

ORDINANCE NO. 404 a

Introduced by Commissioner George Stuckmuth

AN ORDINANCE RELATING TO JURIES IN THE MUNICIPAL COURT AND DECLARING AN EMERGENCY

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

✓ 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 of trial by jury in the municipal court. The jury shall consist of six persons, selected as in this ordinance provided.

✓ Section 2. Jury shall be selected from the latest tax roll and registration books used at the last city election in the same manner in which juries are selected for Circuit Courts.

✓ Section 3. In order to act as a juror in the municipal Court of the City of Warrenton, Oregon a person must have the qualifications prescribed in Chapter 10 of Oregon Revised Statutes, and in addition thereto must be an inhabitant and registered voter within the said City of Warrenton at the time he is summoned.

Section 4. The terms of Municipal Court shall be for a period of four months, beginning on January 5th, May 5th and September 5th of each year following the passage of this Ordinance.

Section 5. At the first term of Court of each year, or in case of an omission or neglect so to do, then on any following term, the Municipal Judge of the City of Warrenton, together with two freeholders of the City otherwise qualified to serve as jurors therein, shall get and make a list of the most competent permanent citizens of the county by selecting names by lot from the voters registration list used at the last preceding city election. Said list so selected shall be known as a preliminary jury list. The Municipal Judge and the two freeholders shall then delete from said preliminary jury list the names of those persons known not to be qualified by law to serve as jurors, and there shall be deleted those who are exempt from jury duty under the provisions of Oregon Laws or absent from the City or excusable from jury duty according to Oregon law. The names of those persons deleted from the preliminary jury list shall be placed on a separate list known as rejected prospective jurors, and opposite each name the reason for removing

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the name shall be stated. The jury list shall contain the Christian name and the surname and the place of residence and occupation of each person named therein and shall be certified by the City Auditor and Police Judge and placed on file in his office within one day from the time it is prepared. The Auditor and Police Judge shall keep in his office a sufficient box, carefully secured, which is denominated the "jury box". After the jury list is filed, the Auditor and Police Judge shall destroy all ballots remaining in the box and prepare and deposit in such box separate ballots containing the name, place of residence and occupation of each person embraced in the list and fold it as nearly alike as practicable so that the name cannot be seen.

Section 6. The jury panel for each term shall be selected not less than ten or more than twenty days before the holding of said term of Court, and the Municipal Judge, together with the aforesaid two freeholders, shall select 40 names of persons, by lot, from the preliminary jury list to serve as a jury panel until the next panel is selected. No person shall be required to serve more than one term during any calendar year.

Section 7. At least ~~at~~ three days, excluding Sundays and legal holidays, prior to the trial date, the Defendant or his attorney and the City Attorney shall appear before the Municipal Judge for the selection of the jury. The time and place of said selection shall be as designated by the Court, and the Judge thereof shall notify the Defendant or his attorney and the City Attorney of said time and place. The Judge shall then select by lot twelve names of persons from the jury panel, or any greater number if necessary, until the names of twelve persons who are deemed able to attend at the time and place required are obtained.

Section 8. If it appears to the Municipal Judge that a person whose name is drawn is dead or resides outside the City, the ballot must 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 unwell, or so engaged as to be unable to attend at the time and place required without great
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inconvenience, the ballot must be laid aside, without the name thereon being entered on the list drawn, and returned to the jury box when the drawing is completed. A person whose name is drawn is deemed able to attend within the meaning of this and the preceding section and his name is deemed to be entered on the list drawn, except as provided in this section and except when not qualified or exempt from duty or excusable from duty.

Section 9. When the aforesaid drawing of 12 names is completed, the City and the Defendant by their representatives must select a jury by each striking from the list three names alternately commencing with the defendant. The remaining six must be summoned as jurors in the cause.

Section 10. The names of the six jurors selected as provided in the preceding section, must be inserted in the order to summon a jury and thereafter the Municipal Judge shall transmit each order to the Chief of Police of the City of Warrenton who shall summon the six persons so drawn and listed to serve as jurors in the pending cause. The order shall require said jurors to appear before the municipal judge forthwith, or at some future time to which the trial of the cause may be postponed. The Chief of Police or any other police officer of the city may serve the order by giving notice to each person selected of the time and place he is required to appear and for what purpose and return the name according to the direction therein, with the names of the persons summoned, verified by his own certificate.

Section 11. The six persons drawn and summoned as hereinabove provided shall constitute the jury for the trial of the cause then pending before the municipal court of the City of Warrenton, Oregon. Neither party shall be entitled to a peremptory challenge as to any of said six jurors, but if any of said six jurors are found to be disqualified by challenge for cause, their places on the jury shall be filled by drawing from the jury box by the municipal judge in the manner hereinabove stated and subject to being disqualified for cause.

Section 12. The first jury list and the first jury panel shall be made within a month from the passage of this Ordinance.

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Section 13. 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 fined by the Municipal Judge in the sum of not to exceed \$10.00.

Section 14. In a criminal action in municipal court, prepayment of the trial fee is not a prerequisite to have a jury trial. If a jury trial is demanded and judgment is against Defendant, the fee shall be allowed and taxed in favor of the state as other disbursements in ordinary cases.

Section 15. Six of the six jurors sworn to try the cause must concur to render a verdict.

Section 16. Except as herein stated, the conduct and procedure of municipal court shall be that of the Justice Court and all trials shall be conducted as trials in Justice Court.

Section 17. WHEREAS, the act of the Legislative Assembly of Oregon requires jury trials in municipal courts is in full force and effect and the City of Warrenton must be immediately provided with appropriate procedure for jury trials and it is therefore necessary for the peace, health and safety of the people of the said City of Warrenton that this Ordinance shall 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 Commission.

Passed by the City Commission of the City of Warrenton this 21 day of December, 1959.

Approved by the Mayor of the City of Warrenton this 21 day of December, 1959.

ATTEST:

E. R. J. Salomon
Auditor and Police Judge

[Signature]
Mayor