-12-121.

821 Whenever the presiding judge of the superior court fails to draw juries at any regular term
822 of the court, the jury commissioners may draw trial jurors at the same time and in the same
823 manner as grand jurors are drawn in such cases. This Code section shall stand repealed and
824 reserved on July 1, 2012."

825 **SECTION 1-41.**

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

828 "15-12-124.

829 When from challenge or from any other cause there is not a sufficient number of persons
830 in attendance to complete a panel of trial jurors, the judge shall draw tales jurors from the
831 jury box of the county and shall order the sheriff to summon the jurors so drawn. When the
832 sheriff or his or her deputy is disqualified to summon tales jurors, they may be summoned
833 by the coroner or such other person as the judge may appoint after their names have first
834 been drawn from the jury box by the judge as above provided. This Code section shall
835 stand repealed and reserved on July 1, 2012."

836 **SECTION 1-42.**

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

838 "15-12-124.1.

839 On and after July 1, 2012, when from challenge or from any other cause there is not a
840 sufficient number of persons in attendance to complete a panel of trial jurors, the clerk shall
841 choose and cause to be summoned additional prospective trial jurors."

842 **SECTION 1-43.**

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

845 "15-12-125.

846 For the trial of misdemeanors in all courts, each party may demand a full panel of 12
847 competent and impartial jurors from which to select a jury. When one or more of the
848 regular panel of trial jurors is absent or for any reason disqualified, the judge, at the request
849 of counsel for either party, shall cause the panel to be filled by additional competent and
850 impartial jurors to the number of 12 before requiring the parties or their counsel to strike

851 a jury. From this panel, the ~~defendant~~ accused and the state shall each have the right to
 852 challenge three jurors peremptorily. The ~~defendant~~ accused and the state shall exercise
 853 their challenges as provided in Code Section 15-12-166. The remaining six jurors shall
 854 constitute the jury."

855 **SECTION 1-44.**

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

858 "15-12-126.

859 When the regular panels of trial jurors cannot be furnished to make up panels of the correct
 860 number from which to take juries in misdemeanor cases because of the absence of any of
 861 such panels, where they, or any part of them, are engaged in the consideration of a case,
 862 the presiding judge may cause the panels to be filled by summoning such numbers of
 863 persons who are competent jurors as may be necessary to fill the panels. Such panels shall
 864 be used as the regular panels are used. The presiding judge shall draw the additional
 865 competent and impartial jurors from the jury box of the county and shall order the sheriff
 866 to summon them in the event that there are not sufficient jurors. This Code section shall
 867 stand repealed and reserved on July 1, 2012."

868 **SECTION 1-45.**

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

870 "15-12-126.1.

871 On and after July 1, 2012, when the regular panels of trial jurors cannot be furnished to
 872 make up panels of the correct number from which to take juries in misdemeanor cases
 873 because of the absence of any of such panels, where jurors, or any part of a panel, are
 874 engaged in the consideration of a case, the presiding judge may cause the panels to be filled
 875 by summoning such numbers of persons who are competent jurors as may be necessary to
 876 fill the panels. Such panels shall be used as the regular panels are used. The clerk shall
 877 choose and cause to be summoned additional prospective trial jurors."

878 **SECTION 1-46.**

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

881 "15-12-127.

882 When the court is held for longer than one week, the presiding judge shall draw separate
 883 panels of trial jurors for each week of the court. This Code section shall stand repealed and
 884 reserved on July 1, 2012."

885 **SECTION 1-47.**

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

888 "15-12-128.

889 No person shall be competent or compellable to serve as a ~~tales juror~~ upon the trial jury in
890 a court for more than two weeks at any one term. However, this Code section shall not
891 apply to any person regularly drawn for jury duty nor to jurors actually engaged in the trial
892 of a case at the expiration of the two weeks. This Code section shall stand repealed and
893 reserved on July 1, 2012."

894 **SECTION 1-48.**

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

897 "15-12-129.

898 Whenever the session of any court of record is prolonged beyond the week or period for
899 which juries were drawn at the close of the preceding term, or where the judge anticipates
900 that the same is about to be so prolonged, or where from any other cause the court has
901 convened or is about to convene and there have been no juries drawn for the same, the
902 judge, in the manner prescribed for drawing juries at the close of the regular term, shall
903 draw such juries as may be necessary and shall cause them to be summoned. This Code
904 section shall stand repealed and reserved on July 1, 2012."

