

House Bill 3018

Sponsored by Representative EVANS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes corporations eligible to serve on juries.

A BILL FOR AN ACT

1
2 Relating to the eligibility of corporations to serve on juries; amending ORS 10.030, 10.050, 10.215 and
3 10.235.

4 Whereas corporations are not natural persons; and

5 Whereas corporations are entitled to certain rights of natural persons but do not have all of the
6 responsibilities of natural persons; now, therefore,

7 **Be It Enacted by the People of the State of Oregon:**

8 **SECTION 1.** ORS 10.030 is amended to read:

9 10.030. (1) Except as otherwise specifically provided by statute, the opportunity for jury service
10 may not be denied or limited on the basis of race, religion, sex, sexual orientation, national origin,
11 age, income, occupation or any other factor that discriminates against a cognizable group in this
12 state.

13 (2) Any [*person*] **individual** is eligible to act as a juror in a civil trial unless the [*person*] **indi-**
14 **vidual:**

15 (a) Is not a citizen of the United States;

16 (b) Does not live in the county in which summoned for jury service;

17 (c) Is less than 18 years of age; or

18 (d) Has had rights and privileges withdrawn and not restored under ORS 137.281.

19 (3)(a) Any [*person*] **individual** is eligible to act as a grand juror, or as a juror in a criminal trial,
20 unless the [*person*] **individual:**

21 (A) Is not a citizen of the United States;

22 (B) Does not live in the county in which summoned for jury service;

23 (C) Is less than 18 years of age;

24 (D) Has had rights and privileges withdrawn and not restored under ORS 137.281;

25 (E) Has been convicted of a felony or served a felony sentence within the 15 years immediately
26 preceding the date the person is required to report for jury service; or

27 (F) Has been convicted of a misdemeanor involving violence or dishonesty, or has served a
28 misdemeanor sentence based on a misdemeanor involving violence or dishonesty, within the five
29 years immediately preceding the date the person is required to report for jury service.

30 (b) As used in this subsection:

31 (A) "Felony sentence" includes any incarceration, post-prison supervision, parole or probation
32 imposed upon conviction of a felony or served as a result of conviction of a felony.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (B) “Has been convicted of a felony” has the meaning given that term in ORS 166.270.

2 (C) “Misdemeanor sentence” includes any incarceration or probation imposed upon conviction
 3 of a misdemeanor or served as a result of conviction of a misdemeanor.

4 **(4) Any corporation organized under the laws of this state is eligible to act as a juror in**
 5 **a civil or criminal trial or as a grand juror. The corporation must act as a juror or grand**
 6 **juror through an individual agent of the corporation who would be eligible to act as a juror**
 7 **or grand juror under subsection (2) or (3) of this section.**

8 [(4)] (5) [A person] **An individual** who is blind, hard of hearing or speech impaired or who has
 9 a physical disability is not ineligible to act as a juror and may not be excluded from a jury list or
 10 jury service on the basis of blindness, hearing or speech impairment or physical disability alone.

11 [(5)] (6) A person is ineligible to act as a juror in any circuit court of this state within 24
 12 months after being discharged from jury service in a federal court in this state or circuit court of
 13 this state unless that person’s service as a juror is required because of a need for additional jurors.

14 **SECTION 2.** ORS 10.050 is amended to read:

15 10.050. (1) A judge of the court or clerk of court shall excuse a person from acting as a juror
 16 upon a showing of undue hardship or extreme inconvenience to the person, the person’s family, the
 17 person’s employer or the public served by the person. In applying this subsection the judge or clerk
 18 of court shall carefully consider and weigh both the public need for juries which are representative
 19 of the full community and the individual circumstances offered as a justification for excuse from jury
 20 service. A person may request and be granted excuse from jury service under this subsection by
 21 means of telephone communication or mail.

22 (2) Notwithstanding ORS 10.030 [(4)] (5), a judge may, by own motion, excuse a juror whose
 23 presence on the jury would substantially impair the progress of the action on trial or prejudice the
 24 parties thereto.

25 (3) A judge of the court or clerk of court shall excuse [a person] **an individual** from acting as
 26 a juror upon the request of that [person] **individual** if the [person] **individual** is 70 years of age or
 27 older. [A person] **An individual** may request and be granted excuse from jury service under this
 28 subsection by means of telephone communication or mail.

29 (4) A judge of the court or clerk of court shall excuse a woman from acting as a juror upon the
 30 request of the woman if the woman is breast-feeding a child. A request for excuse from jury service
 31 under this subsection must be made in writing.

32 (5) Unless the public need for juries in the court outweighs the individual circumstances of the
 33 person summoned, a judge of the court or clerk of court shall excuse a person from acting as a juror
 34 upon the request of that person if the person is the sole caregiver for a child or other dependent
 35 during the court’s normal hours of operation, the person is unable to afford day care or make other
 36 arrangements for the care of the dependent, and the person personally attends to the dependent
 37 during the court’s normal hours of operation.

