

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 199

SENATE BILL 1434

AN ACT

AMENDING SECTIONS 9-823 AND 12-1176, ARIZONA REVISED STATUTES; REPEALING SECTION 21-101, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 21-101; AMENDING SECTION 21-131, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 21-132; CHANGING THE HEADING DESIGNATION OF TITLE 21, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, TO "QUALIFICATIONS AND EXCUSES"; AMENDING SECTIONS 21-201 AND 21-202, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING SECTION 21-334, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 21, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, AS SECTION 21-223; AMENDING SECTION 21-223, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; AMENDING SECTION 21-301, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 21-302; REPEALING SECTIONS 21-311 AND 21-312, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 21-311 AND 21-312; AMENDING SECTIONS 21-313, 21-314 AND 21-315, ARIZONA REVISED STATUTES; REPEALING SECTIONS 21-316, 21-317 AND 21-318, ARIZONA REVISED STATUTES; REPEALING TITLE 21, CHAPTER 3, ARTICLE 2.1, ARIZONA REVISED STATUTES; AMENDING SECTION 21-331, ARIZONA REVISED STATUTES; RENUMBERING SECTION 21-336.01, ARIZONA REVISED STATUTES, AS SECTION 21-332; REPEALING TITLE 21, CHAPTER 3, ARTICLE 4, ARIZONA REVISED STATUTES; AMENDING SECTION 21-402, ARIZONA REVISED STATUTES; RENUMBERING SECTION 21-404, ARIZONA REVISED STATUTES, AS SECTION 21-417; AMENDING TITLE 21, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 21-404; AMENDING SECTIONS 21-406, 21-423, 21-428 AND 22-320, ARIZONA REVISED STATUTES; REPEALING SECTION 22-426, ARIZONA REVISED STATUTES; RELATING TO JURORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-823, Arizona Revised Statutes, is amended to
3 read:

4 9-823. Registration of voters; change of registration

5 A. A city or town by ordinance or resolution in writing may provide
6 for and require a registration of the voters of the city or town. The
7 registration may be required every two years, and shall begin within sixty
8 days before, and shall be closed ten days before, the regular city or town
9 election.

10 B. The registration shall show:

11 1. The name in full of each registered voter.

12 2. The appropriate title of the voter and that ~~he~~ THE VOTER is
13 eighteen years of age or over.

14 3. Place of birth.

15 4. Place of residence by street and number, or ward.

16 5. The date of entry of the registration on the register.

17 C. The voter may change ~~his~~ THE VOTER'S place of residence as recorded
18 on the register at any time ~~prior to~~ BEFORE the closing of the register.

19 D. No person shall vote at any election in any district except the one
20 in which ~~he~~ THE PERSON has lived for at least ten days next preceding the
21 election and as shown on the register.

22 E. Notwithstanding ~~any provisions of this section or sections 9-824,~~
23 ~~16-104, AND 16-105 and 22-426 to the contrary,~~ no city or town may maintain
24 a local voter registration list after July 1, 1985 if the county recorder of
25 the county in which such city or town is located complies with ~~the provisions~~
26 ~~of~~ section 16-172.

27 Sec. 2. Section 12-1176, Arizona Revised Statutes, is amended to read:
28 12-1176. Demand for jury; trial procedure

29 A. ~~The clerk or justice of the peace shall at the time of issuing the~~
30 ~~summons, If A JURY TRIAL IS requested by the plaintiff, issue a venire to the~~
31 ~~sheriff or constable of the county commanding him to summon a jury of THE~~
32 ~~COURT SHALL GRANT THE REQUEST. IF THE PROCEEDING IS IN THE SUPERIOR COURT,~~
33 ~~THE JURY SHALL CONSIST OF eight persons, AND if the proceeding is in the~~
34 ~~superior JUSTICE court, and THE JURY SHALL CONSIST OF six persons, if in the~~
35 ~~justice court, qualified jurors of the county, to appear on the day set for~~
36 ~~trial to serve as jurors in the action. The venire shall be served and~~
37 ~~returned on the day assigned for trial. The trial date shall be no more than~~
38 ~~five judicial days after the aggrieved party files the complaint.~~

39 B. If the plaintiff does not request a jury, the defendant may do so
40 when ~~he~~ appears, ON APPEARING and the REQUEST SHALL BE GRANTED ~~jury shall be~~
41 ~~summoned in the manner set forth in subsection A.~~

42 ~~C. If any jurors fail to attend, or are excused after being~~
43 ~~challenged, the jury shall be completed by causing other qualified jurors to~~
44 ~~be summoned immediately.~~

45 ~~D.~~ C. The action shall be docketed and tried as other civil actions.

1 Sec. 3. Repeal

2 Section 21-101, Arizona Revised Statutes, is repealed.

3 Sec. 4. Title 21, chapter 1, article 1, Arizona Revised Statutes, is
4 amended by adding a new section 21-101, to read:

5 21-101. Definitions

6 IN THIS TITLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "JUROR POOL" MEANS THE PERSONS WHO ARE SUMMONED AND WHO REPORT ON A
8 SPECIFIC DATE TO OR FOR A SPECIFIC LOCATION FOR EITHER TRIAL OR GRAND JURY
9 SERVICE.