905 **SECTION 1-49.**

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

907 "15-12-129.1.

908 On and after July 1, 2012, whenever the session of any court of record is prolonged beyond
909 the week or period for which jurors were electronically selected at the close of the
910 preceding term, or where the judge anticipates that the same is about to be so prolonged,
911 or where from any other cause the court has convened or is about to convene and there
912 have been no jurors chosen for the same, the clerk, in the same manner prescribed for
913 choosing prospective jurors at the close of the regular term, shall choose the names of
914 prospective jurors and shall cause them to be summoned."

915 **SECTION 1-50.**

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

919 "15-12-130.

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

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

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

934 (2) The precept issued by the clerk ~~of the superior court~~ in accordance with Code Section
 935 15-12-65 shows that the jurors listed thereon are qualified and competent to serve as
 936 jurors in courts other than the superior court and shows the name of such court or courts;
 937 and

938 (3) The summons served upon or sent to each of the jurors pursuant to Code Section
 939 15-12-65 affirmatively shows the name of all the courts wherein the juror is eligible to
 940 serve.

941 (c) This Code section shall stand repealed and reserved on July 1, 2012."

942 **SECTION 1-51.**

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

944 "15-12-130.1.

945 (a) On and after July 1, 2012, in any county of this state where there is located any court
 946 or courts having county-wide jurisdiction concurrent with the superior courts of this state
 947 to try any, all, or any type of case not within the exclusive jurisdiction of the superior
 948 courts of this state, any prospective trial juror chosen and summoned for service in the trial
 949 of civil and criminal cases in the superior court of such county shall be legally competent
 950 and qualified to serve as a prospective juror in any such other court or courts located in the
 951 county for the same period of time as he or she is competent and qualified to serve as a
 952 prospective trial juror in the superior court of the county.

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

955 **SECTION 1-52.**

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

958 "15-12-132.

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

960 'You shall give true answers to all questions as may be asked by the court or its authority,
961 including all questions asked by the parties or their attorneys, concerning your
962 qualifications as jurors in the case of _____ (herein state the case). So help
963 you God.'

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

965 **SECTION 1-53.**

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

968 "15-12-133.

969 In all civil cases, the parties thereto shall have the right to an individual examination of the
970 panel of prospective jurors from which the jury is to be selected, without interposing any
971 challenge. In all criminal cases, both the state and the ~~defendant~~ accused shall have the
972 right to an individual examination of each prospective juror from which the jury is to be
973 selected prior to interposing a challenge. The examination shall be conducted after the
974 administration of a preliminary oath to the panel or in criminal cases after the usual voir
975 dire questions have been put by the court. In the examination, the counsel for either party
976 shall have the right to inquire of the individual prospective jurors examined touching any
977 matter or thing which would illustrate any interest of the prospective juror in the case,
978 including any opinion as to which party ought to prevail, the relationship or acquaintance
979 of the prospective juror with the parties or counsel therefor, any fact or circumstance
980 indicating any inclination, leaning, or bias which the prospective juror might have
981 respecting the subject matter of the action or the counsel or parties thereto, and the
982 religious, social, and fraternal connections of the prospective juror."

983 **SECTION 1-54.**

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

986 "15-12-139.

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

988 'You shall well and truly try the issue formed upon this bill of indictment (or accusation)
 989 between the State of Georgia and (name of accused), who is charged with (here state the
 990 crime or offense), and a true verdict give according to the evidence. So help you God.'
 991 The judge or clerk ~~of the court~~ shall administer the oath to the jurors."

992 **SECTION 1-55.**

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

995 "15-12-160.

996 When any person stands indicted for a felony, the court shall have impaneled 30 jurors
 997 from which the defense and prosecution may strike jurors; provided, however, that in any
 998 case in which the state announces its intention to seek the death penalty, the court shall
 999 have impaneled 42 jurors from which the defense and state may strike jurors. If, for any
 1000 reason, after striking from the panel there remain less than 12 qualified jurors to try the
 1001 case, the presiding judge shall summon such numbers of persons who are competent
 1002 prospective jurors as may be necessary to provide a full panel or successive panels. In
 1003 making up the panel or successive panels, the presiding judge shall draw the tales jurors
 1004 from the jury box of the county and shall order the sheriff to summon them. This Code
 1005 section shall stand repealed and reserved on July 1, 2012."

