

## ACT 136

H.B. NO. 3631

A Bill for an Act Relating to the Summoning of Jurors.

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

SECTION 1. Section 612-14, Hawaii Revised Statutes, is amended to read as follows:

**“§612-14 Qualified jury wheel.** (a) Upon return of the juror qualification forms, the clerk, after careful investigation in each case, shall select for jury service all those persons whom the clerk believes are qualified and not exempt; provided that any person who is exempt may be selected if the person waives the person’s exemption.

(b) The names of the persons so selected shall be placed in the qualified jury wheel, to be used in compiling lists of jurors subject to service during the ensuing year; provided that the clerk, with the approval of the court, may excuse a prospective juror for any cause set forth under section 612-7, in which case the name of the excused person shall not be placed in the qualified jury wheel.

(c) The clerk may place in the qualified jury wheel for further service the name of any juror who in the previous jury year wilfully or without reasonable excuse failed to appear as summoned.”

SECTION 2. Section 612-19, Hawaii Revised Statutes, is amended to read as follows:

**“§612-19<sup>1</sup> Summoning of jurors.** (a) When so ordered by the court, the clerk shall transmit to the chief of police or a bailiff the names of jurors to be summoned. The chief of police or bailiff, either personally or through an authorized subordinate, shall summon the persons named to attend the court by giving personal notice to each of the time and place of required appearance as fixed by order of the

court. The court may order the summoning of jurors by any officer of the court, and the service of summons by any form of personal notice, including notice by telephone.

(b) A juror who wilfully or without reasonable excuse, fails to attend after [personal service of written] receipt of a summons [by a bailiff or police officer] by the court may be arrested and punished for contempt.

(c) The clerk may place in the qualified jury wheel for further service in the ensuing jury year the name of any juror who wilfully or without reasonable excuse failed to attend after receipt of a summons by the court.”

SECTION 3. 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 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 service<sup>2</sup> will not be needed. Jurors who are discharged from the juror pool shall be dismissed from service for the year[.]; provided that jurors who fail to appear as summoned may have their names placed in the qualified jury wheel for service in the ensuing jury year and where a request for deferment of service has been made and granted by the court, the period of time between the first date of summons to appear and the time that the juror is next summoned for service may be tolled and may be applied to extend the eligibility of service if the juror should not again be summoned or serve on an actual trial within 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 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 12, 1996.)

#### Notes

1. So in original.
2. Prior to amendment “services” appeared here.