10 2. "JURY COMMISSIONER" MEANS THE CLERK OF THE SUPERIOR COURT, EXCEPT
11 THAT IN ANY COUNTY HAVING A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND
12 PERSONS, THE PRESIDING JUDGE OF THE SUPERIOR COURT MAY APPOINT A JURY
13 COMMISSIONER.

14 3. "JURY MANAGER" MEANS THE PERSON WHO IS RESPONSIBLE FOR JURY
15 MANAGEMENT IN A JUSTICE OF THE PEACE COURT OR A MUNICIPAL COURT.

16 4. "JURY PANEL" MEANS A GROUP OF JURORS WHO ARE DRAWN AT RANDOM FROM
17 THE JUROR POOL AND WHO ARE ASSIGNED TO A SPECIFIC CASE OR TRIAL.

18 5. "MASTER JURY FILE" MEANS A LIST OF PROSPECTIVE JURORS WHO ARE
19 RANDOMLY SELECTED FROM THE MASTER JURY LIST.

20 6. "MASTER JURY LIST" MEANS A RECORD OF THE NAMES AND ADDRESSES OF
21 ELIGIBLE PERSONS WHO RESIDE IN THE COUNTY AND INCLUDES PERSONS ON THE VOTER
22 REGISTRATION LIST OF THE COUNTY AND OTHER PERSONS WHO ARE ELIGIBLE FOR JURY
23 SERVICE AND WHO HAVE BEEN LICENSED PURSUANT TO TITLE 28, CHAPTER 8, ARTICLE 4
24 OR 5.

25 Sec. 5. Section 21-131, Arizona Revised Statutes, is amended to read:

26 21-131. Jury commissioner

27 A. ~~The clerk of the superior court shall be the jury commissioner,~~
28 ~~except that in any county having a population of more than five hundred~~
29 ~~thousand persons, the presiding judge of the superior court may appoint a~~
30 ~~jury commissioner. The jury commissioner shall report to the presiding~~
31 ~~judge.~~

32 B. The presiding judge of the superior court shall set the salary of a
33 jury commissioner who has been appointed by the presiding judge, subject to
34 approval of the county board of supervisors.

35 C. THE JURY COMMISSIONER OR JURY MANAGER MAY ADMINISTER AN OATH OR
36 AFFIRMATION IN RELATION TO THE EXAMINATION OF ANY MATTER CONTAINED IN THIS
37 TITLE.

38 D. THE JURY COMMISSIONER MAY PROVIDE SERVICES TO ANY COURT IN THE
39 COUNTY IF REQUESTED BY THAT COURT.

40 E. THE JURY COMMISSIONER MAY APPOINT A DESIGNEE TO PERFORM ANY ACT
41 REQUIRED OF THE JURY COMMISSIONER PURSUANT TO THIS TITLE.

1 Sec. 6. Title 21, chapter 1, article 3, Arizona Revised Statutes, is
2 amended by adding section 21-132, to read:

3 21-132. Review of jury commissioner's or jury manager's action

4 IF THE JURY COMMISSIONER OR JURY MANAGER DENIES A PERSON'S REQUEST TO
5 BE EXCUSED OR DISQUALIFIED FROM JURY SERVICE AND THE PERSON MAKES A WRITTEN
6 APPLICATION FOR REVIEW, THE PRESIDING JUDGE OF THE COURT TO WHICH THE PERSON
7 HAS BEEN SUMMONED OR ANOTHER JUDGE DESIGNATED BY THE PRESIDING JUDGE SHALL
8 DECIDE WHETHER THE PERSON SHOULD BE EXCUSED OR DISQUALIFIED.

9 Sec. 7. Heading change

10 The article heading of title 21, chapter 2, article 1, Arizona Revised
11 Statutes, is changed from "QUALIFICATIONS AND EXEMPTIONS" to "QUALIFICATIONS
12 AND EXCUSES".

13 Sec. 8. Section 21-201, Arizona Revised Statutes, is amended to read:

14 21-201. Qualifications

15 Every juror, grand and trial, shall be at least eighteen years of age
16 and meet the following qualifications:

17 1. Be a citizen of the United States.

18 2. Be a resident of the jurisdiction in which ~~he~~ THE JUROR is summoned
19 to serve. A CITIZEN WHOSE NAME AND ADDRESS APPEARS ON THE MASTER JURY LIST
20 AS REQUIRED BY SECTION 21-301 IS PRESUMED TO BE A RESIDENT OF THE
21 JURISDICTION FOR THE PURPOSES OF THIS SECTION.

22 3. Never have been convicted of a felony, unless the juror's civil
23 rights have been restored.

24 4. Is not currently adjudicated mentally incompetent or insane.

25 Sec. 9. Section 21-202, Arizona Revised Statutes, is amended to read:

26 21-202. Persons entitled to be excused from jury service

27 A. It is the policy of this state that all qualified citizens have an
28 obligation to serve on juries when summoned by the courts of this state,
29 unless excused.

