

LEGISLATIVE COMMITTEE MINUTES

SB35

Bill as Introduced

SB 35 - AS INTRODUCED

2013 SESSION

13-0952

06/03

SENATE BILL

35

AN ACT

relative to the master jury list.

SPONSORS:

Sen. Cataldo, Dist 6

COMMITTEE:

Judiciary

ANALYSIS

This bill:

I. Modifies certain provisions relative to jurors due to implementation of jury management software.

II. Requires the secretary of state to provide certain information to the judicial branch.

This bill is a request of the supreme court.

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the master jury list.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Jurors; Definitions; Master Jury List. Amend RSA 500-A:1, IV to read as follows:

2 IV. "Master jury list" means the list blended and compiled [~~by the administrative office of~~
3 ~~the courts~~] from the voter lists and from the official record of persons who hold a current
4 New Hampshire driver's license or a department of safety identification card, which shall be
5 provided [~~to the office~~] by the department.

6 2 Jurors; Definitions; Voter lists. Amend RSA 500-A:1, VI to read as follows:

7 VI. "Voter lists" means the official record of persons registered to vote, **including their**
8 **dates of birth**, in the most recent state general election and town lists, which are the combined and
9 alphabetically arranged lists prepared by the selectmen and city wards for their respective
10 jurisdictions made up of all adults listed on the voter registration lists, and provided [~~to the office by~~
11 ~~the selectmen and city wards~~] **by the secretary of state pursuant to RSA 654:45, VI.**

12 3 Preparation of Master Juror List. Amend RSA 500-A:2 to read as follows:

13 500-A:2 Preparation of Master Jury List. The office shall annually [~~prepare and deliver~~]
14 **provide** to the clerk of court a master jury list for each county or judicial district thereof. A
15 duplicate list shall be retained by the office. Voter lists and department of safety lists, as well as the
16 master jury list, are confidential documents to be used by the office and the respective trial courts
17 only for purposes of jury selection.

18 4 Juror Qualification Form. Amend RSA 500-A:6 to read as follows:

19 500-A:6 Juror Qualification Form.

20 I. When [~~ordered~~] **required** to do so [~~by the court~~], the clerk shall draw [~~at random~~] from the
21 master jury list the names or identifying numbers of as many prospective jurors as [~~the court by~~
22 ~~order requires~~] **is necessary to create a sufficient jury pool**. The names or identifying numbers of
23 prospective jurors may be chosen either by random drawing or by computer on a random basis. The
24 clerk shall prepare an alphabetical list of the names drawn. The names drawn on the list may be
25 disclosed only to persons authorized to see the list under this chapter or upon specific order of the
26 court. The addresses of jurors shall not be disclosed, except to counsel, **to** a pro se party examining
27 juror qualification forms, or otherwise in accordance with court rule.

28 II. The clerk shall [~~mail~~] **make available** to every prospective juror whose name is drawn
29 from the master list a juror qualification form, accompanied by instructions to [~~fill out~~] **complete**
30 and [~~return~~] **submit** the form [~~by mail~~] to the clerk within 10 days after its receipt.

31 III. The [~~clerk~~] **court** shall prepare the juror qualification form[, ~~subject to approval by the~~
32 ~~court~~]. The juror qualification form shall:

- 1 (a) Include the name, address, and age of the prospective juror;
2 (b) Require the prospective juror to specify if he *or she* is:
3 (1) A citizen of the United States and a resident of the county;
4 (2) Able to read, speak, and understand the English language;
5 (3) Subject to any physical or mental disability which would impair the prospective
6 juror's capacity to render satisfactory jury service; or
7 (4) A convicted felon whose conviction has not been annulled or whose conviction is
8 not eligible for annulment under New Hampshire law; and

9 (c) Contain the prospective juror's declaration that his *or her* responses are true to the
10 best of his *or her* knowledge and his *or her* acknowledgment that a willful misrepresentation of a
11 material fact may be punishable as a misdemeanor under the laws of this state.

