

2009 SENATE JUDICIARY

SB 2119

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2119

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 19, 2009

Recorder Job Number: 7199

Committee Clerk Signature

Janet Davis

Minutes: **Senator Nething, Chairman**

Relating to selection of prospective jurors

Jim Ganje – Office of State Court Administrator – See written testimony. He explains the bill, “moving from 1943 to the modern era”

Closed hearing

Committee voted a do pass – 6 yes, 0 no.

Senator Lyson motioned do pass

Senator Fiebiger seconded

Senator Olafson will carry

Date: 1/19/08
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

SB 2119

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Pass Do Not Pass Amended

Motion Made By Sen. Lyson Seconded By Sen. Fiebiger

Senators	Yes	No	Senators	Yes	No
Sen. Dave Nething - Chairman	X		Sen. Tom Fiebiger	X	
Sen. Curtis Olafson - V. Chair.	X		Sen. Carolyn Nelson	X	
Sen. Stanley W. Lyson	X		Sen. Mac Schneider	X	

Total (Yes) 6 (N) 0

Absent _____

Floor Assignment Senator Olafson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2119: Judiciary Committee (Sen. Nething, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2119 was placed on the
Eleventh order on the calendar.

2009 HOUSE JUDICIARY

SB 2119

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2119

House Judiciary Committee

Check here for Conference Committee

Hearing Date: 3/4/09

Recorder Job Number: 10123

Committee Clerk Signature

Penrose

Minutes:

Chairman DeKrey: We will open the hearing on SB 2119.

Jim Ganje, Office of State Court Administrator: Sponsor, support (attachment). Explained the bill.

Rep. Kretschmar: The repealers, are they all the old system.

Jim Ganje: Yes. The repealers are all those statutes in 29-17 that has specifically to do with using the ballots and the boxes.

Rep. Vig: How random is the jury selection plan.

Jim Ganje: The process that was developed, the Court Management System (?) does provide this randomized list; the luck of the draw. Sometimes particular people will be called more than once, it is all random.

Rep. Kingsbury: Where does the random list come from.

Jim Ganje: By law, under section 27-09.1, there are a number of sources that the Supreme Court will use to develop their selections. Predominantly we use the voter rolls, driver license rolls from DOT, and after a general election the voter list will be updated and merged; duplicate names will be tossed out and then they go into the system.

Rep. Wolf: In Minot, after the list is generated it goes to the police department. They go through it and eliminate potential jurors. Is that something that only Minot does.

Jim Ganje: That is strange.

Rep. Kretschmar: Are you familiar with how the federal system does it.

Jim Ganje: No, I don't know. I think they use a similar random selection process. Of course, they have a larger geographical area to choose from.

Rep. Boehning: Do they normally take from the county seat or a bigger area in the district.

Jim Ganje: Typically the method to select jurors is county based. But if there is a small county, they might have to go outside the county.

Rep. Zaiser: I move a Do Pass.

Rep. Delmore: Second.

11 YES 0 NO 2 ABSENT

DO PASS

CARRIER: Rep. Hatlestad

Date: 3/4/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2119

HOUSE JUDICIARY COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DP DNP DP AS AMEND DNP AS AMEND

Motion Made By Rep. Zaiser Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Ch. DeKrey	✓		Rep. Delmore	✓	
Rep. Klemin			Rep. Griffin	✓	
Rep. Boehning	✓		Rep. Vig	✓	
Rep. Dahl	✓		Rep. Wolf	✓	
Rep. Hatlestad	✓		Rep. Zaiser	✓	
Rep. Kingsbury	✓				
Rep. Koppelman					
Rep. Kretschmar	✓				

Total (Yes) 11 No 0

Absent 2

Floor Carrier: Rep. Hatlestad

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2119: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2119 was placed on the
Fourteenth order on the calendar.

2009 TESTIMONY

SB 2119

2009 SENATE BILL NO. 2119 - SUMMARY

Same given to House.

Senate Bill No. 2119 was recommended to the Supreme Court as proposed legislation by the Jury Standards Committee. The Jury Standards Committee is an advisory committee of the Supreme Court and is responsible for the continuing study of the management and operation of the jury system for purposes of identifying areas for improvement. The Committee recently concluded review of several statutes that no longer adequately serve the juror selection process. N.D.C.C. ch. 29-17 contains statutes that provide for a "ballot and box" approach to juror selection which is antiquated and inconsistent with the current automated juror selection process. Most of these statutes have not been amended since the 1943 Code Revision. The Committee consequently proposed legislation to the Supreme Court which would amend or repeal the relevant statutes.

Senate Bill No. 2119 would amend N.D.C.C. §29-17-03 to provide simply that names of prospective jurors would be selected from a randomized list of names developed in accordance with N.D.C.C. ch. 27-09.1 (the Uniform Jury Selection and Service Act) and Supreme Court rule. Supreme Court Administrative Rule 9 currently governs the development of a jury selection plan, the result of which is a randomized list of persons to be selected for jury service. To the extent that the "ballot and box" method is still used, the effect is to simply "re-randomize" an already randomized list of prospective jurors. A technical, conforming amendment is made in Section 2 of the legislation to Section 29-17-13. Several other statutes, that relate specifically to the ballot and box selection method, would be repealed.

Senate Bill No. 2119 would "modernize" current statutes related to the selection of jurors and state law would then reflect the current state of affairs with respect to the juror selection process.

Submitted by:

Jim Ganje
Office of State Court Administrator