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BILL ANALYSIS

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House Bill 4054 (as passed by the Senate)
Sponsor: Representative Steve Bieda
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 3-22-05

RATIONALE

The Revised Judicature Act establishes procedures for county jury boards to develop lists of potential jurors, based on the estimated number of jurors who will be needed for a year. Every year before April 15, the Secretary of State (SOS) must forward to each county clerk a list that combines the driver license list and personal identification cardholder list pertaining to residents of that county. The jury board then must create a "first jury list" by randomly selecting names from the Secretary of State's list, according to a process described on the Act. Alternatively, at the request of a jury board submitted before March 1, the SOS must transmit only a first jury list consisting of the names of people selected at random. In either case, the jury board is required to send a juror qualification questionnaire to individuals on the first jury list. Since people who have ever been convicted of a felony are disqualified from jury service, it has been suggested that counties should have the option not to mail questionnaires to convicted felons.

CONTENT

The bill would amend the Revised Judicature Act to allow a jury board, with the approval of the chief circuit judge, to remove from a first jury list the name of any person who is disqualified from serving as a juror because he or she has been convicted of a felony.

MCL 600.1312

BACKGROUND

Under the Revised Judicature Act (RJA), a convicted felon is disqualified from jury service. This provision was enacted by Public Act 739 of 2002, which was part of a package of legislation that addressed juror compensation and funding. Public Act 739 amended the RJA to increase the minimum rate of compensation. The Act also revised a provision regarding the disqualification of felons from jury service. Previously, the RJA disqualified a person who was serving a sentence for a felony at the time of juror selection.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Since convicted felons may have driver licenses or official State personal ID cards, their names--along with the names of all other licensees and cardholders--are included on the lists the Secretary of State sends to county clerks for juror selection. Thus, it is entirely possible that the names of convicted felons will appear on first jury lists. Because these individuals are disqualified from jury service, there is no reason for them to receive juror qualification questionnaires, but the RJA presently contains no mechanism for counties to remove convicted felons from the questionnaire mailing lists.

According to testimony submitted to the Senate Judiciary Committee, in the spring of 2004 the Macomb County Clerk's office

worked with the Michigan State Police on a pilot program to test the process of cross-checking the names from Secretary of State's database with the State Police database of convicted felons, in order to identify known felons in the jury pool. Reportedly, Macomb County's master jury pool list from the SOS contained over 600,000 names, including the names of at least 15,000 convicted felons. Although it is unlikely that all 15,000 would have been sent questionnaires, at least some of them were included in the potential jury pool.

By allowing county jury boards to remove convicted felons' names from first jury lists, the bill would enable counties to save money on printing, mailing, and processing juror questionnaires. Under the bill, it would be up to each county whether to send questionnaires to convicted felons, and the final decision would rest with the chief circuit judge.

Response: The bill could put a strain on the "match program" resources of the State Police and/or the Department of Information Technology (DIT), depending on the number and size of counties requesting a criminal history check of potential jurors. To use the program, an agency may enter into an agreement with the State Police and supply an electronic list of individuals' names and other necessary information. A DIT programmer then runs a match against the State Police database. Thus, counties' requests would consume time of the programmer and resources of the system while each match program was running.

Supporting Argument

The bill would make the juror selection process more reliable, and reduce the risk of a mistrial, by helping to eliminate the possibility that a felon would be selected as a juror. When the RJA provided that individuals could not serve on a jury while they were serving a sentence for a felony, the risk of seating a disqualified individual was relatively low. Since everyone who has ever been convicted of a felony is now disqualified, that risk is greater, and there are many more disqualified people who might receive juror questionnaires. Although the questionnaire asks whether a person has been convicted of a felony, some people evidently confuse felonies with misdemeanors or "forget" about their conviction. Apparently, a couple of felons in

Macomb County made it as far as the courtroom last year.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

To the extent that the bill would decrease the number of juror qualification questionnaires mailed by local governments, by exempting convicted felons, it could nominally decrease postage costs.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.