12 IV. Notarization of the juror qualification form shall not be required.

13 V. If the prospective juror is unable to ~~[fill-out]~~ **complete** the form, another person may do it
14 for him *or her*. If another person ~~[fills-out]~~ **completes** the form, ~~[he]~~ **such person** shall indicate
15 that he *or she* has done so and why ~~[he has done so]~~.

16 VI. If it appears there is an omission, ambiguity, or error in a ~~[return]~~ **submitted** form, the
17 clerk shall ~~[again-send]~~ **return** the form ~~[with-instructions]~~ to the prospective juror **with**
18 **instructions** to make the necessary addition, clarification, or correction and ~~[return]~~ **resubmit** the
19 form to the clerk within 10 days after receipt of these instructions.

20 5 Failure to Return a Juror Qualification Form; Questioning by the Clerk or Court. Amend RSA
21 500-A:7 to read as follows:

22 500-A:7 Failure to ~~[Return]~~ **Submit** a Juror Qualification Form; Questioning by the Clerk or
23 Court.

24 I. Any prospective juror who does not ~~[return]~~ **submit** a completed juror qualification form
25 as instructed shall be directed by the clerk to appear at the court to ~~[fill-out]~~ **complete** the juror
26 qualification form.

27 II. At the time of his *or her* appearance for jury service, or at the time of any interview
28 before the court or clerk, a prospective juror may be required to ~~[fill-out]~~ **complete** another juror
29 qualification form in the presence of the court or clerk. The prospective juror may then be
30 questioned, but only with regard to his *or her* responses to questions contained on the form and
31 grounds for his *or her* excuse for disqualification. Any information acquired by the court or clerk at
32 such time shall be noted on the juror qualification form.

33 6 Exemption from Jury Service. Amend RSA 500-A:9, II through IV to read as follows:

34 II. If any person at the age of 70 years or more is selected as a juror he *or she* may, at his *or*
35 *her* discretion, ~~[file-with]~~ **inform** the court ~~[a-written-statement]~~ prior to the convening of court ~~[to~~
36 ~~the-effect]~~ that he *or she* does not wish to act as a juror. He *or she* shall then be discharged, and
37 another juror may be drawn in his *or her* place.

1 III. If any member of the general court or delegate to a constitutional convention is selected as
2 a juror when the general court or a constitutional convention is in session, he *or she* may ~~[file with]~~
3 *inform* the court ~~[a written statement to the effect]~~ that he *or she* does not wish to act as a juror. ~~[He~~
4 ~~shall then be discharged, and another juror may be drawn in his place from the same town.]~~

5 IV. No person shall serve as a petit juror at a term of court at which he *or she* has a case
6 pending which may be tried by the jury at that time. ~~[He shall be discharged from service as a juror,~~
7 ~~and another juror may be drawn in his place from the same town.]~~

8 7 Discharge by Court. Amend RSA 500-A:10 to read as follows:

9 500-A:10 Discharge by Court. If a person selected and attending court as a juror is deemed by
10 the court to be mentally or physically unfit to act as a juror, he *or she* shall be discharged. ~~[Another~~
11 ~~juror may be drawn in his place from the same county or judicial district thereof.]~~

12 8 Alternate Juror. Amend RSA 500-A:13, V to read as follows:

13 V. If, at any time after the final submission of the case to the jury, and before the jury has
14 agreed on a verdict, a juror becomes incapacitated, is disqualified, or dies, the presiding justice may
15 order him *or her* to be discharged and direct the clerk to ~~[place the names of all of the remaining~~
16 ~~alternates in a box and draw] *select at random*~~ the name of an alternate, who shall then take the
17 place of the discharged juror on the jury. Before making a substitution, the presiding justice shall
18 make a finding on record that the substitution will not cause prejudice to any party. The presiding
19 justice shall instruct the jury to recommence deliberations and shall give the jury such other
20 supplemental instructions as may be appropriate. The jury shall then renew its deliberations with
21 the alternate juror.

22 9 Repeal. RSA 500-A:3-a, relative to preparation of master jury list; computer, is repealed.

23 10 Effective Date. This act shall take effect July 1, 2013.

SB 35 - AS AMENDED BY THE SENATE

03/07/13 0518s

2013 SESSION

13-0952
06/03

SENATE BILL **35**

AN ACT relative to the master jury list.

