

TITLE 2  
JURIES AND JURORS

CHAPTER 2  
JURY SELECTION AND SERVICE

2-201. TITLE OF ACT. This act may be cited as the "Uniform Jury Selection and Service Act."

[2-201, added 1971, ch. 169, sec. 21, p. 799.]

2-202. POLICY OF STATE. It is the policy of this state that all persons selected for jury service be selected at random from a fair cross section of the population of the area served by the court, and that all qualified citizens have the opportunity, in accordance with this act to be considered for jury service in this state and an obligation to serve as jurors when summoned for that purpose.

[2-202, added 1971, ch. 169, sec. 1, p. 799.]

2-203. DISCRIMINATION PROHIBITED. A citizen shall not be excluded from jury service in this state on account of race, color, religion, sex, national origin, or economic status.

[2-203, added 1971, ch. 169, sec. 2, p. 799.]

2-204. DEFINITIONS. As used in this chapter:

(1) "Court" means district courts of this state, including the magistrates division, and includes, when the context requires, any judge of the court;

(2) "Clerk" and "clerk of the court" mean the duly elected and acting clerk of the district court and ex officio auditor and recorder and duly appointed deputies;

(3) "Master jury list" means the voter registration lists for the county which shall be supplemented with names from other sources prescribed pursuant to section 2-206, Idaho Code, in order to foster the policy and protect the rights secured by sections 2-202 and 2-203, Idaho Code;

(4) "Voter registration lists" means the most current official records, maintained by the county clerk, of persons registered to vote in any national, state, county, or municipal election;

(5) "Jury selection system" means any physical device or automated system for the management of the names or identifying numbers of prospective jurors;

(6) "Prospective jury panel" means the list of names or identifying numbers of prospective jurors drawn at random from the master jury list pursuant to section 2-208, Idaho Code, and who are not disqualified pursuant to section 2-209, Idaho Code.

[2-204, added 1971, ch. 169, sec. 3, p. 799; am. 1978, ch. 82, sec. 1, p. 156; am. 2001, ch. 28, sec. 1, p. 34; am. 2005, ch. 190, sec. 1, p. 583.]

2-205. JURY COMMISSIONS ESTABLISHED -- COMPOSITION -- QUALIFICATIONS OF COMMISSIONERS -- EXPENSES AND COMPENSATION. A jury commission is established in each county to manage the jury selection process under the supervision and control of the court. The jury commission shall be composed of the clerk of the district court and a jury commissioner appointed by the admin-

istrative judge. The jury commissioner shall serve until a successor is appointed and qualifies. The jury commissioner must be a citizen of the United States and a resident in the county in which the jury commissioner serves. The jury commissioner may be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of jury commission duties and may receive compensation at a per diem rate fixed by the administrative judge and payable from county funds, if not otherwise a county employee.

[2-205, added 1971, ch. 169, sec. 4, p. 799; am. 1974, ch. 26, sec. 6, p. 804; am. 1998, ch. 71, sec. 1, p. 266; am. 2002, ch. 94, sec. 1, p. 257; am. 2005, ch. 190, sec. 2, p. 583.]

2-206. MASTER JURY LIST OF REGISTERED VOTERS -- SUPPLEMENTATION BY OTHER LISTS DESIGNATED BY SUPREME COURT -- LIST AVAILABLE TO COMMISSION -- OPEN TO PUBLIC INSPECTION. (1) The jury commission for each county shall compile and maintain a master jury list consisting of the current voter registration list for the county supplemented with names from other lists of persons resident therein, such as lists of utility customers, property taxpayers, motor vehicle registrations, drivers' licenses, and state identification cards, which the supreme court from time to time designates. The supreme court shall initially designate the other lists within ninety (90) days following the effective date of this act and exercise the authority to designate from time to time in order to foster the policy and protect the rights secured by sections 2-202 and 2-203, Idaho Code.

(2) In compiling the master jury list the jury commission shall avoid duplication of names.