30 B. On timely application to the court, the following persons shall be
31 excused temporarily from service as a juror if the judge or jury commissioner
32 finds that any of the following ~~apply~~ APPLIES:

33 1. The prospective juror has a mental or physical condition that
34 causes the juror to be incapable of performing jury service. The juror or
35 the juror's personal representative shall provide to the court or jury
36 commissioner a medical statement from a physician who is licensed pursuant to
37 title 32 that explains an existing mental or physical condition that renders
38 the person unfit for jury service. If a prospective juror does not have a
39 physician, the prospective juror or the juror's personal representative shall
40 provide a sworn statement from a professional caregiver for the prospective
41 juror that is deemed acceptable by the court or jury commissioner and that
42 explains the mental or physical condition that renders the prospective juror
43 incapable of performing jury service. For the purposes of this paragraph:

44 (a) The statement shall be in writing and shall contain a description
45 and duration of any mobility restrictions, the specific symptoms that make

1 the prospective juror mentally or physically unfit for jury service and their
2 duration, the employment status of the prospective juror and the printed
3 name, signature, professional license number if applicable, area of specialty
4 and contact information of the authorizing physician or professional
5 caregiver.

6 (b) A form that complies with this paragraph shall be made available
7 at courthouses, the Arizona medical board web site and other appropriate
8 locations that are identified by the court or jury commissioner.

9 (c) These documents are not public records and shall not be disclosed
10 to the general public.

11 2. Jury service by the prospective juror would substantially and
12 materially affect the public interest or welfare in an adverse manner.

13 3. The prospective juror is not currently capable of understanding the
14 English language.

15 4. Jury service would cause undue or extreme physical or financial
16 hardship to the prospective juror or a person under the prospective juror's
17 care or supervision. For the purposes of this paragraph:

18 (a) A judge or jury commissioner of the court for which the person was
19 called to jury service shall determine whether jury service would cause the
20 prospective juror undue or extreme physical or financial hardship.

21 (b) A person who requests to be excused under this paragraph shall
22 take all actions necessary to obtain a ruling on the request before the date
23 on which the person is scheduled to appear for jury duty.

24 (c) Undue or extreme physical or financial hardship is limited to the
25 following circumstances in which a person:

26 (i) Would be required to abandon a person under the potential juror's
27 care or supervision due to the impossibility of obtaining an appropriate
28 substitute caregiver during the period of participation in the jury pool or
29 on the jury.

30 (ii) Would incur costs that would have a substantial adverse impact on
31 the payment of the person's necessary daily living expenses or on those for
32 whom the potential juror provides regular employment or the principal means
33 of support.

34 (iii) Would suffer physical hardship that would result in illness or
35 disease.

36 (d) Undue or extreme physical or financial hardship does not exist
37 solely based on the fact that a prospective juror will be required to be
38 absent from the prospective juror's place of employment.

39 (e) A person who requests to be excused under this paragraph shall
40 provide the judge or jury commissioner with documentation that supports the
41 request to be excused, such as federal and state income tax returns, payroll
42 records, medical statements from physicians licensed pursuant to title 32,
43 proof of dependency or guardianship or other similar documents. The judge or
44 jury commissioner may excuse a person if the documentation clearly supports

1 the request to be excused. These documents are not public records and shall
2 not be disclosed to the general public.

3 5. The prospective juror is a peace officer who is certified by the
4 Arizona peace officer standards and training board and who is employed as a
5 peace officer by this state or any political subdivision of this state. The
6 employer of a peace officer shall not in any way influence the peace officer
7 to make or not to make an application to the court, pursuant to this section,
8 to be excused from jury service.

9 6. A judge or jury commissioner of the court for which the person was
10 called to jury service excuses the prospective juror for good cause based on
11 a showing of undue or extreme hardship under the circumstances, including
12 being temporarily absent from the jurisdiction or a lack of transportation.

13 C. Notwithstanding subsection B, a prospective juror who is at least
14 seventy-five years of age may submit a written statement to the court
15 requesting that the person be excused from service. The prospective juror
16 may request to be excused temporarily or permanently. On receipt of the
17 request, the judge or jury commissioner shall excuse the prospective juror
18 from service.

19 D. A person who is excused temporarily pursuant to this section
20 becomes eligible for qualification as a juror when the temporary excuse
21 expires unless the person is permanently excused from jury service.

22 E. A person may be permanently excused only if the deciding judge or
23 jury commissioner determines that the underlying grounds for being excused
24 are permanent in nature or the person is permanently excused under
25 subsection C.

26 F. IF THE JUDGE, JURY COMMISSIONER OR JURY MANAGER PERMANENTLY EXCUSES
27 THE PERSON FROM JURY SERVICE, THE PERSON SHALL BE NOTIFIED THAT THE PERSON IS
28 PERMANENTLY EXCUSED.

29 Sec. 10. Section 21-334, Arizona Revised Statutes, is transferred and
30 renumbered for placement in title 21, chapter 2, article 3, Arizona Revised
31 Statutes, as renumbered by this act, as section 21-223 and, as so renumbered,
32 is amended to read:

33 21-223. Failure of juror to attend; fine

34 It is unlawful for a juror who is summoned and who fails to obtain a
35 postponement or who is not excused from jury service to wilfully and without
36 reasonable excuse fail to attend on the date scheduled for jury service. The
37 ~~juror may be attached as for a direct contempt of court and may be compelled~~
38 ~~to attend on the date scheduled for jury service, and a fine not exceeding~~ IF
39 THE PERSON FAILS TO RESPOND TO A SECOND SUMMONS THE COURT MAY ISSUE A BODY
40 ATTACHMENT AS FOR A DIRECT CONTEMPT OF THE COURT. THE PERSON MAY BE FINED AN
41 AMOUNT NOT TO EXCEED five hundred dollars AND ~~may be imposed by the court for~~
42 ~~nonattendance upon the court~~ COMPELLED TO ATTEND FOR JURY SERVICE ON ANOTHER
43 DATE.