SPONSORS: Sen. Cataldo, Dist 6

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill modifies certain provisions relative to jurors due to implementation of jury management software.

This bill also exempts the master jury list from the right-to-know law.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the master jury list.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Jurors; Definitions; Master Jury List. Amend RSA 500-A:1, IV to read as follows:

2 IV. "Master jury list" means the list blended and compiled [~~by the administrative office of~~
3 ~~the courts~~] from the voter lists and from the official record of persons who hold a current
4 New Hampshire driver's license or a department of safety identification card, which shall be
5 provided [~~to the office by the department~~] **by the secretary of state pursuant to RSA 654:45, VI**
6 **on encrypted removable media. Information contained in the master jury list shall be**
7 **private and confidential and shall not be subject to RSA 91-A.**

8 2 Preparation of Master Juror List. Amend RSA 500-A:2 to read as follows:

9 500-A:2 Preparation of Master Jury List. The office shall annually [~~prepare and deliver~~]
10 **provide** to the clerk of court a master jury list for each county or judicial district thereof. A
11 duplicate list shall be retained by the office. Voter lists and department of safety lists, as well as the
12 master jury list, are confidential documents to be used by the office and the respective trial courts
13 only for purposes of jury selection.

14 3 Juror Qualification Form. Amend RSA 500-A:6 to read as follows:

15 500-A:6 Juror Qualification Form.

16 I. When [~~ordered~~] **required** to do so [~~by the court~~], the clerk shall draw [~~at random~~]
17 master jury list the names or identifying numbers of as many prospective jurors as [~~the court by~~
18 ~~order requires~~] **is necessary to create a sufficient jury pool.** The names or identifying numbers of
19 prospective jurors may be chosen either by random drawing or by computer on a random basis. The
20 clerk shall prepare an alphabetical list of the names drawn. The names drawn on the list may be
21 disclosed only to persons authorized to see the list under this chapter or upon specific order of the
22 court. The addresses of jurors shall not be disclosed, except to counsel, **to** a pro se party examining
23 juror qualification forms, or otherwise in accordance with court rule.

24 II. The clerk shall [~~mail~~] **make available** to every prospective juror whose name is drawn
25 from the master list a juror qualification form, accompanied by instructions to [~~fill out~~] **complete**
26 and [~~return~~] **submit** the form [~~by mail~~] to the clerk within 10 days after its receipt.

27 III. The [~~clerk~~] **court** shall prepare the juror qualification form [~~subject to approval by the~~
28 ~~court~~]. The juror qualification form shall:

29 (a) Include the name, address, and age of the prospective juror;

30 (b) Require the prospective juror to specify if he **or she** is:

31 (1) A citizen of the United States and a resident of the county;

- 1 (2) Able to read, speak, and understand the English language;
- 2 (3) Subject to any physical or mental disability which would impair the prospective
- 3 juror's capacity to render satisfactory jury service; or
- 4 (4) A convicted felon whose conviction has not been annulled or whose conviction is
- 5 not eligible for annulment under New Hampshire law; and
- 6 (c) Contain the prospective juror's declaration that his *or her* responses are true to the
- 7 best of his *or her* knowledge and his *or her* acknowledgment that a willful misrepresentation of a
- 8 material fact may be punishable as a misdemeanor under the laws of this state.

9 IV. Notarization of the juror qualification form shall not be required.

10 V. If the prospective juror is unable to ~~[fill-out]~~ **complete** the form, another person may do it

11 for him *or her*. If another person ~~[fills-out]~~ **completes** the form, ~~[he]~~ **such person** shall indicate

12 that he *or she* has done so and why ~~[he has done so]~~.

13 VI. If it appears there is an omission, ambiguity, or error in a ~~[return]~~ **submitted** form, the

14 clerk shall ~~[again-send]~~ **return** the form ~~[with-instructions]~~ to the prospective juror **with**

15 **instructions** to make the necessary addition, clarification, or correction and ~~[return]~~ **resubmit** the

16 form to the clerk within 10 days after receipt of these instructions.

