

Juries

CHAPTER 593

JURIES, JURORS

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NOTE: See Chapter 628 for Grand Juries.

593.01 PETIT JURY.

Subdivision 1. Notwithstanding any law or rule of court to the contrary, a petit jury is a body of six men or women, or both, impaneled and sworn in any court to try and determine, by a true and unanimous verdict, any question or issue of fact in a civil or criminal action or proceeding, according to law and the evidence as given them in court.

Subd. 2. The provisions of subdivision 1, as to the number of jurors do not apply to a criminal action where the offense charged is a felony. In that event the petit jury is a body of 12 persons, unless the defendant consents to a jury of six.

History: (9456) *RL s 4326; 1921 c 365 s 1; 1971 c 917 s 1; 1986 c 435 s 5*

593.02 NO SEX DISQUALIFICATION.

The provisions of statute relating to the qualifications of jurors in all cases, as well as those relating to exemption from jury duty, are hereby amended to include women as well as men, and any and all sex qualification is hereby removed.

History: (9457) *1921 c 365 s 3*

593.03 [Repealed, 1977 c 286 s 21]

593.04 [Repealed, 1977 c 286 s 21]

593.05 [Repealed, 1977 c 286 s 21]

593.06 [Repealed, 1977 c 286 s 21]

593.07 [Repealed, 1977 c 286 s 21]

593.08 TRIAL OF INDICTMENTS; PROCEEDINGS.

When an indictment is called for trial, and before the jury is drawn, either party may require the names of all the jurors in the panel to be called, and that an attachment issue against those who are absent; but the court, in its discretion, may wait or not for the return of the attachment.

History: (9463) *RL s 4331*

- 593.09** [Repealed, 1977 c 286 s 21]
593.10 [Repealed, 1977 c 286 s 21]
593.11 [Repealed, 1977 c 286 s 21]
593.12 [Repealed, 1977 c 286 s 21]
593.13 [Repealed, 1977 c 286 s 21]

593.131 VALIDITY OF JURY SELECTION.

In all counties having a population of less than 200,000, the validity or legality of jury selections or lists shall not be affected by the fact that any person so selected may be disqualified from serving as a grand or petit juror, or by the selection of a greater or lesser number of persons than as specified in this chapter.

History: 1969 c 514 s 4

593.135 JURORS; SUMMONING AND SELECTING IN CERTAIN CASES.

A county commissioner who has participated in the selection from the qualified voters of the county a list of petit jurors as provided in section 593.13, or a jury commission member who has participated in the selection of a list of petit jurors, shall not be tried on a charge of crime before a jury impaneled from a venire drawn from such list, but in such case, the jury panel from which the jury for the trial of such criminal charge is selected shall be provided by the judge or judges of the district court of the district wherein such person is to be tried. Such judge or judges may by order filed with the court administrator of such county at least 15 days before the trial, direct that a certain number of petit jurors, not exceeding 30, be summoned for the day of the trial and the duration thereof. Such order may be at any time modified or vacated by the court by an order in like manner made and filed with the court administrator at any time. When such order has been made, the sheriff in such county, shall, in the presence of the judge or judges thereof, at least ten days before the day of the trial, under the direction of such judge or judges, draw from the list of names of persons residing in such county previously prepared by such judge or judges the required number of petit jurors. If from any cause there shall be a deficiency of persons resident in such county and properly qualified in such list, such judge or judges may, at any time designated by them, select from the qualified electors of such county other persons to cover the deficiency, and certify and deliver to the court administrator a supplementary list of persons so selected, which supplementary list may thereafter be used in the same manner to obtain the original venire authorized by the original order.

History: 1953 c 662 s 1; Ex1967 c 20 s 1; 1971 c 24 s 54; 1Sp1986 c 3 art 1 s 82

NOTE: This section does not apply to Anoka or Washington counties. See Extra Session Laws 1967, chapter 20, section 2.

- 593.14** [Repealed, 1977 c 286 s 21]
593.15 [Repealed, 1971 c 917 s 4]

593.16 JURY OF SIX; DRAWING; CHALLENGES.

When a jury of six is to be drawn the court administrator shall, unless a majority of the judges of the judicial district in which the county is situated shall otherwise provide by rule, draw ten names from the jury box, in the first instance, who shall then be examined as to their qualifications to sit as jurors in the action, and if any one of the ten is excused for any reason, then another may be called in the excused person's place until there are ten jurors in the box qualified to sit in the action. The parties shall have the right to exercise their peremptory challenges as to those ten. When the peremptory challenges have been exhausted, of the remaining persons the six first called shall constitute a jury.