1 Sec. 11. Section 21-301, Arizona Revised Statutes, is amended to read:
2 21-301. Master jury list; source lists

3 ~~A. Names of prospective jurors to serve on trial and grand juries~~
4 ~~shall be selected at random from the master jury list of the county.~~

5 ~~B. A. The jury commissioner of each county shall prepare and maintain~~
6 ~~a current master jury list of eligible juror candidates. The JURY~~
7 COMMISSIONER SHALL PRODUCE A MASTER JURY LIST. THE MASTER JURY list shall be
8 comprised of the names and addresses of eligible persons who reside in the
9 county and shall include persons on the voter registration list of the
10 county, other persons eligible for jury service who have been licensed
11 pursuant to title 28, chapter 8, article 4 or 5 and persons from other lists
12 as determined by the supreme court. The master jury list shall be prepared
13 so as to avoid duplication of the names of eligible juror candidates.

14 ~~C. B. Not later than January 1 following each biennial general~~
15 election, the county recorder shall provide the jury commissioner OR JURY
16 MANAGER with a list containing the names and addresses of all persons
17 qualified to vote at the preceding general election. At least once every six
18 months thereafter the county recorder shall provide the jury commissioner
19 with the names and addresses of all additional persons who have registered as
20 voters since the date of the last list.

21 ~~D. C. Upon~~ ON written request by a ~~county~~ jury commissioner OR JURY
22 MANAGER, the director of the department of transportation shall furnish and
23 periodically revise a list of the names and addresses of all persons in ~~such~~
24 THAT county who are at least eighteen years of age and who have been licensed
25 pursuant to title 28, chapter 8, article 4 or 5. EXCEPT AS PROVIDED IN
26 SECTION 21-312, no ~~county~~ jury commissioner OR JURY MANAGER may disclose
27 information furnished by the director of the department of transportation
28 pursuant to this section to any person, organization or agency for any use
29 other than the selection of jurors.

30 ~~E. In any county in which the selection and drawing of jurors are~~
31 ~~performed by data processing equipment, the names contained in the master~~
32 ~~jury list shall be maintained in a uniform format.~~

33 Sec. 12. Title 21, chapter 3, article 1, Arizona Revised Statutes, is
34 amended by adding section 21-302, to read:

35 21-302. Juror summoning; procedures

36 A. THE SUPERIOR COURT IN EACH COUNTY SHALL SUMMON TRIAL JURORS FROM
37 THE MASTER JURY LIST PURSUANT TO RULES ADOPTED BY THE SUPREME COURT.

38 B. THE SUPERIOR COURT IN EACH COUNTY SHALL SUMMON GRAND JURORS FROM
39 THE MASTER JURY LIST PURSUANT TO RULES ADOPTED BY THE SUPREME COURT.

40 C. JURORS SHALL BE SUMMONED BY USING A COUNTYWIDE SUMMONING METHOD
41 THAT IS IN COMPLIANCE WITH THE CONSTITUTIONS OF THE UNITED STATES AND THIS
42 STATE.

43 D. A COURT MAY USE ALTERNATIVE PROCEDURES FOR SUMMONING JURORS THAT
44 ARE IN COMPLIANCE WITH THE CONSTITUTIONS OF THE UNITED STATES AND THIS STATE
45 BY PROVIDING FOR THE SUMMONING OF JURORS FROM A FAIR CROSS SECTION OF THE

1 COMMUNITY AS PROVIDED IN A PLAN APPROVED PURSUANT TO RULES ADOPTED BY THE
2 SUPREME COURT.

3 E. IF THE SUPERIOR COURT IN A COUNTY HAS MULTIPLE COURT LOCATIONS, THE
4 COURT MAY PROPOSE ALTERNATIVE PROCEDURES FOR SUMMONING JURORS AS PROVIDED IN
5 A PLAN APPROVED BY THE SUPREME COURT OR THE PRESIDING JUDGE OF THE COUNTY IN
6 WHICH THE COURT IS LOCATED. THE ALTERNATIVE PROCEDURES MAY BE DESIGNED TO
7 MINIMIZE THE DISTANCE PROSPECTIVE JURORS MUST TRAVEL AND TO AVOID UNNECESSARY
8 TRAVEL EXPENSES BY DIVIDING THE COUNTY INTO JURY DISTRICTS OR USING A
9 COUNTYWIDE JUROR SUMMONING METHOD THAT AFFORDS ALL QUALIFIED PERSONS IN THE
10 COUNTY AN OPPORTUNITY TO BE CONSIDERED FOR JURY SERVICE AT ANY COURT
11 LOCATION.

12 F. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION, IF MULTIPLE
13 COURTS OPERATE AT ONE LOCATION, JURORS MAY BE SUMMONED COUNTYWIDE OR FROM THE
14 JURISDICTION OF THE COURTS AND POOLED FOR USE BY ANY SUPERIOR COURT OR
15 JUSTICE OF THE PEACE COURT AT THAT LOCATION.