17 4 Failure to Return a Juror Qualification Form; Questioning by the Clerk or Court. Amend RSA

18 500-A:7 to read as follows:

19 500-A:7 Failure to ~~[Return]~~ **Submit** a Juror Qualification Form; Questioning by the Clerk or

20 Court.

21 I. Any prospective juror who does not ~~[return]~~ **submit** a completed juror qualification form

22 as instructed shall be directed by the clerk to appear at the court to ~~[fill-out]~~ **complete** the juror

23 qualification form.

24 II. At the time of his *or her* appearance for jury service, or at the time of any interview

25 before the court or clerk, a prospective juror may be required to ~~[fill-out]~~ **complete** another juror

26 qualification form in the presence of the court or clerk. The prospective juror may then be

27 questioned, but only with regard to his *or her* responses to questions contained on the form and

28 grounds for his *or her* excuse for disqualification. Any information acquired by the court or clerk at

29 such time shall be noted on the juror qualification form.

30 5 Exemption from Jury Service. Amend RSA 500-A:9, II through IV to read as follows:

31 II. If any person at the age of 70 years or more is selected as a juror he *or she* may, at his *or*

32 *her* discretion, ~~[file-with]~~ **inform** the court ~~[a-written-statement]~~ prior to the convening of court ~~[to~~

33 ~~the-effect]~~ that he *or she* does not wish to act as a juror. He *or she* shall then be discharged, and

34 another juror may be drawn in his *or her* place.

35 III. If any member of the general court or delegate to a constitutional convention is selected as

36 a juror when the general court or a constitutional convention is in session, he *or she* may ~~[file-with]~~

1 *inform* the court [~~a written statement to the effect~~] that he *or she* does not wish to act as a juror. [He
2 shall then be discharged, and another juror may be drawn in his place from the same town.]

3 IV. No person shall serve as a petit juror at a term of court at which he *or she* has a case
4 pending which may be tried by the jury at that time. [~~He shall be discharged from service as a juror,
5 and another juror may be drawn in his place from the same town.~~]

6 6 Discharge by Court. Amend RSA 500-A:10 to read as follows:

7 500-A:10 Discharge by Court. If a person selected and attending court as a juror is deemed by
8 the court to be mentally or physically unfit to act as a juror, he *or she* shall be discharged. [~~Another
9 juror may be drawn in his place from the same county or judicial district thereof.~~]

10 7 Alternate Juror. Amend RSA 500-A:13, V to read as follows:

11 V. If, at any time after the final submission of the case to the jury, and before the jury has
12 agreed on a verdict, a juror becomes incapacitated, is disqualified, or dies, the presiding justice may
13 order him *or her* to be discharged and direct the clerk to [~~place the names of all of the remaining
14 alternates in a box and draw~~] ***select at random*** the name of an alternate, who shall then take the
15 place of the discharged juror on the jury. Before making a substitution, the presiding justice shall
16 make a finding on record that the substitution will not cause prejudice to any party. The presiding
17 justice shall instruct the jury to recommence deliberations and shall give the jury such other
18 supplemental instructions as may be appropriate. The jury shall then renew its deliberations with
19 the alternate juror.

20 8 Repeal. RSA 500-A:3-a, relative to preparation of master jury list; computer, is repealed.

21 9 New Paragraph; Exemptions From Right-to-Know Law; Master Jury Lists. Amend RSA 91-
22 A:5 by inserting after paragraph I the following new paragraph:

23 I-a. The master jury list as defined in RSA 500-A:1, IV.

24 10 Effective Date. This act shall take effect July 1, 2013.

CHAPTER 261
SB 35 - FINAL VERSION

03/07/13 0518s
24Apr2013... 1263h
24Apr2013... 1341h
06/26/13 2040CofC

2013 SESSION

13-0952
06/03

SENATE BILL **35**

AN ACT relative to the master jury list.

SPONSORS: Sen. Cataldo, Dist 6

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill modifies certain provisions relative to jurors due to implementation of jury management software.

