

ACT 159

H.B. NO. 200

A Bill for an Act Relating to Courts.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 612-15, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) Every year the clerk of each circuit shall make and file, not later than January 5, one or more certified lists of the names and addresses of fifty citizens, or such greater number as the court may order, subject to serve as grand jurors during the ensuing year from and after January 15. [At the same time] Every year the clerk of each circuit shall likewise make and file, not later than December 20, a separate certified list of the names and addresses of citizens subject to serve as trial jurors during the ensuing year, from and after January [15,] 1, the number for each circuit to be such as the clerk considers necessary. The certified lists of grand jurors and trial jurors shall be compiled from names drawn at random from the qualified jury wheel, and shall be prepared in alphabetical sequence. Upon the order of the court, from time to time, additional lists of persons subject to serve as grand jurors shall be compiled and filed, and additional names shall be added to a grand or trial jury

list; provided that all such additions shall be made by drawing from the qualified jury wheel for the appropriate year. When more than one grand jury list has been compiled, the sequence in which the lists are to be used shall be designated by the clerk according to the sequence of drawing. The names on the certified lists shall be open to public inspection, subject to orders of the court.

(b) In the second, third, and fifth circuits any circuit judge, and in the first circuit a majority of the circuit judges, at any time, for reasons appearing sufficient to the judge or them, may order the dissolution of any certified list of grand or trial jurors and order the clerk to make and file a new list, which may include any of the persons so discharged, to serve for the remainder of the year. The new list shall be compiled in the manner prescribed by the court. Until the new list is filed, grand or trial jurors may be drawn from a list thereof compiled and filed by the judge or judges making the order or one or more of them designated by the remainder, which list shall expire not later than thirty days after the filing thereof unless the period is extended, except that [any] trial [jury panel] jurors may sit beyond the end of the period prescribed in this subsection and after the filing of a new list by the clerk, for the trial of any case in which the selection of the jury has already commenced.”

SECTION 2. Section 612-17, Hawaii Revised Statutes, is amended by amending subsections (b), (c) and (d) to read as follows:

“(b) Not later than January [15] 1 of each year, the clerk shall draw at random from the names on the certified list of trial jurors such number of trial [jury panels] jurors as is deemed sufficient for the ensuing year[, each panel to consist of eighteen names]. When directed by the court, additional [panels] jurors shall be drawn. The names and juror qualification forms for the prospective jurors [on each panel] shall be [sealed] secured in envelopes[, one envelope for each panel]. The envelopes shall remain [sealed] secured and in the custody of the clerk.

(c) Whenever a judge requires the services of a trial jury for use in proceedings before the judge or any other judge of the circuit, the judge may order the required number of [panels] jurors from the clerk. Upon receipt by the judge of the envelopes containing the [panels, the contents thereof] juror qualification forms, they shall be made available to the litigants concerned.

(d) [The whole or any] Any number of [the] jurors [from a panel or panels] ordered by a judge may be required to attend and serve. The names of those summoned and present, and not disqualified, excused or exempted, shall be placed in an appropriate container, from which here shall be drawn a sufficient number of names to constitute a trial jury. The drawing shall be by lot in open court under the supervision of the judge. There is no requirement that all names [on a particular panel] ordered by a judge be exhausted before [those on another panel] other names may be used in the drawing, and the names of jurors [on different panels] which have been transmitted to the judge may be mixed with each other in the container during the drawing. If a jury cannot be chosen for the trial of a case from the names placed in the container before the drawing commenced, additional names may be placed in the container. For this purpose additional [panels] names may be ordered and the prospective jurors summoned. The judge may summon [jurymen] jurors from among bystanders on consent of all parties.”

SECTION 3. Section 612-17, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) Each [panel] juror ordered by a judge shall serve for a period of one day, commencing from the first day the [panel] juror is required to appear for

service; provided that any juror may be required to serve beyond the one day period for the trial of any case in which the selection of the jury commenced within that period. Upon completion of service by all [members of a panel,] jurors ordered by the judge to serve, the [panel] jurors shall be returned to the clerk, who shall not transmit the [panel] jurors again to any judge until all other [panels] jurors have been exhausted and other [panels] jurors which served at a more remote time have been first transmitted for service."

SECTION 4. Section 612-18, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

"(b) If no order is made under subsection (a) in a particular circuit, the judge (or judges, if there are more than one) of that circuit may order a system of jury selection from the certified list of trial jurors which is not contrary to the general purposes of this chapter. In no case shall the trial [jury panel or panels] jurors be chosen other than by lot, nor shall the trial jury be selected from the [jury panel or panels] jurors other than by lot in open court. In selecting the trial jury there is no requirement that all the names [on a particular panel] ordered by a judge be exhausted before [those on another panel] other names may be used in the drawing, and the names of jurors [on different panels] may be mixed with each other for the drawing.

(c) The names of prospective jurors [on a trial jury panel which is] to be summoned[,] to sit as a jury, and the contents of juror qualification forms completed by those jurors, shall be made available to the litigants concerned."

SECTION 5. Section 612-22, Hawaii Revised Statutes, is amended to read as follows:

"§612-22 Trial jurors subject to one year of service; one day or one trial requirement. The persons whose names are placed on the certified lists filed by the clerk shall be subject to service for one year from and after January [15] 1 and until the filing of new certified lists; provided that trial jurors shall serve only one day or one trial during the year. Prospective jurors who are challenged at voir dire and excused, excused for cause, summoned but not called to a courtroom, or called to a courtroom but later excused shall return to the juror pool to await reassignment to another trial. Jurors in the juror pool awaiting reassignment to another trial shall be discharged after it has been determined that their services will not be needed. Jurors who are discharged from the juror pool shall be dismissed from service for the year. Jurors who are accepted to serve on a jury shall complete the duration of the trial and shall be dismissed from service for the year."

SECTION 6. Section 612-26, Hawaii Revised Statutes, is amended to read as follows:

"[§612-26] Use of electronic or electromechanical devices for drawing grand and trial juries. Selections of citizens who are subject to jury duty and drawings of jury lists [and panels], may be made by means of electronic or electromechanical devices commonly designated as data processing equipment such as punch cards, electronic tape, random access files, and other solid state devices when the same are available for their use and the court so orders."

SECTION 7. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 8. This Act shall take effect on January 15, 1994.

(Approved June 9, 1993.)