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HOUSE BILL NO. 188

Offered January 8, 2014

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A BILL to amend and reenact §§ 8.01-339, 8.01-342 through 8.01-345, 19.2-263.3, and 25.1-229 of the Code of Virginia, relating to the appointment of jury commissioners and selection of jurors.

Patrons—Knight and Leftwich

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-339, 8.01-342 through 8.01-345, 19.2-263.3, and 25.1-229 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-339. No person eligible for whom request is made.

No person shall be eligible to serve on any jury when he, or any person for him, solicits or requests a jury commissioner, *or a person designated to perform the duties of a jury commissioner*, to place his name in a jury box or in any way designate such person as a juror.

§ 8.01-342. Restrictions on amount of jury service permitted.

A. The jury commissioners, *or persons designated to perform the duties of a jury commissioner*, shall not include on the jury list provided for in § 8.01-345 the name of any person who has been called and reported to any state court for jury duty at any time during the period of three years next preceding the date of completion of such jury list.

B. If such person has been called and reported for jury duty in the trial of any case, either civil or criminal, at any one term of a court, he shall not be permitted to serve as a juror in any civil or criminal case, at any other term of that court during the three-year period set forth in subsection A of ~~this section~~, unless all the persons whose names are in the jury box have been drawn to serve during such three-year period; however, such person shall be permitted to serve on any special jury ordered pursuant to § 8.01-362 and on any grand jury.

§ 8.01-343. Appointment of jury commissioners.

A. The judge of each circuit court in which juries are impaneled shall, prior to the first day of July in each year, appoint for the next ensuing year ending on the following first day of July not less than two nor more than ~~fifteen~~ 15 persons as jury commissioners, who shall be competent to serve as jurors under the provisions of this chapter, and shall be citizens of intelligence, morality, and integrity. The judge of the circuit court of a county having the urban county executive form of government may appoint jury commissioners at any time prior to the first day of November in each year. Any one judge of the judicial circuit may make such appointment under this section. No practicing attorney-at-law, however, shall be appointed as a jury commissioner. Such appointment shall be certified by the judge to the clerk of the court for which the appointment is made, who shall enter the same on the civil order book of such court. No jury commissioner shall be eligible to reappointment for at least three years after the expiration of the year for which he was appointed. For the purpose of this section, the two divisions of the Circuit Court of the City of Richmond shall be deemed to be separate courts.

B. *Notwithstanding the provisions of subsection A, the chief judge of each circuit court may designate circuit court personnel to perform the duties of a jury commissioner.*

§ 8.01-344. Notification of jury commissioners; their oath.

Such commissioners, *or persons designated to perform the duties of a jury commissioner*, shall be immediately notified of their appointment by the clerk, and before entering upon the discharge of their duties shall take and subscribe an oath or affirmation before the clerk of such court in the following form: "I do solemnly swear (or affirm) that I will honestly, without favor or prejudice, perform the duties of jury commissioner during the year; that in selecting persons to be drawn as jurors, I will not select any person I believe to be disqualified or exempt from serving as a juror; that I will select none whom I have been requested to select; and that in all my selections I will endeavor to promote only the impartial administration of justice."

§ 8.01-345. Lists of qualified persons to be prepared by jury commissioners; random selection process.

The commissioners, *or persons designated to perform the duties of a jury commissioner*, shall, not later than December 1 following their appointment, submit a list showing the names, addresses, freeholder status and, if available, the occupations of such of the inhabitants of their respective counties or cities as are well qualified under § 8.01-337 to serve as jurors and are not excluded or exempt by §§ 8.01-338 ~~to~~ through 8.01-341 and § 8.01-342. Such master jury list shall be used in selecting jurors

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59 for a ~~twelve-month~~ 12-month period beginning on the first day of the first term of court in the calendar
60 year next succeeding December 1. The number of persons selected for each court shall be as specified in
61 the order appointing the commissioners.