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CHAPTER 261
SB 35 - FINAL VERSION

03/07/13 0518s
24Apr2013... 1263h
24Apr2013... 1341h
06/26/13 2040CofC

13-0952
06/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the master jury list.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 261:1 Jurors; Definitions; Master Jury List. RSA 500-A:1, IV is repealed and reenacted to read
2 as follows:

3 IV. "Master jury list" means the list blended and compiled from the voter lists, which shall
4 be provided by the secretary of state pursuant to RSA 654:45, VI on encrypted removable media, and
5 from the official record of persons 18 years of age or older who hold a current New Hampshire
6 driver's license or a department of safety identification card, which shall be provided by the
7 department. Information contained in the master jury list shall be private and confidential and shall
8 not be subject to RSA 91-A.

9 261:2 Preparation of Master Juror List. Amend RSA 500-A:2 to read as follows:

10 500-A:2 Preparation of Master Jury List. The office shall annually [~~prepare and deliver~~]
11 **provide** to the clerk of court a master jury list for each county or judicial district thereof. A
12 duplicate list shall be retained by the office. Voter lists and department of safety lists, as well as the
13 master jury list, are confidential documents to be used by the office and the respective trial courts
14 only for purposes of jury selection. ***Voter lists shall contain only the names and addresses of***
15 ***persons listed; additional information, such as date of birth, shall be available to the office***
16 ***only for the purpose of resolving discrepancies in the master jury list.***

17 261:3 Juror Qualification Form. Amend RSA 500-A:6 to read as follows:

18 500-A:6 Juror Qualification Form.

19 I. When [~~ordered~~] **required** to do so [~~by the court~~], the clerk shall draw [~~at random~~]
20 master jury list the names or identifying numbers of as many prospective jurors as [~~the court by~~
21 ~~order requires~~] **is necessary to create a sufficient jury pool**. The names or identifying numbers of
22 prospective jurors may be chosen either by random drawing or by computer on a random basis. The
23 clerk shall prepare an alphabetical list of the names drawn. The names drawn on the list may be
24 disclosed only to persons authorized to see the list under this chapter or upon specific order of the
25 court. The addresses of jurors shall not be disclosed, except to counsel, **to** a pro se party examining
26 juror qualification forms, or otherwise in accordance with court rule.

27 II. The clerk shall [~~mail~~] **make available** to every prospective juror whose name is drawn

CHAPTER 261
SB 35 - FINAL VERSION
- Page 2 -

1 from the master list a juror qualification form, accompanied by instructions to ~~[fill-out]~~ *complete*
2 and ~~[return]~~ *submit* the form ~~[by-mail]~~ to the clerk within 10 days after its receipt.

3 III. The ~~[clerk]~~ *court* shall prepare the juror qualification form~~[-subject-to-approval-by-the~~
4 ~~court]~~. The juror qualification form shall:

5 (a) Include the name, address, and age of the prospective juror;

6 (b) Require the prospective juror to specify if he *or she* is:

7 (1) A citizen of the United States and a resident of the county;

8 (2) Able to read, speak, and understand the English language;

9 (3) Subject to any physical or mental disability which would impair the prospective
10 juror's capacity to render satisfactory jury service; or

11 (4) A convicted felon whose conviction has not been annulled or whose conviction is
12 not eligible for annulment under New Hampshire law; and

13 (c) Contain the prospective juror's declaration that his *or her* responses are true to the
14 best of his *or her* knowledge and his *or her* acknowledgment that a willful misrepresentation of a
15 material fact may be punishable as a misdemeanor under the laws of this state.

16 IV. Notarization of the juror qualification form shall not be required.

17 V. If the prospective juror is unable to ~~[fill-out]~~ *complete* the form, another person may do it
18 for him *or her*. If another person ~~[fills-out]~~ *completes* the form, ~~[he]~~ *such person* shall indicate
19 that he *or she* has done so and why ~~[he has done so]~~.

20 VI. If it appears there is an omission, ambiguity, or error in a ~~[return]~~ *submitted* form, the
21 clerk shall ~~[again-send]~~ *return* the form ~~[with-instructions]~~ to the prospective juror *with*
22 *instructions* to make the necessary addition, clarification, or correction and ~~[return]~~ *resubmit* the
23 form to the clerk within 10 days after receipt of these instructions.