1006 **SECTION 1-56.**

1007 Said title is further amended by adding a new Code section to read as follows:

1008 "15-12-160.1.

1009 On and after July 1, 2012, when any person stands indicted for a felony, the court shall
 1010 have impaneled 30 jurors from which the defense and prosecution may strike jurors;
 1011 provided, however, that in any case in which the state announces its intention to seek the
 1012 death penalty, the court shall have impaneled 42 jurors from which the defense and state
 1013 may strike jurors. If, for any reason, after striking from the panel there remain fewer than
 1014 12 qualified jurors to try the case, the clerk shall choose and cause to be summoned such
 1015 numbers of persons who are competent prospective jurors as may be necessary to provide
 1016 a full panel or successive panels. In making up the panel or successive panels, the clerk
 1017 shall choose the names of prospective trial jurors in the same manner as prospective trial
 1018 jurors are chosen and cause such persons to be summoned."

1019 **SECTION 1-57.**

1020 Said title is further amended by revising Code Section 15-12-161, relating to assigning panel
 1021 to defendant, as follows:

1022 "15-12-161.

1023 The clerk shall ~~make out three lists of each panel and shall furnish one to the prosecuting~~
 1024 ~~counsel and one to the counsel for the defense. The clerk shall then call over the panel and~~
 1025 ~~it shall be immediately put upon the accused~~ provide the prosecuting attorney and the
 1026 accused with the names and identifying information relative to prospective jurors for the
 1027 case being tried."

1028 **SECTION 1-58.**

1029 Said title is further amended by revising subsection (b) of Code Section 15-12-164, relating
 1030 to questions on voir dire, as follows:

1031 "(b) Either the state or the ~~defendant~~ accused shall have the right to introduce evidence
 1032 before the judge to show that a juror's answers, or any of them, are untrue. It shall be the
 1033 duty of the judge to determine the truth of such answers as may be thus questioned before
 1034 the court."

1035 **SECTION 1-59.**

1036 Said title is further amended by revising Code Section 15-12-165, relating to number of
 1037 peremptory challenges, as follows:

1038 "15-12-165.

1039 Every person accused of a felony may peremptorily challenge nine of the jurors impaneled
 1040 to try him or her. The state shall be allowed the same number of peremptory challenges
 1041 allowed to the ~~defendant~~ accused; provided, however, that in any case in which the state
 1042 announces its intention to seek the death penalty, the ~~defendant~~ accused may peremptorily
 1043 challenge 15 jurors and the state shall be allowed the same number of peremptory
 1044 challenges."

1045 **SECTION 1-60.**

1046 Said title is further amended by revising Code Section 15-12-169, relating to the manner of
 1047 selecting alternative jurors, as follows:

1048 "15-12-169.
 1049 Alternate jurors ~~must~~ shall be drawn from the same source and in the same manner and
 1050 have the same qualifications as the jurors already sworn. They shall be subject to the same
 1051 examination and challenges. The number of alternate jurors shall be determined by the
 1052 court. The state and the ~~defendant~~ accused shall be entitled to as many peremptory
 1053 challenges to alternate jurors as there are alternate jurors called. The peremptory
 1054 challenges allowed to the state and to the ~~defendant~~ accused in such event shall be in
 1055 addition to the regular number of peremptory challenges allowed in criminal cases to the
 1056 ~~defendant~~ accused and to the state as provided by law. When two or more ~~defendants~~
 1057 accused are tried jointly, the number and manner of exercising peremptory challenges shall
 1058 be determined as provided in Code Section 17-8-4. This Code section shall stand repealed
 1059 and reserved on July 1, 2012."

1060 SECTION 1-61.

1061 Said title is further amended by adding a new Code section to read as follows:

1062 "15-12-169.1.
 1063 On and after July 1, 2012, alternate jurors shall be chosen from the same county master
 1064 jury list and in the same manner and have the same qualifications as the jurors already
 1065 sworn. They shall be subject to the same examination and challenges. The number of
 1066 alternate jurors shall be determined by the court. The state and the accused shall be entitled
 1067 to as many peremptory challenges to alternate jurors as there are alternate jurors called.
 1068 The peremptory challenges allowed to the state and to the accused in such event shall be
 1069 in addition to the regular number of peremptory challenges allowed in criminal cases to the
 1070 accused and to the state as provided by law. When two or more accused are tried jointly,
 1071 the number and manner of exercising peremptory challenges shall be determined as
 1072 provided in Code Section 17-8-4."

