

By: Representatives Lott, Staples

To: Judiciary A

HOUSE BILL NO. 954

1 AN ACT OT AMEND SECTIONS 13-5-10 AND 13-5-12, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE THAT ALL NAMES BE EXHAUSTED ON A JURY
3 LIST IN THE JURY SELECTION PROCESS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 13-5-10, Mississippi Code of 1972, is
6 amended as follows:

7 13-5-10. The jury commission for each county shall maintain
8 a jury wheel into which the commission shall place the names or
9 identifying numbers of prospective jurors taken from the master
10 list. If the total number of prospective jurors on the master
11 list is one thousand (1,000) or less, the names or identifying
12 numbers of all of them shall be placed in the jury wheel. In all
13 other cases, the number of prospective jurors to be placed in the
14 jury wheel shall be one thousand (1,000) plus not less than one
15 percent (1%) of the total number of names on the master list.
16 From time to time a larger or additional number may be determined
17 by the jury commission or ordered by the court to be placed in the
18 jury wheel. In April of each year, beginning in 1976, the wheel
19 shall be emptied and refilled as prescribed in this chapter. In
20 selecting jurors, all names on the list shall be used to select a
21 jury. If a jury is not selected after exhausting all names on
22 the list, those persons who were excused or have served on other
23 juries shall be eligible for service.

24 **SECTION 2.** Section 13-5-12, Mississippi Code of 1972, is
25 amended as follows:

26 13-5-12. Unless all the names on the master list are to be
27 placed in the jury wheel pursuant to Section 13-5-10, the names or

28 identifying numbers of prospective jurors to be placed in the jury
29 wheel shall be selected by the jury commission at random from the
30 master list in the following manner: The total number of names on
31 the master list shall be divided by the number of names to be
32 placed in the jury wheel; the whole number nearest the quotient
33 shall be the "key number," except that the key number shall never
34 be less than two (2). A "starting number" for making the
35 selection shall then be determined by a random method from the
36 number from one (1) to the key number, both inclusive. The
37 required number of names shall then be selected from the master
38 list by taking in order the first name on the master list
39 corresponding to the starting number and then successively the
40 names appearing in the master list at intervals equal to the key
41 number, recommencing if necessary at the start of the list until
42 the required number of names has been selected. The name of any
43 person who is under the age of twenty-one (21) years shall be
44 passed over without interrupting the sequence of selection. Upon
45 recommencing at the start of the list, names previously selected
46 from the master list may be used in selecting the additional
47 names. The jury commission may use an electronic or mechanical
48 system or device in carrying out its duties. The list must be
49 exhausted in selecting jurors as provided in Section 13-5-10.

50 **SECTION 3.** This act shall take effect and be in force from
51 and after July 1, 2006.