24 261:4 Failure to Return a Juror Qualification Form; Questioning by the Clerk or Court. Amend
25 RSA 500-A:7 to read as follows:

26 500-A:7 Failure to ~~[Return]~~ *Submit* a Juror Qualification Form; Questioning by the Clerk or
27 Court.

28 I. Any prospective juror who does not ~~[return]~~ *submit* a completed juror qualification form
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30 qualification form.

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32 before the court or clerk, a prospective juror may be required to ~~[fill-out]~~ *complete* another juror
33 qualification form in the presence of the court or clerk. The prospective juror may then be
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35 grounds for his *or her* excuse for disqualification. Any information acquired by the court or clerk at
36 such time shall be noted on the juror qualification form.

37 261:5 Exemption from Jury Service. Amend RSA 500-A:9, II through IV to read as follows:

CHAPTER 261
SB 35 - FINAL VERSION
- Page 3 -

1 II. If any person at the age of 70 years or more is selected as a juror he *or she* may, at his *or*
2 *her* discretion, [~~file with~~] *inform* the court [~~a written statement~~] prior to the convening of court [~~to~~
3 ~~the effect~~] that he *or she* does not wish to act as a juror. He *or she* shall then be discharged, and
4 another juror may be drawn in his *or her* place.

5 III. If any member of the general court or delegate to a constitutional convention is selected as
6 a juror when the general court or a constitutional convention is in session, he *or she* may [~~file with~~]
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15 ~~juror may be drawn in his place from the same county or judicial district thereof.~~]

16 261:7 Alternate Juror. Amend RSA 500-A:13, V to read as follows:

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19 order him *or her* to be discharged and direct the clerk to [~~place the names of all of the remaining~~
20 ~~alternates in a box and draw~~] *select at random* the name of an alternate, who shall then take the
21 place of the discharged juror on the jury. Before making a substitution, the presiding justice shall
22 make a finding on record that the substitution will not cause prejudice to any party. The presiding
23 justice shall instruct the jury to recommence deliberations and shall give the jury such other
24 supplemental instructions as may be appropriate. The jury shall then renew its deliberations with
25 the alternate juror.

26 261:8 Repeal. RSA 500-A:3-a, relative to preparation of master jury list; computer, is repealed.

27 261:9 New Paragraph; Exemptions From Right-to-Know Law; Master Jury Lists. Amend RSA
28 91-A:5 by inserting after paragraph I the following new paragraph:

29 I-a. The master jury list as defined in RSA 500-A:1, IV.

30 261:10 Effective Date. This act shall take effect July 1, 2013.

31 Approved: July 24, 2013

32 Effective Date: July 1, 2013

Amendments

Sen. Cataldo, Dist. 6
February 4, 2013
2013-0157s
06/10



Amendment to SB 35

1 Amend the bill by replacing section 2 with the following:

2

3 2 Jurors; Definitions; Voter lists. Amend RSA 500-A:1, VI to read as follows:

4 VI. "Voter lists" means the official record of persons registered to vote in the most recent
5 state general election and town lists, which are the combined and alphabetically arranged lists
6 prepared by the selectmen and city wards for their respective jurisdictions made up of all adults
7 listed on the voter registration lists, and provided [~~to the office by the selectmen and city wards~~] by
8 *the secretary of state pursuant to RSA 654:45, VI on encrypted removable media.*

Sen. Carson, Dist. 14
February 11, 2013
2013-0280s
06/09



Amendment to SB 35

1 Amend the bill by replacing section 1 with the following:

2

3 1 Jurors; Definitions; Master Jury List. Amend RSA 500-A:1, IV to read as follows:

4 IV. "Master jury list" means the list blended and compiled [~~by the administrative office of~~
5 ~~the courts~~] from the voter lists and from the official record of persons who hold a current
6 New Hampshire driver's license or a department of safety identification card, which shall be
7 provided [~~to the office~~] by the department. ***Information contained in the master jury list shall***
8 ***be private and confidential and shall not be subject to RSA 91-A.***

9

10 Amend the bill by deleting section 2 and renumbering the original sections 3 through 10 to read as 2
11 through 9, respectively.