(3) Whoever has custody, possession, or control of any of the lists used in compiling the master jury list, including those designated under subsection (1) of this section by the supreme court as supplementary sources of names, shall electronically transfer the list, including any changes, deletions and additions, and at the request of the jury commission, the custodian shall prepare a hard copy of the list and make the custodian's records, from which the list was compiled, available for inspection, reproduction, and copying at all reasonable times.

(4) The master jury list shall be open to the public for examination as provided by supreme court rule.

[2-206, added 1971, ch. 169, sec. 5, p. 799; am. 2005, ch. 190, sec. 3, p. 583.]

2-207. MASTER JURY LIST -- MANNER OF UPDATING. (1) Updated information from the lists of voter registration, drivers' licenses, and state identification cards, including any changes, deletions and additions, shall be made to the master jury list from time to time as determined by the jury commission or as ordered by the administrative judge, but at a minimum not less frequently than December of each odd-numbered year.

(2) In the alternative, or in addition to the procedure set forth in subsection (1) of this section, and if ordered by the administrative judge, in December of each odd-numbered year, or more frequently as determined by the administrative judge, the master jury list shall be emptied and refilled as prescribed in section 2-206, Idaho Code.

[2-207, added 1971, ch. 169, sec. 6, p. 799; am. 1974, ch. 26, sec. 7, p. 804; am. 2002, ch. 94, sec. 2, p. 257; am. 2005, ch. 190, sec. 4, p. 584.]

2-208. NAMES RANDOMLY DRAWN FROM MASTER JURY LIST -- QUALIFICATION QUESTIONNAIRE FORMS FOR PROSPECTIVE JURORS -- MAILING AND RETURN -- ORDER TO APPEAR -- CRIMINAL CONTEMPT -- PENALTY FOR MISREPRESENTATION. (1) The court or any other state or county official having authority to conduct a trial or hearing with a jury within the county may direct the jury commission to draw and assign to that court or official the number of qualified jurors deemed necessary for one (1) or more jury panels or as required by law for a grand jury. Upon receipt of the direction and in a manner prescribed by the court, the jury commission shall publicly draw at random, by use of a manual, mechanical, or automated system, from the master jury list the number of prospective jurors specified. Neither the names drawn nor the list shall be disclosed to any person except upon specific order of the presiding judge.

(2) Each person on the prospective jury panel shall be served with a summons, issued by the clerk of the court or the jury commissioner. The summons shall be served either personally, or by regular mail or certified mail, addressed to the prospective juror at that person's usual residence, business or post office address.

(3) The clerk or the jury commissioner shall mail a qualification questionnaire form, accompanied by instructions, addressed to the prospective jurors at their usual residence, business or post office address. The qualification questionnaire form may be sent together with the summons in a single mailing to a prospective juror. The qualification questionnaire form shall be in a form prescribed by the supreme court. The qualification questionnaire form must be completed and returned to the clerk or the jury commissioner within ten (10) days from the date of mailing. The qualification questionnaire form shall elicit the name, address of residence, and age of the prospective juror and whether the prospective juror: (a) is a citizen of the United States of America and a resident of the county, (b) is able to read, speak and understand the English language, (c) has any disability impairing his capacity to render satisfactory jury service, and (d) has lost the right to serve on a jury because of a felony criminal conviction as provided by section 3, article VI, of the constitution of the state of Idaho, and who has not been restored to the rights of citizenship pursuant to section 18-310, Idaho Code, or other applicable law. The qualification questionnaire form shall contain the prospective juror's declaration that his responses are true to the best of his knowledge and his acknowledgment that a willful misrepresentation of a material fact may be punished as a misdemeanor. Notarization of the completed qualification questionnaire form shall not be required. If the prospective juror is unable to complete the form, another person may do so on his or her behalf and shall indicate that such person has done so and the reason therefor. If it appears there is an omission, ambiguity, or error in a returned form, the clerk or the jury commissioner shall again send the form with instructions to the prospective juror to make the necessary addition, clarification, or correction and to return the form to the jury commission within ten (10) days after its second mailing.

