

REFERENCE TITLE: **juries; commissioner duties; juror selection**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1434

Introduced by
Senator Gray C

AN ACT

AMENDING SECTIONS 9-823, 12-115, 16-165, 21-131, 21-201, 21-301, 21-402, 21-406, 21-423, 21-428, 22-320 AND 23-1501, ARIZONA REVISED STATUTES; REPEALING SECTIONS 21-331 AND 22-426, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 21-132; CHANGING THE DESIGNATION OF TITLE 21, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, TO "QUALIFICATIONS, EXEMPTIONS AND DISQUALIFICATION"; TRANSFERRING AND RENUMBERING SECTION 21-211, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 21, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, AS SECTION 21-203; REPEALING THE ARTICLE HEADING OF FORMER TITLE 21, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES; RENUMBERING TITLE 21, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, AS TITLE 21, CHAPTER 2, AS NEW ARTICLE 2, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING SECTIONS 21-221 AND 21-222, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 21, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, AS RENUMBERED BY THIS ACT, AS SECTIONS 21-211 AND 21-212, RESPECTIVELY; AMENDING SECTION 21-212, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED BY THIS ACT; RENUMBERING TITLE 21, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, AS TITLE 21, CHAPTER 2, AS NEW ARTICLE 3, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING SECTIONS 21-233, 21-235 AND 21-236, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 21, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, AS RENUMBERED BY THIS ACT, AS SECTIONS 21-221, 21-222 AND 21-224, RESPECTIVELY; TRANSFERRING AND RENUMBERING SECTION 21-334, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 21, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, AS RENUMBERED BY THIS ACT, AS SECTION 21-223; CHANGING THE DESIGNATION OF TITLE 21, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, TO "ADMINISTRATION, SELECTION AND SUMMONING PERSONS FOR JURY SERVICE"; AMENDING TITLE 21, CHAPTER 3, ARTICLE 1,

ARIZONA REVISED STATUTES, BY ADDING SECTIONS 21-302, 21-303, 21-304 AND 21-308; REPEALING TITLE 21, CHAPTER 3, ARTICLES 2, 2.1 AND 4, ARIZONA REVISED STATUTES; TRANSFERRING AND RENUMBERING SECTIONS 21-335, 21-336 AND 21-336.01, ARIZONA REVISED STATUTES, FOR PLACEMENT IN TITLE 21, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, AS SECTIONS 21-305, 21-306 AND 21-307, RESPECTIVELY; REPEALING THE ARTICLE HEADING OF FORMER TITLE 21, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES; RENUMBERING SECTION 21-404, ARIZONA REVISED STATUTES, AS SECTION 21-417; AMENDING TITLE 21, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 21-404; RELATING TO JURORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-823, Arizona Revised Statutes, is amended to
3 read:

4 9-823. Registration of voters; change of registration

5 A. A city or town by ordinance or resolution in writing may provide
6 for and require a registration of the voters of the city or town. The
7 registration may be required every two years, and shall begin within sixty
8 days before, and shall be closed ten days before, the regular city or town
9 election.

10 B. The registration shall show:

11 1. The name in full of each registered voter.

12 2. The appropriate title of the voter and that ~~he~~ THE VOTER is
13 eighteen years of age or over.

14 3. Place of birth.

15 4. Place of residence by street and number, or ward.

16 5. The date of entry of the registration on the register.

17 C. The voter may change ~~his~~ THE VOTER'S place of residence as recorded
18 on the register at any time ~~prior to~~ BEFORE the closing of the register.

19 D. No person shall vote at any election in any district except the one
20 in which ~~he~~ THE PERSON has lived for at least ten days next preceding the
21 election and as shown on the register.

22 E. Notwithstanding ~~any provisions of~~ this section or sections 9-824,
23 16-104, ~~AND~~ 16-105 ~~and 22-426 to the contrary~~, no city or town may maintain
24 a local voter registration list after July 1, 1985 if the county recorder of
25 the county in which such city or town is located complies with ~~the provisions~~
26 ~~of~~ section 16-172.

27 Sec. 2. Section 12-115, Arizona Revised Statutes, is amended to read:

28 12-115. Additional filing, appearance and answer or response
29 fees; deposit

30 A. In addition to any other assessment authorized by law, the supreme
31 court shall establish an additional fee on each filing, appearance and answer
32 or response fee charged by a clerk of the superior court.