2013-0280s

AMENDED ANALYSIS

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Sen. Carson, Dist. 14
Sen. Cataldo, Dist. 6
February 15, 2013
2013-0394s
06/04

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Amendment to SB 35
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This bill modifies certain provisions relative to jurors due to implementation of jury management software.



Amendment to SB 35

1 Amend the bill by replacing section 1 with the following:

2

3 1 Jurors; Definitions; Master Jury List. Amend RSA 500-A:1, IV to read as follows:

4 IV. "Master jury list" means the list blended and compiled ~~[by the administrative office of~~
5 ~~the courts]~~ from the voter lists and from the official record of persons who hold a current
6 New Hampshire driver's license or a department of safety identification card, which shall be
7 provided ~~[to the office by the department]~~ *by the secretary of state pursuant to RSA 654:45, VI*
8 *on encrypted removable media. Information contained in the master jury list shall be*
9 *private and confidential and shall not be subject to RSA 91-A.*

10

11 Amend the bill by deleting section 2 and renumbering the original sections 3 through 10 to read as 2
12 through 9, respectively.

13

14 Amend the bill by replacing all after section 8 with the following:

15

16 9 New Paragraph; Exemptions From Right-to-Know Law; Master Jury Lists. Amend RSA 91-
17 A:5 by inserting after paragraph I the following new paragraph:

18 I-a. The master jury list as defined in RSA 500-A:1, IV.

19 10 Effective Date. This act shall take effect July 1, 2013.

Amendment to SB 35
- Page 2 -



2013-0518s

AMENDED ANALYSIS

This bill modifies certain provisions relative to jurors due to implementation of jury management software.

This bill also exempts the master jury list from the right-to-know law.

Committee Minutes

**SENATE CALENDAR NOTICE
JUDICIARY**

Senator Sharon Carson Chairman
 Senator Bette Lasky V Chairman
 Senator David Boutin
 Senator Sam Cataldo
 Senator Donna Soucy

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: January 17, 2013

HEARINGS

Tuesday

1/22/2013

JUDICIARY

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM SB34

relative to the appointment of bail commissioners.

9:10 AM SB35

relative to the master jury list.

9:20 AM SB25

relative to the treatment of medical support in child support cases.

Sponsors:

SB34

Sen. Sam Cataldo

SB35

Sen. Sam Cataldo

SB25

Sen. John Reagan

SENATE JUDICIARY COMMITTEE

Susan Duncan, Senior Legislative Aide

SB 35 – relative to the master jury list.

Hearing Date: January 22, 2013

Time Opened: 9:13 a.m.

Time Closed: 9:20 a.m.

Members of the Committee Present: Senators Carson, Lasky, Boutin and Cataldo

Members of the Committee Absent: Senator Soucy (Washington)

Bill Analysis: This bill modifies certain provisions relative to jurors due to implementation of jury management software; requires the Secretary of State to provide certain information to the Judicial Branch and was a request of the Supreme Court.

Sponsors: Senator Cataldo

Who supports the bill: Senator Cataldo; Attorney Howard Zibel, Legal Counsel for the Judicial Branch and Supreme Court

Who opposes the bill: Secretary of State William Gardner

Summary of testimony presented in support:

Senator Cataldo

- Explained that the bill modifies provisions relative to jurors and requires the Secretary of State to provide certain information. He asked that the bill be held in abeyance and rescheduled to another time so that an amendment can be brought in.
- Senator Lasky asked if the amendment would make significant changes and Senator Cataldo responded that it would.

Attorney Zibel

- Agreed to the request to hold the hearing at a later date in that Judge Tina Nedeau was not available this morning and neither was Cheryl Bennett who handles the software for the jury listing.

Senator Carson recessed the hearing at 9:20 a.m.

Summary of testimony presented in opposition:

- Secretary of State Gardner stated he will testify at the next time when the amendment is brought forward.

Fiscal Note: Not applicable.