(4) Any prospective juror who fails to return a completed qualification questionnaire form as instructed shall be directed by the jury commission to appear forthwith before the clerk or the jury commissioner to complete the qualification questionnaire form. At the time of his appearance for jury service, or at the time of interview before the court, clerk, or the jury commissioner, any prospective juror may be required to complete another qualification questionnaire form in the presence of the court, clerk, or the

jury commissioner, at which time the prospective juror may be questioned, but only with regard to his responses to questions contained on the form and grounds for his excuse or disqualification. Any information thus acquired by the court, clerk, or the jury commissioner shall be noted on the qualification questionnaire form.

(5) A prospective juror who fails to appear as directed by the commission, pursuant to subsection (4) of this section shall be ordered by the court to appear and show cause for his failure to appear as directed. A prospective juror who fails to appear pursuant to the court's order may be subject to contempt proceedings under chapter 6, title 7, Idaho Code, and applicable rules of the supreme court, and the prospective juror's service may be postponed to a new prospective jury panel as set by the presiding judge.

(6) Any person who willfully misrepresents a material fact on a qualification questionnaire form for the purpose of avoiding or securing service as a juror is guilty of a misdemeanor.

(7) The contents of the juror qualification questionnaire form shall be confidential to the extent provided by rules of the Idaho supreme court.

(8) The clerk or the jury commissioner may provide an opportunity to a prospective juror to complete and return the qualification questionnaire form through electronic mail, facsimile transmission, or other reliable means of communication prior to mailing the qualification questionnaire form to the prospective juror. If the prospective juror completes and returns the qualification questionnaire form in such manner, the qualification questionnaire form need not be mailed to the prospective juror.

[2-208, added 1971, ch. 169, sec. 7, p. 799; am. 1974, ch. 26, sec. 8, p. 804; am. 2002, ch. 94, sec. 3, p. 258; am. 2003, ch. 116, sec. 1, p. 360; am. 2005, ch. 190, sec. 5, p. 585; am. 2013, ch. 207, sec. 1, p. 494.]

2-209. DETERMINATION OF QUALIFICATION OF PROSPECTIVE JUROR -- QUALIFICATIONS -- PHYSICIAN'S CERTIFICATE OF DISABILITY. (1) The administrative district judge or administrative district judge's designee, upon request of the clerk or the jury commissioner or a prospective juror or on its own initiative, shall determine on the basis of information provided on the qualification questionnaire form or interview with the prospective juror or other competent evidence whether:

(a) The prospective juror is not qualified to serve on a jury because he or she is unable to read, speak, and understand the English language; or

(b) The prospective juror is disqualified from service on a jury because of a disability which renders the prospective juror incapable of performing satisfactory jury service. A person claiming this disqualification shall be required to submit a physician's certificate as to the disability, and the certifying physician is subject to inquiry by the court at its discretion.

(2) The clerk or the jury commissioner shall determine on the basis of information provided on the qualification questionnaire form or interview with the prospective juror or other competent evidence whether:

(a) The prospective juror is not qualified to serve on a jury because the person is not a citizen of the United States of America, eighteen (18) years of age, and a resident of the county; or

(b) The prospective juror is disqualified from serving on a jury because of a felony criminal conviction as provided by section 3, article VI, of the constitution of the state of Idaho, and who has not been re-

stored to the rights of citizenship pursuant to section 18-310, Idaho Code, or other applicable law.

(3) A person who is disqualified from serving on a jury on the basis of any of the grounds set forth in subsections (1) and (2) of this section shall be excused from serving on a jury for a period of two (2) years following the disqualification. The administrative district judge, or a district judge or magistrate judge designated by the administrative district judge, may excuse a person disqualified under subsection (1) (b) of this section for a period of time greater than two (2) years, or may excuse such person permanently from serving on a jury. An order excusing such a person permanently or for a period of time greater than two (2) years shall be based upon a finding as to the nature and duration of the disability, based upon the information provided in the qualification questionnaire form, an interview with the prospective juror, or other competent evidence.

