

## LEGISLATIVE BILL 283

Approved by the Governor April 21, 1977

Introduced by Judiciary Committee, Nichol, 48; Reutzel, 15; Carsten, 2; Cullan, 49; Stoney, 4

AN ACT to amend sections 25-1627, 25-1629, and 25-1631, Reissue Revised Statutes of Nebraska, 1943, relating to juries; to remove the requirement that jury lists be drawn in the presence of three judges; to delete a provision for striking the names of all women; to harmonize provisions; and to repeal the original sections, and also section 25-1601.01, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 25-1627, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1627. The jury commissioner shall in the presence of ~~three judges of the district court of the county; if there be three; if not, then in the presence~~ of one of the judges of the district court of the county, at such times as may be necessary, or as he may be ordered to do so by the district judge, ~~or judges~~, number ten small cards in numerical order from one to ten, both inclusive, shall place not more than one number on each card, and shall use each number but once, in the manner hereafter provided. He shall then place the cards in a small box or wheel provided for that purpose, close the box or wheel and thoroughly shake the same, and then draw therefrom, by chance, one of the cards in the presence of the judge, ~~or judges~~. The number thus drawn shall be known as the key number. The jury commissioner shall immediately after drawing the key number deliver it to the officer or officers having charge of the election records, who shall thereafter be the custodian thereof, and the jury commissioner shall make a record of his acts at once, including the placing of the cards in the box or wheel, the drawing of the key number therefrom, the presence of the judge, ~~or judges~~, naming him, ~~or them~~; and the date and hour of such drawing, the same to be certified by the jury commissioner, and such records shall become a part of the public records of the county.

Sec. 2. That section 25-1629, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1629. The jury commissioner shall immediately upon receiving the list investigate the persons whose names are found thereon. If he finds that any one of them is not possessed of the qualifications of petit jurors, as set forth in section 25-1601, or is excluded by the terms thereof, he shall strike such name from the list and make a record of each name stricken, which record shall be kept in his office subject to inspection by the court and attorneys of record in cases triable to a jury pending before the court, under such rules as the court may prescribe. ~~It women may not be called to serve under the provisions of section 25-1601.04; the jury commissioner shall strike the names of all women from the list.~~ The list as thus revised shall constitute the list from which petit jurors shall be selected, until such list shall have been exhausted in the manner hereinafter set forth, or until otherwise ordered by the judge or judges. Unless otherwise ordered by the judge or judges, the jury commissioner shall immediately upon completing the revision of said list, in the presence of a judge in districts having ~~less than~~ three judges or less and in the presence of three judges in districts having ~~three or more than three~~ judges, select at random the names of eighty persons possessing the qualifications for grand jurors as set out in section 25-1601. Where no grand jury list is drawn the judge or judges may at any time order the drawing of a grand jury list. This list shall constitute the list from which grand jurors shall be chosen; Provided, that any judge of the district court shall upon the request of any person entitled to access to the list of names stricken, if satisfied that said request is made in good faith, direct the jury commissioner to appear before the judge at chambers and in the presence of the complaining person state his reasons for striking the name specified in the request.

Sec. 3. That section 25-1631, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1631. Unless the judge or judges shall order that no jury be drawn, at least ten days before the first day of any jury term of the district court, or ten days before the day the jury is otherwise directed to report, three of the judges of the court, if there be more than three, or one of the judges if there be three or less, than three, or a county judge or a municipal judge or the sheriff or such other elective officer of the county as the judge or judges may designate shall appear at the office of the jury commissioner, who, in the presence of said judge or judges or the sheriff or other officer of the county so designated by the judge or judges, shall thoroughly shake such box or wheel containing the names



of petit jurors and shall draw therefrom by chance the names of thirty persons, or such number as the judge or judges may otherwise direct, for each judge sitting with a jury in said court, as petit jurors for said term.

Sec. 4. That original sections 25-1627, 25-1629, and 25-1631, Reissue Revised Statutes of Nebraska, 1943, and also section 25-1601.01, Reissue Revised Statutes of Nebraska, 1943, are repealed.