

# House Bill 2897

Sponsored by Representative EVANS (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that corporations can serve on juries. (Flesch Readability Score: 75.5).  
Makes corporations eligible to serve on juries.

## A BILL FOR AN ACT

1  
2 Relating to the eligibility of corporations to serve on juries; amending ORS 10.030, 10.050, 10.115,  
3 10.215 and 10.235.

4 Whereas corporations are not natural persons; and

5 Whereas corporations are entitled to certain rights of natural persons but do not have all of the  
6 responsibilities of natural persons; now, therefore,

7 **Be It Enacted by the People of the State of Oregon:**

8 **SECTION 1.** ORS 10.030 is amended to read:

9 10.030. (1) Except as otherwise specifically provided by statute, the opportunity for jury service  
10 may not be denied or limited on the basis of race, religion, sex, sexual orientation, gender identity,  
11 national origin, age, income, occupation or any other factor that discriminates against a cognizable  
12 group in this state.

13 (2) Any *[person]* **individual** is eligible to act as a juror in a civil trial unless the *[person]* **indi-**  
14 **vidual:**

15 (a) Is not a citizen of the United States;

16 (b) Does not live in the county in which summoned for jury service;

17 (c) Is less than 18 years of age; or

18 (d) Has had rights and privileges withdrawn and not restored under ORS 137.281.

19 (3)(a) Any *[person]* **individual** is eligible to act as a grand juror, or as a juror in a criminal trial,  
20 unless the *[person]* **individual:**

21 (A) Is not a citizen of the United States;

22 (B) Does not live in the county in which summoned for jury service;

23 (C) Is less than 18 years of age;

24 (D) Has had rights and privileges withdrawn and not restored under ORS 137.281;

25 (E) Has been convicted of a felony or served a felony sentence within the 15 years immediately  
26 preceding the date the person is required to report for jury service; or

27 (F) Has been convicted of a misdemeanor involving violence or dishonesty, or has served a  
28 misdemeanor sentence based on a misdemeanor involving violence or dishonesty, within the five  
29 years immediately preceding the date the person is required to report for jury service.

30 (b) As used in this subsection:

31 (A) "Felony sentence" includes any incarceration, post-prison supervision, parole or probation

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 imposed upon conviction of a felony or served as a result of conviction of a felony.

2 (B) “Has been convicted of a felony” has the meaning given that term in ORS 166.270.

3 (C) “Misdemeanor sentence” includes any incarceration or probation imposed upon conviction  
4 of a misdemeanor or served as a result of conviction of a misdemeanor.

5 **(4) Any corporation organized under the laws of this state is eligible to act as a juror in**  
6 **a civil or criminal trial or as a grand juror. The corporation must act as a juror or grand**  
7 **juror through an individual agent of the corporation who would be eligible to act as a juror**  
8 **or grand juror under subsection (2) or (3) of this section.**

9 [(4)] **(5)** [A *person*] **An individual** who is blind, hard of hearing or speech impaired or who has  
10 a physical disability is not ineligible to act as a juror and may not be excluded from a jury list or  
11 jury service on the basis of blindness, hearing or speech impairment or physical disability alone.

12 [(5)] **(6)** A person is ineligible to act as a juror in any circuit court of this state within 24  
13 months after being discharged from jury service in a federal court in this state or circuit court of  
14 this state unless that person’s service as a juror is required because of a need for additional jurors.

15 **SECTION 2.** ORS 10.050 is amended to read:

16 10.050. (1) A judge of the court or clerk of court shall excuse a person from acting as a juror  
17 upon a showing of undue hardship or extreme inconvenience to the person, the person’s family, the  
18 person’s employer or the public served by the person. In applying this subsection the judge or clerk  
19 of court shall carefully consider and weigh both the public need for juries which are representative  
20 of the full community and the individual circumstances offered as a justification for excuse from jury  
21 service. A person may request and be granted excuse from jury service under this subsection by  
22 means of telephone communication or mail.

23 (2) Notwithstanding ORS 10.030 [(4)] **(5)**, a judge may, by own motion, excuse a juror whose  
24 presence on the jury would substantially impair the progress of the action on trial or prejudice the  
25 parties thereto.