33 B. The clerk shall collect the additional fee and monthly remit the
34 additional fees to the county treasurer. The county treasurer shall transmit
35 the fees to the state treasurer on or before the fifteenth day of each month
36 for deposit, pursuant to sections 35-146 and 35-147, in the Arizona lengthy
37 trial fund established by section ~~21-222~~ 21-212. The state treasurer shall
38 invest and divest monies in the fund as provided by section 35-313, and
39 monies earned from investment shall be credited to the fund.

40 C. The additional fee may be deferred or waived pursuant to sections
41 12-302 and 12-304.

42 D. In establishing the additional fees under subsection A of this
43 section, the supreme court may designate by rule that the additional fees not
44 be imposed on filings in cases that involve minimal use of court resources or
45 that are not afforded the opportunity for a trial by jury.

1 Sec. 3. Section 16-165, Arizona Revised Statutes, is amended to read:
2 16-165. Causes for cancellation
3 A. The county recorder shall cancel a registration:
4 1. At the request of the person registered.
5 2. When the county recorder knows of the death of the person
6 registered.
7 3. If the person has been adjudicated an incapacitated person as
8 defined in section 14-5101.
9 4. When the person registered has been convicted of a felony, and the
10 judgment of conviction has not been reversed or set aside. The county
11 recorder shall cancel the registration on receipt of notice of a felony
12 conviction from the court or from the secretary of state or when reported by
13 the elector on a signed juror questionnaire ~~that is completed pursuant to~~
14 ~~section 21-314.~~
15 5. ~~Upon~~ ON production of a certified copy of a judgment directing a
16 cancellation to be made.
17 6. Promptly after the election if the person registered has applied
18 for a ballot pursuant to section 16-126.
19 7. When a person has been on the inactive voter list and has not voted
20 during the time periods prescribed in section 16-166, subsection C.
21 8. When the county recorder receives written information from the
22 person registered that the person has a change of residence within the county
23 and the person does not complete and return a new registration form within
24 twenty-nine days after the county recorder mails notification of the need to
25 complete and return a new registration form with current information.
26 9. When the county recorder receives written information from the
27 person registered that the person has a change of address outside the county.
28 B. If the county recorder cancels a registration pursuant to
29 subsection A, paragraph 8 of this section, the county recorder shall send the
30 person notice that the registration has been cancelled and a registration
31 form with the information described in section 16-131, subsection C attached
32 to the form.
33 C. When proceedings in the superior court or the UNITED STATES
34 district court result in a person being declared incapable of taking care of
35 himself and managing his property, and for whom a guardian of the person and
36 estate is appointed, result in such person being committed as an insane
37 person or result in a person being convicted of a felony, the clerk of the
38 superior court in the county in which those proceedings occurred shall file
39 with the secretary of state an official notice of that fact. The secretary
40 of state shall notify the appropriate county recorder and the recorder shall
41 cancel the name of the person ~~upon~~ ON the register. Such notice shall name
42 the person covered, shall give the person's date and place of birth if
43 available, the person's social security number, if available, the person's
44 usual place of residence, the person's address and the date of the notice,

1 and shall be filed with the recorder of the county where the person last
2 resided.

3 D. Each month the department of health services shall transmit to the
4 secretary of state without charge a record of the death of every resident of
5 the state sixteen years of age and older reported to the department within
6 the preceding month. This record shall include only the name of the
7 decedent, the decedent's date of birth, the decedent's social security
8 number, if available, the decedent's usual legal residence at the time of
9 death and, if available, the decedent's father's name or mother's maiden
10 name. The record shall be used by the secretary of state for the sole
11 purpose of canceling the names of deceased persons from the statewide voter
12 registration database. Public access to the records is prohibited. Use of
13 information from the records for purposes other than those required by this
14 section is prohibited. The name of each deceased person shall promptly be
15 canceled from the statewide voter registration database and the secretary of
16 state shall notify the appropriate county recorder and the recorder shall
17 cancel the name of the person from the register.

18 Sec. 4. Section 21-131, Arizona Revised Statutes, is amended to read:

19 21-131. Jury commissioner

20 A. The clerk of the superior court shall be the jury commissioner,
21 except that in any county having a population of more than five hundred
22 thousand persons, the presiding judge of the superior court may appoint a
23 jury commissioner. The jury commissioner shall report to the presiding
24 judge.

25 B. The presiding judge of the superior court shall set the salary of a
26 jury commissioner who has been appointed by the presiding judge, subject to
27 approval of the county board of supervisors.

28 C. THE JURY COMMISSIONER MAY ADMINISTER AN OATH OR AFFIRMATION IN
29 RELATION TO THE EXAMINATION OF ANY MATTER CONTAINED IN THIS TITLE.