1073 SECTION 1-62.

1074 Said title is further amended by revising subsection (a) of Code Section 15-16-21, relating
 1075 to fees for sheriff's services, as follows:

1076 "(a) For summoning each prospective juror, grand or trial, drawn to serve at any regular
 1077 term of any ~~city~~, state, or superior court or any ~~tales juror~~, grand or trial juror, drawn during
 1078 any term of any city, state, or superior court, the sheriff shall receive the sum of \$1.00. In
 1079 all counties in this state where the sheriff is paid a salary only, this Code section shall apply
 1080 as far as fees to be charged, but all such fees shall be turned over to the county treasurer or
 1081 fiscal officer of the county. This subsection shall stand repealed and reserved on July 1,
 1082 2012."

SECTION 1-63.

1083
 1084 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
 1085 amended by revising paragraphs (1) and (2) of subsection (a) of Code Section 16-10-97,
 1086 relating to intimidation or injury of grand or petit juror or court officer, as follows:

1087 "(1) Endeavors to intimidate or impede any grand juror or ~~petit trial~~ juror or any officer
 1088 in or of any court of this state or any court of any county or municipality of this state or
 1089 any officer who may be serving at any proceeding in any such court while in the
 1090 discharge of such juror's or officer's duties;

1091 (2) Injures any grand juror or ~~petit trial~~ juror in his or her person or property on account
 1092 of any indictment or verdict assented to by him or her or on account of his or her being
 1093 or having been such juror; or"

SECTION 1-64.

1094
 1095 Said title is further amended by revising division (9)(A)(xxxiv) of Code Section 16-14-3,
 1096 relating to definitions for RICO, as follows:

1097 "(xxxiv) Code Section 16-10-97, relating to intimidation of grand or ~~petit trial~~ juror
 1098 or court officer;"

SECTION 1-65.

1099
 1100 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
 1101 revising Code Section 21-2-231, relating to monthly transmittal of information to the
 1102 Secretary of State and removal of persons from the list of electors, as follows:

1103 "21-2-231.

1104 (a) Unless otherwise notified by the Secretary of State, the ~~clerk of the superior court of~~
 1105 ~~each county~~ Georgia Crime Information Center shall, on or before the tenth day of each
 1106 month, prepare and transmit to the Secretary of State, ~~in a format as prescribed by the~~
 1107 ~~Secretary of State,~~ a complete list of all persons, including ~~addresses, ages, and other~~
 1108 ~~identifying~~ dates of birth, social security numbers, and other information as prescribed by
 1109 the Secretary of State, who were convicted of a felony ~~involving moral turpitude in this~~
 1110 ~~state since during~~ the preceding ~~calendar month in that county~~ reporting period. The
 1111 Secretary of State may, by agreement with the commissioner of ~~the Department of~~
 1112 ~~Corrections~~ corrections, obtain criminal information relating to the conviction, sentencing,
 1113 and completion of sentencing requirements of felonies ~~involving moral turpitude~~.
 1114 Additionally, the Secretary of State shall be authorized to obtain such criminal information
 1115 relating to Georgia electors convicted of felonies ~~involving moral turpitude, if possible,~~
 1116 ~~from other states~~ a felony in another state, if such information is available.

1117 (a.1) The clerk of the superior court of each county shall, on or before the tenth day of
1118 each month, prepare and transmit to the Secretary of State, in a format as prescribed by the
1119 Secretary of State, a complete list of all persons, including addresses, ages, and other
1120 identifying information as prescribed by the Secretary of State, who identify themselves
1121 as not being citizens of the United States during their qualification to serve as a juror
1122 during the preceding calendar month in that county.

1123 (b) The judge of the probate court of each county shall, on or before the tenth day of each
1124 month, prepare and transmit to the Secretary of State, in a format as prescribed by the
1125 Secretary of State, a complete list of all persons, including addresses, ages, and other
1126 identifying information as prescribed by the Secretary of State, who were declared mentally
1127 incompetent during the preceding calendar month in the county and whose voting rights
1128 were removed.

