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Date 3-9-05
Bill No. HB 598

HB 598
DELAY EFFECTIVE DATE AND APPLICABILITY DATE
RE: JURY SELECTION

This Bill is brought forth at the request of the Montana Association of Clerks of District Court because it became apparent to the Association that the statutory requirements of HB 540 from the 2003 Legislative Session could not be met in the time frames set forth in current statute.

Every member of the Senate Judiciary Committee has been presented with a fact sheet prepared by the Court Administrator's Office which indicates the complexities of producing a combined list of qualified electors, licensed Montana drivers, and holders of Montana identification cards and explains why the databases to comply with the statutes will not be available as required under the time frames of current law.

In order to maintain the integrity of the jury selection process, the delay in the effective date and applicability date is imperative. The combination of the three lists must meet all statutory requirements so that the jury selection process is not defective.

A "Yes" vote to HB 598 is necessary to allow enough time to successfully comply with statutory requirements and to assure the integrity of the jury selection process. Thank you.

Mary Phippen

Mary "Marty" Phippen, Lobbyist
Mt. Assn. of Clerks of District Court

HB 598 Fact Sheet

HB 598 extends the effective date of legislation passed last session (HB 540 – to include MCA 61-5-127 and other statutes) to October 1, 2007 with an applicability date of May 2008. The extension proposed in HB 598 is necessary to ensure the systems are in place to maintain the integrity of the jury selection process.

Background

HB 540 as enacted in 2003 requires that the process of juror selection for trial juries meet the following criteria.

1. Use a combined list of qualified electors and licensed drivers and holders of Montana identification cards.
2. Ensure that no person's name appears on the combined list more than once.
3. Eliminate the requirement that jurors be registered electors.

The complexities of producing a combined list with no duplicates while at the same time accurately incorporating notations of persons who have received permanent or extended exemptions from jury duty necessitate the use of automated tools for jury selection and management.

The three primary automated systems involved in the successful implementation of a combined and qualified list are:

- The Statewide Voter Registry (central elector database) presently under development by the Office of the Secretary of State;
- The Driver Control System of the Montana Department of Justice, Motor Vehicle Division; and,
- The jury management systems provided to Clerks of the District Court by the Office of the Court Administrator.

Secretary of State – Central Elector Database
The **Help America Vote Act** requires the Secretary of State to create a computerized, statewide database of all registered voters that can be updated by local election officials on an ongoing basis. This database is not expected to be operational until January 2006. This centralized system will be key to providing the most accurate list for selecting jurors.

Montana Department of Justice – Driver Licensing System
The Motor Vehicle Division has expressed serious concerns about the use of its current data for juror selection purposes. However, once the Statewide Voter Registry is compiled and verified in accordance with HAVA requirements, the existing legacy system may be used to create a data extract to fulfill the purposes defined in MCA 61-5-127.

Mary "Marty" Phippen, Lobbyist
Mt. Assn. Clerks of District Court

Furthermore, the Montana Department of Justice is currently undertaking a major re-engineering project of the state Motor Vehicle systems known as **Team 261**. This project is expected to be complete in 2007. The Team 261 project looks to improve the quality of information in the driver licensing system as well as a re-engineering effort to optimize the databases for all authorized purposes.

Montana Supreme Court – Office of the Court Administrator
The Office of the Court Administrator has deployed an automated jury tool to approximately ½ of the Clerks of the District Court. The Office of the Court Administrator plans to deploy an updated jury program to all Clerks by July 2005. In addition, the judiciary is interested in procuring a jury tool that would be suitable for all courts during the next biennium, funding permitting.

Project Schedule

June 2005 – January 2006

Convene Joint Task Force: Task force members include representatives from the Department of Justice, Secretary of State, Clerks of the District Courts, Clerk and Recorders, and the Office of the Court Administrator.

The Task force is charged with developing the functional requirements for creating the combined list for use in jury selection after October 1, 2007. Tasks include the creation of the detailed project plan, selecting a project leader and creating a functional requirements document in sufficient detail that each participant may prepare an impact analysis for their systems and community of interest.

February 2006 – July 2006
Each entity will review the functional design document and draft a technical design recommendation for their respective system.

The task force shall reconvene and develop a comprehensive technical specification based on the independent impact analysis conducted by each stakeholder.

August 2006 – March 2007
System modifications will be made and tested in accordance with the joint technical specification. In addition, a comprehensive verification and validation, training and deployment plan will be developed to ensure a successful implementation. Planned system changes will be identified that may require retesting of the extracts and imports.

March 2007– October 2007
Structured system testing, statewide training for clerks of the district court and deployment will occur during this period.

May 2008 (second Monday)
Screened, verified, sorted data is made available to the clerks of district court.