30 D. THE JURY COMMISSIONER MAY PROVIDE SERVICES TO ANY COURT IN THE
31 COUNTY.

32 E. THE JURY COMMISSIONER MAY APPOINT A DESIGNEE TO PERFORM ANY ACT
33 REQUIRED OF THE JURY COMMISSIONER PURSUANT TO THIS TITLE.

34 Sec. 5. Title 21, chapter 1, article 3, Arizona Revised Statutes, is
35 amended by adding section 21-132, to read:

36 21-132. Review of jury commissioner's action

37 IF THE JURY COMMISSIONER DENIES A PERSON'S REQUEST TO BE EXCUSED OR
38 DISQUALIFIED FROM JURY SERVICE AND THE PERSON MAKES A WRITTEN APPLICATION FOR
39 REVIEW, THE JUDGE SHALL DECIDE WHETHER THE PERSON SHOULD BE EXCUSED OR
40 DISQUALIFIED.

41 Sec. 6. Heading change

42 The article heading of title 21, chapter 2, article 1, Arizona Revised
43 Statutes, is changed from "QUALIFICATIONS AND EXEMPTIONS" to "QUALIFICATIONS,
44 EXCUSES AND DISQUALIFICATION".

1 Sec. 7. Section 21-201, Arizona Revised Statutes, is amended to read:

2 21-201. Qualifications

3 Every juror, grand and trial, shall be at least eighteen years of age
4 and meet the following qualifications:

5 1. Be a citizen of the United States.

6 2. Be a resident of the jurisdiction in which ~~he~~ THE JUROR is summoned
7 to serve. A CITIZEN WHOSE NAME AND ADDRESS APPEARS ON THE MASTER JURY LIST
8 AS REQUIRED BY SECTION 21-301 IS PRESUMED TO BE A RESIDENT OF THE
9 JURISDICTION FOR THE PURPOSES OF THIS SECTION.

10 3. Never have been convicted of a felony, unless the juror's civil
11 rights have been restored.

12 4. Is not currently adjudicated mentally incompetent or insane.

13 Sec. 8. Transfer and renumber

14 Section 21-211, Arizona Revised Statutes, is transferred and renumbered
15 for placement in title 21, chapter 2, article 1, Arizona Revised Statutes, as
16 section 21-203.

17 Sec. 9. Heading repeal

18 The article heading of former title 21, chapter 2, article 2, Arizona
19 Revised Statutes, is repealed.

20 Sec. 10. Transfer and renumber

21 Title 21, chapter 2, article 3, Arizona Revised Statutes, is renumbered
22 as title 21, chapter 2, new article 2, Arizona Revised Statutes. Sections
23 21-221 and 21-222, Arizona Revised Statutes, are transferred and renumbered
24 for placement in title 21, chapter 2, article 2, Arizona Revised Statutes, as
25 renumbered by this act, as sections 21-211 and 21-212, respectively.

26 Sec. 11. Section 21-212, Arizona Revised Statutes, as transferred and
27 renumbered by this act, is amended to read:

28 21-212. Arizona lengthy trial fund

29 A. The Arizona lengthy trial fund is established consisting of monies
30 received from the additional fees paid on all filings, appearances, responses
31 and answers pursuant to section 12-115. The monies in the fund shall not be
32 used for any purpose other than as prescribed in this section.

33 B. The supreme court shall administer the fund and shall adopt rules
34 for the administration of the fund. Not more than three per cent of the
35 monies in the fund shall be used for the reasonable and necessary costs of
36 administering the fund. On or before the fifteenth day of each month, on
37 receipt of a request for reimbursement the supreme court shall transmit
38 monies from the fund to a jury commissioner for monies paid to a juror under
39 this section, together with a fee of not less than the amount prescribed in
40 section 12-284, subsection A, class E for each application for payment of
41 replacement or supplemental earnings by a juror.

1 C. Subject to the availability of monies, monies in the fund shall be
2 used to pay full or partial earnings replacement or supplementation to jurors
3 who serve as petit jurors for more than five days and who receive less than
4 full compensation. The amount of replacement or supplemental earnings shall
5 be at least forty dollars but not more than three hundred dollars per day per
6 juror beginning on the fourth day of jury service.