1129 (c) Upon receipt of the lists described in subsections (a), (a.1), and (b) of this Code section
1130 and the lists of persons convicted of felonies in federal courts received pursuant to 42
1131 U.S.C. Section 1973gg-6(g), the Secretary of State shall transmit the names of such persons
1132 whose names appear on the list of electors to the appropriate county board of registrars who
1133 shall remove all such names from the list of electors and shall mail a notice of such action
1134 and the reason therefor to the last known address of such persons by first-class mail.

1135 (d) Unless otherwise notified by the Secretary of State, the local registrar of vital statistics
1136 of each county shall, on or before the tenth day of each month, prepare and transmit to the
1137 Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all
1138 persons, including addresses, ages, and other identifying information as prescribed by the
1139 Secretary of State, who died during the preceding calendar month in the county. The
1140 Secretary of State may, by agreement with the commissioner of community health, obtain
1141 such information from the state registrar of vital statistics. Additionally, the Secretary of
1142 State is authorized to obtain such lists of deceased Georgia electors, if possible, from other
1143 states.

1144 (e) Upon receipt of the lists described in subsection (d) of this Code section, the Secretary
1145 of State or his or her designated agent shall remove all such names of deceased persons
1146 from the list of electors and shall notify the registrar in the county where the deceased
1147 person was domiciled at the time of his or her death.

1148 (f) County registrars shall initiate appropriate action regarding the right of an elector to
1149 remain on the list of qualified registered voters within 60 days after receipt of the
1150 information described in this Code section. Failure to take such action may subject the
1151 registrars or the county governing authority for whom the registrars are acting to a fine by
1152 the State Election Board.

1153 (g) The Secretary of State shall provide to the Council of Superior Court Clerks of Georgia
 1154 not later than the last day of each month all information enumerated in subsections (a)
 1155 through (d) of this Code section and Code Section 21-2-232 and a list of voters who have
 1156 failed to vote and inactive voters, as identified pursuant to Code Sections 21-2-234 and
 1157 21-2-235. Such data shall only be used by the council, the council's vendors, and county
 1158 boards of jury commissioners for maintenance of state-wide master jury lists and county
 1159 master jury lists. Such data shall be provided to the council or its vendors in the electronic
 1160 format required by the council for such purposes."

1161 **SECTION 1-66.**

1162 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 1163 amended by revising paragraph (7) of subsection (f) of Code Section 40-5-2, relating to
 1164 keeping and furnishing of information on licensees, as follows:

1165 "(7) The lists required to be made available to boards of jury commissioners, the Council
 1166 of Superior Court Clerks of Georgia, and the Administrative Office of the Courts
 1167 pursuant to Code Section 15-12-40 or 15-12-40.1 regarding county residents who are the
 1168 holders of drivers' licenses or personal identification cards issued pursuant to this chapter.
 1169 Such lists shall identify each such person by name, address, date of birth, and gender,
 1170 and, whenever racial and ethnic information is collected by the department for purposes
 1171 of voter registration pursuant to Code Section 21-2-221, the department shall also provide
 1172 such information. The department shall also provide the address, effective date, document
 1173 issue date, and document expiration date and shall indicate whether the document is a
 1174 driver's license or a personal identification card. Such information shall be provided to
 1175 the Council of Superior Court Clerks of Georgia and the Administrative Office of the
 1176 Courts upon request in the electronic format required by the council for such purposes
 1177 and without any charge for such data."

1178 **SECTION 1-67.**

1179 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 1180 is amended by revising subsection (i) of Code Section 45-11-4, relating to unprofessional
 1181 conduct, as follows:

1182 "(i) If a true bill is returned by the grand jury, the indictment shall, as in other cases, be
 1183 published in open court and shall be placed on the superior court criminal docket of cases
 1184 to be tried by a petit trial jury."

1185 **SECTION 1-68.**

1186 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 1187 by revising subsection (a) of Code Section 50-18-72, relating to when public disclosure of
 1188 certain records is not required and the disclosure of exempting legal authority, by adding a
 1189 new paragraph to read as follows:

