

## Juries

## CHAPTER 593

## JURIES, JURORS

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NOTE: See Chapter 628 for Grand Juries.

**593.01 PETIT JURY.** Subdivision 1. Notwithstanding any law or rule of court to the contrary, a petit jury is a body of six men or women, or both, impaneled and sworn in any 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.

Subd. 2. The provisions of subdivision 1, as to the number of jurors does not apply to a criminal action where the offense charged is a gross misdemeanor or a felony. In that event the petit jury is a body of 12 persons, unless the defendant consents to a jury of six.

[ *RL s 4326; 1921 c 365 s 1; 1971 c 917 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.

[ *RL 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.

[ *RL 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.

[ *RL 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 sum-

moned 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 venirens 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 venirens 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 venirens 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 venirens 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.

[ RL 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.

[ RL 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.

[ RL 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.

[ RL 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.

[ RL 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

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shall be returned by the sheriff or his deputy, or by the coroner, or by any disinterested person appointed by the court.

[ *RL s 4335* ] (9467)

**593.13 SELECTION OF JURORS.** Subdivision 1. Except as otherwise provided by special law in all counties having a population of less than 200,000 the selection of qualified persons whose names are placed on the jury lists of each county shall be by a jury commission, said commission to be comprised of the clerk of district court of each county, the chairman of the county board of the county, and a resident of the county appointed by the chief judge of the judicial district, said resident being designated the court appointed commissioner. The court appointed commissioner shall serve at the will of the chief judge of the district. The clerk of the district court shall be designated the chairman of the jury commission.

Subd. 2. The jury commission, at a meeting to be called by the clerk of the district court in January of each year, shall select 72 persons to serve as grand jurors and one name for each 100 persons residing in said county at the last federal census to serve as petit jurors. Provided however, that no less than 150 persons shall be selected to serve as petit jurors. Selection of grand and petit jurors shall be from the qualified voters of the county and taken from either the election register of those who voted in the last general election in said county, or from the voter registration file where permanent registration systems are maintained. At the request of the jury commission the county auditor and the city and town clerks shall provide to the commission for its use their voting registers and registration lists.

Subd. 3. In selecting said names, the commissioners shall each alternately select the name of a prospective juror until the required number of jurors that said commissioners deem necessary to fulfill the requirements of subdivision 2 are drawn, and the majority of the members of the jury commission in each county shall determine the manner in which said names shall be drawn, and may send questionnaires to prospective jurors to determine if they are physically disabled or if they have moved from the county prior to making up the jury lists. Separate lists of such names as are selected to serve as petit jurors and of the names selected to serve as grand jurors shall be certified and signed by the chairman of the jury commission and forthwith delivered to the clerk of district court. The jury commission may use data processing equipment in the selection of prospective jurors.

Subd. 4. 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. The clerk of district court shall certify to the jury commission, at its annual January session, the names on the last annual list drawn for service during the preceding year. No juror shall serve more than 30 days of actual attendance and until the completion of the case upon which he may be sitting during any one term of court. 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.

Subd. 5. In all 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 jury commission thereof, which at a session to be called by the clerk of district court 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 meeting in January, it may be so made and delivered at any regular or special meeting thereafter.

Subd. 6. 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 jury commission 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.

Subd. 7. The court appointed commissioner shall receive the sum of \$35 per day for each day actually and necessarily devoted to the discharge of his duties, together with mileage at the rate of ten cents per mile actually and necessarily traveled. The county auditor shall draw a warrant on the county treasurer in payment of invoices for such services and mileage as are approved by the chief judge of the district court.

[ *RL 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; Ex1967 c 19 s 1; 1969 c 514 s 1; 1973 c 123 art 5 s 7* ] (9468)

NOTE: This section does not apply to Anoka or Washington Counties. See Laws 1959, Chapter 219 and Extra Session Laws 1967, Chapter 19, Section 2.

**593.131 VALIDITY OF JURY SELECTION.** In all counties having a population of less than 200,000, the validity or legality of jury selections or lists shall not be affected by the fact that any person so selected may be disqualified from serving as a grand or petit juror, or by the selection of a greater or lesser number of persons than as specified in this chapter.

[ *1969 c 514 s 4* ]

**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 section 593.13, or a jury commission member who has participated in the selection of a list of petit jurors, 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 person 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 sheriff 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; Ex1967 c 20 s 1; 1971 c 24 s 54* ]

NOTE: This section does not apply to Anoka or Washington Counties. See Laws 1959, Chapter 219 and Extra Session Laws 1967, Chapter 20, Section 2.

**593.14 JURORS, SELECTION IN HENNEPIN, RAMSEY, ST. LOUIS COUNTIES.** Subdivision 1. In all counties having a population of more than 200,000, 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 or more 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. A majority of the district court judges may direct the clerk of district court to utilize available data processing equipment in the preparation of petit jury lists, and upon order of the court, the county auditor and the city and town clerks shall make available to the clerk of the district court their voting registers or registration lists, or copies thereof. 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; 1969 c 397 s 1; 1969 c 514 s 2; 1973 c 123 art 5 s 7 ] (9469)

**593.15** [ Repealed, 1971 c 917 s 4 ]

**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** [ Repealed, 1976 c 2 s 150 ]

**593.18** [ Repealed, 1975 c 318 s 2 ]

**593.19 MISCONDUCT OF OFFICER DRAWING JURY.** Every officer or other person charged by law with the preparation of any jury list, or list of names from which any jury is to be drawn, and every person authorized by law to assist at the drawing or impaneling of a grand or petit jury to attend a court or term of court, or to try any cause or issue, who shall

(1) Place on any such list any name at the request or solicitation, direct or indirect, of any person;

(2) Designedly put upon a list of jurors, as having been drawn, any name which was not lawfully drawn for that purpose;

(3) Designedly omit to place on such list any name which was lawfully drawn;

(4) Designedly sign or certify a list of such jurors as having been drawn, which was not lawfully drawn;

(5) Designedly withdraw from the box or other receptacle for the ballots containing the names of such jurors any paper or ballot lawfully placed or belonging there, and containing the name of a juror, or omit to place therein any name lawfully drawn or designated, or place therein a paper or ballot containing the name of a person not lawfully drawn and designated as a juror; or

(6) Who, in drawing or impaneling such jury, shall do any act which is unfair, partial, or improper in any other respect shall be guilty of a misdemeanor.

[ RL s 4806 ] (9991)

**593.20 JUROR PLACED ON LIST BY SOLICITATION.** Every person who shall, directly or indirectly, solicit or request any officer charged with the duty of preparing

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any jury list to put his name, or the name of any other person, on any such list, shall be guilty of a misdemeanor.

[ *RL s 4807* ] (9992)

**593.21 MISCONDUCT OF OFFICER IN CHARGE OF JURY.** Every officer to whose charge a jury shall be committed by a court or magistrate, who negligently or wilfully, and without leave of such court or magistrate, permits them, or any one of them, to receive any communication from any person, to make any communication to any person, to obtain or receive any book, paper, or refreshment, or to leave the jury room, shall be guilty of a misdemeanor.

[ *RL s 4808* ] (9993)