DRAWING OF JURIES

Act 17 of 1953

AN ACT to provide an optional method of drawing juries in police courts, or other courts having criminal jurisdiction in cities.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

The People of the State of Michigan enact:

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729.201 Adoption of act by certain cities; rescission.

Sec. 1.

Any city located in a county having a population of less than 500,000 having a court known as a police court, or otherwise, and having the jurisdiction in criminal cases of justices of the peace, or the jurisdiction to try and determine cases against persons charged with the violation of the charter or ordinances of the city, or both such jurisdictions, may adopt the provisions of this act by ordinance passed in accordance with the provisions of the charter of said city. Such adoption of this act may likewise be rescinded by ordinance.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.202 Board of jury commissioners; membership.

Sec. 2.

A board of jury commissioners is hereby created for each city adopting the provisions hereof, which shall consist of the city treasurer, the city clerk and the city assessor. If there be more than 1 city assessor, the city legislative body shall designate the assessor to act as a member of said board.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.203 Board of jury commissioners; list of persons to serve as jurors, computation; additional names; lists in duplicate.

Sec. 3.

The said board shall within 15 days after the adoption of this act in any city make a list of persons to serve as jurors in said court for the remainder of the then calendar year, and shall during the month of November of each year thereafter make a list of persons to serve as jurors of said court for the next succeeding calendar year: Provided, That the failure to complete said list during the period specified shall not affect the validity of the list thereafter made by said board. Each of said lists shall be of jurors equal in number to 1 for each 500 inhabitants in the city, computed according to the last preceding census: Provided, That in no case shall it be necessary to make a list of more than 300 persons. If before the end of said calendar year the judge of a police court shall determine that additional names are necessary, he shall order said board to make another list of persons in such number as he shall determine to serve as

additional jurors for the remainder of such calendar year, and it shall be the duty of said board to make such list.

Said board shall make such lists in duplicate and file 1 in the office of the city clerk and 1 in the office of said court.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.204 Board of jury commissioners; qualifications of persons selected.

Sec. 4.

The said board in making such list shall select only the names of persons who are qualified electors, in possession of their natural faculties, not infirm or decrepit, of good character, integrity and sound judgment, well informed in and conversant with the English language, free from all legal exceptions and not exempt from serving on juries.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.205 Board of jury commissioners; exemptions; excused from serving.

Sec. 5.

Any person shall be exempt from serving on a jury drawn in accordance with the provisions of this act if he is exempt from serving on juries in the circuit courts of this state. Any person more than 70 years of age shall be excused upon his request, and any person entitled to be excused from serving on a jury in the circuit courts of the state shall be entitled to be excused from serving on a jury in said court.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.206 Duty of clerk of court.

Sec. 6.

The clerk of said court shall write the name and address of each person named on such lists on a separate slip of paper. Each slip shall then be placed in a separate receptacle so designed as to conceal the information contained on the slip, and all the receptacles containing the slips shall then be placed in a box to be kept for that purpose, which shall be kept locked when not being used to draw a panel of jurors. The clerk of the court shall be the custodian of the slips, receptacles, box, lock and key.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.207 Date of trial; drawing of panel, time; number of jurors.

Sec. 7.

When a jury trial shall have been demanded by any person to be tried in said court, the judge of said court shall fix a time for such trial and shall fix a time for the drawing of a panel of jurors for such trial. Such latter time shall be at least 5 days prior to the date set for trial unless otherwise ordered by the judge on request of such defendant. The judge shall designate the number of jurors to be drawn as such panel, which number shall not be less than 16.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

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729.208 Drawing; conduct.

Sec. 8.

Such drawing shall be conducted at the place of the holding of said court at the time so fixed by the judge, or at such adjourned time as he may order. Such drawing shall be conducted by the clerk in the presence of the judge, shall be public, and the defendant and his attorney, and the prosecuting attorney in state cases, and the city attorney in city cases, shall be entitled to be present.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.209 Clerk to draw names; record; signature.

Sec. 9.

Upon such drawing of the panel the clerk shall draw from said box such names, 1 at a time, as may be needed to complete said panel, in the number ordered by the court. He shall publicly announce the name of each juror drawn and make a record thereof. If to the knowledge of the judge or the clerk of said court, it appears that any person whose name is drawn shall be dead, insane or permanently removed from the city, an entry of such fact shall be made in the minutes of the drawing and the slip of paper containing such name be destroyed. Another name shall then be drawn from the box and the same proceeding had until the whole number of jurors required for such panel shall have been drawn.

The clerk shall then sign the record of such drawing, which shall include the names of the persons drawn as the members of such panel and file the same in his office as a public record.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

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729.210 Slips drawn; replacement.

Sec. 10.

All slips drawn, except those destroyed as hereinbefore provided, shall be replaced in the receptacle and returned to the box after the drawing of a jury panel has been completed and used with the names already in the box in the drawing of subsequent jury panels.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.211 Summoning of jurors; service.

Sec. 11.

The clerk of said court shall issue under his hand and deliver to the bailiff of said court, or to a police officer of said city, a subpoena or venire for each juror who is a member of said panel, summoning him to appear for said trial. Said officer shall serve the same upon said persons either personally or by mailing the same by United States registered mail at least 3 days prior to the date set for said trial.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.212 Failure to attend; penalty.

Sec. 12.

Any person so summoned as a juror, who shall fail to attend and to continue in attendance at said trial, unless excused by the judge of the police court, shall be punished by a fine not exceeding $100.00, or imprisonment in the county jail for a period not exceeding 90 days, or by both such fine and imprisonment in the discretion of the court trying the offender.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.213 Jury panel placed in separate receptacle; drawing; additional names, drawing; summoning.

Sec. 13.

The clerk shall write the name of each person so selected as a member of such jury panel on a separate slip of paper and place the same in a separate receptacle, so designed as to conceal the name, and place all such receptacles in a box to be kept for that purpose. Juries in all cases drawn in accordance with the provisions of this act shall consist of 6 persons, or less, if agreed to by both parties. At the opening of the trial, the clerk shall draw from said box 6 names and if any so drawn shall not be present or shall be excused, additional names shall be drawn until a jury is secured. If the panel shall be exhausted before the jury is secured the judge shall order such additional names as he may deem necessary drawn from the box provided for in section 6 hereof, in accordance with the procedure set forth in section 9 hereof, and the persons whose names are so drawn shall forthwith be summoned to appear, and the drawing of a jury continued in accordance with the provisions of this section until a jury is secured.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

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729.214 Challenges.

Sec. 14.

Any person drawn as a juror may be challenged for cause for the same reasons he could have been challenged for cause if drawn as a juror in a trial in the circuit court. The respondent and the prosecuting attorney in state cases, and the city attorney in city cases, shall each be entitled to 5 peremptory challenges, and no more.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.215 Instructions to jury.

Sec. 15.

It shall be the duty of said judge of a police court to instruct the jury in all cases as to the law applicable to the case being tried by it, which instruction shall be received by the jury as the law of the case.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.216 Jury service; limitation.

Sec. 16.

No person shall be required to serve as a juror in said court more than 4 times within any calendar year. A person who shall be upon the jury list provided in section 3 hereof shall not again be placed on said list for a period of 2 years.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953

729.217 Fees.

Sec. 17.

Each police court juror shall be entitled to receive $8.00 for each day's actual attendance in court, and $4.00 for each 1/2 day of such attendance, to be paid by the clerk of the police court and accounted for to the proper city or county officials.

History: 1953, Act 17, Imd. Eff. Apr. 3, 1953 ;-- Am. 1959, Act 219, Eff. Mar. 19, 1960

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