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

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:

Section 1. Sections 506, 507 and 508 of the judiciary law are REPEALED and three new sections 506, 507 and 508 are added to read as follows:

S 506. SOURCE OF NAMES; CLERKS TO MAKE LISTS OF PERSONS RESIDING IN THEIR RESPECTIVE CITIES OR TOWNS. (A) CLERKS, EXCEPT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, SHALL IN JANUARY OR FEBRUARY OF EVERY FIFTH YEAR VISIT OR COMMUNICATE WITH THE RESIDENTS OF EACH BUILDING IN THEIR RESPECTIVE CITIES AND TOWNS AND, AFTER DILIGENT INQUIRY, SHALL MAKE TRUE LISTS CONTAINING, AS NEARLY AS THEY CAN ASCERTAIN, THE NAME, DATE OF BIRTH, OCCUPATION, VETERAN STATUS, NATIONALITY, IF NOT A CITIZEN OF THE UNITED STATES, AND RESIDENCE ON THE FIRST OF JANUARY OF THE PRECEDING YEAR AND THE CURRENT YEAR, OF EACH PERSON THREE YEARS OF AGE OR OLDER RESIDING IN THEIR RESPECTIVE CITIES AND TOWNS. THE POLICE DEPARTMENT OF A CITY OR TOWN SHALL, UPON REQUEST, HAVE ACCESS TO THE LISTS. A LIST OF ALL PERSONS THREE TO TWENTY-ONE YEARS OF AGE, INCLUSIVE, SHALL BE TRANSMITTED BY THE COUNTY JURY BOARD TO THE RESPECTIVE SCHOOL BOARD NOT LATER THAN THE FIRST OF APRIL OF EACH YEAR. THE LIST SHALL CONTAIN THE NAME, RESIDENCE AND AGE OR DATE OF BIRTH OF EACH SUCH PERSON; BUT THE NAMES OF PERSONS THREE TO SIXTEEN YEARS OF AGE, INCLUSIVE, SHALL NOT BE DISCLOSED TO ANY PERSON OTHER THAN THE RESPECTIVE SCHOOL BOARD OR A POLICE DEPARTMENT. THAT PROPORTION OF ANY EXPENSES INCURRED BY THE CLERKS UNDER THIS SECTION, EQUAL TO THE PROPORTION THAT THE NUMBER OF PERSONS UNDER SEVENTEEN YEARS OF AGE BEARS TO THE TOTAL NUMBER OF PERSONS LISTED THEREUNDER, SHALL BE CARRIED AS AN ITEM IN THE SCHOOL BOARD BUDGET.

(B) IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, THE CLERK SHALL ANNUALLY IN JANUARY OR FEBRUARY VISIT OR COMMUNICATE WITH THE 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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SHALL MAKE TRUE LISTS CONTAINING, AS NEARLY AS THEY CAN ASCERTAIN, THE NAME, DATE OF BIRTH, OCCUPATION, VETERAN STATUS, NATIONALITY, IF NOT A CITIZEN OF THE UNITED STATES, AND RESIDENCE ON THE FIRST OF JANUARY OF THE PRECEDING YEAR AND THE CURRENT YEAR, OF EACH PERSON SEVENTEEN YEARS OF AGE OR OLDER RESIDING IN SUCH CITY. THE POLICE DEPARTMENT OF SUCH CITY SHALL, UPON REQUEST, HAVE ACCESS TO THE LISTS.

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

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

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

S 507. SELECTION OF PROSPECTIVE JURORS; RANDOM NUMBER SEQUENCE; INFORMATION AVAILABLE TO PUBLIC; MASTER JUROR LISTS. (A) ON OR BEFORE THE FIRST DAY OF SEPTEMBER OF EACH YEAR, THE COMMISSIONER OF JURORS SHALL RANDOMLY SELECT PROSPECTIVE JURORS FOR EACH CITY AND TOWN FROM THE CORRESPONDING NUMBERED RESIDENT LIST OR NUMBERED RESIDENT FILE. EACH SUCH NUMBERED RESIDENT, SO IDENTIFIED AND SELECTED, SHALL BE A PROSPECTIVE JUROR OF THE CITY OR TOWN. THE RANDOM PROCEDURE AND METHOD USED FOR THE SELECTION OF PROSPECTIVE JURORS AND THE METHOD OF GENERATION OF RANDOM NUMBERS SHALL BE SPECIFIED IN THE UNIFORM RULES FOR THE JURY SYSTEM. TECHNICAL DATA ON THE INTEGRITY OF THE RANDOM NUMBER GENERATION METHOD USED UNDER THIS SECTION SHALL BE COMPILED BY THE OFFICE OF COURT ADMINISTRATION. SUCH DATA SHALL BE AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST.

