

9731

I N A S S E M B L Y

January 20, 2010

Introduced by M. of A. QUINN -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to establishing a diverse system of jury selection; to repeal certain provisions of such law relating thereto; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Sections 506, 507 and 508 of the judiciary law are REPEALED  
2 and three new sections 506, 507 and 508 are added to read as follows:  
3 S 506. SOURCE OF NAMES; CLERKS TO MAKE LISTS OF PERSONS RESIDING IN  
4 THEIR RESPECTIVE CITIES OR TOWNS. (A) CLERKS, EXCEPT IN A CITY HAVING A  
5 POPULATION OF ONE MILLION OR MORE, SHALL IN JANUARY OR FEBRUARY OF EVERY  
6 FIFTH YEAR VISIT OR COMMUNICATE WITH THE RESIDENTS OF EACH BUILDING IN  
7 THEIR RESPECTIVE CITIES AND TOWNS AND, AFTER DILIGENT INQUIRY, SHALL  
8 MAKE TRUE LISTS CONTAINING, AS NEARLY AS THEY CAN ASCERTAIN, THE NAME,  
9 DATE OF BIRTH, OCCUPATION, VETERAN STATUS, NATIONALITY, IF NOT A CITIZEN  
10 OF THE UNITED STATES, AND RESIDENCE ON THE FIRST OF JANUARY OF THE  
11 PRECEDING YEAR AND THE CURRENT YEAR, OF EACH PERSON THREE YEARS OF AGE  
12 OR OLDER RESIDING IN THEIR RESPECTIVE CITIES AND TOWNS. THE POLICE  
13 DEPARTMENT OF A CITY OR TOWN SHALL, UPON REQUEST, HAVE ACCESS TO THE  
14 LISTS. A LIST OF ALL PERSONS THREE TO TWENTY-ONE YEARS OF AGE, INCLU-  
15 SIVE, SHALL BE TRANSMITTED BY THE COUNTY JURY BOARD TO THE RESPECTIVE  
16 SCHOOL BOARD NOT LATER THAN THE FIRST OF APRIL OF EACH YEAR. THE LIST  
17 SHALL CONTAIN THE NAME, RESIDENCE AND AGE OR DATE OF BIRTH OF EACH SUCH  
18 PERSON; BUT THE NAMES OF PERSONS THREE TO SIXTEEN YEARS OF AGE, INCLU-  
19 SIVE, SHALL NOT BE DISCLOSED TO ANY PERSON OTHER THAN THE RESPECTIVE  
20 SCHOOL BOARD OR A POLICE DEPARTMENT. THAT PROPORTION OF ANY EXPENSES  
21 INCURRED BY THE CLERKS UNDER THIS SECTION, EQUAL TO THE PROPORTION THAT  
22 THE NUMBER OF PERSONS UNDER SEVENTEEN YEARS OF AGE BEARS TO THE TOTAL  
23 NUMBER OF PERSONS LISTED THEREUNDER, SHALL BE CARRIED AS AN ITEM IN THE  
24 SCHOOL BOARD BUDGET.  
25 (B) IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, THE CLERK  
26 SHALL ANNUALLY IN JANUARY OR FEBRUARY VISIT OR COMMUNICATE WITH THE  
27 RESIDENTS OF EACH BUILDING IN SAID CITY AND, AFTER DILIGENT INQUIRY,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 SHALL MAKE TRUE LISTS CONTAINING, AS NEARLY AS THEY CAN ASCERTAIN, THE  
2 NAME, DATE OF BIRTH, OCCUPATION, VETERAN STATUS, NATIONALITY, IF NOT A  
3 CITIZEN OF THE UNITED STATES, AND RESIDENCE ON THE FIRST OF JANUARY OF  
4 THE PRECEDING YEAR AND THE CURRENT YEAR, OF EACH PERSON SEVENTEEN YEARS  
5 OF AGE OR OLDER RESIDING IN SUCH CITY. THE POLICE DEPARTMENT OF SUCH  
6 CITY SHALL, UPON REQUEST, HAVE ACCESS TO THE LISTS.

