In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO THE IDAHO COURT ADMINISTRATIVE RULES RELATED TO JURY SERVICE AND JURY TRIAL PROCEDURES	)))))	**ORDER**

The Court, having received a recommendation to amend the Idaho Court Administrative Rules, and the Court being fully informed,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Idaho Court Administrative Rules be amended as follows:

Rule 62. Qualification of Prospective Jurors and Summons Process.

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(c) The questions contained in the qualification questionnaire must be limited to those which elicit answers that may disqualify a person from jury service. The qualification questionnaire shall be in a form prescribed by the Supreme Court which form is attached hereto as Appendix A~~.~~; provided however a supplemental administrative questionnaire addressing questions which are developed for administrative purposes only may be used if approved by the Administrative District Judge. The elected clerk or designated deputy clerk, or jury commissioner may provide an opportunity to prospective jurors to complete and return the qualification questionnaire and supplemental administrative questionnaire forms through email or other electronic means in lieu of mailing.

(d) A supplemental ~~juror~~ voir dire questionnaire addressing questions which are developed for the purpose of voir dire may be used if approved by the judge assigned to the case or the Administrative District Judge. The elected clerk or designated deputy clerk, or jury commissioner may provide an opportunity to prospective jurors to complete and return the supplemental voir dire questionnaire form through email or other electronic means in lieu of mailing.

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(j) If a prospective juror is unable to complete the qualification questionnaire, another person may do so on behalf of the prospective juror and shall indicate that such person completed the qualification questionnaire and the reason ~~therefore~~ therefor.

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Rule 62.1 Eligibility for Jury Service.

(1) A prospective juror is disqualified to serve on a jury if the prospective juror:

(a) Is not a citizen of the United States and a resident of the county,

(b) Is not at least eighteen (18) years old,

(c) Is incapable, by reason of physical or mental disability and with reasonable accommodation, of rendering satisfactory jury service; but a prospective juror claiming this disqualification may be required to submit a physician's certificate as to the disability, and the certifying physician is subject to inquiry by the court at its discretion~~; or~~,

(d) Has a felony conviction as provided by section 3, article VI of the constitution of the state of Idaho, and who has not been restored to the rights of citizenship under applicable law~~.~~, or

(e) Is unable to read, speak, and understand the English language.

(2) The length of such disqualification shall be two (2) years, unless a judge has extended the period of disqualification for prospective jurors under ~~1(c)~~ (1)(c) above, which period may be permanent.

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Rule 63. Exemption, Excuse, and Postponements from Jury Service.

(a) There shall be no automatic exemptions or excuses from jury service~~;~~.

(b) Postponements of jury service are preferred over excuses~~;~~.

(c) Any postponement of jury service shall be for the shortest period of time reasonable, and shall be to a date certain at which time the juror's name or identifying number shall be placed in the next available jury panel~~;~~. ~~and~~

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(e) Qualified prospective jurors who are summoned may have their jury service postponed or excused if:

(i) the person is seventy (70) years of age or older and requests to be excused which may be a permanent excuse if requested~~.~~,

(ii) the person's ability to receive and evaluate information is so impaired that they are unable to satisfactorily perform the duties of a juror~~.~~,

(iii) the person requests to postpone jury service and undue hardship, extreme inconvenience, or public necessity is shown~~.~~, or

(iv) the person is a mother breastfeeding her child.

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Rule 65. Orientation of Trial Jurors.

The court shall provide an orientation to persons called for jury service substantially as follows:

(a) At the time of serving the juror qualification questionnaire, a juror orientation pamphlet shall also be ~~included~~ made available which is provided by the Administrative Office of the Courts outlining how a jury is chosen, trial procedure, people involved in the trial, and jury fees; and

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Rule 67. Retention Periods for Jury Papers and Records.

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

Rule 68. Reimbursement for Lengthy Trial Jury Compensation.