16 G. ONLY PERSONS WHO RESIDE WITHIN THE CITY OR TOWN LIMITS OF THE COURT
17 ARE ELIGIBLE FOR JURY SERVICE IN MUNICIPAL COURT.

18 H. IN COUNTIES WITH A POPULATION OF TWO MILLION PERSONS OR MORE, A
19 PERSON MUST RESIDE WITHIN THE PRECINCT LIMITS OF THE COURT TO BE ELIGIBLE FOR
20 JURY SERVICE IN A JUSTICE OF THE PEACE COURT.

21 Sec. 13. Repeal

22 Sections 21-311 and 21-312, Arizona Revised Statutes, are repealed.

23 Sec. 14. Title 21, chapter 3, article 2, Arizona Revised Statutes, is
24 amended by adding new sections 21-311 and 21-312, to read:

25 21-311. Master jury file; source list

26 A. IF A SUPERIOR COURT USES A MASTER JURY FILE, THE PRESIDING JUDGE OF
27 THE SUPERIOR COURT, ON COMPLETION OF THE MASTER JURY LIST AND AT OTHER TIMES
28 AS NECESSARY, SHALL ORDER THE JURY COMMISSIONER TO RANDOMLY SELECT FROM THE
29 MASTER JURY LIST THE NUMBER OF NAMES THAT ARE NECESSARY TO PROVIDE A
30 SUFFICIENT NUMBER OF PERSONS FOR JURY SERVICE DURING THE ENSUING SIX MONTHS
31 OR A SHORTER TIME PERIOD AS THE PRESIDING JUDGE DEEMS APPROPRIATE. THE
32 PERSONS WHO REMAIN ON THE LIST AT THE END OF THE DESIGNATED PERIOD MAY BE
33 RETAINED AND CARRIED OVER ONCE TO THE NEXT SUCCEEDING MASTER JURY FILE.

34 B. TO ESTABLISH THE MASTER JURY FILE THE JURY COMMISSIONER OR THE JURY
35 COMMISSIONER'S DESIGNEE SHALL RANDOMLY SELECT FROM THE MASTER JURY LIST THE
36 NUMBER OF NAMES SPECIFIED IN THE ORDER.

37 C. IF THE PRESIDING JUDGE OF THE SUPERIOR COURT BELIEVES THAT
38 ADDITIONAL JURORS WILL BE REQUIRED, THE PRESIDING JUDGE MAY ORDER THE JURY
39 COMMISSIONER TO RANDOMLY SELECT ADDITIONAL NAMES FROM THE MASTER JURY LIST.

40 D. IF A JUSTICE OF THE PEACE COURT OR A MUNICIPAL COURT USES A MASTER
41 JURY FILE, THE JUSTICE OF THE PEACE OR THE PRESIDING MUNICIPAL COURT JUDGE,
42 UPON PRODUCTION OF THE MASTER JURY LIST PURSUANT TO SECTION 21-301 AND AT
43 OTHER TIMES AS NECESSARY, SHALL ORDER THE JURY MANAGER TO RANDOMLY SELECT
44 FROM THE MASTER JURY LIST THE NUMBER OF NAMES THAT ARE NECESSARY TO PROVIDE A
45 SUFFICIENT NUMBER OF PERSONS FOR JURY SERVICE DURING THE ENSUING SIX MONTHS

1 OR A SHORTER TIME PERIOD AS THE JUSTICE OF THE PEACE OR THE PRESIDING JUDGE
2 DEEMS APPROPRIATE. THE JURORS WHO REMAIN ON THE LIST AT THE END OF THE
3 DESIGNATED PERIOD MAY BE RETAINED AND CARRIED OVER ONCE TO THE NEXT
4 SUCCEEDING MASTER JURY FILE.

5 E. TO ESTABLISH THE MASTER JURY FILE THE JURY MANAGER OR THE JURY
6 MANAGER'S DESIGNEE SHALL RANDOMLY SELECT FROM THE MASTER JURY LIST THE NUMBER
7 OF NAMES SPECIFIED IN THE ORDER.

8 F. IF THE JUSTICE OF THE PEACE OR THE PRESIDING MUNICIPAL COURT JUDGE
9 BELIEVES THAT ADDITIONAL JURORS WILL BE REQUIRED, THE JUSTICE OF THE PEACE OR
10 THE PRESIDING MUNICIPAL COURT JUDGE MAY ORDER THE JURY MANAGER TO RANDOMLY
11 SELECT ADDITIONAL NAMES FROM THE MASTER JURY LIST.

12 G. THE USE OF A MASTER JURY FILE IS OPTIONAL.

13 21-312. Juror records

14 A. THE LIST OF JUROR NAMES OR OTHER JUROR INFORMATION SHALL NOT BE
15 RELEASED UNLESS SPECIFICALLY REQUIRED BY LAW OR ORDERED BY THE COURT.

16 B. ALL RECORDS THAT CONTAIN JUROR BIOGRAPHICAL INFORMATION ARE CLOSED
17 TO THE PUBLIC AND SHALL BE RETURNED TO THE JURY COMMISSIONER, THE JURY
18 MANAGER OR THE COURT WHEN JURY SELECTION IS COMPLETED AND MAY NOT BE FURTHER
19 DISCLOSED OR DISSEMINATED BY A PARTY OR THE PARTY'S ATTORNEY.