7 (C) IN ANY CITY OR TOWN WHICH COMMUNICATES WITH RESIDENTS BY MAIL FOR  
8 THE PURPOSE OF OBTAINING SUCH INFORMATION, THE COMMUNICATION SHALL STATE  
9 IN BOLDFACE TYPE ON THE POSTCARD, ENVELOPE AND PRINTED MATERIAL  
10 CONTAINED IN SUCH COMMUNICATION THE FOLLOWING STATEMENT: "WARNING --  
11 FAILURE TO RESPOND TO THIS MAILING SHALL RESULT IN REMOVAL FROM THE  
12 ACTIVE VOTING LIST AND MAY RESULT IN REMOVAL FROM THE VOTER REGISTRATION  
13 ROLLS." CLERKS IN SUCH CITIES OR TOWNS COMMUNICATING WITH RESIDENTS BY  
14 MAIL FOR THE PURPOSE OF OBTAINING SUCH INFORMATION MAY REQUIRE A  
15 RESPONSE UNDER THE PENALTIES OF PERJURY.

16 (D) THE NAME AND ADDRESS OF ANY PERSON WHO PROVIDES THE CLERKS WITH A  
17 COPY OF A COURT ORDER GRANTING PROTECTION OR EVIDENCE OF RESIDENCE IN A  
18 PROTECTIVE SHELTER, SHALL NOT APPEAR ON THE STREET LIST AND SUCH NAMES  
19 SHALL NOT BE DISCLOSED TO ANY PERSON. THE INFORMATION COLLECTED UNDER  
20 THIS SECTION REGARDING A PERSON'S STATUS AS A VETERAN SHALL NOT BE A  
21 PUBLIC RECORD AND SHALL ONLY BE DISCLOSED TO THE ADJUTANT GENERAL.

22 (E) THE NAME AND ADDRESS OF ANY LAW ENFORCEMENT OR PUBLIC SAFETY  
23 PERSONNEL WHO SO REQUESTS SHALL NOT APPEAR ON THE STREET LIST AND SUCH  
24 NAMES SHALL NOT BE DISCLOSED TO ANY PERSON.

25 S 507. SELECTION OF PROSPECTIVE JURORS; RANDOM NUMBER SEQUENCE; INFOR-  
26 MATION AVAILABLE TO PUBLIC; MASTER JUROR LISTS. (A) ON OR BEFORE THE  
27 FIRST DAY OF SEPTEMBER OF EACH YEAR, THE COMMISSIONER OF JURORS SHALL  
28 RANDOMLY SELECT PROSPECTIVE JURORS FOR EACH CITY AND TOWN FROM THE  
29 CORRESPONDING NUMBERED RESIDENT LIST OR NUMBERED RESIDENT FILE. EACH  
30 SUCH NUMBERED RESIDENT, SO IDENTIFIED AND SELECTED, SHALL BE A PROSPEC-  
31 TIVE JUROR OF THE CITY OR TOWN. THE RANDOM PROCEDURE AND METHOD USED FOR  
32 THE SELECTION OF PROSPECTIVE JURORS AND THE METHOD OF GENERATION OF  
33 RANDOM NUMBERS SHALL BE SPECIFIED IN THE UNIFORM RULES FOR THE JURY  
34 SYSTEM. TECHNICAL DATA ON THE INTEGRITY OF THE RANDOM NUMBER GENERATION  
35 METHOD USED UNDER THIS SECTION SHALL BE COMPILED BY THE OFFICE OF COURT  
36 ADMINISTRATION. SUCH DATA SHALL BE AVAILABLE TO MEMBERS OF THE PUBLIC  
37 UPON REQUEST.