[2-209, added 1971, ch. 169, sec. 8, p. 799; am. 1972, ch. 8, sec. 1, p. 12; am. 1981, ch. 266, sec. 1, p. 565; am. 1996, ch. 189, sec. 1, p. 598; am. 2002, ch. 94, sec. 4, p. 259; am. 2005, ch. 190, sec. 6, p. 587.]

2-210. NAMES PLACED IN PROSPECTIVE JURY PANEL -- SUMMONING ADDITIONAL TRIAL JURORS -- NAMES DRAWN TO BE PUBLIC -- EXCEPTION. (1) The jury commission shall maintain a prospective jury panel and shall place therein the names or identifying numbers of all prospective jurors drawn from the master jury list who are not disqualified under section 2-209, Idaho Code.

(2) If there is an unanticipated shortage of available trial jurors drawn from a prospective jury panel, the court may require the sheriff to summon a sufficient number of trial jurors selected at random by the clerk from the master jury list in a manner prescribed by the court. The jurors whose names are drawn from the master jury list shall be served with a summons and shall complete the qualification questionnaire form in the manner prescribed in section 2-208, Idaho Code.

[2-210, added 1971, ch. 169, sec. 9, p. 799; am. 1978, ch. 79, sec. 1, p. 154; am. 1990, ch. 213, sec. 4, p. 490; am. 2001, ch. 120, sec. 1, p. 414; am. 2002, ch. 94, sec. 5, p. 260; am. 2005, ch. 190, sec. 7, p. 588.]

2-211. NO EXEMPTIONS. No exemptions for any qualified prospective juror may be granted.

[2-211, added 1971, ch. 169, sec. 10, p. 799; am. 2005, ch. 190, sec. 8, p. 588.]

2-212. EXCUSING OR POSTPONING JURY SERVICE -- INQUIRY BY COURT -- GROUNDS FOR EXCUSING OR POSTPONING. (1) The court, or a member of the jury commission designated by the court, upon request of a prospective juror or on its own initiative, shall determine on the basis of information provided on the qualification questionnaire form or interview with the prospective juror or other competent evidence whether the prospective juror should be excused from jury service or have their jury service postponed. The clerk or the jury commissioner shall keep a record of this determination.

(2) A person who is seventy (70) years of age or older shall be permanently excused if the person indicates on the qualification questionnaire form that he or she wishes to be excused. A person who requests to be excused on this basis shall be reinstated to the master jury list by submitting a written request asking to be reinstated for jury service.

(3) A person who is not disqualified for jury service under section 2-209, Idaho Code, may have jury service postponed by the court or the jury commissioner only upon a showing of undue hardship, extreme inconvenience, or public necessity, or upon a showing that the juror is a mother breastfeeding her child.

(a) Any person requesting a postponement shall provide a written statement setting forth the reason for the request and the anticipated date that the reason will no longer exist.

(b) The court or the jury commissioner may require a person requesting a postponement for any medical reason to provide a statement from a medical provider supporting the request.

(c) The postponement, if granted, shall be for a period of time as the court or the jury commissioner deems necessary, at the conclusion of which the person shall reappear for jury service in accordance with the direction of the court or the jury commissioner.

[2-212, added 1971, ch. 169, sec. 11, p. 799; am. 1986, ch. 295, sec. 1, p. 742; am. 2002, ch. 94, sec. 6, p. 261; am. 2005, ch. 190, sec. 9, p. 588.]

2-213. STAY OF PROCEEDINGS OR QUASHING INDICTMENT FOR IRREGULARITY IN SELECTING JURY -- EVIDENCE IN SUPPORT OF MOTION -- REMEDIES EXCLUSIVE -- CONTENTS OF RECORDS NOT TO BE DISCLOSED. (1) Within seven (7) days after the moving party discovered or by the exercise of diligence could have discovered the grounds therefor, and in any event before the trial jury is sworn to try the case, a party may move to stay the proceedings, and in a criminal case to quash the indictment, or for other appropriate relief, on the ground of substantial failure to comply with this chapter in selecting the grand or trial jury.