History: (9469-2) 1927 c 345 s 2; 1929 c 236 s 2; 1986 c 444; 1Sp1986 c 3 art 1 s 82

- 593.17** [Repealed, 1976 c 2 s 150]

593.18 [Repealed, 1975 c 318 s 2]

593.19 MISCONDUCT OF OFFICER DRAWING JURY.

Every officer or other person charged by law with the preparation of any jury list, or list of names from which any jury is to be drawn, and every person authorized by law to assist at the drawing or impaneling of a grand or petit jury to attend a court or term of court, or to try any cause or issue, who shall

(1) Place on any such list any name at the request or solicitation, direct or indirect, of any person;

(2) Designedly put upon a list of jurors, as having been drawn, any name which was not lawfully drawn for that purpose;

(3) Designedly omit to place on such list any name which was lawfully drawn;

(4) Designedly sign or certify a list of such jurors as having been drawn, which was not lawfully drawn;

(5) Designedly withdraw from the box or other receptacle for the ballots containing the names of such jurors any paper or ballot lawfully placed or belonging there, and containing the name of a juror, or omit to place therein any name lawfully drawn or designated, or place therein a paper or ballot containing the name of a person not lawfully drawn and designated as a juror; or

(6) Who, in drawing or impaneling such jury, shall do any act which is unfair, partial, or improper in any other respect shall be guilty of a misdemeanor.

History: (9991) *RL s 4806*

593.20 [Repealed, 1977 c 286 s 21]

593.21 MISCONDUCT OF OFFICER IN CHARGE OF JURY.

Every officer to whose charge a jury is committed by a court, who negligently or willfully, and without leave of the court, permits them, or any one of them, to receive any communication from any person, to make any communication to any person, to obtain or receive any book, paper, or refreshment, or to leave the jury room, is guilty of a misdemeanor.

History: (9993) *RL s 4808; 1983 c 359 s 86*

593.31 UNIFORM SELECTION AND SERVICE; DECLARATION OF POLICY.

It is the policy of this state that all persons selected for jury service be selected at random from the broadest feasible cross section of the population of the area served by the court, and that all qualified citizens have the opportunity in accordance with sections 593.31 to 593.50 to be considered for jury service in this state, and that qualified citizens have an obligation to serve as jurors when summoned for that purpose.

History: 1977 c 286 s 1

593.32 PROHIBITION OF DISCRIMINATION.

A citizen shall not be excluded from jury service in this state on account of race, color, religion, sex, national origin, or economic status.

History: 1977 c 286 s 2

593.33 DEFINITIONS.

Subdivision 1. For the purposes of sections 593.31 to 593.50, the terms defined in this section have the meanings given them.

Subd. 2. "Court" means the district court of this state, and includes, when the context requires, any judge of the court.

Subd. 3. "Court administrator," "judicial administrator," "jury commissioner,"

and "clerk of the court" include any deputy thereof designated to perform the functions enumerated in sections 593.31 to 593.50.

Subd. 4. "Source list" means the voter registration lists for the jurisdiction served by the court, which may be supplemented with names from other sources prescribed pursuant to section 593.37 in order to foster the policy and protect the rights secured by sections 593.31 and 593.32.

Subd. 5. "Voter registration lists" means the official records of persons registered to vote.

Subd. 6. "Master list" means a list of names and addresses (or identifying numbers) of prospective jurors randomly selected from the source list pursuant to section 593.37, subdivision 3 and maintained pursuant to section 593.38.

Subd. 7. "Qualified juror list" means the list of names and addresses (or identifying numbers) of prospective jurors whose names have been drawn at random from the source or master list and whose qualification for jury service has been ascertained.

Subd. 8. "Juror" for purposes of sections 593.31 to 593.50 means any person summoned for service who either is deferred to a future date certain, attends court for the purpose of serving on a jury, or is on call and available to report to court when so needed and so requested by the court.

Subd. 9. "Random selection" means the selection of names in a manner totally immune to the purposeful or inadvertent introduction of subjective bias and such that no recognizable class of the population from which names are being selected can be purposefully included or excluded.

History: 1977 c 286 s 3

593.34 JURY LISTS; MAINTENANCE.

A list required to be maintained by sections 593.31 to 593.50 may be maintained by use of electronic data processing equipment.

History: 1977 c 286 s 4

593.35 JURY COMMISSIONER.

A jury commissioner is established in each county to manage the juror selection process under the supervision and control of the district court. The jury commissioner shall be a full-time employee of the court and shall normally be the judicial district administrator, or, if none, the court administrator, or, if none, the court administrator of the district court. If another person is designated jury commissioner, the other person shall be responsible to the judicial administrator, or, if none, court administrator, or, if none, the court administrator of the district court, in the performance of the jury commissioner's tasks.