38 (B) ON OR BEFORE THE FIRST DAY OF OCTOBER OF EACH YEAR, THE COMMIS-  
39 SIONER OF JURORS SHALL PREPARE THE MASTER JUROR LIST FOR EACH COUNTY.  
40 THE MASTER JUROR LIST FOR A COUNTY SHALL CONTAIN THE AGGREGATE OF ALL  
41 PROSPECTIVE JUROR LISTS OF CITIES AND TOWNS WITHIN THE COUNTY. THE  
42 COMMISSIONER OF JURORS SHALL RANDOMLY SHUFFLE THE NAMES THAT APPEAR ON  
43 THE MASTER JUROR LIST AND STORE THE LIST AS A DATA PROCESSING FILE.  
44 AFTER THE RANDOM SHUFFLING OF THE NAMES THAT APPEAR ON THE MASTER JUROR  
45 LIST HAS OCCURRED, THE COMMISSIONER OF JURORS SHALL SUMMON GRAND AND  
46 TRIAL JURORS FOR A COUNTY IN SEQUENCE FROM THE MASTER JUROR LIST FOR THE  
47 COUNTY COMMENCING WITH JUROR SERVICE TO BE PERFORMED ON THE FIRST BUSI-  
48 NESS DAY IN JANUARY OF THE SUCCEEDING CALENDAR YEAR.

49 (C) FOR EACH SUMMONS RETURNED BY THE UNITED STATES POSTAL SERVICE TO  
50 THE COMMISSIONER OF JURORS AS "UNDELIVERABLE," THE COMMISSIONER OF  
51 JURORS SHALL DRAW AT RANDOM FROM THE MASTER JUROR LIST THE NAME OF A  
52 RESIDENT WHO LIVES IN THE SAME ZIP CODE AREA TO WHICH THE UNDELIVERABLE  
53 SUMMONS HAD BEEN MAILED AND PREPARE AND CAUSE TO BE MAILED TO SUCH RESI-  
54 DENT A SUMMONS FOR JURY SERVICE.

1 THE COMMISSIONER OF JURORS SHALL UPDATE THE MASTER JUROR LIST BY  
2 DELETING THE NAMES OF RESIDENTS TO WHOM AN UNDELIVERABLE SUMMONS HAD  
3 BEEN SENT.

4 THE COMMISSIONER OF JURORS MAY INHIBIT THE SUMMONING OF A PERSON ON  
5 THE MASTER JUROR LIST ON THE GROUND THAT SUCH PERSON HAS BEEN DETERMINED  
6 TO BE NOT-QUALIFIED TO PERFORM JUROR SERVICE UNDER SECTION FIVE HUNDRED  
7 TEN OF THIS ARTICLE. THE CONTENT AND FORM OF THE MASTER JUROR LIST SHALL  
8 BE SPECIFIED IN THE UNIFORM RULES FOR THE JURY SYSTEM. THE METHOD OF  
9 GENERATION OF RANDOM NUMBERS AND THE METHOD OF RANDOMLY SHUFFLING THE  
10 MASTER JUROR LIST SHALL BE SPECIFIED IN THE UNIFORM RULES FOR THE JURY  
11 SYSTEM.

12 S 508. NUMBERED RESIDENT LISTS; NUMBER OF JURORS. (A) ON OR BEFORE  
13 THE FIRST DAY OF JUNE OF EACH YEAR, EACH CITY AND TOWN SHALL MAKE A  
14 SEQUENTIALLY NUMBERED LIST OF THE NAMES, ADDRESSES, AND DATES OF BIRTH  
15 OF ALL PERSONS WHO WERE SEVENTEEN YEARS OF AGE OR OLDER AS OF THE FIRST  
16 DAY OF JANUARY OF THE CURRENT YEAR AND WHO RESIDED AS OF THE FIRST DAY  
17 OF JANUARY OF THE CURRENT YEAR IN SUCH CITY OR TOWN. THE NAMES OF RESI-  
18 DENTS SHALL BE LISTED AND NUMBERED, WITHOUT DUPLICATION, IN ALPHABETICAL  
19 ORDER, ONE NAME TO EACH NUMBER, ALONG WITH SUCH OTHER INFORMATION AND IN  
20 SUCH FORM AND FORMAT AS SHALL BE SPECIFIED IN THE UNIFORM RULES FOR THE  
21 JURY SYSTEM. ON OR BEFORE THE SAID DATE, EACH CITY AND TOWN SHALL SUBMIT  
22 ONE COPY OF THIS LIST TO THE COMMISSIONER OF JURORS AND MAKE A COPY OF  
23 SUCH LIST AVAILABLE FOR INSPECTION BY MEMBERS OF THE PUBLIC. HEREINAFTER  
24 IN THIS ARTICLE, SUCH LIST SHALL BE REFERRED TO AS THE "NUMBERED RESI-  
25 DENT LIST" AND A PARTICULAR INDIVIDUAL ON SUCH LIST SHALL BE REFERRED TO  
26 AS A "NUMBERED RESIDENT". THE COST OF PREPARING THE NUMBERED RESIDENT  
27 LIST SHALL BE PAID BY THE CITY OR TOWN.