7 D. A juror whose jury service lasts more than five days may submit a
8 request for payment from the fund. The amount a juror receives from the fund
9 is limited to the difference between the jury fee prescribed in section
10 ~~21-221~~ 21-211 and the actual amount of earnings a juror earns, not less than
11 forty dollars, up to the maximum level payable under subsection C of this
12 section, minus any amount the juror actually received from the juror's
13 employer during the same time period. A juror who requests payment from the
14 fund:

15 1. Shall disclose on the form the juror's regular earnings, the amount
16 the juror's employer will pay during the term of jury service starting on the
17 fourth day and thereafter, the amount of replacement or supplemental earnings
18 being requested and any other information that the jury commissioner deems
19 necessary.

20 2. Before receiving payment from the fund, shall submit verification
21 from the juror's employer, if any, regarding the earnings information that is
22 provided under paragraph 1. This verification may include the employee's
23 most recent earnings statement or a similar document.

24 3. In order to verify the weekly income if the juror is self-employed
25 or receives compensation other than wages, shall provide a sworn affidavit
26 attesting to the juror's approximate gross weekly income, together with any
27 other information that the supreme court requires.

28 E. Jurors who are unemployed and are not eligible for payment pursuant
29 to subsections C and D of this section are eligible to be paid forty dollars
30 per day, even if they receive income in the form of spousal maintenance,
31 pensions, retirement, unemployment compensation, disability benefits or other
32 similar income. Commissioners shall not deduct these other forms of income
33 in calculating the amount these jurors are to be paid from the fund.

34 F. The supreme court shall annually report to the joint legislative
35 budget committee on the amount of monies collected and disbursed from the
36 fund and the number of jurors who received monies from the fund.

37 Sec. 12. Transfer and renumber

38 Title 21, chapter 2, article 4, Arizona Revised Statutes, is renumbered
39 as title 21, chapter 2, new article 3, Arizona Revised Statutes. Sections
40 21-233, 21-235 and 21-236, Arizona Revised Statutes, are transferred and
41 renumbered for placement in title 21, chapter 2, article 3, Arizona Revised
42 Statutes, as renumbered by this act, as sections 21-221, 21-222 and 21-224,
43 respectively.

1 Sec. 13. Section 21-334, Arizona Revised Statutes, is transferred and
2 renumbered for placement in title 21, chapter 2, article 3, Arizona Revised
3 Statutes, as renumbered by this act, as section 21-223 and, as so renumbered,
4 is amended to read:

5 21-223. Failure of juror to attend; fine

6 It is unlawful for a juror who is summoned and who fails to obtain a
7 postponement or who is not excused from jury service to wilfully and without
8 reasonable excuse fail to attend on the date scheduled for jury service. ~~The~~
9 ~~juror may be attached as for a direct contempt of court and may be compelled~~
10 ~~to attend on the date scheduled for jury service, and a fine not exceeding~~ IF
11 THE JUROR FAILS TO RESPOND TO A SECOND NOTICE THE COURT MAY ISSUE A BODY
12 ATTACHMENT AS FOR A DIRECT CONTEMPT OF THE COURT. THE JUROR MAY BE FINED AN
13 AMOUNT NOT TO EXCEED five hundred dollars AND may be ~~imposed by the court for~~
14 ~~nonattendance upon the court~~ COMPELLED TO ATTEND FOR JURY SERVICE ON ANOTHER
15 DATE.

16 Sec. 14. Section 21-224, Arizona Revised Statutes, as transferred and
17 renumbered by this act, is amended to read:

18 21-224. Employment rights; automatic postponement; violation;
19 classification

20 A. An employer shall not require or request an employee to use annual,
21 vacation or sick leave for time spent responding to a summons for jury duty,
22 participating in the jury selection process or actually serving on a jury.
23 This subsection does not require an employer to provide annual, vacation or
24 sick leave to employees who are otherwise not entitled to such benefits under
25 company policies.

26 B. An employer shall not refuse to permit an employee to serve as a
27 juror. No employer may dismiss or in any way penalize any employee because
28 the employee serves as a grand or trial juror. An employer is not required
29 to compensate an employee when the employee is absent from employment because
30 of jury service.

31 C. An employee shall not lose seniority or precedence while absent
32 from employment due to serving as a member of a grand or trial jury. ~~Upon~~ ON
33 return to employment the employee shall be returned to the employee's
34 previous position, or to a higher position commensurate with the employee's
35 ability and experience as seniority or precedence would ordinarily entitle
36 the employee.

37 D. A court shall postpone and reschedule the service of a summoned
38 juror of an employer with five or fewer full-time employees, or their
39 equivalent, if during the same period another employee of that employer is
40 serving as a juror. A postponement pursuant to this subsection does not
41 affect a person's right to one automatic postponement under section ~~21-336~~
42 ~~21-306~~.

