

By: Senator(s) Cuevas

To: Judiciary

SENATE BILL NO. 2514

1 AN ACT TO AMEND SECTIONS 13-5-1, 13-5-4 AND 13-5-8,  
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JURY SELECTION SHALL BE  
3 MADE FROM AMONG THOSE QUALIFIED PERSONS WHO HOLD MISSISSIPPI  
4 DRIVERS' LICENSES RATHER THAN FROM QUALIFIED ELECTORS; TO REQUIRE  
5 THE DEPARTMENT OF PUBLIC SAFETY TO FURNISH LISTS OF DRIVER'S  
6 LICENSE HOLDERS TO JURY COMMISSIONS; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 13-5-1, Mississippi Code of 1972, is  
9 amended as follows:

10 13-5-1. Every citizen not under the age of twenty-one (21)  
11 years, who possesses a driver's license or identification card  
12 issued by the Department of Public Safety or who has executed the  
13 affidavit prescribed in Section 13-5-8(2)(b); has been a resident  
14 of his respective county for more than one (1) year; is able to  
15 read and write; \* \* \* has not been convicted of an infamous crime  
16 or the unlawful sale of intoxicating liquors within a period of  
17 five (5) years; and \* \* \* is not a common gambler or habitual  
18 drunkard, is a competent juror. No person who is or has been  
19 within twelve (12) months the overseer of a public road or road  
20 contractor shall, however, be competent to serve as a grand juror.  
21 The lack of any such qualifications on the part of one or more  
22 jurors shall not \* \* \* vitiate an indictment or verdict.  
23 Moreover, no talesman or tales juror shall be qualified who has  
24 served as such talesman or tales juror in the last preceding two  
25 (2) years, and no juror shall serve on any jury who has served as  
26 such for the last preceding two (2) years. No juror shall serve  
27 who has a case of his own pending in that court, provided there

28 are sufficient qualified jurors in the district, and for trial at  
29 that term.

30 In order to determine that prospective jurors can read and  
31 write, the presiding judge shall, with the assistance of the  
32 clerk, distribute to the jury panel a form to be completed  
33 personally by each juror prior to being empaneled as follows:

- 34 "1. Your name \_\_\_\_\_ Last \_\_\_\_\_ First \_\_\_\_ Middle initial  
35 2. Your home address \_\_\_\_\_  
36 3. Your occupation \_\_\_\_\_  
37 4. Your age \_\_\_\_\_  
38 5. Your telephone number \_\_\_\_\_ If none, write none  
39 6. If you live outside the county seat, the number of miles  
40 you live from the courthouse \_\_\_\_\_ miles

41 \_\_\_\_\_  
42 Sign your name"

43 The judge shall personally examine the answers of each juror  
44 prior to empaneling the jury, and each juror who cannot complete  
45 the above form shall be disqualified as a juror and discharged.

46 A list of any jurors disqualified for jury duty by reason of  
47 inability to complete the form shall be kept by the circuit clerk  
48 and their names shall not be placed in the jury box thereafter  
49 until such person can qualify as above provided.

50 SECTION 2. Section 13-5-4, Mississippi Code of 1972, is  
51 amended as follows:

52 13-5-4. As used in this chapter:

53 (a) "Court" means the circuit, chancery and county  
54 courts of this state and includes, when the context requires, any  
55 judge of the court.

56 (b) "Clerk" and "clerk of the court" means the circuit  
57 clerk of the county and any deputy clerk.

58 (c) "Master list" means the \* \* \* list for the county  
59 provided by the Department of Public Safety pursuant to Section  
60 13-5-8, Mississippi Code of 1972.

61 \* \* \*

62 (d) "Jury wheel" means any physical device or  
63 electronic system for the storage of the names or identifying  
64 numbers of prospective jurors.

65 (e) "Jury box" means the jury wheel in which is placed  
66 the names or identifying numbers of prospective jurors whose names  
67 are drawn at random from the jury wheel and who are not  
68 disqualified.

69 (f) "Senior judge" means the circuit or chancery judge,  
70 as the case may be, who has the longest continuous service on the  
71 court in a particular judicial district which has more than one  
72 (1) such judge, or if the judges are equal in time of service,  
73 then the judge who has been engaged for the longest time  
74 continuously in the practice of law in this state.

75 SECTION 3. Section 13-5-8, Mississippi Code of 1972, is  
76 amended as follows:

77 13-5-8. (1) By April of each year, the jury commission for  
78 each county shall compile and maintain a master list consisting of  
79 the \* \* \* list for the county provided by the Department of Public  
80 Safety pursuant to subsection (2) of this section.

81 (2) (a) On or before January 1, 2002, and by January 1 of  
82 each year thereafter, the Department of Public Safety shall  
83 deliver to the jury commission for each county a list of names,  
84 along with mailing addresses and dates of birth, of each person  
85 twenty-one (21) years of age or older whose name appears in the  
86 driver's license database of the department and whose address is  
87 in that county. From and after July 1, 2001, the department shall  
88 begin the process of identifying persons whose names appear in  
89 such database who are not citizens of the United States and legal  
90 residents of this state for the purpose of jury selection. By  
91 January 1, 2008, the database list delivered to the jury  
92 commission for each county may include only the names of persons  
93 who are citizens of the United States and legal residents of

94 Mississippi and whose address is in that county and who are  
95 twenty-one (21) years of age or older. The jury commission shall  
96 add to the list the name of any person who is twenty-one (21)  
97 years of age or older and who is a citizen of the United States  
98 and a legal resident of Mississippi and who indicates a desire to  
99 serve as a juror, but whose name does not appear on the database  
100 list, by requiring such person to execute an affidavit.

101 (b) The affidavit executed pursuant to paragraph (a)  
102 must be in substantially the following form:

103 "State of Mississippi

104 I, \_\_\_\_\_, do solemnly swear (or affirm) that I am  
105 \_\_\_\_\_ years of age; that I am a citizen of the United States  
106 and a legal resident of Mississippi and \_\_\_\_\_ County; that  
107 I personally make application for jury duty; that I am eligible to  
108 serve as a juror under the Constitution and laws of Mississippi;  
109 and that I reside at \_\_\_\_\_ (Address) \_\_\_\_\_.

110 \_\_\_\_\_ Signature \_\_\_\_\_

111 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
112 (year), at \_\_\_\_\_ County, Mississippi.

113 \_\_\_\_\_

114 (Signature and title of officer  
115 administering oath)"

116 SECTION 4. Sections 2 and 3 of this act shall take effect  
117 and be in force from and after July 1, 2001; Section 1 of this act  
118 shall take effect and be in force from and after January 1, 2002.