Future Action: The hearing was recessed.

sfd
Date hearing report completed: January 22, 2013

[file: SB 35 report]

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: February 21, 2013

THE COMMITTEE ON Judiciary
to which was referred Senate Bill 35

AN ACT relative to the master jury list.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5 - 0

AMENDMENT # 0518s

CONSENT CALENDAR VOTE: 5 - 0

Senator Sam Cataldo for the Committee

This bill makes the jury management system statute consistent with the software; provides an exemption in 91-A to the information contained in the Master Jury List; and clarifies that information provided by the Secretary of State's office on voter registration shall be on encrypted removable data. It exempts the Secretary of State's office from providing date of birth information on voters.

Susan Duncan 271-3076

New Hampshire General Court - Bill Status System

Docket of SB35

Docket Abbreviations

Bill Title: relative to the master jury list.*Official Docket of SB35:*

Date	Body	Description
1/3/2013	S	Introduced and Referred to Judiciary; SJ 4
1/17/2013	S	Hearing: 1/22/13, Room 100, SH, 9:10 a.m.; SC5
1/22/2013	S	Hearing: === RECESSED === 1/22/13, Room 100, SH, 9:10 a.m.
1/24/2013	S	Hearing: === RECONVENE === 2/5/13, Room 100, SH, 10:00 a.m.; SC6
2/21/2013	S	Committee Report: Ought to Pass with Amendment #2013-0518s , 3/7/13; Vote 5-0; CC; SC10
3/7/2013	S	Committee Amendment 0518s, AA, VV
3/7/2013	S	Ought to Pass with Amendment 0518s, MA, VV; OT3rdg; SJ 6
3/27/2013	H	Introduced and Referred to Judiciary; HJ31 , PG.1073
4/2/2013	H	Public Hearing: 4/9/2013 1:30 PM LOB 208
4/10/2013	H	Executive Session: 4/16/2013 11:00 AM LOB 208
4/17/2013	H	Committee Report: Ought to Pass with Amendment #1263h for April 24 (Vote 19-0; CC); HC33 , PG.1094
4/17/2013	H	Proposed Committee Amendment #2013-1263h ; HC33 , PG.1111
4/24/2013	H	Removed from Consent Calendar (Rep Kurk); HJ38 , PG.1239
4/24/2013	H	Amendment #1263h: AA VV; HJ38 , PG.1250-1251
4/24/2013	H	Floor Amendment #2013-1341h (Rep Kurk): AA VV; HJ38 , PG.1251
4/24/2013	H	Ought to Pass with Amendments #1263h and #1341h: MA VV; HJ38 , PG.1250-1251
5/30/2013	S	Sen. Carson Moved Nonconcur with House Amendments 1263h and 1341h; Requests C of C, MA, VV
5/30/2013	S	President Appoints: Senators Cataldo, Carson, Lasky
6/5/2013	H	House Accedes to Senate Request for C of C (Rep M.Smith): MA VV; HJ49 , PG.1566
6/5/2013	H	Speaker Appoints: Reps Berch, Woodbury, Heffron, and Rowe; HJ49 , PG.1566
6/6/2013	S	Committee of Conference Meeting: == TIME CHANGE === 6/12/2013, 1:00 p.m., Room 103, LOB
6/18/2013	H	Conference Committee Report #2013-2040c , House Amendments, Filed; HC47 , PG.1537
6/26/2013	H	Conference Committee Report #2040c Adopted, VV
6/26/2013	S	Conference Committee Report 2040c; Adopted, VV
6/26/2013	H	Enrolled
6/26/2013	S	Enrolled
7/24/2013	S	Signed by the Governor on 07/24/2013; Chapter 0261; Effective 07/01/2013

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 0157s - AMENDMENT # 0394s
- AMENDMENT # 0280s - AMENDMENT # 0518s

ALL AVAILABLE VERSIONS OF THE BILL:

- AS INTRODUCED AS AMENDED BY THE HOUSE
- FINAL VERSION AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

House Judiciary amendment # 1263h and
House floor amendment # 1341h

DATE DELIVERED TO SENATE CLERK

7/26/13

BY:

Susan J. Decker
COMMITTEE AIDE