1190 "(4.2) Jury list data, including, but not limited to, persons' names, dates of birth,
 1191 addresses, ages, race, gender, telephone numbers, social security numbers, and when it
 1192 is available, the person's ethnicity, and other confidential identifying information that is
 1193 collected and used by the Council of Superior Court Clerks of Georgia for creating,
 1194 compiling, and maintaining state-wide master jury lists and county master jury lists for
 1195 the purpose of establishing and maintaining county jury source lists pursuant to the
 1196 provisions of Chapter 12 of Title 15; provided, however, that when ordered by the judge
 1197 of a court having jurisdiction over a case in which a challenge to the array of the grand
 1198 or trial jury has been filed, the Council of Superior Court Clerks of Georgia or the clerk
 1199 of the county board of jury commissioners of any county shall provide data within the
 1200 time limit established by the court for the limited purpose of such challenge. Neither the
 1201 Council of Superior Court Clerks of Georgia nor the clerk of a county board of jury
 1202 commissioners shall be liable for any use or misuse of such data;"

1203 **PART II**

1204 **SECTION 2-1.**

1205 Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud
 1206 and related offenses, is amended by adding a new Code section to read as follows:

1207 "16-9-62.

1208 (a) As used in this Code section, the term:

1209 (1) 'Automated sales suppression device' or 'zapper' means a software program, carried
 1210 on a memory stick or removable compact disc, accessed through an Internet link, or
 1211 accessed through any other means, that falsifies the electronic records of electronic cash
 1212 registers and other point-of-sale systems, including, but not limited to, transaction data
 1213 and transaction reports.

1214 (2) 'Electronic cash register' means a device that keeps a register or supporting
 1215 documents through the means of an electronic device or computer system designed to
 1216 record transaction data for the purpose of computing, compiling, or processing retail
 1217 sales transaction data in whatever manner.

1218 (3) 'Phantom-ware' means a hidden, preinstalled, or installed at a later time programming
 1219 option embedded in the operating system of an electronic cash register or hardwired into

1220 the electronic cash register that can be used to create a virtual second till or may eliminate
 1221 or manipulate transaction records that may or may not be preserved in digital formats to
 1222 represent the true or manipulated record of transactions in the electronic cash register.
 1223 (4) 'Transaction data' includes items purchased by a customer, the price for each item,
 1224 a taxability determination for each item, a segregated tax amount for each of the taxed
 1225 items, the amount of cash or credit tendered, the net amount returned to the customer in
 1226 change, the date and time of the purchase, the name, address, and identification number
 1227 of the vendor, and the receipt or invoice number of the transaction.
 1228 (5) 'Transaction reports' means a report documenting, but not limited to, the sales, taxes
 1229 collected, media totals, and discount voids at an electronic cash register that is printed on
 1230 cash register tape at the end of a day or shift, or a report documenting every action at an
 1231 electronic cash register that is stored electronically.
 1232 (b) It shall be unlawful to willfully and knowingly sell, purchase, install, transfer, or
 1233 possess in this state any automated sales suppression device or zapper or phantom-ware.
 1234 (c) Any person convicted of a violation of subsection (b) of this Code section shall be
 1235 guilty of a felony and shall be punished by imprisonment of not less than one nor more than
 1236 five years, a fine not to exceed \$100,000.00, or both.
 1237 (d) Any person violating subsection (b) of this Code section shall be liable for all taxes and
 1238 penalties due the state as the result of the fraudulent use of an automated sales suppression
 1239 device or phantom-ware and shall disgorge all profits associated with the sale or use of an
 1240 automated sales suppression device or phantom-ware.
 1241 (e) An automated sales suppression device or phantom-ware and any device containing
 1242 such device or software shall be contraband."

1243 **PART III**

1244 **SECTION 3-1.**

1245 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public
 1246 disclosure of certain public records is not required and the disclosure of exempting legal
 1247 authority, is amended in subparagraph (a)(15)(A) by deleting "and" at the end of division
 1248 (iii), by replacing the period with "; and" at the end of division (iv), and by adding a new
 1249 division to read as follows:

1250 "(v) Records of any government sponsored programs concerning training relative to
 1251 governmental security measures which would identify persons being trained or
 1252 instructors or would reveal information described in divisions (i) through (iv) of this
 1253 subparagraph."

1254

PART IV

1255

SECTION 4-1.

1256 (a) Parts I and II of this Act shall become effective on July 1, 2011, and Part II of this Act
1257 shall apply to all offenses occurring on and after such date.

1258 (b) Parts III and IV of this Act shall become effective upon its approval by the Governor or
1259 upon its becoming law without such approval, and Part III of this Act shall apply to open
1260 records requests pending on such date or made on and after such date.

1261

SECTION 4-2.

1262 All laws and parts of laws in conflict with this Act are repealed.