43 E. A person who violates ~~any provision of~~ this section is guilty of a
44 class 3 misdemeanor.

1 Sec. 15. Heading change

2 The article heading of title 21, chapter 3, article 1, Arizona Revised
3 Statutes, is changed from "JURY LIST" to "ADMINISTRATION, SELECTION AND
4 SUMMONING PERSONS FOR JURY SERVICE".

5 Sec. 16. Section 21-301, Arizona Revised Statutes, is amended to read:

6 21-301. Master jury list; source lists

7 ~~A. Names of prospective jurors to serve on trial and grand juries
8 shall be selected at random from the master jury list of the county.~~

9 ~~B. A. The jury commissioner of each county shall prepare and maintain
10 a current master jury list of eligible juror candidates.~~ The JURY
11 COMMISSIONER SHALL PRODUCE A MASTER JURY LIST. THE MASTER JURY list shall be
12 comprised of the names and addresses of eligible persons who reside in the
13 county and shall include persons on the voter registration list of the
14 county, other persons eligible for jury service who have been licensed
15 pursuant to title 28, chapter 8, article 4 or 5 and persons from other lists
16 as determined by the supreme court. The master jury list shall be prepared
17 so as to avoid duplication of the names of eligible juror candidates.

18 ~~C. B.~~ Not later than January 1 following each biennial general
19 election, the county recorder shall provide the jury commissioner with a list
20 containing the names and addresses of all persons qualified to vote at the
21 preceding general election. At least once every six months thereafter the
22 county recorder shall provide the jury commissioner with the names and
23 addresses of all additional persons who have registered as voters since the
24 date of the last list.

25 ~~D. C.~~ Upon ON written request by a county jury commissioner, the
26 director of the department of transportation shall furnish and periodically
27 revise a list of the names and addresses of all persons in such THAT county
28 who are at least eighteen years of age and who have been licensed pursuant to
29 title 28, chapter 8, article 4 or 5. EXCEPT AS PROVIDED IN SECTION 21-304,
30 no county jury commissioner may disclose information furnished by the
31 director of the department of transportation pursuant to this section to any
32 person, organization or agency for any use other than the selection of
33 jurors.

34 ~~E. In any county in which the selection and drawing of jurors are
35 performed by data processing equipment, the names contained in the master
36 jury list shall be maintained in a uniform format.~~

37 Sec. 17. Title 21, chapter 3, article 1, Arizona Revised Statutes, is
38 amended by adding sections 21-302, 21-303, 21-304 and 21-308, to read:

39 21-302. Juror summoning; procedures

40 A. THE SUPERIOR COURT IN EACH COUNTY SHALL SUMMON TRIAL JURORS FROM
41 THE MASTER JURY LIST PURSUANT TO RULES ADOPTED BY THE SUPREME COURT.

42 B. THE SUPERIOR COURT IN EACH COUNTY SHALL SUMMON GRAND JURORS FROM
43 THE MASTER JURY LIST PURSUANT TO RULES ADOPTED BY THE SUPREME COURT.

1 C. JURORS SHALL BE SUMMONED BY USING A COUNTYWIDE SUMMONING METHOD
2 THAT IS IN COMPLIANCE WITH THE CONSTITUTIONS OF THE UNITED STATES AND THIS
3 STATE.

4 D. A COURT MAY USE ALTERNATIVE PROCEDURES FOR SUMMONING JURORS THAT
5 ARE IN COMPLIANCE WITH THE CONSTITUTIONS OF THE UNITED STATES AND THIS STATE
6 AS PROVIDED IN A PLAN APPROVED PURSUANT TO RULES ADOPTED BY THE SUPREME
7 COURT.

8 E. IF THE SUPERIOR COURT IN A COUNTY HAS MULTIPLE COURT LOCATIONS, THE
9 COURT MAY PROPOSE ALTERNATIVE PROCEDURES FOR SUMMONING JURORS AS PROVIDED IN
10 A PLAN APPROVED PURSUANT TO RULES ADOPTED BY THE SUPREME COURT. THE
11 ALTERNATIVE PROCEDURES MAY BE DESIGNED TO MINIMIZE THE DISTANCE PROSPECTIVE
12 JURORS MUST TRAVEL AND TO AVOID UNNECESSARY TRAVEL EXPENSES BY DIVIDING THE
13 COUNTY INTO JURY DISTRICTS OR USING A COUNTYWIDE JUROR SUMMONING METHOD THAT
14 AFFORDS ALL QUALIFIED PERSONS IN THE COUNTY AN OPPORTUNITY TO BE CONSIDERED
15 FOR JURY SERVICE AT ANY COURT LOCATION.