History: 1977 c 286 s 5; 1986 c 444; 1Sp1986 c 3 art 1 s 82

593.36 JUDICIAL DISTRICT JUROR SELECTION PLAN.

Subdivision 1. Each jury commissioner in each county, under the direction of the chief judge of that county, shall devise and place into operation a written plan for the random selection of grand and petit jurors that shall be designed to foster the policy and protect the rights secured by sections 593.31 and 593.32 and that shall otherwise comply with the provisions of sections 593.31 to 593.50.

Subd. 2. The plan shall in addition to describing operation of the selection system specify detailed procedures to be followed by the jury commissioner in randomly selecting names from the sources designated in accordance with subdivision 3 and in all other random selections of names of prospective jurors from any other list or lists. These procedures shall be designed to ensure the random selection of prospective juror names from the broadest feasible cross section of persons residing in the area served by the court.

Subd. 3. The plan shall designate the lists of names if any which shall be used to

supplement the voter registration lists as sources for prospective juror names, as provided in section 593.37. The plan shall describe the specific storage media, whether manual or automated, by which any and all lists used pursuant to sections 593.31 to 593.50 shall be maintained.

Subd. 4. If a master list is to be used by the jury commissioner pursuant to section 593.38, subdivision 1, the plan shall so state and shall further fix the minimum number of names that shall be selected from the source lists and placed on the master list.

Subd. 5. The plan shall define in general the conditions which shall be sufficient to constitute undue hardship, extreme inconvenience, or public necessity as provided in section 593.45, subdivision 3, governing excuse from jury service.

History: 1977 c 286 s 6

593.37 SOURCE LIST.

Subdivision 1. The jury commissioner for each county shall, at such times deemed necessary by the court, compile and maintain, or cause to be compiled and maintained, copies of all lists to be used in the random selection of prospective jurors; the voter registration lists for the judicial district shall serve as the source list but may be supplemented with names from other lists of persons resident therein, such as lists of utility customers, property and income taxpayers, motor vehicle registrations, and drivers' licenses, and welfare recipients, which may be specified in the county juror selection plan. The court may include in its juror selection plan supplementary lists whenever it is deemed feasible and necessary in order to foster the policy and protect the rights secured by sections 593.31 to 593.50.

Subd. 2. Whoever has custody, possession, or control of the voter registration lists and any other of the lists making up or used in compiling the source list, including those designated under subdivision 1 by the court as supplementary sources of names, shall provide the lists to the jury commissioner for selection of prospective jurors at all reasonable times. All lists so supplied shall contain the name and address of each person on the list.

Subd. 2a. The department of public safety shall, upon request and for a reasonable fee, provide drivers' license lists to the jury commissioner. The lists shall be used solely as a supplementary source for selection of prospective jurors.

Subd. 3. This source list shall be used for the subsequent random selection of names or identifying numbers of prospective jurors to whom questionnaires shall be sent to determine qualification for jury service as provided in sections 593.40 and 593.41.

History: 1977 c 286 s 7; 1979 c 218 s 1

593.38 MASTER LIST.

Subdivision 1. When the volume of names on the source list is, in the judgment of the court, so large as to render said drawing of names by the means available to the court unduly cumbersome, burdensome and noneconomical, the court may order that a secondary list be created by randomly drawing from the source list the number of names deemed necessary by the court to allow subsequent random selections of names and mailing of qualification questionnaires during such future time period as may be administratively convenient for the court. The list shall be known as the master list, and at the time of its creation as described in this subdivision shall replace and supercede any existing master list.

Subd. 2. A master list so created shall contain at a minimum the number of prospective jurors specified in the juror selection plan of the judicial district. A larger or additional number of names may be placed on the master list in the same manner when determined by the jury commissioner to be necessary to provide an adequate number of qualified jurors for anticipated trials.

History: 1977 c 286 s 8

593.39 DRAWING OF NAMES TO DETERMINE QUALIFICATION.

From time to time, and in a manner prescribed by the county's juror selection plan, the jury commissioner shall draw, or cause to be drawn, at random, from the source or master list as provided in section 593.38, subdivision 1, the names or identifying numbers of as many prospective jurors as the jury commissioner deems necessary for qualification for service on trials during such ensuing period as the court may direct.

