

MAINE STATE LEGISLATURE

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JUDICIARY

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 63, L.D. 157, Bill, "An Act Concerning the Disclosure of Juror Information"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 14 MRSA §1254-A, as amended by PL 1983, c. 202, §3, is further amended to read:

§1254-A. Qualification questionnaire; juror selection

1. Procedure. The clerk shall, at times deemed considered reasonable and necessary to promote the efficient operation of the court and the juror selection system, mail a juror qualification form to every prospective juror whose name has been drawn in accordance with section 1253-A. The form shall must be accompanied by instructions directing the prospective juror to fill out and return the form by mail to the clerk within the time specified. The clerk shall prepare or cause to be prepared a list of the names to whom questionnaires are mailed. Neither the The list of questionnaire recipients nor and the names drawn are confidential and may not be disclosed to any person, except as provided in this chapter.

2. Content. The juror qualification form shall must conform, in form and content, to the qualification form prescribed by the Supreme Judicial Court and shall must solicit

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information sufficient to determine the prospective juror's qualification for jury service. The qualification questionnaire may also solicit other information including, but not limited to, education and employment.

3. **Ambiguous or erroneous responses.** If it appears there is an omission, ambiguity or error in a returned form, the clerk may, at his the clerk's discretion, contact the prospective juror by telephone to obtain the additional information, clarification or correction.

4. **Failure to complete form; penalty.** A prospective juror, who fails to return a completed juror qualification form as instructed, may be ordered by the court to appear and show cause why he the prospective juror should not be held in contempt for his the failure to complete and submit the questionnaire. Notwithstanding Title 17-A, section 4-A, a prospective juror, who fails to show good cause for his the failure to complete and submit the questionnaire or who without good cause fails to appear pursuant to a court order, may be punished by a fine of not more than \$100 and by imprisonment for not more than 3 days, or by both.

5. **Intentional misrepresentation.** Notwithstanding Title 17-A, section 4-A, a person, who intentionally misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror, may upon conviction for a violation of this section be punished by a fine of not more than \$100 and by imprisonment for not more than 3 days, or by both.

6. **Determination of qualification.** The clerk shall determine on the basis of information provided on the juror qualification form, supplemented by other competent evidence when deemed considered necessary to such determination, whether the prospective juror is qualified for jury service. This determination shall must be reflected on the juror qualification form or any other record designated by the court.

7. **Availability of qualification forms.** The names of prospective jurors and the contents of juror qualification forms ~~shall be made available to the public upon specific request to the court, supported by an affidavit setting forth the reasons therefor, unless the court determines in any instance that this information in the interest of justice should be kept confidential or its use limited in whole or in part~~ are confidential and may not be disclosed except as provided in this chapter. The names of prospective jurors and the contents of juror qualification forms may at the discretion of the court be

made available to the attorneys and their agents and
investigators and the pro se parties at the courthouse for use in
the conduct of voir dire examination.

8. During period of service. During the period of service
of jurors and prospective jurors, the names of the members of the
jury pool are confidential and may not be disclosed except to the
attorneys and their agents and investigators and the pro se
parties.

9. Protection of confidentiality. A person who has access
to or receives information or a record designated confidential
under this chapter shall maintain the confidentiality of the
information or record and use it only for the purposes for which
it was released and may not further disclose it except as
authorized by the court at the time of the disclosure to that
person.

Sec. 2. 14 MRSA §1254-B, sub-§2, as enacted by PL 1981, c.
705, Pt. G, §14, is amended to read:

2. Records' confidentiality. ~~The contents of any records~~
~~or lists and information used in connection with the selection~~
~~process are confidential and not made public under any other~~
~~provision of this chapter shall~~ may not be disclosed, except in
connection with the preparation or presentation of a motion under
section 1214, until all persons selected to serve as grand jurors
or traverse jurors from these lists have been discharged as
provided in this chapter.

Sec. 3. 14 MRSA §1254-B, sub-§3 is enacted to read:

3. Exceptions to confidentiality. Once the period of juror
service has expired, a person seeking the names of the jurors may
file with the court a written request for disclosure of the names
of the jurors. The request must be accompanied by an affidavit
stating the basis for the request. The court may disclose the
names of the jurors only if the court determines that the
disclosure is in the interests of justice. The factors the court
may consider in determining if the disclosure is in the interests
of justice include, but are not limited to, encouraging candid
responses from prospective jurors, the safety and privacy
interests of prospective jurors and the interests of the media
and the public in ensuring that trials are conducted ethically
and without bias.'

SUMMARY

This amendment replaces the bill.

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2 This amendment clarifies what information about jurors and
prospective jurors may be disclosed and when that disclosure may
take place.

4
6 This amendment provides that the juror qualification forms
are confidential and may not be disclosed, except that the
prospective juror information is available for review for voir
dire purposes at the courthouse, and then only available for the
attorneys and the attorneys' agents and investigators, as well as
10 the pro se parties.

12 This amendment provides that the records and information
used in connection with the jury selection process are
confidential and may not be disclosed except as otherwise
provided.

16
18 This amendment provides that during the service of the
jurors and prospective jurors, their names are confidential and
may not be disclosed except to the attorneys and the attorneys'
agents and investigators, as well as the pro se parties.

22 This amendment allows the disclosure of juror names once the
juror service has expired, but only upon written request to the
court. Juror service expires when the entire pool has been
dismissed. The request must be accompanied by an affidavit
stating the basis of the request. The court may disclose the
names of the jurors only if it is in the interests of justice.
28 The factors the court may consider in determining if the
disclosure is in the interests of justice include, but are not
limited to, encouraging candid responses from prospective jurors,
the safety and privacy interests of prospective jurors and the
interests of the media and the public in ensuring that trials are
32 conducted ethically and without bias.