20 C. A RANDOM JURY BOX SEATING LIST IS CONFIDENTIAL BEFORE USE.

21 Sec. 15. Section 21-313, Arizona Revised Statutes, is amended to read:

22 21-313. Use of jury management automation systems: random
23 selection

24 A. A JURY MANAGEMENT AUTOMATION SYSTEM MAY BE USED IN THE PERFORMANCE
25 OF THE DUTIES IMPOSED BY THIS TITLE.

26 B. In any county where ~~data processing equipment~~ A JURY MANAGEMENT
27 AUTOMATION SYSTEM is used, the jury commissioner ~~or the jury commissioner's~~
28 ~~agent~~ OR JURY MANAGER shall cause the device to be programmed to ensure the
29 random selection of names on the master jury list PROCEDURES.

30 C. THE COURTS SHALL USE RANDOM SELECTION PROCEDURES THROUGHOUT THE
31 JUROR SELECTION PROCESS INCLUDING:

- 32 1. SELECTING PERSONS TO BE QUALIFIED OR SUMMONED FOR JURY SERVICE.
- 33 2. ASSIGNING JURORS TO PANELS.
- 34 3. CALLING JURORS FOR VOIR DIRE.

35 Sec. 16. Section 21-314, Arizona Revised Statutes, is amended to read:

36 21-314. Juror questionnaire

37 A. The jury commissioner OR JURY MANAGER shall ~~supply~~ USE a
38 questionnaire to each person whose name is drawn from the master jury file to
39 ~~determine his qualifications~~ DETERMINE WHETHER A PERSON IS QUALIFIED to serve
40 ~~and whether he~~ OR has valid grounds to be excused OR POSTPONED from service.
41 THE JURY COMMISSIONER OR JURY MANAGER MAY REQUIRE ADDITIONAL INFORMATION FROM
42 THE PERSON TO MAKE THIS DETERMINATION. THE JURY COMMISSIONER OR JURY MANAGER
43 MAY DETERMINE JUROR QUALIFICATIONS, EXCUSES AND POSTPONEMENTS AT THE SAME
44 TIME.

1 B. ~~Each person shall return the questionnaire fully answered to the~~
2 ~~jury commissioner within ten days after it is received. The jury~~
3 ~~commissioner OR JURY MANAGER may destroy the fully answered questionnaire~~
4 ~~ninety days after the commissioner OR MANAGER receives it.~~

5 C. ~~The jury commissioner may issue a questionnaire to each person to~~
6 ~~determine the person's qualifications to serve as a juror in accordance with~~
7 ~~the provisions of this section in the same mailing in which the jury~~
8 ~~commissioner summonses each person to attend the court as a juror pursuant to~~
9 ~~section 21-331.~~

10 C. THE JUROR QUESTIONNAIRE MAY BE INCLUDED IN THE SAME MAILING AS THE
11 SUMMONS TO ATTEND THE COURT AS A JUROR OR THE QUESTIONNAIRE MAY BE MAILED
12 BEFORE THE SUMMONS.

13 D. THE JURY COMMISSIONER OR JURY MANAGER MAY INVESTIGATE THE ACCURACY
14 OF THE ANSWERS TO THE QUESTIONNAIRE AND MAY CALL ON LAW ENFORCEMENT AGENCIES
15 FOR ASSISTANCE IN AN INVESTIGATION.

16 Sec. 17. Section 21-315, Arizona Revised Statutes, is amended to read:
17 21-315. Excuse from service; investigation

18 A. ~~If a person's answers to a questionnaire indicate that the JURY~~
19 ~~COMMISSIONER OR JURY MANAGER DETERMINES THAT A person is unqualified for jury~~
20 ~~service or, in the opinion of the judge or jury commissioner, state HAS VALID~~
21 ~~grounds sufficient to be excused OR POSTPONED from jury service, the person's~~
22 ~~name shall not be included on the qualified juror list and the person shall~~
23 ~~be notified that he is excused from jury service ACCORDINGLY.~~

24 B. ~~The jury commissioner may investigate the accuracy of the answers~~
25 ~~to the questionnaire and may call upon law enforcement agencies for~~
26 ~~assistance in the investigation.~~

27 B. THE PRESIDING JUDGE MAY ISSUE AN ORDER OR THE JURY COMMISSIONER OR
28 JURY MANAGER MAY ISSUE A SUBPOENA FOR ANY PERSON WHOSE NAME APPEARS ON THE
29 MASTER JURY LIST TO APPEAR BEFORE THE JURY COMMISSIONER OR THE JURY MANAGER
30 TO TESTIFY UNDER OATH OR AFFIRMATION CONCERNING THE PERSON'S QUALIFICATIONS,
31 ANY GROUNDS FOR EXCUSE OR THE COMPLETION OF AN UNRETURNED QUESTIONNAIRE.

