



Senate

General Assembly

File No. 679

January Session, 2009

Substitute Senate Bill No. 646

Senate, April 16, 2009

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT EXCLUDING VIOLENT OFFENSE VICTIMS FROM JURY SERVICE IN CERTAIN CRIMINAL CASES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-232 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) The Jury Administrator shall send to each juror drawn, by first
4 class mail, a notice stating the place where and the time when he is to
5 appear and such notice shall constitute a sufficient summons unless a
6 judge of said court directs that jurors be summoned in some other
7 manner.

8 (b) Such summons or notice shall also state the fact that a juror has a
9 right to one postponement of the juror's term of juror service for not
10 more than ten months and may contain any other information and
11 instructions deemed appropriate by the Jury Administrator. If the date
12 to which the juror has postponed jury service is improper, unavailable
13 or inconvenient for the court, the Jury Administrator shall assign a

14 date of service which, if possible, is reasonably close to the
15 postponement date selected by the juror. Such notice or summons shall
16 be made available to any party or the attorney for such party in an
17 action to be tried to a jury. The Jury Administrator may grant
18 additional postponements within or beyond said ten months but not
19 beyond one year from the original summons date.

20 (c) (1) The Jury Administrator shall send to a prospective juror a
21 juror confirmation form and a confidential juror questionnaire. [Such]
22 The questionnaire shall include questions eliciting the prospective
23 juror's name, age, race and ethnicity, occupation, education and
24 information usually raised in voir dire examination. The questionnaire
25 shall inform the prospective juror that information concerning race and
26 ethnicity is required solely to enforce nondiscrimination in jury
27 selection, that the furnishing of such information is not a prerequisite
28 to being qualified for jury service and that such information need not
29 be furnished if the prospective juror finds it objectionable to do so.

30 (2) The questionnaire shall also include a question eliciting whether
31 the prospective juror wishes to identify himself or herself as a victim of
32 a violent offense, and whether, due to the juror's status as a victim of a
33 violent offense, the juror requests to be excused from service on any
34 criminal case where the defendant is accused of a violent offense. The
35 questionnaire shall also inform the prospective juror that information
36 concerning the prospective juror's status as a victim of a violent offense
37 is sought solely to allow such prospective juror to be excused from jury
38 service on any criminal case where the defendant is accused of a
39 violent offense, that the furnishing of such information is not a
40 prerequisite to being qualified for jury service and that such
41 information need not be furnished if the prospective juror finds it
42 objectionable to do so.

43 (3) Such juror confirmation form and confidential juror
44 questionnaire shall be signed by the prospective juror under penalty of
45 false statement.

46 (4) The Jury Administrator shall verify the information in any

47 questionnaire submitted by a juror who identifies himself or herself as
48 a victim of a violent offense and requests to be excused from jury
49 service pursuant to subdivision (2) of this subsection. Upon verifying
50 such information, the Jury Administrator shall ensure that the
51 prospective juror is excused from jury service in a criminal case where
52 the defendant is accused of a violent offense and shall notify the
53 prospective juror in a manner that ensures that the prospective juror is
54 not required to appear for voir dire in any such criminal case.

55 (5) Copies of [the completed questionnaires] each completed
56 questionnaire, except a completed questionnaire of a juror excused
57 from jury service pursuant to subdivision (4) of this subsection, shall
58 be provided to the judge and counsel for use during voir dire or in
59 preparation therefor. Counsel shall be required to return such copies to
60 the clerk of the court upon completion of the voir dire. Except for
61 disclosure made during voir dire or unless the court orders otherwise,
62 information inserted by jurors shall be held in confidence by the court,
63 the parties, counsel and their authorized agents. [Such completed] Any
64 questionnaires completed pursuant to this subsection shall not
65 constitute a public record.

66 (6) For the purposes of this subsection, "violent offense" means an
67 offense that involves the use, attempted use or threatened use of
68 physical force against another person.

69 (d) The number of jurors in a panel may be reduced when, in the
70 opinion of the court, such number of jurors is in excess of reasonable
71 requirements. Such reduction by the clerk shall be accomplished by lot
72 to the extent authorized by the court and the jurors released shall be
73 subject to recall for jury duty only if and when required.

74 (e) In each judicial district, the Chief Court Administrator shall
75 designate one or more courthouses to be the courthouse to which
76 jurors shall originally be summoned. The court may assign any jurors
77 of a jury pool to attend any courtroom within the judicial district.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	51-232

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.; Comptroller Misc. Accounts (Fringe Benefits)	GF - Cost	Approximately \$61,000	Approximately 81,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill excludes victims of violent crimes from jury service in certain criminal cases. In order to administer this policy change, the Judicial Department would need to: (1) verify jurors' claims that they have been victims of violent offenses; and (2) coordinate jury selection to ensure that these victims are excluded from certain cases in accordance with the bill.

It is estimated that several thousand violent crime victims receive summonses for jury duty each year. The Judicial Department would require one full-time equivalent position to verify jurors' claims that they have been victims of violent crime. The annual cost of this position is approximately \$81,000, including salary, fringe benefits and expenses. Coordination of jury selection could be done without requiring additional resources. The FY 10 cost would be 75% of the annualized cost since the effective date of the bill is October 1, 2009.

The Out Years

The fiscal impact indicated above would continue into the future, subject to inflation.

Sources: *Uniform Crime Reports*

OLR Bill Analysis**sSB 646*****AN ACT EXCLUDING VIOLENT OFFENSE VICTIMS FROM JURY SERVICE IN CERTAIN CRIMINAL CASES.*****SUMMARY:**

By law, the jury administrator must send a prospective juror a juror confirmation form and a confidential juror questionnaire. This bill requires the jury administrator to ask prospective jurors, in the questionnaire, if they want to identify themselves as victims of a violent offense and if so, if they want to be excused from service on any criminal case in which the defendant is accused of such an offense. The questionnaire must state that the (1) information is requested only to ensure that victims of violent offenses are excused from such cases, (2) person is not required to provide it to qualify for selection, and (3) person does not have to provide it if he or she finds it objectionable. A violent offense is one involving the use, attempted use, or threatened use of physical force against another person.

The bill requires the jury administrator to verify the status of any prospective jurors who identify themselves as victims of violent crime and ensure that they are excused from jury service, including *voir dire*, on any criminal case in which the defendant is accused of a violent offense. (*Voir dire* is an examination of potential jurors through a series of questions to determine their qualifications to be jurors and their ability to render a fair and impartial verdict.)

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Jury Duty***

The jury administrator may excuse a prospective juror for extreme hardship, which is undefined (CGS § 51-217 (b)). Additionally, a juror

has a right to one postponement of the juror's term of service for up to 10 months. The jury administrator may grant additional postponements of up to one year from the date of the original summons (CGS § 51-232 (b)).

People called for jury service must be excused, at their request, if they were called and not excused from service during the preceding three years (CGS § 51-217a). However, people are not credited with service if they were excused or if their service is canceled before they actually come into court.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 3 (03/27/2009)