26 (3) A judge of the court or clerk of court shall excuse [*a person*] **an individual** from acting as  
27 a juror upon the request of that [*person*] **individual** if the [*person*] **individual** is 70 years of age or  
28 older. [A *person*] **An individual** may request and be granted excuse from jury service under this  
29 subsection by means of telephone communication or mail.

30 (4) A judge of the court or clerk of court shall excuse a woman from acting as a juror upon the  
31 request of the woman if the woman is breast-feeding a child. A request for excuse from jury service  
32 under this subsection must be made in writing.

33 (5) Unless the public need for juries in the court outweighs the individual circumstances of the  
34 [*person*] **individual** summoned, a judge of the court or clerk of court shall excuse [*a person*] **an in-**  
35 **dividual** from acting as a juror upon the request of that [*person*] **individual** if the [*person*] **individual**  
36 is the sole caregiver for a child or other dependent during the court’s normal hours of operation,  
37 the [*person*] **individual** is unable to afford day care or make other arrangements for the care of the  
38 dependent, and the [*person*] **individual** personally attends to the dependent during the court’s normal  
39 hours of operation.

40 **SECTION 3.** ORS 10.115 is amended to read:

41 10.115. (1) As used in this section:

42 (a) “Assistive communication device” means any equipment designed to facilitate communication  
43 by a person with a disability.

44 (b) “Juror with a disability” means [*a person*] **an individual** who is hard of hearing or speech  
45 impaired, who is summoned to serve as a juror and whose name is drawn for grand jury or trial jury

1 service.

2 (c) “Qualified interpreter” means a person who is readily able to communicate with a juror with  
 3 a disability, accurately communicate the proceedings to the juror and accurately repeat the state-  
 4 ments of the juror.

5 (2) The court to which a juror with a disability is summoned, upon written request by the juror  
 6 and upon a finding by the court that the juror requires the services of a qualified interpreter or the  
 7 use of an assistive communication device in examination of the juror as to the juror’s qualifications  
 8 to act as a juror or in performance by the juror of the functions of a juror, shall appoint a qualified  
 9 interpreter for the juror and shall fix the compensation and expenses of the interpreter and shall  
 10 provide an appropriate assistive communication device if needed. The compensation and expenses  
 11 of an interpreter so appointed and the cost of any assistive communication device shall be paid by  
 12 the public authority required to pay the fees due to the juror.

13 (3) An oath or affirmation shall be administered to a qualified interpreter appointed for a juror  
 14 with a disability, in substance that the interpreter will accurately communicate the proceedings to  
 15 the juror and accurately repeat the statements of the juror.

16 (4) A qualified interpreter appointed for a juror with a disability, or a person operating an  
 17 assistive communication device for a juror with a disability, shall be present during deliberations  
 18 by the jury on which the juror serves. An interpreter or person operating an assistive communi-  
 19 cation device may not participate in the jury deliberations in any manner except to facilitate com-  
 20 munication between the juror with a disability and the other jurors or other persons with whom the  
 21 jurors may communicate, and the court shall so instruct the jury and the interpreter.

22 (5) When a juror with a disability serves on a trial jury, the court shall instruct the jury on the  
 23 presence of the qualified interpreter or person operating an assistive communication device.

24 **SECTION 4.** ORS 10.215 is amended to read:

25 10.215. (1) The State Court Administrator shall cause to be prepared at least once each year a  
 26 master jury list containing names selected at random from the source lists. The source lists are the  
 27 most recent list of electors of the county, the records furnished by the Department of Transportation  
 28 as provided in ORS 802.260 (2), **lists of corporations organized under the laws of this state** and  
 29 any other sources approved by the Chief Justice of the Supreme Court that will furnish a fair cross  
 30 section of the citizens **and corporations** of the county. The State Court Administrator and circuit  
 31 courts may use source lists obtained from any person or public body, and jury lists containing names  
 32 selected from a source list, only for purposes consistent with administering the selection and  
 33 summoning of persons for service as jurors, the drawing of names of jurors, and other tasks neces-  
 34 sary to accomplish those functions. Source lists may not contain and the State Court Administrator  
 35 is not required to obtain information about individuals who are participants in the Address  
 36 Confidentiality Program under ORS 192.820 to 192.868. Except as specifically provided by law, the  
 37 State Court Administrator and circuit courts may not disclose source lists obtained from any person  
 38 or public body, and jury lists containing names selected from a source list, to any other person or  
 39 public body.