32 Sec. 18. Repeal

33 Sections 21-316, 21-317 and 21-318, Arizona Revised Statutes, are
34 repealed.

35 Sec. 19. Repeal

36 Title 21, chapter 3, article 2.1, Arizona Revised Statutes, is
37 repealed.

38 Sec. 20. Section 21-331, Arizona Revised Statutes, is amended to read:
39 21-331. Procedure for summoning jurors

40 A. THE JURY COMMISSIONER OR JURY MANAGER SHALL USE EITHER OF THE
41 FOLLOWING METHODS FOR SUMMONING PERSONS FOR A PARTICULAR JUROR POOL:

42 1. THE COURT SHALL ORDER THE JURY COMMISSIONER OR JURY MANAGER TO
43 SUMMON A SPECIFIC NUMBER OF QUALIFIED JURORS, AT RANDOM, FOR EITHER A TRIAL
44 JURY OR GRAND JURY PANEL.

1 2. THE JURY COMMISSIONER OR JURY MANAGER SHALL DETERMINE A SPECIFIC
2 NUMBER OF PERSONS TO BE SUMMONED FOR A COURT LOCATION AND DATE.

3 B. IN COUNTIES IN WHICH MULTIPLE SUPERIOR COURT LOCATIONS EXIST, A
4 JUROR SHALL NOT BE SUMMONED TO MORE THAN ONE COURT LOCATION ON THE SAME DATE
5 AND IS NOT REQUIRED TO SERVE IN MORE THAN ONE COURT LOCATION ON ANY SPECIFIC
6 DATE.

7 ~~A. C. The court shall order the summoning of the persons to attend~~
8 ~~the court at the time fixed in the order to form the jury,~~ THE SUMMONS SHALL
9 BE DELIVERED by giving personal notice to each of them PERSON, or by leaving
10 a written notice to that effect at his THE PERSON'S place of residence, with
11 some person of proper age and discretion, BY TELEPHONE or by mailing such
12 notice by first class mail, registered mail or certified mail.

13 ~~B. D. Any juror~~ PERSON who fails to appear in response to a notice
14 sent by first class mail shall be immediately resummoned by a notice sent by
15 first class mail, registered mail or certified mail and shall not be subject
16 to A BODY attachment or fine as provided in section 21-334 unless the juror
17 fails to appear in response to this second mailing SUMMONS. Notwithstanding
18 section 21-301, subsection ~~D~~ C, for any juror whose mail is returned as
19 undeliverable, the jury commissioner OR JURY MANAGER shall notify the county
20 recorder who shall send a follow-up notice to the juror pursuant to section
21 16-166, subsection A, including information regarding possible removal from
22 the voter registration rolls, and on completion of the notification process
23 pursuant to section 16-166, the county recorder shall transfer the juror to
24 the inactive voter list.

25 ~~C. If jurors are required by a justice court or municipal court, in~~
26 ~~addition to the method of summoning jurors pursuant to subsection A of this~~
27 ~~section the jurors, on written order of the justice of the peace or~~
28 ~~magistrate of the court, may be summoned by the sheriff, constable, marshal,~~
29 ~~policeman or court of that jurisdiction from among the residents of the city,~~
30 ~~town or precinct who are competent to serve as jurors. The summons shall be~~
31 ~~served not less than three days before the time the juror is required to~~
32 ~~appear unless a juror, after being notified of the three day notice~~
33 ~~requirement, waives, either orally or in writing, the three day notice.~~

34 ~~D. The officer shall notify each juror that he is being summoned and~~
35 ~~of the time and place at which his attendance is required. The officer, at~~
36 ~~the time fixed in the order for appearance of the jurors, shall return the~~
37 ~~order with a list of the summoned jurors endorsed on the order.~~

38 ~~E. On order of the presiding judge of the superior court in the~~
39 ~~county, the jury commissioner of the county shall draw prospective jurors for~~
40 ~~the justice court and for the municipal court if an intergovernmental~~
41 ~~agreement for drawing jury panels exists between the county and the~~
42 ~~municipality, pursuant to sections 21-322 and 21-323.~~

43 Sec. 21. Renumber

44 Section 21-336.01, Arizona Revised Statutes, is renumbered as section
45 21-332.

1 Sec. 22. Repeal
2 Title 21, chapter 3, article 4, Arizona Revised Statutes, is repealed.

3 Sec. 23. Section 21-402, Arizona Revised Statutes, is amended to read:
4 21-402. Calling grand jury

5 A. In a county with a population of two hundred thousand PERSONS or
6 more a grand jury shall be called ~~three times~~ EVERY FOUR MONTHS each year by
7 the presiding judge of the superior court. ~~The call shall be issued on the~~
8 ~~first court date of each year, the first court date of May of each year and~~
9 ~~the first court date of September of each year.~~ Each grand jury shall sit
10 until a new grand jury has been impanelled to replace it or until its term
11 expires pursuant to section 21-403. Additional grand juries shall be called
12 ~~upon~~ ON petition of the county attorney stating the reasons therefor.

13 B. In a county WITH A POPULATION of ~~under~~ LESS THAN two hundred
14 thousand ~~in population~~ PERSONS the presiding judge of the superior court may
15 call a grand jury EITHER:

16 1. If, in ~~his~~ THE JUDGE'S sole discretion, he THE JUDGE determines the
17 public interest requires a grand jury. ~~;~~

18 2. On petition of the county attorney.