16 F. IF MULTIPLE COURTS OPERATE AT ONE LOCATION, JURORS MAY BE SUMMONED
17 COUNTYWIDE OR FROM THE JURISDICTION OF THE COURTS AND POOLED FOR USE BY ANY
18 SUPERIOR COURT OR JUSTICE OF THE PEACE COURT AT THAT LOCATION.

19 G. ONLY PERSONS WHO RESIDE WITHIN THE CITY OR TOWN LIMITS OF THE COURT
20 ARE ELIGIBLE FOR JURY SERVICE IN MUNICIPAL COURT.

21 21-303. Juror summons; service by first class mail; notice

22 NOTWITHSTANDING SECTION 21-301, SUBSECTION C, IF THE JURY COMMISSIONER
23 USES FIRST CLASS MAIL TO SUMMON A PERSON TO SERVE AS A JUROR AND THE MAIL IS
24 RETURNED AS UNDELIVERABLE, THE JURY COMMISSIONER SHALL NOTIFY THE COUNTY
25 RECORDER WHO SHALL SEND A FOLLOW-UP NOTICE TO THE JUROR PURSUANT TO SECTION
26 16-166, SUBSECTION A. THE NOTICE SHALL INCLUDE INFORMATION REGARDING
27 POSSIBLE REMOVAL FROM THE VOTER REGISTRATION ROLLS. ON COMPLETION OF THE
28 NOTIFICATION PROCESS PURSUANT TO SECTION 16-166, THE COUNTY RECORDER SHALL
29 TRANSFER THE PERSON TO THE INACTIVE VOTER LIST.

30 21-304. Juror questionnaire; investigation; law enforcement

31 THE JURY COMMISSIONER MAY INVESTIGATE THE ACCURACY OF THE ANSWERS TO
32 THE QUESTIONNAIRE AND MAY CALL ON LAW ENFORCEMENT AGENCIES FOR ASSISTANCE IN
33 THE INVESTIGATION.

34 21-308. Rules

35 A. THE SUPREME COURT SHALL ADOPT RULES GOVERNING JUROR ADMINISTRATION
36 IN ALL COURTS IN THIS STATE.

37 B. AT A MINIMUM, THE RULES SHALL CONTAIN PROCEDURES FOR THE SUMMONING
38 OF TRIAL AND GRAND JURORS AND THE SELECTION OF TRIAL JURY PANELS.

39 Sec. 18. Repeal

40 Title 21, chapter 3, articles 2, 2.1 and 4, Arizona Revised Statutes,
41 are repealed.

42 Sec. 19. Repeal

43 Section 21-331, Arizona Revised Statutes, is repealed.

1 Sec. 20. Transfer and renumber

2 Sections 21-335, 21-336 and 21-336.01, Arizona Revised Statutes, are
3 transferred and renumbered for placement in title 21, chapter 3, article 1,
4 Arizona Revised Statutes, as sections 21-305, 21-306 and 21-307,
5 respectively.

6 Sec. 21. Heading repeal

7 The article heading of former title 21, chapter 3, article 3, Arizona
8 Revised Statutes, is repealed.

9 Sec. 22. Section 21-402, Arizona Revised Statutes, is amended to read:

10 21-402. Calling grand jury

11 A. In a county with a population of two hundred thousand PERSONS or
12 more a grand jury shall be called ~~three times~~ EVERY FOUR MONTHS each year by
13 the presiding judge of the superior court. ~~The call shall be issued on the~~
14 ~~first court date of each year, the first court date of May of each year and~~
15 ~~the first court date of September of each year.~~ Each grand jury shall sit
16 until a new grand jury has been impanelled to replace it or until its term
17 expires pursuant to section 21-403. Additional grand juries shall be called
18 ~~upon~~ ON petition of the county attorney stating the reasons therefor.

19 B. In a county WITH A POPULATION of ~~under~~ LESS THAN two hundred
20 thousand ~~in population~~ PERSONS the presiding judge of the superior court may
21 call a grand jury EITHER:

22 1. If, in ~~his~~ THE JUDGE'S sole discretion, ~~he~~ THE JUDGE determines the
23 public interest requires a grand jury. ~~;-or~~

24 2. On petition of the county attorney.