38 **SECTION 3.** ORS 10.215 is amended to read:

39 10.215. (1) The State Court Administrator shall cause to be prepared at least once each year a
 40 master jury list containing names selected at random from the source lists. The source lists are the
 41 most recent list of electors of the county, the records furnished by the Department of Transportation
 42 as provided in ORS 802.260 (2), **lists of corporations organized under the laws of this state** and
 43 any other sources approved by the Chief Justice of the Supreme Court that will furnish a fair cross
 44 section of the citizens **and corporations** of the county. The State Court Administrator and circuit
 45 courts may use source lists obtained from any person or public body, and jury lists containing names

1 selected from a source list, only for purposes consistent with administering the selection and
 2 summoning of persons for service as jurors, the drawing of names of jurors, and other tasks neces-
 3 sary to accomplish those functions. Source lists may not contain and the State Court Administrator
 4 is not required to obtain information about individuals who are participants in the Address
 5 Confidentiality Program under ORS 192.820 to 192.868. Except as specifically provided by law, the
 6 State Court Administrator and circuit courts may not disclose source lists obtained from any person
 7 or public body, and jury lists containing names selected from a source list, to any other person or
 8 public body.

9 (2) A public body having custody, possession or control of any list that may be used as a source
 10 list for preparation of a master jury list, upon written request by the State Court Administrator,
 11 shall make its list available at any reasonable time and, except as otherwise provided in ORS
 12 802.260, without charge to the State Court Administrator for inspection or copying. The public
 13 body, upon written request by the State Court Administrator, shall provide a copy of its list for the
 14 date and in the form requested to the State Court Administrator. Except as otherwise provided in
 15 ORS 802.260, the copy shall be provided without charge.

16 (3) The number of names placed on a master jury list shall be sufficient to meet the projected
 17 need for grand jurors and trial jurors in the circuit court in the county, but the total number may
 18 not be less than two percent of the population of the county according to the latest federal
 19 decennial census.

20 (4) A master jury list shall contain the first name[, *the*] **and** surname **or corporate name**, the
 21 [*place of residence*] **address** and, if assigned, the juror identification number of each person whose
 22 name is placed thereon.

23 (5) A master jury list for a circuit court shall be certified by the State Court Administrator to
 24 have been prepared in compliance with the requirements of this section. A certified copy of the
 25 master jury list shall be provided to the circuit court for the county as soon as possible after the
 26 list is prepared.

27 (6) A newly filed master jury list shall be maintained separately from the previously filed master
 28 jury list. The presiding judge shall designate when a newly filed master jury list becomes effective.
 29 After a newly filed master jury list becomes effective, names of persons for a jury list for a panel
 30 or term must be selected for a jury list for a panel or term from the newly filed master jury list and
 31 from names of any persons from the previously filed master jury list whose service was deferred.
 32 When a newly filed master jury list becomes effective, all orders, records and papers prepared in
 33 connection with the selection process based on the previously filed master jury list shall be pre-
 34 served by the trial court administrator and State Court Administrator for the period prescribed by
 35 the State Court Administrator under ORS 8.125.

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

42 (8) For the purposes of this section, “public body” has the meaning given that term in ORS
 43 174.109.

44 **SECTION 4.** ORS 10.235 is amended to read:

45 10.235. (1) When an additional number of jurors is needed for a jury service term in a county

1 because the jury list for the term becomes exhausted, or in the opinion of the presiding judge for
 2 the judicial district is likely to become exhausted, before the end of the term, additional jurors may
 3 be selected and summoned as provided in this section.

4 (2) The presiding judge for the judicial district may order an additional number of names se-
 5 lected from the master jury list and added to the jury list for the panel or term in the same manner
 6 as the original jury list is prepared. As directed by the presiding judge of the circuit court, the
 7 persons whose names are added to the jury list for the panel or term shall be summoned by the clerk
 8 of court giving written notice to each of them by mail or by the sheriff or other officer giving
 9 written notice to each of them personally or by leaving written notice at the person's [*place of res-*
 10 *idence*] **address** with some person of suitable age and discretion. The notice need be given only a
 11 reasonable time before the day on which the persons summoned are required to attend.

12 (3) If the master jury list becomes exhausted or in the opinion of the presiding judge is likely
 13 to become exhausted, the presiding judge may order that the clerk of court select an additional
 14 number of names from the source lists described in ORS 10.215 (1) and that the persons whose names
 15 are so selected be summoned as provided in subsection (2) of this section.

16 (4) If there is an immediate need for additional jurors, a judge of the circuit court for the county
 17 may direct the clerk of court, sheriff or other officer to summon a sufficient number of eligible
 18 persons to meet that need. Those persons shall be summoned as directed by the judge.

19