40 (2) A public body having custody, possession or control of any list that may be used as a source  
 41 list for preparation of a master jury list, upon written request by the State Court Administrator,  
 42 shall make its list available at any reasonable time and, except as otherwise provided in ORS  
 43 802.260, without charge to the State Court Administrator for inspection or copying. The public  
 44 body, upon written request by the State Court Administrator, shall provide a copy of its list for the  
 45 date and in the form requested to the State Court Administrator. Except as otherwise provided in

1 ORS 802.260, the copy shall be provided without charge.

2 (3) The number of names placed on a master jury list shall be sufficient to meet the projected  
 3 need for grand jurors and trial jurors in the circuit court in the county, but the total number may  
 4 not be less than two percent of the population of the county according to the latest federal  
 5 decennial census.

6 (4) A master jury list shall contain the first name[, *the*] **and** surname **or corporate name**, the  
 7 [*place of residence*] **address** and, if assigned, the juror identification number of each person whose  
 8 name is placed thereon.

9 (5) A master jury list for a circuit court shall be certified by the State Court Administrator to  
 10 have been prepared in compliance with the requirements of this section. A certified copy of the  
 11 master jury list shall be provided to the circuit court for the county as soon as possible after the  
 12 list is prepared.

13 (6) A newly filed master jury list shall be maintained separately from the previously filed master  
 14 jury list. The presiding judge shall designate when a newly filed master jury list becomes effective.  
 15 After a newly filed master jury list becomes effective, names of persons for a jury list for a panel  
 16 or term must be selected for a jury list for a panel or term from the newly filed master jury list and  
 17 from names of any persons from the previously filed master jury list whose service was deferred.  
 18 When a newly filed master jury list becomes effective, all orders, records and papers prepared in  
 19 connection with the selection process based on the previously filed master jury list shall be pre-  
 20 served by the trial court administrator and State Court Administrator for the period prescribed by  
 21 the State Court Administrator under ORS 8.125.

22 (7) The State Court Administrator may make adjustments to the master jury list, and may au-  
 23 thorize the presiding judge of a judicial district to make adjustments to a jury list for a panel or  
 24 term, for the purpose of updating the addresses of persons appearing on the lists and removing the  
 25 names of persons who are deceased, permanently ineligible for jury service or permanently excused  
 26 from jury service. The State Court Administrator shall ensure that a record is maintained of all  
 27 adjustments to jury lists made under this subsection.

28 (8) For the purposes of this section, “public body” has the meaning given that term in ORS  
 29 174.109.

30 **SECTION 5.** ORS 10.235 is amended to read:

31 10.235. (1) When an additional number of jurors is needed for a jury service term in a county  
 32 because the jury list for the term becomes exhausted, or in the opinion of the presiding judge for  
 33 the judicial district is likely to become exhausted, before the end of the term, additional jurors may  
 34 be selected and summoned as provided in this section.

35 (2) The presiding judge for the judicial district may order an additional number of names se-  
 36 lected from the master jury list and added to the jury list for the panel or term in the same manner  
 37 as the original jury list is prepared. As directed by the presiding judge of the circuit court, the  
 38 persons whose names are added to the jury list for the panel or term shall be summoned by the clerk  
 39 of court giving written notice to each of them by mail or by the sheriff or other officer giving  
 40 written notice to each of them personally or by leaving written notice at the person’s [*place of res-*  
 41 *idence*] **address** with some person of suitable age and discretion. The notice need be given only a  
 42 reasonable time before the day on which the persons summoned are required to attend.

43 (3) If the master jury list becomes exhausted or in the opinion of the presiding judge is likely  
 44 to become exhausted, the presiding judge may order that the clerk of court select an additional  
 45 number of names from the source lists described in ORS 10.215 (1) and that the persons whose names

1 are so selected be summoned as provided in subsection (2) of this section.

2 (4) If there is an immediate need for additional jurors, a judge of the circuit court for the county  
3 may direct the clerk of court, sheriff or other officer to summon a sufficient number of eligible  
4 persons to meet that need. Those persons shall be summoned as directed by the judge.

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