(B) ON OR BEFORE THE FIRST DAY OF OCTOBER OF EACH YEAR, THE COMMISSIONER OF JURORS SHALL PREPARE THE MASTER JUROR LIST FOR EACH COUNTY. THE MASTER JUROR LIST FOR A COUNTY SHALL CONTAIN THE AGGREGATE OF ALL PROSPECTIVE JUROR LISTS OF CITIES AND TOWNS WITHIN THE COUNTY. THE COMMISSIONER OF JURORS SHALL RANDOMLY SHUFFLE THE NAMES THAT APPEAR ON THE MASTER JUROR LIST AND STORE THE LIST AS A DATA PROCESSING FILE. AFTER THE RANDOM SHUFFLING OF THE NAMES THAT APPEAR ON THE MASTER JUROR LIST HAS OCCURRED, THE COMMISSIONER OF JURORS SHALL SUMMON GRAND AND TRIAL JURORS FOR A COUNTY IN SEQUENCE FROM THE MASTER JUROR LIST FOR THE COUNTY COMMENCING WITH JUROR SERVICE TO BE PERFORMED ON THE FIRST BUSINESS DAY IN JANUARY OF THE SUCCEEDING CALENDAR YEAR.

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

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

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

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

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

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

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

LIST SHALL BE TYPED ON SPECIAL FORMS, SUPPLIED BY THE COMMISSIONER OF JURORS WITHOUT COST, IN ORDER THAT THE LIST WILL BE SUITABLE FOR CONVERSION INTO A DATA PROCESSING FILE BY THE COMMISSIONER OF JURORS. THE CONTENT AND FORMAT OF SUCH LIST AND THE SPECIAL FORMS SHALL BE SPECIFIED IN THE UNIFORM RULES FOR THE JURY SYSTEM. THE COST OF TYPING THE SPECIAL FORMS SHALL BE PAID BY THE CITY OR TOWN. THE COST OF PREPARING A DATA PROCESSING FILE FROM THE TYPEWRITTEN LIST SHALL BE PAID BY THE COMMISSIONER OF JURORS.

(E) ON OR BEFORE THE FIRST DAY OF SEPTEMBER OF EACH YEAR, THE COMMISSIONER OF JURORS SHALL PREPARE THE PROSPECTIVE JUROR LIST FOR EACH CITY AND TOWN. EACH LIST SHALL CONTAIN THE NAMES, ADDRESSES, DATES OF BIRTH, AND RELATED INFORMATION FOR ALL RANDOMLY SELECTED PROSPECTIVE JURORS FROM THE CITY OR TOWN. THE LIST SHALL BE IN ALPHABETICAL ORDER. THE CONTENT AND FORMAT OF THE PROSPECTIVE JUROR LIST SHALL BE SPECIFIED IN THE UNIFORM RULES FOR THE JURY SYSTEM. ON OR BEFORE THE FIRST DAY OF OCTOBER OF EACH YEAR, THE COMMISSIONER OF JURORS SHALL MAIL TWO COPIES OF THE PROSPECTIVE JUROR LIST TO EACH CITY AND TOWN. EACH CITY AND TOWN SHALL MAKE THIS LIST AVAILABLE FOR INSPECTION BY MEMBERS OF THE PUBLIC. THE COMMISSIONER OF JURORS SHALL MAKE THE PROSPECTIVE JUROR LIST OF ANY CITY OR TOWN AVAILABLE FOR INSPECTION BY MEMBERS OF THE PUBLIC UPON REQUEST; PROVIDED, HOWEVER, THAT SUCH LISTS SHALL BE AVAILABLE ONLY TO ENSURE THE INTEGRITY OF THE JUROR SELECTION PROCESS AND THE ACCOUNTABILITY OF THE COMMISSIONER OF JURORS, AND THAT THE COMMISSIONER OF JURORS SHALL HAVE DISCRETIONARY AUTHORITY TO REFUSE TO PROVIDE SUCH LISTS FOR COMMERCIAL OR RESEARCH PURPOSES.

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

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