19 Sec. 24. Renumber

20 Section 21-404, Arizona Revised Statutes, is renumbered as section
21 21-417.

22 Sec. 25. Title 21, chapter 4, article 1, Arizona Revised Statutes, is
23 amended by adding a new section 21-404, to read:

24 21-404. Grand jurors; number; quorum

25 THE ORDER TO FORM A GRAND JURY SHALL SPECIFY THE NUMBER OF JURORS TO
26 CONSTITUTE THE GRAND JURY. THE GRAND JURY SHALL CONSIST OF AT LEAST TWELVE
27 BUT NOT MORE THAN SIXTEEN PERSONS, NINE OF WHOM CONSTITUTE A QUORUM FOR ALL
28 PROCEEDINGS BEFORE IT.

29 Sec. 26. Section 21-406, Arizona Revised Statutes, is amended to read:
30 21-406. Absence

31 A. At any time, for good cause, the presiding judge of the superior
32 court may excuse a grand juror temporarily or permanently. In the event that
33 a grand juror is excused permanently, the presiding judge of the superior
34 court OR A DESIGNEE may administer the oath to an alternate grand juror so as
35 to maintain the original membership at the prescribed number of persons. The
36 alternate grand juror shall be selected as prescribed by title 21, chapter 3.

37 B. No grand juror shall vote on any matter ~~upon~~ ON which evidence has
38 been taken in ~~his~~ THE JUROR'S absence or ~~prior to his~~ BEFORE THE JUROR'S
39 impanelment.

40 Sec. 27. Section 21-423, Arizona Revised Statutes, is amended to read:
41 21-423. Jurors; judicial supervision

42 A. A state grand jury shall consist of the same number of members as a
43 county grand jury. The residence and qualifications of the members of the
44 state grand jury shall be determined according to rules ~~and regulations~~
45 ~~promulgated~~ ADOPTED by the ~~Arizona~~ supreme court which, at its discretion,

1 depending upon ON the nature of the matters to be investigated, may permit
2 the jury members to be residents of either one county or several counties.

3 ~~B. The jury commissioner of the county in which the assignment judge~~
4 ~~is serving, upon receipt of the order of the assignment judge, shall prepare~~
5 ~~a list of prospective jurors drawn from current jury lists from which list~~
6 ~~the assignment judge shall impanel a state grand jury.~~

7 ~~C. B. The jury commissioner of the county in which the assignment~~
8 ~~judge is serving shall cause the panel members to be summoned for service.~~
9 ~~The jury commissioner shall send the notice of service by certified mail,~~
10 ~~return receipt requested.~~

11 ~~D. C. Judicial supervision of the state grand jury shall be~~
12 ~~maintained by the assignment judge and all indictments, presentments and~~
13 ~~formal returns of any kind made by a state grand jury shall be returned to~~
14 ~~the assignment judge.~~

15 Sec. 28. Section 21-428, Arizona Revised Statutes, is amended to read:

16 21-428. Costs and expenses; state grand jury

17 A. In addition to the fees and amounts stated in section ~~21-221~~
18 21-211, persons serving on a state grand jury shall be provided by the county
19 in which the assignment judge is serving with reasonable per diem expenses as
20 established by the Arizona supreme court.

21 B. The costs and expenses incurred by a county arising out of or in
22 connection with impaneling a state grand jury and for the performing of its
23 functions and duties or arising out of the prosecution and trial of state
24 grand jury indictments shall be paid for by the state out of monies
25 appropriated to the supreme court for these purposes. The supreme court
26 shall approve county requests for reimbursement after certification by the
27 assignment judge that the amount requested is owed.

28 C. All costs and expenses incurred by the attorney general arising out
29 of the investigation, prosecution and trial of matters cognizable by a state
30 grand jury are payable from monies appropriated to the attorney general for
31 these purposes.

32 Sec. 29. Section 22-320, Arizona Revised Statutes, is amended to read:

33 22-320. Trial by jury

34 ~~A.~~ A trial by jury shall be had if demanded by either the state or
35 defendant. Unless the demand is made at least five days before commencement
36 of the trial, a trial by jury shall be deemed waived.

37 ~~B. Upon demand being made for a jury trial, the justice of the peace~~
38 ~~or presiding officer of a police court shall issue an order directed to the~~
39 ~~sheriff of the county, or to any constable, marshal, policeman or member of~~
40 ~~the court staff to summon the number of qualified persons specified in the~~
41 ~~order to appear at the time and place therein fixed to serve as jurors in the~~
42 ~~action. If the required number of jurors do not appear, an additional order~~
43 ~~or orders may be issued.~~

1 Sec. 30. Repeal
2 Section 22-426, Arizona Revised Statutes, is repealed.
3 Sec. 31. Effective date
4 This act is effective from and after December 31, 2007.

APPROVED BY THE GOVERNOR MAY 8, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2007.

Passed the House April 17, 20 07,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 1, 20 07,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1434

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 2, 2007

by the following vote: 24 Ayes,

5 Nays, 1 Not Voting

Timothy S. Ber
President of the Senate

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

2nd day of May, 2007

at 11:05 o'clock a. M.

Wendy H. Barba
Secretary to the Governor

Approved this 8 day of

May 2007

at 4:50 o'clock P. M.

J. Miller
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 9 day of May, 2007

S.B. 1434

at 8:35 o'clock A. M.

Janice S. Brewer
Secretary of State