28 (B) ON OR BEFORE THE FIRST DAY OF JUNE OF EACH YEAR, EACH CITY AND  
29 TOWN HAVING TWENTY THOUSAND OR MORE RESIDENTS ON ITS NUMBERED RESIDENT  
30 LIST SHALL SUBMIT TO THE COMMISSIONER OF JURORS AN AUTOMATED COPY OF  
31 SUCH LIST. SUCH AUTOMATED COPY, HEREINAFTER IN THIS ARTICLE REFERRED TO  
32 AS THE "NUMBERED RESIDENT FILE", SHALL BE A DATA PROCESSING FILE  
33 CONTAINED ON A MAGNETIC COMPUTER TAPE OR DISK OF SUCH KIND AND IN SUCH  
34 FORMAT AS SHALL BE SPECIFIED IN THE UNIFORM RULES FOR THE JURY SYSTEM.  
35 ANY CITY OR TOWN HAVING LESS THAN TWENTY THOUSAND RESIDENTS ON ITS  
36 NUMBERED RESIDENT LIST MAY COMPLY WITH THIS SECTION. ANY CITY OR TOWN  
37 THAT COMPLIES WITH THIS SECTION SHALL HAVE FULFILLED ALL OF ITS OBLI-  
38 GATIONS FOR SUBMISSION OF POPULATION DATA TO THE COMMISSIONER OF JURORS  
39 FOR THE CURRENT YEAR. THE COST OF PREPARING THE NUMBERED RESIDENT FILE  
40 SHALL BE PAID BY THE CITY OR TOWN. THE COMMISSIONER OF JURORS SHALL  
41 RETURN SAID COMPUTER TAPES OR DISKS TO THE CITIES AND TOWNS WITHIN A  
42 REASONABLE TIME.

43 (C) ON OR BEFORE THE FIRST DAY OF JULY OF EACH YEAR, THE COMMISSIONER  
44 OF JURORS SHALL DETERMINE THE NUMBER OF PROSPECTIVE JURORS TO BE DRAWN  
45 FROM EACH CITY AND TOWN. THIS NUMBER SHALL BE AS NEARLY AS POSSIBLE  
46 EQUAL TO THE RATIO OF THE POPULATION OF THE CITY OR TOWN TO THE ENTIRE  
47 POPULATION OF THE COUNTY IN WHICH THE PARTICULAR CITY OR TOWN IS SITU-  
48 ATED, MULTIPLIED BY THE TOTAL NUMBER OF PROSPECTIVE JURORS REQUIRED FOR  
49 THE COUNTY. THE TOTAL NUMBER OF PROSPECTIVE JURORS REQUIRED FOR EACH  
50 COUNTY SHALL BE DETERMINED BY THE COMMISSIONER OF JURORS AS A MATTER OF  
51 DISCRETION. THE POPULATION OF THE CITIES, TOWNS, AND COUNTY REQUIRED  
52 UNDER THIS SECTION SHALL BE DETERMINED FROM THE NUMBERED RESIDENT LISTS.

