

HOUSE AMENDMENTS TO HOUSE BILL 2131

By COMMITTEE ON JUDICIARY

May 2

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “10.215, 54.060,”.
- 2 In line 3, after “192.848,” insert “247.940, 247.945,”.
- 3 On page 2, after line 9, insert:
- 4 **“SECTION 1a. The amendments to ORS 192.820 by section 1 of this 2007 Act become op-**
- 5 **erative June 1, 2008.”.**
- 6 In lines 28 through 39, restore the bracketed material.
- 7 In line 40, delete “(3)” and insert “(5)”.
- 8 On page 3, line 2, delete “policy” and insert “procedure”.
- 9 In line 15, after the period insert “If a judge finds that good cause exists, the terms of the court
- 10 order shall address, as much as practicable, the safety and protection of the program participant.”.
- 11 In line 38, delete “address confidentiality program” and insert “Address Confidentiality
- 12 Program”.
- 13 On page 4, line 27, delete “address confidentiality program” and insert “Address Confidentiality
- 14 Program”.
- 15 On page 5, line 14, delete “address”.
- 16 In line 15, delete “confidentiality program” and insert “Address Confidentiality Program”.
- 17 On page 7, delete line 44 and insert “(1)(c).”.
- 18 On page 9, line 18, delete “, if necessary,”.
- 19 On page 10, line 2, delete “address confidentiality program” and insert “Address Confidentiality
- 20 Program”.
- 21 After line 2, insert:
- 22 **“SECTION 14. ORS 10.215 is amended to read:**
- 23 **“10.215. (1) The State Court Administrator shall cause to be prepared at least once each year**
- 24 **a master jury list containing names selected at random from the source lists. The source lists are**
- 25 **the most recent list of electors of the county, the records furnished by the Department of Trans-**
- 26 **portation as provided in ORS 802.260 (2) and any other sources approved by the Chief Justice of the**
- 27 **Supreme Court that will furnish a fair cross section of the citizens of the county. The State Court**
- 28 **Administrator and circuit courts may use source lists obtained from any person or public body, and**
- 29 **jury lists containing names selected from a source list, only for purposes consistent with adminis-**
- 30 **tering the selection and summoning of persons for service as jurors, the drawing of names of jurors,**
- 31 **and other tasks necessary to accomplish those functions. Source lists may not contain and the**
- 32 **State Court Administrator is not required to obtain information about individuals who are**
- 33 **participants in the Address Confidentiality Program under ORS 192.820 to 192.868. Except as**
- 34 **specifically provided by law, the State Court Administrator and circuit courts may not disclose**
- 35 **source lists obtained from any person or public body, and jury lists containing names selected from**

1 a source list, to any other person or public body.

2 “(2) A public body having custody, possession or control of any list that may be used as a source
3 list for preparation of a master jury list, upon written request by the State Court Administrator,
4 shall make its list available at any reasonable time and, except as otherwise provided in ORS
5 802.260, without charge to the State Court Administrator for inspection or copying. The public
6 body, upon written request by the State Court Administrator, shall provide a copy of its list for the
7 date and in the form requested to the State Court Administrator. Except as otherwise provided in
8 ORS 802.260, the copy shall be provided without charge.

9 “(3) The number of names placed on a master jury list shall be sufficient to meet the projected
10 need for grand jurors and trial jurors in the circuit court in the county, but the total number
11 [shall] **may** not be less than two percent of the population of the county according to the latest
12 federal decennial census.

13 “(4) A master jury list shall contain the first name, the surname, the place of residence and, if
14 assigned, the juror identification number of each person whose name is placed thereon.

15 “(5) A master jury list shall be certified by the trial court administrator and placed on file in
16 the circuit court as soon as possible after it is prepared.