62 The jury commissioners, *or persons designated to perform the duties of a jury commissioner*, shall
63 utilize random selection techniques, either manual, mechanical, or electronic, using a current voter
64 registration list and, where feasible, a list of persons issued a driver's license as defined in § 46.2-100
65 from the Department of Motor Vehicles, city or county directories, telephone books, personal property
66 tax rolls, and other such lists as may be designated and approved by the chief judge of the circuit, to
67 select the jurors representative of the broad community interests, to be placed on the master jury list.
68 The commissioners, *or persons designated to perform the duties of a jury commissioner*, shall make
69 reasonable effort to exclude the names of deceased persons and unqualified persons from the master jury
70 list. After such random selection, the commissioners, *or persons designated to perform the duties of a*
71 *jury commissioner*, shall apply such statutory exceptions and exemptions as may be applicable to the
72 names so selected. The chief judge shall promulgate such procedural rules as are necessary to ensure the
73 integrity of the random selection process and to ensure compliance with other provisions of law with
74 respect to jury selection and service.

75 Where a city and county adjoin, in whole or in part, the names of the inhabitants of a city shall not
76 be placed upon the county list, nor those of a county upon the city list except in those cases in which
77 the circuit court of the county and the circuit court of the city have concurrent jurisdiction of both civil
78 and criminal cases arising within the territorial limits of such county or city. However, in the case of the
79 City of Franklin and the County of Southampton, the number of jurors selected from Southampton
80 County shall be proportionate to the number of jurors selected from the City of Franklin based upon the
81 respective populations of the county and city.

82 **§ 19.2-263.3. Juror information confidential.**

83 A. The court may, upon motion of either party or its own motion, and for good cause shown, issue
84 an order regulating the disclosure of the personal information of a juror who has been impaneled in a
85 criminal trial to any person, other than to counsel for either party. Good cause shown includes, but is
86 not limited to, a determination by the court that there is a likelihood of bribery, tampering, or physical
87 injury to or harassment of a juror if his personal information is disclosed. An order regulating the
88 disclosure of information may be modified, and the personal information of the jurors in a criminal case
89 may be disseminated to a person having a legitimate interest or need for the information, with
90 restrictions upon its use and further dissemination as may be deemed appropriate by the court.

91 B. In addition to the provisions of subsection A, the Supreme Court shall prescribe and publish rules
92 that provide for the protection of the personal information of a juror in a criminal trial.

93 C. For purposes of this section, "personal information" means any information collected by the court,
94 clerk, ~~or~~ jury commissioner, *or person designated to perform the duties of a jury commissioner* at any
95 time about a person who is selected to sit on a criminal jury and includes, but is not limited to, a juror's
96 name, age, occupation, home and business addresses, telephone numbers, email addresses, and any other
97 identifying information that would assist another in locating or contacting the juror.

98 **§ 25.1-229. Selection of jurors.**

99 A. Except as otherwise provided in this section, the provisions of Chapter 11 (§ 8.01-336 et seq.) of
100 Title 8.01 shall apply to the selection of condemnation juries mutatis mutandis. While preserving the
101 random selection process set forth in § 8.01-345, the jury commissioner, *or such other person designated*
102 *by the court to perform the duties of a jury commissioner*, shall determine the freeholder status of
103 individuals randomly selected by reference to tax rolls or other reliable data the judge of the circuit
104 court deems appropriate.

105 B. All of the acting jurors and all of the names drawn for alternate jurors shall be freeholders of
106 property within the jurisdiction. On the day set for trial, jurors who appear shall be called to be sworn
107 on their voir dire until a disinterested and impartial panel is obtained. A juror may be stricken for cause.
108 From the impartial panel the judge shall randomly select 13 jurors. From the panel of 13 jurors each
109 party shall have four peremptory strikes. The court may appoint alternate jurors. Five persons from a
110 panel of not fewer than 13 jurors shall constitute a jury in a condemnation case. If fewer than seven
111 jurors remain before the court prior to the exercise of peremptory strikes, the trial may proceed and be
112 heard by less than five jurors provided the parties agree. However, no trial shall proceed with fewer than
113 three jurors.

114 C. The conclusion of the jurors need not be unanimous, and a majority of the jurors may act in the
115 name of the jury.

116 D. In condemnation proceedings instituted by the Commissioner of Highways, a person owning
117 structures or improvements for which an outdoor advertising permit has been issued by the
118 Commissioner of Highways pursuant to § 33.1-360 shall be deemed to be an "owner" for purposes of
119 this section.