25 Sec. 23. Renumber

26 Section 21-404, Arizona Revised Statutes, is renumbered as section
27 21-417.

28 Sec. 24. Title 21, chapter 4, article 1, Arizona Revised Statutes, is
29 amended by adding a new section 21-404, to read:

30 21-404. Grand jurors; number; quorum

31 THE ORDER TO FORM A GRAND JURY SHALL SPECIFY THE NUMBER OF JURORS TO
32 CONSTITUTE THE GRAND JURY. THE GRAND JURY SHALL CONSIST OF AT LEAST TWELVE
33 BUT NOT MORE THAN SIXTEEN PERSONS, NINE OF WHOM CONSTITUTE A QUORUM FOR ALL
34 PROCEEDINGS BEFORE IT.

35 Sec. 25. Section 21-406, Arizona Revised Statutes, is amended to read:

36 21-406. Absence

37 A. At any time, for good cause, the presiding judge of the superior
38 court may excuse a grand juror temporarily or permanently. In the event that
39 a grand juror is excused permanently, the presiding judge of the superior
40 court OR A DESIGNEE may administer the oath to an alternate grand juror so as
41 to maintain the original membership at the prescribed number of persons. The
42 alternate grand juror shall be selected as prescribed by title 21, chapter 3.

43 B. No grand juror shall vote on any matter ~~upon~~ ON which evidence has
44 been taken in ~~his~~ THE JUROR'S absence or ~~prior to his~~ BEFORE THE JUROR'S
45 impanelment.

1 Sec. 26. Section 21-423, Arizona Revised Statutes, is amended to read:

2 21-423. Jurors: judicial supervision

3 A. A state grand jury shall consist of the same number of members as a
4 county grand jury. The residence and qualifications of the members of the
5 state grand jury shall be determined according to rules ~~and regulations~~
6 ~~promulgated~~ ADOPTED by the ~~Arizona~~ supreme court which, at its discretion,
7 depending ~~upon~~ ON the nature of the matters to be investigated, may permit
8 the jury members to be residents of either one county or several counties.

9 ~~B. The jury commissioner of the county in which the assignment judge~~
10 ~~is serving, upon receipt of the order of the assignment judge, shall prepare~~
11 ~~a list of prospective jurors drawn from current jury lists from which list~~
12 ~~the assignment judge shall impanel a state grand jury.~~

13 ~~C. B.~~ B. The jury commissioner of the county in which the assignment
14 judge is serving shall cause the panel members to be summoned for service.
15 ~~The jury commissioner shall send the notice of service by certified mail,~~
16 ~~return receipt requested.~~

17 ~~D. C.~~ C. Judicial supervision of the state grand jury shall be
18 maintained by the assignment judge and all indictments, presentments and
19 formal returns of any kind made by a state grand jury shall be returned to
20 the assignment judge.

21 Sec. 27. Section 21-428, Arizona Revised Statutes, is amended to read:

22 21-428. Costs and expenses: state grand jury

23 A. In addition to the fees and amounts stated in section ~~21-221~~
24 ~~21-211~~, persons serving on a state grand jury shall be provided by the county
25 in which the assignment judge is serving with reasonable per diem expenses as
26 established by the ~~Arizona~~ supreme court.

27 B. The costs and expenses incurred by a county arising out of or in
28 connection with impaneling a state grand jury and for the performing of its
29 functions and duties or arising out of the prosecution and trial of state
30 grand jury indictments shall be paid for by the state out of monies
31 appropriated to the supreme court for these purposes. The supreme court
32 shall approve county requests for reimbursement after certification by the
33 assignment judge that the amount requested is owed.

34 C. All costs and expenses incurred by the attorney general arising out
35 of the investigation, prosecution and trial of matters cognizable by a state
36 grand jury are payable from monies appropriated to the attorney general for
37 these purposes.

38 Sec. 28. Section 22-320, Arizona Revised Statutes, is amended to read:

39 22-320. Trial by jury

40 ~~A.~~ A trial by jury shall be had if demanded by either the state or
41 defendant. Unless the demand is made at least five days before commencement
42 of the trial, a trial by jury shall be deemed waived.

1 ~~B. Upon demand being made for a jury trial, the justice of the peace~~
2 ~~or presiding officer of a police court shall issue an order directed to the~~
3 ~~sheriff of the county, or to any constable, marshal, policeman or member of~~
4 ~~the court staff to summon the number of qualified persons specified in the~~
5 ~~order to appear at the time and place therein fixed to serve as jurors in the~~
6 ~~action. If the required number of jurors do not appear, an additional order~~
7 ~~or orders may be issued.~~

8 Sec. 29. Repeal

9 Section 22-426, Arizona Revised Statutes, is repealed.

10 Sec. 30. Section 23-1501, Arizona Revised Statutes, is amended to
11 read:

12 23-1501. Severability of employment relationships; protection
13 from retaliatory discharges; exclusivity of
14 statutory remedies in employment

15 The public policy of this state is that:

16 1. The employment relationship is contractual in nature.