17 “(6) A newly filed master jury list shall be maintained separately from the previously filed
18 master jury list. The presiding judge shall designate when a newly filed master jury list becomes
19 effective, after which time names of persons [shall] **may** not be selected from the previously filed
20 master jury list for a term jury list. When a newly filed master jury list becomes effective, all orders,
21 records and papers prepared in connection with the selection process based on the previously filed
22 master jury list shall be preserved by the trial court administrator and State Court Administrator
23 for the period prescribed by the State Court Administrator under ORS 8.125.

24 “(7) The State Court Administrator may make adjustments to the master jury list, and may au-
25 thorize the presiding judge of a judicial district to make adjustments to a term jury list, for the
26 purpose of updating the addresses of persons appearing on the lists and removing the names of
27 persons who are deceased, permanently ineligible for jury service or permanently excused from jury
28 service. The State Court Administrator shall ensure that a record is maintained of all adjustments
29 to jury lists made under this subsection.

30 “(8) For the purposes of this section, ‘public body’ has the meaning given that term in ORS
31 174.109.

32 “**SECTION 15.** ORS 54.060 is amended to read:

33 “54.060. (1) The justice of the peace in each district shall, in January of each year, or in case
34 of an omission or neglect so to do then as soon as possible thereafter, make a jury list for the dis-
35 trict.

36 “(2) A preliminary jury list shall be made by selecting names of inhabitants of the district by
37 lot from the latest jury list sources. The jury list sources are the elector registration list for the
38 district, copies of the Department of Transportation records for the county referred to in ORS
39 802.260 (2) furnished to the justice at county expense by the clerk of court, as defined in ORS 10.010,
40 for the county and any other source that the justice determines will furnish a fair cross section of
41 the inhabitants of the district.

42 “(3) **Jury list sources may not contain and the justice of the peace is not required to**
43 **obtain information about individuals who are participants in the Address Confidentiality**
44 **Program under ORS 192.820 to 192.868.**

45 “(4) From the preliminary jury list the names of those persons known not to be qualified by law

1 to serve as jurors shall be deleted. The remaining names shall constitute the jury list. The prelim-
2 inary jury list and jury list may be made by means of electronic equipment.

3 “**SECTION 16.** ORS 247.940 is amended to read:

4 “247.940. (1) Not later than the 21st day before any primary election, general election or special
5 congressional election, a major political party qualified under ORS 248.006 or its affiliate within the
6 county or a minor political party qualified under ORS 248.008 may request from the county clerk a
7 list of active electors, as described in ORS 247.013, of the county. **Except as provided in this**
8 **section**, the list shall contain the name, party affiliation, residence or mailing address and precinct
9 name or number of each active elector and shall be arranged in groups by election precinct. **The**
10 **list may not contain any information about participants in the Address Confidentiality Pro-**
11 **gram established under ORS 192.820 to 192.868.** A major political party or its affiliate within the
12 county or a minor political party may make no more than two separate requests under this sub-
13 section.

14 “(2) If the county clerk receives a request under subsection (1) of this section, the clerk shall
15 deliver the list not later than:

16 “(a) Ten days after receiving the request; or

17 “(b) The date requested, provided that the date requested is more than 10 days after the request
18 was made and at least 10 days before the date of any primary election, general election or special
19 congressional election.

20 “(3) The county clerk [*shall*] **may** not charge for preparation or delivery of the list supplied
21 under this section.

22 “**SECTION 17.** ORS 247.945 is amended to read:

23 “247.945. (1) The county clerk, upon request before the 45th day before a primary, general or
24 special election, shall deliver to any person a list of electors. **The list may not contain any in-**
25 **formation about participants in the Address Confidentiality Program established under ORS**
26 **192.820 to 192.868.** The lists shall be prepared in the manner requested, limited only to the capa-
27 bilities of the Secretary of State or the county clerk.

28 “(2) The county clerk shall collect and pay into the county treasury a charge for the actual cost
29 of supplying lists under subsection (1) of this section.

30 “(3) The county clerk shall keep a record of all persons to whom a list of electors is delivered
31 under this section.”.

32 In line 3, delete “14” and insert “18”.

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