(2) Upon motion filed under subsection (1) of this section containing a sworn statement of facts which, if true, would constitute a substantial failure to comply with this chapter, the moving party is entitled to present in support of the motion the testimony of the jury commissioner or the clerk, any relevant records and papers not public or otherwise available used by the jury commissioner or the clerk, and any other relevant evidence. If the court determines that in selecting either a grand jury or a trial jury there has been a substantial failure to comply with this chapter, the court shall stay the proceedings pending the selection of the jury in conformity with this chapter, quash an indictment, or grant other appropriate relief.

(3) The procedures prescribed by this section are the exclusive means by which a person accused of a crime, the state, or a party in a civil case may challenge a jury on the ground that the jury was not selected in conformity with this chapter.

(4) The contents of any records or papers used by the jury commissioner or the clerk in connection with the selection process and not made public under section 2-206(4), Idaho Code, shall not be disclosed, except in connection with the preparation or presentation of a motion under subsection (1) of this section. The parties in a case may inspect, reproduce, and copy the records or papers at all reasonable times during the preparation and pendency of a motion under subsection (1) of this section.

[2-213, added 1971, ch. 169, sec. 12, p. 799; am. 2001, ch. 120, sec. 2, p. 414; am. 2005, ch. 190, sec. 10, p. 589.]

2-214. RETENTION PERIOD FOR PAPERS AND RECORDS. All records and papers compiled and maintained by the jury commissioner or the clerk in connection with selection and service of jurors shall be preserved by the clerk for a minimum period of four (4) years and for any longer period ordered by the court.

[2-214, added 1971, ch. 169, sec. 13, p. 799; am. 1978, ch. 81, sec. 1, p. 155; am. 2005, ch. 190, sec. 11, p. 590.]

2-215. MILEAGE AND PER DIEM OF JURORS. A juror shall be paid mileage for his travel expenses from his residence to the place of holding court and return at the same rate per mile as established by resolution of the county commissioners for county employees in the county where the juror resides and shall be compensated at the following rate, to be paid from the county treasury:

(1) Five dollars (\$5.00), or a rate of more than five dollars (\$5.00) up to twenty-five dollars (\$25.00) as determined by the county commissioners of the county where the juror resides, for each one-half (1/2) day, or portion thereof, unless the juror travels more than thirty (30) miles from his residence, in which event he shall receive ten dollars (\$10.00), or a rate of more than ten dollars (\$10.00) up to fifty dollars (\$50.00) as determined by the county commissioners of the county where the juror resides, for each one-half (1/2) day or portion thereof;

(2) Ten dollars (\$10.00), or a rate of more than ten dollars (\$10.00) up to fifty dollars (\$50.00) as determined by the county commissioners in the county where the juror resides, for each day's required attendance at court of more than one-half (1/2) day;

(3) Fifty dollars (\$50.00) for each day's required attendance at court that exceeds five (5) days for one (1) trial.

[2-215, added 1971, ch. 169, sec. 14, p. 799; am. 1982, ch. 213, sec. 1, p. 587; am. 2013, ch. 66, sec. 1, p. 161; am. 2018, ch. 257, sec. 1, p. 608.]

2-216. LIMITATION ON REQUIRED JURY SERVICE. In any two (2) year period, or a longer period not to exceed five (5) years, as determined by the administrative judge of a judicial district, a person shall not be required:

(1) To serve or attend court for prospective service as a trial juror more than ten (10) court days, except if necessary to complete service in a particular case;

(2) To be available for jury service for a period to exceed six (6) months; provided however, that the administrative district judge for the judicial district in which a county is located may by order specify a shorter term of required availability for jury service;

(3) To serve on more than one (1) grand jury; or

(4) To serve as both a grand and trial juror.

Appearance for jury service, whether or not the roll is called, shall be credited toward required jury service. Appearance for jury service may include telephone standby as permitted by the administrative judge of the district.

