

AN ORDINANCE PROVIDING FOR JURIES, NUMBER AND QUALIFICATION OF JURORS, AND SELECTION OF JURORS AND FIXING TERMS OF COURT FOR THE MUNICIPAL COURT OF THE CITY OF SWEET HOME, OREGON, REPEALING ORDINANCE NO. 349, AND DECLARING AN EMERGENCY.

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. A trial jury in the Municipal Court of the City of Sweet Home, Oregon, shall consist of six persons sworn to try the cause for which they are called, selected and drawn as provided in this ordinance.

Section 2. In all cases and prosecutions for any offense, except an infraction, defined and made punishable by the charter of ordinances of the City of Sweet Home, Oregon, and triable before the Municipal Judge of said city, the defendant shall be entitled to be tried by jury if he shall so demand. To be effective, the demand must be in writing and made not less than seven (7) days before the time fixed for the trial of the offense.

Section 3. The qualifications of all prospective jurors for the Municipal Court shall be the same qualifications as prescribed in Chapter 10, Oregon Revised Statutes, and in addition, must be an inhabitant of and a registered voter with in the city at the time he is summoned.

Section 4. Within the first calendar week of January of each year, or as soon thereafter as practical, the Judge, together with one resident freeholder of the city selected by the Judge and who shall be eligible to serve as a juror, shall meet and make a list containing the names of not less than 300 persons who are the most competent of the permanent resident citizens of the city by selecting the names by lot from the voter registration list and tax rolls. The jury list so selected shall be known as a preliminary jury list. The Judge and the assistant freeholder shall delete from the preliminary jury list the names of those persons whom they know

are not qualified by law to serve as jurors. The Judge shall then determine whether or not the persons whose names then remaining are actually residents of the city, and shall delete from the preliminary list the names of all persons found to be non-residents of the city. The remaining names shall constitute a jury list for the remainder of the year, or until a new jury list has been drawn. The names of those persons deleted from the jury list shall be placed on a separate list known as rejected prospective jurors and opposite each name the reason for removing the same shall be stated. The jury list shall contain the Christian name, surname, the place of residence, and occupation of each person named therein. If for any reason the making of a jury list is omitted within the first calendar week of January of each year, it may be done at any time thereafter.

Section 5. The Judge shall keep in his office a jury box in which he shall deposit separate ballots containing the name, place of residence, and occupation of each person contained on the jury list and folded as nearly alike as practicable so that the name cannot be seen.

Section 6. The Judge shall divide each calendar year into three terms of court as follows: The first term from January 1st through April 30th, second term from May 1st through August 31st, and third term from September 1st through December 31st. At the beginning of each term, the Judge shall draw from the jury box the names of not less than one hundred (100) persons to serve during the term and alphabetically shall list the same on a list to be known as the jury panel for the term. Upon order of the Judge additional names may be added to the jury panel at any time during the term by like procedure.

Section 7. No juror shall be required to serve for more than one term of court in any one year, and upon request may be

excused from any subsequent jury duty for a period of two (2) years from and after the term in which he has served.

Section 8. When a jury is demanded, the Judge shall cause to be drawn from the jury panel as prospective jurors on any specific date on which a jury trial is to be held, twelve (12) names, or any greater number, if necessary, until the names of twelve persons are obtained who are deemed able to attend the court on that date. Those names shall be listed in the order drawn. This list shall be the jury panel for the trial of cases to come before it on the day fixed.

Section 9. The names of the jurors shall be inserted in an order to summon a jury and the Judge shall transmit such order to the Chief of Police of the city who shall summon the persons therein named. The order shall require the jurors to appear in the Municipal Court at the time fixed in the order. The Chief of Police shall cause the order to be served to each juror named therein by personally delivering to each such person a written notice that he is required to appear in the Municipal Court at the time and place fixed in the order to serve as a trial juror, and to return the same according to the direction therein with the names of the persons summoned, verified by proper certificate.

Section 10. Upon application being made, and for good cause shown, the Judge, within his discretion, may excuse a juror from jury duty.

Section 11. At the time of trial the jury panel shall be sworn by the Judge for preliminary examination by the parties and each party shall be entitled to take challenges for cause and shall be entitled to three peremptory challenges and no more. The method and manner for exercising challenges shall be the same as provided for in the District Court of the State of Oregon.

Section 12. If a person duly summoned to attend the Municipal Court as a juror fails to attend as required or to give a valid

excuse therefor, he may be summarily fined by the Judge in an amount not to exceed \$50.00.

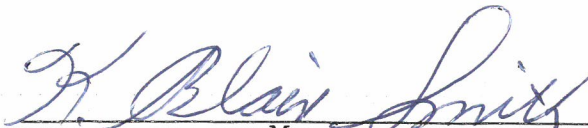
Section 13. Six jurors summoned and sworn to try any cause must concur to return a verdict.

Section 14. Jurors sworn to try the cause shall receive the sum of \$8.00 for each day of such service. Jurors who appear in response to summons but who are not sworn to try the cause shall receive the sum of \$3.00 for each such appearance.

Section 15. From and after the effective date of this ordinance the balance of the year 1978 shall constitute a term of court for the Municipal Court and the Judge thereof shall, within a reasonable time, select a jury list of not less than 100 persons as hereinabove provided and use the same for the trial of cases in the Municipal Court, until the jury list for 1979 is selected.


Section 16. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 12 day of September, 1978.



Mayor

ATTEST:



City Manager