

Juries

CHAPTER 593

JURIES, JURORS

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593.01 PETIT JURY. A petit jury is a body of 12 men or women, or both, impaneled and sworn in the district 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.

[R. L. s. 4326; 1921 c. 365 s. 1] (9456)

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.

[1921 c. 365 s. 3] (9457)

593.03 NUMBER TO BE DRAWN. Except as hereinafter provided, a number of petit jurors, not less than 24, shall be drawn for each general term of the district court; but in his discretion the judge, by order filed with the clerk at least 30 days before any term, may direct that a greater number be drawn, not exceeding 45 in all, or that no petit jury be drawn for such term.

[R. L. s. 4327; 1953 c. 68 s. 1] (9458)

593.04 QUALIFICATIONS, DISABILITIES, AND EXEMPTIONS. The qualifications, disabilities, and exemptions of petit jurors shall be the same as those prescribed by law in the case of grand jurors.

[R. L. s. 4328] (9459)

593.05 HOW DRAWN AND SUMMONED. Petit jurors shall be drawn and summoned at the same time and in the same manner as is provided by law in the case of grand jurors. They shall be summoned to appear on the second day of the term, unless the judge or judges, by an order filed with the clerk at least 15 days before the term, fix a different day in the term for their appearance, in which case they shall be summoned for the day so fixed. The court in any district may fix such day, for any or all counties therein, by orders which shall remain in force until altered or annulled.

[R. L. s. 4329] (9460)

593.06 HOW DRAWN AND SUMMONED IN COUNTIES HAVING MORE THAN 200,000 INHABITANTS. The judge or judges of any judicial district may, by order filed with the clerk of the court of any county having a population of more than 200,000, where a term of court is to be held at least 15 days before the sitting of such court, direct that the petit jurors for such or any subsequent term or terms be summoned for any day of the term fixed by such order other than the day now fixed by law. Such order may be at any time modified or vacated by the court by an order in like manner made and filed with the clerk at any time. When such order has been made, the clerk of the district court in such county shall, in the presence of the judge thereof, at least ten days before the general term of the district court, under the direction of the judge or judges of the court, draw from the names in the list of persons selected to serve as petit jurors, made, certified, and prepared for drawing, the names of as many persons as the court or judge

shall direct, to serve as petit jurors for a period of two weeks in such terms, commencing with the day of such term named in the order; and shall then continue in like manner to draw the names of other persons for each panel for as many successive panels of petit jurors as the court or judge may direct for successive periods of two weeks, covering the time that petit jurors are expected to be needed during such general term. The clerk shall forthwith issue to the proper officers venires for such panels of petit jurors, returnable on the proper days as to each, at ten o'clock in the forenoon, and the officer shall forthwith thereafter, as soon as may be, serve all such venires and summon all such jurors and shall be entitled to the same mileage, and no more, that would be the case if the names of all the jurors in all the venires were contained in a single venire. If there be a deficiency of petit jurors, the clerk shall, in open court, under the direction of the judge, draw from the box containing the names on the petit jury list the names of additional persons to supply the deficiency; and writs of venire facias shall issue summoning such persons, and returnable at such time as the judge of the court may direct. In all districts consisting of one county only, in which but one term of court is held annually, petit jurors may be drawn from time to time during such term, as the court may direct for the successive panels. The clerk of the court in such counties shall in like manner issue venires for such petit jurors returnable at such hour as a judge or the judges of the court may direct.

[1907 c. 35 s. 1; 1909 c. 221 s. 3] (9461)

593.07 BALLOTS. At the opening of the court the clerk shall prepare separate ballots, containing the names of the persons summoned as petit jurors, which shall be folded as nearly alike as possible, and so that the name cannot be seen, and be deposited in a sufficient box.

[R. L. s. 4330] (9462)

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.

[R. L. s. 4331] (9463)

593.09 DRAWING OF NAME BALLOTS. Before the name of any person is drawn the box shall be closed and so shaken as to intermingle the ballots therein. The clerk shall then, without looking at the ballots, draw them from the box through a hole in the lid so large only as conveniently to admit the hand.

[R. L. s. 4332] (9464)

593.10 BALLOTS, HOW KEPT. When a jury is completed the ballots containing the names of the jurors sworn shall be kept apart from the ballots containing the names of the other jurors until the jury so sworn is discharged, when the ballots containing their names shall be again folded and returned to the box, and so on as often as a trial is had.

[R. L. s. 4333] (9465)

593.11 ABSENT OR EXCUSED. If a juror is absent when his name is drawn, or is set aside or excused from serving on the trial, the ballot containing his name shall be folded and returned to the box as soon as the jury is sworn.

[R. L. s. 4334] (9466)

593.12 TALESMEN. When, by reason of challenge or other cause, a sufficient number of jurors, drawn and summoned, cannot be obtained for the trial of any cause, the court shall cause jurors to be returned from the bystanders, or from the county at large, to complete the panel. Such persons shall be qualified to serve as jurors, and shall be returned by the sheriff or his deputy, or by the coroner, or by any disinterested person appointed by the court.