[2-216, added 1971, ch. 169, sec. 15, p. 799; am. 1977, ch. 54, sec. 1, p. 105; am. 1978, ch. 83, sec. 1, p. 157; am. 2001, ch. 120, sec. 3, p. 415; am. 2002, ch. 94, sec. 7, p. 261.]

2-217. PENALTY FOR EVASION OF JURY SERVICE. A person summoned for jury service who fails to appear or to complete jury service as directed shall be ordered by the court to appear forthwith and show cause for his failure to comply with the summons. If he fails to show good cause for noncompliance with the summons, he is guilty of criminal contempt and upon conviction may be fined not more than three hundred dollars (\$300) and imprisoned not more than three (3) days, or both.

[2-217, added 1971, ch. 169, sec. 16, p. 799; am. 2005, ch. 190, sec. 12, p. 590.]

2-218. EMPLOYER PROHIBITED FROM PENALIZING EMPLOYEE FOR JURY SERVICE -- PENALTY -- ACTION BY DISCHARGED EMPLOYEE FOR LOST WAGES. (1) An employer shall not deprive an employee of his employment, or threaten or otherwise coerce him with respect thereto, because the employee receives a summons, responds thereto, serves as a juror, or attends court for prospective jury service.

(2) Any employer who violates subsection (1) of this section is guilty of criminal contempt and upon conviction may be fined not more than three hundred dollars (\$300).

(3) If an employer discharges an employee in violation of subsection (1) of this section the employee within sixty (60) days may bring a civil action for recovery of treble the amount of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. If he prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court.

[2-218, added 1971, ch. 169, sec. 17, p. 799; am. 1987, ch. 65, sec. 1, p. 116.]

2-219. DELEGATION OF AUTHORITY BY ADMINISTRATIVE JUDGES. Administrative judges are authorized to delegate their duties and responsibilities under this act to district judges or duly appointed magistrates within their respective district [districts].

[2-219, added 1971, ch. 169, sec. 18, p. 799; am. 1974, ch. 26, sec. 9, p. 804.]

2-220. POWER OF SUPREME COURT TO MAKE RULES CONCERNING JURIES. The supreme court may make and amend rules, not inconsistent with this act, regulating the selection and service of jurors and for the administration and payment of reimbursement to the counties of forty dollars (\$40.00) per day for lengthy jury trials as provided in section 2-222, Idaho Code.

[2-220, added 1971, ch. 169, sec. 19, p. 799; am. 2018, ch. 257, sec. 2, p. 608.]

2-221. CONSTRUCTION OF ACT. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

[2-221, added 1971, ch. 169, sec. 22, p. 799.]

2-222. LENGTHY TRIAL JUROR COMPENSATION. (1) The supreme court shall reimburse the counties for moneys the county paid during the previous fiscal year for lengthy trial juror compensation under section 2-215(3), Idaho Code, from and to the extent that moneys are appropriated for this purpose by the legislature. On and after September 30, 2018, and each county fis-



cal year thereafter, any board of county commissioners may file an annual application with the administrative director of the courts requesting reimbursement of lengthy jury trial juror compensation in the amount set forth in subsection (2) of this section. The supreme court shall prescribe by rule the time within which an application must be filed, the form for the application and the information that must accompany each application.

(2) Each county whose application is approved by the administrative director of the courts shall receive moneys for the reimbursement of lengthy trial juror compensation paid by the county during the previous fiscal year. The amount of the reimbursement shall be forty dollars (\$40.00) per juror and alternate juror for each day of jury service beyond the fifth day of required attendance at court relating to a trial, if there are sufficient moneys to fully reimburse every county whose application is approved. If there are insufficient moneys to fully reimburse every county whose application is approved, then each county shall receive only a percentage of its reimbursement request. The percentage shall be established by dividing the total amount of available moneys by the sum of all reimbursements requested by all counties.

[2-222, added 2018, ch. 257, sec. 3, p. 608.]

CHAPTER 3  
JURY LIST -- [REPEALED]