History: 1977 c 286 s 9

593.40 QUALIFICATION QUESTIONNAIRE.

Subdivision 1. The jury commissioner shall, at a time deemed reasonable and necessary to promote the efficient operation of the court and the juror selection system, mail to every prospective juror whose name has been so drawn a juror qualification form accompanied by instructions to fill out and return the form by mail to the jury commissioner within ten days after its receipt. The jury commissioner shall prepare or cause to be prepared a list of the names to whom questionnaires are mailed. Neither the names drawn nor the list shall be disclosed to any person other than pursuant to sections 593.31 to 593.50 or court rules.

Subd. 2. The juror qualification form shall conform in content to the qualification form prescribed in court rules and shall solicit information sufficient to determine the prospective juror's qualification for jury service under sections 593.31 to 593.50. In addition, to protect the rights insured by sections 593.31 and 593.32, the qualification questionnaire may also solicit the sex, date of birth, occupation, education, annual family income and race of the prospective juror if it identifies the question as optional, for statistical purposes only.

Subd. 3. If it appears there is an omission, ambiguity, or error in a returned form, the jury commissioner shall again send the form with instructions to the prospective juror to make the necessary addition, clarification, or correction and to return the form to the jury commissioner within ten days after its second receipt. However, the jury commissioner may contact the prospective juror by telephone to obtain the additional information, clarification, or correction.

Subd. 4. A prospective juror who fails to return a completed juror qualification form as instructed may be ordered by the court to appear and show cause for failure to complete and submit the questionnaire. A prospective juror who fails to appear pursuant to the court's order or to show good cause for the failure to appear or who fails to show good cause for failure to complete and submit the questionnaire is guilty of a misdemeanor.

Subd. 5. A person who willfully misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror is guilty of a misdemeanor.

History: 1977 c 286 s 10; 1986 c 444

593.41 QUALIFICATIONS FOR JURY SERVICE.

Subdivision 1. The jury commissioner shall determine on the basis of information provided on the juror qualification form, supplemented by other competent evidence when deemed necessary to such determination, whether the prospective juror is qualified for jury service. This determination shall be entered on the juror qualification form or any other record designated by the court.

Subd. 2. A prospective juror is disqualified to serve as a juror if the prospective juror:

- (1) Is not a citizen of the United States;
- (2) Is not at least 18 years old;
- (3) Is not a resident of the county;
- (4) Is unable to read and speak the English language;
- (5) Is incapable, by reason of physical or mental disability, of rendering satisfacto-

ry jury service; but a person claiming this disqualification may be required to submit a physician's certificate as to the disability, and the certifying physician is subject to inquiry by the court at its discretion;

(6) Is a judge, court commissioner, referee or hearing officer or an attorney;

(7) Has been convicted of a felony and has not yet completed the sentence or parole;

(8) Has served as a county, municipal, district or federal court grand or petit juror within the past four years; or

(9) Is a member of the legislature.

History: 1977 c 286 s 11; 1986 c 444

593.42 QUALIFIED JUROR LIST; SELECTING AND SUMMONING THE VENIRE.

Subdivision 1. The jury commissioner shall maintain a qualified juror list which shall contain the names and addresses (or identifying numbers) of all prospective jurors drawn pursuant to section 593.39, who have been determined to be qualified for jury service pursuant to section 593.41, and who have not been summoned for jury service pursuant to subdivision 2, of this section.

Subd. 2. From time to time, as specified in the district's juror selection plan, the jury commissioner shall draw or cause to be drawn from the qualified list sufficient names as in the commissioner's judgment are necessary to supply a petit jury venire or a grand jury list, or both, for the district court or municipal, or probate courts in that judicial district.

Subd. 3. Thereafter the jury commissioner shall cause each prospective juror drawn in accordance with subdivision 2 of this section to be served with a summons requiring the prospective juror to report for jury service at a specified time and place.

Subd. 4. Any person summoned for jury service who fails to appear as directed shall be ordered by the court to appear and show cause for failure to comply with the summons. Absent a showing of good cause for noncompliance with the summons, the juror is guilty of a misdemeanor.

Subd. 5. The names of qualified prospective jurors drawn from the qualified list and the contents of juror qualification forms completed by those prospective jurors shall be made available to the public upon specific request to the court, supported by an affidavit setting forth the reasons therefor, unless the court determines in any instance that this information in the interest of justice should be kept confidential or its use limited in whole or in part; the contents of juror qualification forms may at the discretion of the court be made available to attorneys for use in the conduct of voir dire examination.

History: 1977 c 286 s 12; 1978 c 674 s 43; 1986 c 444

593.43 PLACING OF NAMES ON LISTS.

No names shall be placed on the source list, master list, qualified list, grand jury list or petit jury venire except pursuant to law and the provisions of sections 593.36, 593.37, 593.39 and 593.42.

History: 1977 c 286 s 13

593.44 EXEMPTIONS.

No qualified prospective juror is exempt from jury service.