17 2. The employment relationship is severable at the pleasure of either
18 the employee or the employer unless both the employee and the employer have
19 signed a written contract to the contrary setting forth that the employment
20 relationship shall remain in effect for a specified duration of time or
21 otherwise expressly restricting the right of either party to terminate the
22 employment relationship. Both the employee and the employer must sign this
23 written contract, or this written contract must be set forth in the
24 employment handbook or manual or any similar document distributed to the
25 employee, if that document expresses the intent that it is a contract of
26 employment, or this written contract must be set forth in a writing signed by
27 the party to be charged. Partial performance of employment shall not be
28 deemed sufficient to eliminate the requirements set forth in this paragraph.
29 Nothing in this paragraph shall be construed to affect the rights of public
30 employees under the Constitution of Arizona and state and local laws of this
31 state or the rights of employees and employers as defined by a collective
32 bargaining agreement.

33 3. An employee has a claim against an employer for termination of
34 employment only if one or more of the following circumstances have occurred:

35 (a) The employer has terminated the employment relationship of an
36 employee in breach of an employment contract, as set forth in paragraph 2 of
37 this section, in which case the remedies for the breach are limited to the
38 remedies for a breach of contract.

39 (b) The employer has terminated the employment relationship of an
40 employee in violation of a statute of this state. If the statute provides a
41 remedy to an employee for a violation of the statute, the remedies provided
42 to an employee for a violation of the statute are the exclusive remedies for
43 the violation of the statute or the public policy set forth in or arising out
44 of the statute, including the following:

- 1 (i) The civil rights act prescribed in title 41, chapter 9.
 - 2 (ii) The occupational safety and health act prescribed in chapter 2,
3 article 10 of this title.
 - 4 (iii) The statutes governing the hours of employment prescribed in
5 chapter 2 of this title.
 - 6 (iv) The agricultural employment relations act prescribed in chapter
7 8, article 5 of this title.
- 8 All definitions and restrictions contained in the statute also apply to any
9 civil action based on a violation of the public policy arising out of the
10 statute. If the statute does not provide a remedy to an employee for the
11 violation of the statute, the employee shall have the right to bring a tort
12 claim for wrongful termination in violation of the public policy set forth in
13 the statute.
- 14 (c) The employer has terminated the employment relationship of an
15 employee in retaliation for any of the following:
 - 16 (i) The refusal by the employee to commit an act or omission that
17 would violate the Constitution of Arizona or the statutes of this state.
 - 18 (ii) The disclosure by the employee in a reasonable manner that the
19 employee has information or a reasonable belief that the employer, or an
20 employee of the employer, has violated, is violating or will violate the
21 Constitution of Arizona or the statutes of this state to either the employer
22 or a representative of the employer who the employee reasonably believes is
23 in a managerial or supervisory position and has the authority to investigate
24 the information provided by the employee and to take action to prevent
25 further violations of the Constitution of Arizona or statutes of this state
26 or an employee of a public body or political subdivision of this state or any
27 agency of a public body or political subdivision.
 - 28 (iii) The exercise of rights under the workers' compensation statutes
29 prescribed in chapter 6 of this title.
 - 30 (iv) Service on a jury as protected by section ~~21-236~~ 21-224.
 - 31 (v) The exercise of voting rights as protected by section 16-1012.
 - 32 (vi) The exercise of free choice with respect to nonmembership in a
33 labor organization as protected by section 23-1302.
 - 34 (vii) Service in the national guard or armed forces as protected by
35 sections 26-167 and 26-168.
 - 36 (viii) The exercise of the right to be free from the extortion of fees
37 or gratuities as a condition of employment as protected by section 23-202.
 - 38 (ix) The exercise of the right to be free from coercion to purchase
39 goods or supplies from any particular person as a condition of employment as
40 protected by section 23-203.
 - 41 (x) The exercise of a victim's ~~leaves~~ right TO LEAVE WORK as provided
42 in sections 8-420 and 13-4439.

1 (d) In the case of a public employee, if the employee has a right to
2 continued employment under the United States Constitution, the Arizona
3 Constitution, Arizona Revised Statutes, any applicable regulation, policy,
4 practice, ~~—~~ or contract of the state, any subdivision of the state or other
5 public entity, or any ordinance of any political subdivision of the state.

6 Sec. 31. Effective date

7 This act is effective from and after December 31, 2007.