

ORDINANCE NO. 156

AN ORDINANCE RELATING TO JURIES IN THE MUNICIPAL COURT OF THE CITY OF TROUTDALE AND DECLARING AN EMERGENCY.

Whereas, the Oregon legislature in the 1959 session enacted Chapter 502 which provides:

"The right of trial by jury in all prosecutions or offense punishable under any city charter or ordinance" and required provision for all cities of the state of Oregon to provide jury trials; therefore, at this time the city council by this ordinance is setting forth the requirements or provisions for jury trials within the city of Troutdale as required under said Chapter 502, Oregon Laws, 1959 (ORS 221.349).

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE.

Section 1. Any person accused of any offense defined and made punishable by the charter or any ordinance of this city shall have the right to a trial by jury in the municipal court. The jury shall consist of six persons, selected as in this ordinance provided.

Section 2. Immediately upon the effective date of this ordinance and on the second Monday in January of each year, commencing in the year 1971, a jury list shall be made from the persons in the city of Troutdale competent under the laws of Oregon to serve as jurors in a circuit court, who shall serve as jurors in the municipal court until a new list is selected. The jury list shall be made and selected by lot in the same manner in which juries are selected for the circuit court, and such list shall contain the names of 75 of such qualified persons.

Section 3. If for any reason the making of a jury list is omitted and neglected on the second Monday of any January, it may be done on the second Monday of any month following, to serve until the close of the year, and until another list is made.

Section 4. The municipal judge is hereby authorized to select and make said jury list. If the municipal judge so desires, he may call to his aid two freeholders of the city, qualified to serve as jurors therein, and such freeholders together with the judge may make such list.

Section 5. In preparing the jury list, names drawn of persons known or believed to be disqualified as jurors, or who are exempt from jury duty under the provisions of the laws of Oregon, or who are believed to be unavailable, shall be discarded.

Section 6. The jury list shall contain the first and surname, the place of residence, and occupation of each person named therein and shall be certified by the municipal judge at the time the list is prepared.

Section 7. The municipal judge or, under his direction, his clerk, shall keep a secured jury box. After the jury list has been made, the municipal judge shall prepare and deposit in such box separate ballots or slips containing the name, place of residence, and occupation of each person on the jury list.

Section 8. When a jury is demanded in the municipal court, the jury shall be drawn and selected from the jury list.

Section 9. When a jury is selected, the municipal judge or, under his direction, his clerk, shall draw from the jury box, in the presence of the defendant or his attorney and in the presence of the city attorney, 12 ballots, or any greater number if necessary, until the names of 12 persons who are deemed able to attend at the time and place required are obtained. On motion of the defendant or his attorney, or on motion of the city attorney, or the court on its own motion, may direct that six additional names be drawn from the box from which alternates may be selected.

Section 10. When it appears to the municipal judge that the person whose name is drawn is dead or resides out of the city, the ballot shall be destroyed. If it appears to the municipal judge, or he has good reason to believe that a person whose name is drawn is temporarily absent from the city, or is ill, or is so engaged as to be unable to attend at the time of the trial without great inconvenience, the ballot shall be laid aside, the name not placed on the jury list for the trial for which the jury is being selected, but such ballot shall be returned to the jury box after the drawing is completed.

Section 11. When the drawing is completed, from the 12 names drawn the defendant and the city will select the jury by each striking from the list three names, alternately, commencing with the defendant. The six names remaining shall be summoned as jurors in the case. In case either party does not exercise all his peremptory challenges, the jury may be summoned from among the names remaining. When six names are drawn from the jury box as alternates, each party shall strike one of such names. No peremptory challenges shall be allowed other than in this section provided. No alternate juror shall be summoned to serve at the trial of the action except when six principals are not available.

Section 12. No jury trial shall be granted any defendant except the defendant or his attorney, not less than three days before the time fixed for the trial, shall give notice to the municipal judge of the desire for a jury trial and deposit with the municipal judge a jury fee of \$24.00.

Section 13. Five of the six jurors summoned to try any cause must concur to render a verdict.

Section 14. In case the defendant be acquitted by the jury, the jury fee deposited by him shall be refunded.

Section 15. Jurors who appear at the trial and serve as jurors shall receive as compensation for such services the sum of \$4.00 for each day of attendance upon the municipal court.

Section 16. When a jury is drawn, summons therefor shall be issued by the municipal judge and the notices to the jurors shall be served by the City Marshall. Any person notified to appear as a juror and disregarding such notice may be adjudged in contempt of court by the municipal judge and be fined a sum not exceeding \$25.00.

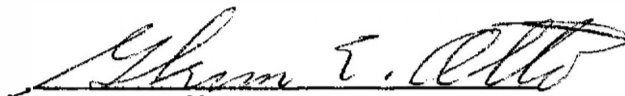
Section 17. Whereas the act of the legislative assembly of Oregon requiring jury trials in municipal courts was in full force and effect on and after August 5, 1959, and the City of Troutdale must be immediately provided with appropriate procedure for jury trials on and after said date and it is, therefore, necessary for the peace, health, and safety of the people of said City of Troutdale that this ordinance should be immediately

effective, now, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the council.

YEAS: 5

NAYS: 0

Signed by the Mayor this 11th day of August, 1970.


Mayor

ATTEST:

Recorder: Iruly D. Wright

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