53 (D) ON OR BEFORE THE FIRST DAY OF AUGUST OF EACH YEAR, EACH CITY AND  
54 TOWN THAT HAS NOT SUBMITTED A NUMBERED RESIDENT FILE PURSUANT TO THIS  
55 SECTION SHALL SUBMIT TO THE COMMISSIONER OF JURORS A TYPEWRITTEN LIST OF  
56 THE RANDOMLY SELECTED PROSPECTIVE JURORS FROM SUCH CITY OR TOWN. THIS

1 LIST SHALL BE TYPED ON SPECIAL FORMS, SUPPLIED BY THE COMMISSIONER OF  
2 JURORS WITHOUT COST, IN ORDER THAT THE LIST WILL BE SUITABLE FOR CONVER-  
3 SION INTO A DATA PROCESSING FILE BY THE COMMISSIONER OF JURORS. THE  
4 CONTENT AND FORMAT OF SUCH LIST AND THE SPECIAL FORMS SHALL BE SPECIFIED  
5 IN THE UNIFORM RULES FOR THE JURY SYSTEM. THE COST OF TYPING THE SPECIAL  
6 FORMS SHALL BE PAID BY THE CITY OR TOWN. THE COST OF PREPARING A DATA  
7 PROCESSING FILE FROM THE TYPEWRITTEN LIST SHALL BE PAID BY THE COMMIS-  
8 SIONER OF JURORS.

9 (E) ON OR BEFORE THE FIRST DAY OF SEPTEMBER OF EACH YEAR, THE COMMIS-  
10 SIONER OF JURORS SHALL PREPARE THE PROSPECTIVE JUROR LIST FOR EACH CITY  
11 AND TOWN. EACH LIST SHALL CONTAIN THE NAMES, ADDRESSES, DATES OF BIRTH,  
12 AND RELATED INFORMATION FOR ALL RANDOMLY SELECTED PROSPECTIVE JURORS  
13 FROM THE CITY OR TOWN. THE LIST SHALL BE IN ALPHABETICAL ORDER. THE  
14 CONTENT AND FORMAT OF THE PROSPECTIVE JUROR LIST SHALL BE SPECIFIED IN  
15 THE UNIFORM RULES FOR THE JURY SYSTEM. ON OR BEFORE THE FIRST DAY OF  
16 OCTOBER OF EACH YEAR, THE COMMISSIONER OF JURORS SHALL MAIL TWO COPIES  
17 OF THE PROSPECTIVE JUROR LIST TO EACH CITY AND TOWN. EACH CITY AND TOWN  
18 SHALL MAKE THIS LIST AVAILABLE FOR INSPECTION BY MEMBERS OF THE PUBLIC.  
19 THE COMMISSIONER OF JURORS SHALL MAKE THE PROSPECTIVE JUROR LIST OF ANY  
20 CITY OR TOWN AVAILABLE FOR INSPECTION BY MEMBERS OF THE PUBLIC UPON  
21 REQUEST; PROVIDED, HOWEVER, THAT SUCH LISTS SHALL BE AVAILABLE ONLY TO  
22 ENSURE THE INTEGRITY OF THE JUROR SELECTION PROCESS AND THE ACCOUNTABIL-  
23 ITY OF THE COMMISSIONER OF JURORS, AND THAT THE COMMISSIONER OF JURORS  
24 SHALL HAVE DISCRETIONARY AUTHORITY TO REFUSE TO PROVIDE SUCH LISTS FOR  
25 COMMERCIAL OR RESEARCH PURPOSES.

26 S 2. The sum of ten million dollars (\$10,000,000) or so much thereof  
27 as may be necessary, is hereby appropriated to the department of state  
28 from any moneys in the state treasury in the general fund to the credit  
29 of the local assistance account not otherwise appropriated, for its  
30 expenses in carrying out the provisions of this act to be apportioned  
31 according to the ratio of the population of each city or town to that of  
32 the state.

33 S 3. This act shall take effect January 1, 2011.