S T A T E O F N E W Y O R K

2613

2009-2010 Regular Sessions

I N S E N A T E

February 25, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to the selection of jurors, updating sources of name lists on a quarterly basis, requiring the commissioner of jurors to collect demographic data for jurors who present for jury service and the sending of juror notices

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

Section 1. This act shall be known and may be cited as the "jury pool fair representation act".

S 2. Section 506 of the judiciary law, as amended by section 109 of part B of chapter 436 of the laws of 1997, is amended to read as follows:

S 506. Source of names. (A) The commissioner of jurors shall cause the names of prospective jurors to be selected at random from the voter registration lists, [and from such other available lists of the residents of the county as the chief administrator of the courts shall specify, such as] lists of utility subscribers, INCLUDING GAS AND ELECTRIC UTILITY SUBSCRIBERS, licensed operators of motor vehicles, registered owners of motor vehicles, state and local INCOME AND PROPERTY taxpayers, persons applying for or receiving family AND INDIVIDUAL assistance, medical assistance or safety net assistance, persons receiving state unemployment benefits, PERSONS WHO RECEIVE STUDENT AID ASSISTANCE, PERSONS WHO RECEIVE THE SENIOR CITIZEN RENT INCREASE EXEMPTION, PERSONS WHO RECEIVE WORKERS' COMPENSATION, TELEPHONE SERVICE SUBSCRIBERS, CABLE TELEVISION SUBSCRIBERS, PERSONS RESIDING IN PUBLIC HOUSING, and persons who have volunteered to serve as jurors by filing with the commissioner their names and places of residence AND FROM OTHER AVAILABLE LISTS OF THE RESIDENTS OF THE COUNTY AS THE CHIEF ADMINISTRATOR OF THE COURTS SHALL SPECIFY.

SUCH LISTS SHALL BE UPDATED ON A QUARTERLY BASIS.

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

LBD01061-01-9

(B) THE COMMISSIONER OF JURORS SHALL COLLECT DEMOGRAPHIC DATA FOR JURORS WHO PRESENT FOR JURY SERVICE, INCLUDING EACH JUROR'S RACE, RELIGION, ETHNICITY, AGE AND SEX, AND SUBMIT THE DATA IN AN ANNUAL REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND THE MAJORITY LEADER OF THE SENATE.

(C) THE CHIEF ADMINISTRATOR OF THE COURTS SHALL MAKE AN ANNUAL REPORT DETAILING THE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, SUCH STATISTICAL DATA NECESSARY TO DETERMINE IF THE REQUIREMENTS IMPOSED BY THIS SECTION HAVE BEEN FOLLOWED REGULARLY AND CONSISTENTLY THROUGHOUT THE STATE, AND SHALL ITEMIZE SUCH COMPLIANCE BY A COUNTY-BY-COUNTY BASIS. SUCH REPORT SHALL BE PUBLISHED IN THE STATE RECORD AND, UPON DEMAND, BE MADE AVAILABLE TO ANY MEMBER OF THE PUBLIC. ADDITIONALLY, ACCESS TO SUCH REPORT SHALL BE AVAILABLE THROUGH THE WEBSITE MAINTAINED BY THE OFFICE OF COURT ADMINISTRATION. SUCH REPORT, DETAILING THE PREVIOUS CALENDAR YEAR'S COMPLIANCE, SHALL BE SO PUBLISHED AND MADE AVAILABLE ON OR BEFORE MARCH FIRST IN THE NEXT SUCCEEDING CALENDAR YEAR.

S 3. Subdivision (b) of section 509 of the judiciary law, as amended by chapter 86 of the laws of 1995, is amended to read as follows:

(b) The commissioner may mail to each prospective juror the juror qualification questionnaire. The person to whom the questionnaire is mailed shall complete and sign it and return it to the commissioner within ten days of mailing. If the questionnaire has not been returned or properly completed, or if the commissioner otherwise determines that a personal interview is required, the commissioner SHALL MAKE AT LEAST TWO ADDITIONAL ATTEMPTS TO MAIL THE PROSPECTIVE JUROR A QUESTIONNAIRE AND may summon the prospective juror to appear before him or her for the purpose of filling out the questionnaire or being examined as to his or her competence, qualifications, eligibility and liability to serve as a juror. Such person shall not be entitled to any fee or mileage when responding for such purpose. The summons may be served personally or by leaving it at the person's residence or place of business with a person of suitable age and discretion, or by mail. If served personally or by substitution the summons shall require the person summoned to attend not less than five days after service. If served by mail the summons shall require the person summoned to attend not less than eight days after mailing.

S 4. Section 516 of the judiciary law, as added by chapter 316 of the laws of 1977, is amended to read as follows:

S 516. Commissioner of jurors to summon jurors. The commissioner of jurors shall summon each juror drawn for jury service by serving upon him a summons and specifying the place where and the time when he is required to attend. The summons may be served by mail, or the commissioner may direct the sheriff to serve the summons personally or by leaving it at the juror's residence or place of business with a person of suitable age and discretion. IF THE JUROR DOES NOT ANSWER THE SUMMONS, THE COMMISSIONER, IN ADDITION TO THE PROCEDURES FOR NONCOMPLIANCE PROVIDED FOR IN SECTION FIVE HUNDRED TWENTY-SEVEN OF THIS ARTICLE, SHALL MAKE AT LEAST TWO ADDITIONAL ATTEMPTS TO SERVE THE SUMMONS UPON THE JUROR.

S 5. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.