



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

REVISE JURY BOARD APPOINTMENT PROCESS

House Bill 5962 (Substitute H-1)
First Analysis (11-30-00)

Sponsor: Rep. Andrew Richner
Committee: Family and Civil Law

THE APPARENT PROBLEM:

Chapter 13 of the Revised Judicature Act governs the selection of juries and provides for the appointment of jury boards in each county. Every county in the state has a jury board that is responsible for overseeing the selection of people who will serve as jurors where necessary in civil and criminal cases within that county. The vast majority of counties (all except Wayne county) have three-member jury boards with no more than two members from the same political party. Wayne County has a seven-member board with no more than four members from the same political party. Members of jury boards are appointed by the governor based on the recommendations of circuit court judges. Jury board members are paid either an annual salary or an amount for each day of service, as determined by the county board of commissioners. In general, jury boards are responsible for selecting the names of persons to serve on juries; placing names on jury lists; supplying juror qualifications questionnaires to persons on a list; making a preliminary screening of the qualifications and exemptions of prospective jurors; and drawing jurors for jury service.

Reportedly, the governor's office would prefer not to retain the responsibility for appointing jury board members. Since many see jury boards as being more a local than state function, it has been suggested that the responsibility for making such appointments should be placed with the counties that are to be served by the boards.

THE CONTENT OF THE BILL:

The bill would amend the Revised Judicature Act of 1961 to make the county board of commissioners responsible for appointing jury board members. In counties with a population of two million or more people, the county board of commissioners would need the concurrence of the county executive in order to make the appointment. Any jury board member who was appointed under the current law and is serving when the bill takes effect would be allowed to continue

to serve until a vacancy is created by expiration of term or otherwise.

The bill would also remove some archaic language that pre-dates the existence of county jury boards. The bill would take effect on January 1, 2001.

MCL 600.1301

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill has no fiscal impact. (11-30-00)

ARGUMENTS:

For:

The bill will allow jury boards to continue to function and allow for the appointments to be made by persons closer to the board itself, who would thereby be better able to fully appreciate the qualifications a particular person would bring the position. While making such appointments might be a relatively simple task for each individual board of commissioners, it is a more daunting task for the governor's office to have to manage these appointments for all 83 counties. Further, since the jury board members are in essence performing their duties on a local rather than statewide basis, it makes sense to have these appointments handled by local officials.

Against:

Automation of the jury selection process is turning the county jury boards into an anachronism. In many counties, the jury boards do very little and the county clerks in these counties are already performing the duties that are expected of the jury boards. Dissolving (or at least allowing the counties to decide whether or not to dissolve) the county jury boards could allow the counties to find better and cheaper methods of handling those duties currently left to the jury boards.

House Bill 5962 (11-30-00)

Response:

Serving on a jury board is a way for people to take an interest in government and serve their community. Citizens should not be denied this opportunity, and counties should not be denied the opportunity to recognize individuals by appointing them to jury boards.

POSITIONS:

The Michigan Association of Counties supports the bill. (11-30-00)

The Michigan Judges Association supports the bill. (11-30-00)

Analyst: W. Flory

#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.