

ORDINANCE NO. 428A

Introduced by Commissioner Earl Johnson

AN ORDINANCE PROVIDING FOR THE RIGHT OF TRIAL BY JURY; THE METHOD AND PROCEDURE FOR SELECTING JURORS AND A JURY FEE

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. Right to trial by jury and deposit for jury fee.

Every person charged with any offense defined and made punishable by the City Charter or any Ordinance of the City of Warrenton shall have the right to trial by jury upon demand to the Auditor and Police Judge, the judicial officer for the "municipal court", together with the making of a deposit of \$30.00 jury fee with said Auditor and Police Judge at the time of demand for jury.

Section 2. Jurors.

The jury shall consist of six persons duly sworn to try the cause for which they are called, and the jury shall be selected as hereinafter provided.

Section 3. That in order to act as a juror of the Municipal Court of the City of Warrenton, a person shall have the qualifications described 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. That on the first Monday of January in each year, the Auditor and Police Judge, Clerk of the City of Warrenton, shall make a list containing the names of at least 1500 persons, if there is that number of names of qualified jurors on the registration books, who are the most competent of the permanent citizens of the City of Warrenton, by selecting names by lot from the voters registration books. Said list so selected shall be known as a preliminary jury list. Said Auditor and Police Judge 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 those persons entitled to exemption as provided in Oregon Revised Statutes 10.040, and the remaining names shall constitute the jury list. 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 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 Auditor and Police Judge and be placed on file in the office of the Auditor and Police Judge within ten days of the time it is prepared. If for any reason the making of a City Jury List is omitted and neglected on the first Monday in January of any year, it may be done on the first Monday of any month following, to serve until the close of the year.

Section 5. The Auditor and Police Judge shall keep in his office a sufficient box, carefully secured, which is known as the Jury Box. After he has filed the Jury List in his office, the Auditor and Police Judge shall destroy all ballots remaining in said Jury Box and shall prepare and deposit in such box separate ballots containing the name, place of residence and occupation of each person embraced in the list, and folded as nearly alike as practicable so that the name cannot be seen.

Section 6. When a jury is demanded in the Municipal Court of the City of Warrenton, Oregon and the fee therefor is paid, as hereinabove set forth, the Auditor and Police Judge must draw from the Jury Box in the presence of the parties, twelve ballots or any greater number necessary, until the names of twelve persons who are deemed able to attend at the time and place required are obtained. The Auditor and Police Judge must make and sign a list of the twelve names thus drawn. 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 and which names shall be on said list as alternates.

Section 7. When it appears to the Auditor and Police 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 Auditor and Police Judge or he has good reason to believe that a person whose name is drawn is unwell or temporarily absent from the City,

the ballot must be layed aside without the name thereon being entered on the list drawn, and returned to the Jury Box when the drawing is completed.

Section 8. When the aforesaid drawing of twelve names is completed, the City and the Defendant by their representatives must select a jury by the Defendant or his attorney challenging by peremptory four of the prospective jurors and the City by challenging by peremptory two prospective jurors. The order of challenges shall be that the Defendant or his attorney may challenge two and the City Attorney may challenge one and then the Defendant or his attorney may again challenge two and the City Attorney may challenge one. Additional names shall be selected by lot to replace those jurors challenged. When six jurors have been selected, they shall be notified to appear at the trial at the appointed time and place and shall constitute the trial jury. When six names are drawn from the Jury Box as alternates, each party may use any of his unused peremptories. The remaining names that are not peremptory challenged shall be summoned as alternate jurors along with the six principal jurors, provided if additional persons are needed, they shall be drawn from the Jury Box as herein provided.

Section 9. The names of the six jurors and alternates selected, as provided in the preceding section, must be inserted in the Order to Summon a Jury and thereafter the Auditor and Police Judge shall transmit such Order to one of the police officers of the City of Warrenton who shall summon the six persons and alternates so drawn and listed to serve as jurors in the pending cause. The Order shall require said jurors and alternates to appear before the Municipal Court at the time of trial of the cause. The Chief of Police, or any other police officer of the City, must 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 same according to the direction therein with the names of the persons summoned verified by his own certificate.

The six principal 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 principal jurors, but if any of said six principal jurors are found to be disqualified by challenge for cause, their places on the jury shall be filled by the alternate jurors herein summoned, in the manner hereinabove stated and subject to being disqualified for cause. If additional jurors are needed, they shall be filled by drawing from the Jury Box by the Municipal Court in the manner hereinabove stated.

Section 10. 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 a sum not to exceed \$10.00.

Section 11. Six of the six trial jurors must concur to render a verdict.

Section 12. In case Defendant be acquitted by the jury, the jury fee deposited by him shall be refunded.

Section 13. Jurors who appear at the trial and serve as jurors shall receive as compensation for such services the sum of \$5.00 for each day of attendance upon the Municipal Court.

Passed by the City Commission of the City of Warrenton this 7 day of May, 1962.

Approved by the Mayor this 7 day of May, 1962.

A. Hanson
Mayor

ATTEST:

J. R. Baldwin
Auditor and Police Judge