(a) Any county seeking to obtain reimbursement for Lengthy Trial Juror Compensation pursuant to section 2-222, Idaho Code, must submit a written application to the Administrative Director of the Courts. Any such application for reimbursement must be received by the Administrative Director of the Courts on or between September 30th and November 30th, be substantially in the form found in Appendix B, and contain the following information:

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(3) A representation that the county compensated the jurors fifty dollars ($50) for each day's required attendance at court that exceeded five (5) days for one (1) trial as required by section 2-215(3), Idaho Code, ~~and~~

(4) A calculation of the total compensation paid to jurors pursuant to section 2-215(3), Idaho Code~~.~~, and

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Appendix A to Rule 62(c)

JUROR QUALIFCATION QUESTIONNAIRE

County of _____

Juror number _____

Term of Service_____

YOU MUST COMPLETE, SIGN, AND RETURN THIS QUESTIONNAIRE WITHIN 10 DAYS FROM THE DATE THIS FORM WAS MAILED. PLEASE RETURN THIS FORM IN THE ENVELOPE PROVIDED, OR SUBMIT IT ELECTRONICALLY (THE JURY COMMISSIONER'S EMAIL ADDRESS IS _____). YOU MAY BE REQUIRED TO COMPLETE OTHER JURY QUESTIONNAIRES IN THE FUTURE.

A REQUEST TO BE EXCUSED FROM JURY SERVICE CAN BE MADE ~~ON PAGE 2 OF~~ IN THIS QUESTIONNAIRE.

In accordance with Idaho Law, you have been randomly selected for jury duty in _____ County. Your participation is vital and your contribution to this important process is appreciated.

Note: Idaho law provides that any prospective juror who fails to return this completed qualification questionnaire form as instructed shall be directed to appear before the clerk or the jury commissioner to complete the qualification questionnaire form. A prospective juror who fails to appear as directed shall be ordered by the Court to appear and show cause for his failure to appear as directed, and you may also be held in contempt of Court.

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

Name: _____
Age: _____
Address of residence: _____
Email: _____
Phone: Home _____ Work _____ Cell _____

DISQUALIFICATION from Jury Service. Please check all that apply to you.

____ I am NOT a citizen of the United States of America.
____ I am NOT a resident of _____County.
____ I am incapable by reason of a physical or mental disability, and with reasonable accommodation, of rendering satisfactory jury service. [Anyone claiming this disqualification is required to submit a physician's written certificate establishing such disability.]
____ I have been convicted of a felony and I am presently on probation/parole:
County where conviction occurred: _____ State_____
( ) or I have not been restored to the rights of citizenship pursuant to Idaho Code §18-310.
____I am unable to read, speak, and understand the English language.

EXEMPTIONS FROM JURY SERVICE: There are NO automatic exemptions from jury service.

REQUEST TO BE EXCUSED FROM CURRENT JURY SERVICE: Please check all that apply to your request.

____ I am 70 years of age or older and wish to be excused.
( ) I also wish this excusal based upon my age to be permanent.
____ I am a mother breastfeeding her child.
____ Within the past 24 months, I have served on a jury or answered a roll call for jury service in _____County, Idaho. I served _____ days.
____ Within the past 24 months I have served on a grand jury.

REQUEST FOR POSTPONEMENT OF CURRENT JURY SERVICE: Please check all that apply to your request.

Please note that whether to grant such a request is discretionary with the jury commissioner and/or the judge.

Only one request for postponement may be granted for the shortest period of time reasonable under the circumstances, and the postponement must be to a time certain in the future at which time your

name and juror number will be placed in the next available jury panel at which time you will receive a new notice.

____ I have a temporary medical condition for which I ask to have my jury service postponed. My physician's written statement certifying this condition and the expected duration of the medical condition is attached.

____I request postponement of current jury service based upon an undue hardship, extreme inconvenience, or public necessity. I am providing a written statement setting forth the reason for this request and the amount of time needed.

DECLARATION OF PROSPECTIVE JUROR:

I certify that the responses on this questionnaire form are true to the best of my knowledge and I understand that a willful misrepresentation of a material fact may be punished as a misdemeanor.

Dated: _____

Signed: _____

Signed on behalf of the prospective juror by:

_____

Reason ~~therefore~~ therefor:

_____

IT IS FURTHER ORDERED, that this order and these amendments shall be effective February 28, 2022.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Court Administrative Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 25th day of February, 2022.

By Order of the Supreme Court

G. Richard Bevan, Chief Justice

ATTEST:

Clerk

I, Melanie Gagnepain, Clerk of the Supreme Court/ Court of Appeals of the State of Idaho, do hereby Certify that the above is a true and correct copy of the Order **entered in the above entitled cause and now on record in my office. WITNESS my hand and the Seal of this Court** 3-2-22

Melanie Gagnepain, Clerk

By _____ **Deputy**