History: 1977 c 286 s 14

593.45 EXCUSES FROM JURY SERVICE.

Subdivision 1. The jury commissioner upon request of a qualified prospective juror, shall determine on the basis of information provided on the juror qualification

form, supplemented by other competent evidence when deemed necessary to such determination, whether the prospective juror should be excused from jury service. The jury commissioner shall enter this determination and the reason therefor as specified in subdivisions 2 and 3 in the appropriate record kept for that purpose.

Subd. 2. A qualified prospective juror may be excused from jury service only upon a showing of undue hardship, extreme inconvenience, or public necessity, for a period the jury commissioner deems necessary and reasonable. At the conclusion of such excuse period, the person shall reappear for jury service in accordance with the court's direction.

Subd. 3. Those conditions which shall be sufficient to constitute undue hardship, extreme inconvenience, and public necessity shall be set forth in the county's juror selection plan, and the jury commissioner shall rigorously adhere to these conditions in ruling on requests for excuse from jury service.

Subd. 4. An officer or employee of the legislature is excused from jury service while the legislature is in session.

History: 1977 c 286 s 15; 1978 c 674 s 44

593.46 CHALLENGING COMPLIANCE WITH SELECTION PROCEDURES.

Subdivision 1. Within seven days after the moving party discovered or by the exercise of diligence could have discovered the grounds therefor, and in any event before the petit jury is sworn to try the case, a party may move to stay the proceedings, and in a criminal case to quash the indictment, or for other appropriate relief, on the ground of substantial failure to comply with sections 593.31 to 593.50 in selecting the grand or petit jury.

Subd. 2. Upon motion filed under subdivision 1 containing a sworn statement of facts which, if true, would constitute a substantial failure to comply with sections 593.31 to 593.50, the moving party is entitled to present in support of the motion the testimony of the jury commissioner, any relevant records and papers not public or otherwise available used in the juror selection process, and any other relevant evidence. If the court determines that in selecting either a grand jury or a petit jury there has been a substantial failure to comply with sections 593.31 to 593.50, the court shall stay the proceedings pending the selection of the jury in conformity with sections 593.31 to 593.50, quash an indictment, or grant other appropriate relief.

Subd. 3. The procedures prescribed by this section are the exclusive means by which a person accused of a crime, the state, or a party in a civil case may challenge a jury on the ground that the jury was not selected in conformity with sections 593.31 to 593.50.

History: 1977 c 286 s 16; 1978 c 674 s 45

593.47 PRESERVATION OF RECORDS.

Subdivision 1. The jury commissioner shall cause to be preserved all records and lists compiled and maintained in connection with selection and service of jurors for the length of time ordered by the court.

Subd. 2. The contents of any records or lists used by the jury commissioner in connection with the selection process and not made public under sections 593.31 to 593.50 shall not be disclosed, except in connection with the preparation or presentation of a motion under section 593.46, until one year has elapsed since preparation of the lists and all persons selected to serve as grand jurors or petit jurors from said lists have been discharged.

History: 1977 c 286 s 17

593.48 COMPENSATION OF JURORS AND TRAVEL REIMBURSEMENT.

A juror shall be reimbursed for roundtrip travel between the juror's residence and the place of holding court at a rate of 15 to 24 cents per mile and shall be compensated

at a rate of \$15 for each day of required attendance at sessions of the court. The compensation and reimbursement shall be paid out of the county treasury upon receipt of authorization to pay from the jury commissioner. A monthly report of payments to jurors shall be sent to the jury commissioner within two weeks of the end of the month in the form required by the jury commissioner.

History: 1977 c 286 s 18; 1983 c 279 s 1; 1986 c 444

593.49 LENGTH OF SERVICE BY JURORS.

In any four-year period a person shall not be required to serve or attend court for prospective service as a petit juror more than ten court days, except if necessary to complete service in a particular case.

History: 1977 c 286 s 19

593.50 PROTECTION OF JURORS' EMPLOYMENT.

Subdivision 1. An employer shall not deprive an employee of employment, or threaten or otherwise coerce the employee with respect thereto, because the employee receives a summons, responds thereto, serves as a juror, or attends court for prospective jury service.

Subd. 2. An employer who violates subdivision 1 is guilty of criminal contempt and upon conviction may be fined not more than \$700 or imprisoned not more than six months, or both.

Subd. 3. If an employer discharges an employee in violation of subdivision 1 the employee within 30 days may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for six weeks. An employee who prevails shall be allowed a reasonable attorney's fee fixed by the court.

History: 1977 c 286 s 20; 1984 c 628 art 3 s 11; 1986 c 444