[R. L. s. 4335] (9467)

593.13 SELECTION OF JURORS. The county board, at its annual session in January, shall select, from the qualified voters of the county, 72 persons to serve as grand jurors, and 144 persons to serve as petit jurors, and make separate lists thereof, which shall be certified and signed by the chairman, attested by the auditor, and forthwith delivered to the clerk of the district court. If in any county the board is unable to select the required number, the highest practicable number shall be sufficient. In counties where the population exceeds 10,000, no person on such list drawn for service shall be placed on the next succeeding annual list, and the clerk shall certify to the board, at its annual January session, the names on the last

annual list not drawn for service during the preceding year, nor shall any juror at any one term serve more than 30 days and until the completion of the case upon which he may be sitting. The court may, with the consent of any such juror and with the consent of any parties having matters for trial, after such 30-day period has expired, hold and use such jurors so consenting to try and determine any jury cases remaining to be tried at such term between parties so consenting. In counties having two or more terms of court in one year, after the jurors have been drawn for any term of such court, the clerk shall strike from the original list the names of all persons who were drawn for such term, and notify the board thereof, which at its next session shall likewise select and certify an equal number of new names, which shall be added by such clerk to the names in the original list. If the list is not made and delivered at the annual meeting in January, it may be so made and delivered at any regular or special meeting thereafter. Whenever before or after a term commences it appears to the court that there is or will be an entire absence or deficiency of jurors, whether from an omission to draw or to summon such jurors or because of a challenge to the panel or from any other cause, the court may order a special venire to issue to the sheriff of the county, commanding him to summon from the county at large a specified number of competent persons to serve as jurors for the term or for any specified number of days; provided, that before such special venire shall issue the jurors who have been selected by the county board and whose names are still in the box, provided for in section 628.45, shall first be called, and upon an order of the court the number of names required for such special venire shall be drawn from the box in the manner required by law, and the jurors so drawn shall be summoned by the sheriff as other jurors; and as additional jurors are needed successive drawings shall be ordered by the court until the names contained in the box have been exhausted.

[*R L s 4336; 1917 c 485 s 1; 1929 c 13 s 1; 1931 c 218 s 1; 1951 c 449 s 1; 1961 c 560 s 39*] (9468)

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 Laws 1951, Chapter 449, 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 county commissioner is to be tried. Such judge or judges may by order filed with the clerk of court 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 clerk at any time. When such order has been made, the clerk of the district court 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 clerk 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.

[*1953 c 662 s 1*]

593.14 JURORS, SELECTION IN HENNEPIN, RAMSEY, ST. LOUIS COUNTIES. Subdivision 1. In all counties having a population of more than 100,000, judges of the district court, or a majority thereof, of the district embracing such county or counties shall, annually, in the month of December of each year, at the courthouse in such county, select from the qualified electors of the county 125 persons properly qualified to serve as grand jurors, and 2,000 persons properly qualified to serve as petit jurors, and shall make out and certify separate lists thereof, and forthwith deliver such lists to the clerk of the district court of the county; and from these lists of persons to serve as grand jurors and as petit jurors shall, respectively, be drawn all grand jurors and petit jurors at any time required for the transaction of business in the district court of such county. When and in the manner authorized by court rule adopted pursuant to law by the district court judges

of that district, petit jurors so selected and drawn may serve also as petit jurors in any municipal court or courts located within the county and designated in said court rule. If, in any year, such selection and lists shall not be made in the month of December, the same may be done at any time thereafter that any judge of that court may designate; and, if from any cause there shall be a deficiency of persons resident in such county and properly qualified in either of such lists, such judges, or a majority thereof, may, at any time designated by them, select from such qualified electors of such county other persons to cover the deficiency, and in like manner may certify and deliver to the clerk lists of the persons so selected, which supplementary or additional lists shall thereafter stand as parts of the original list. The validity or legality of such selection or lists shall not be affected by the fact that any person so selected may be disqualified from serving as grand or petit jurors, or by the selection of a greater or less number of persons than as specified in this section. The first selection and lists hereunder may be made at any time after the passage of this section.

Subd. 2. (1) In any county described in subdivision 1, where general terms of the district court are held in more than one place, a person shall not be selected as a petit juror to serve at a place more distant than 50 miles from his residence as determined by the usual means of travel unless such a place cannot be found, in which case, he shall be selected to serve at the nearest place to his residence.

(2) Where a person has been selected to serve as a petit juror in violation of clause (1), any judge of the district court may transfer such person to the next term of court and may assign him to a place nearest his residence.

[1907 c 2 s 1; 1955 c 276 s 1; 1955 c 362 s 1] (9469)

593.15 JURIES IN HENNEPIN COUNTY. In all counties now or hereafter having a population of more than 400,000 the jury in civil actions shall consist of six persons; provided, that any party may have the right to increase the number of jurors to 12 by paying to the clerk a jury fee of \$5 at any time before the trial commences. Failure to pay such jury fee shall be deemed a waiver of a jury of 12.

[1927 c 345 s 1; 1929 c 236 s 1; 1955 c 148 s 3] (9469-1)

593.16 JURY OF SIX; DRAWING; CHALLENGES. When a jury of six is to be drawn the clerk 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 his 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.

[1927 c 345 s 2; 1929 c 236 s 2] (9469-2)

593.17 CHALLENGES. The provisions of section 546.10 as to challenges shall not be affected by sections 593.15 to 593.17, except that when cases are tried by juries of six there shall be two peremptory challenges allowed instead of three.

[1927 c. 345 s. 3] (9469-3)

593.18 DENTISTS AND PHARMACISTS EXEMPT FROM JURY DUTY. All persons authorized to practice dentistry in this state and all persons licensed as pharmacists or assistant pharmacists, who are actively engaged in the practice of their profession, shall be exempt from service as jurors in all the courts of the state during the continuance of the practice of their profession.

[1935 c. 95 s. 9; 1937 c. 354 s. 15.] (5762-9, 5808-15)