

ORDINANCE NO. 748-A

Introduced by Commissioner Max F. BINGAMAN

AN ORDINANCE AMENDING ORDINANCE NO. 428A PROVIDING THE METHOD AND PROCEDURE FOR SELECTING JURORS AND DECLARING AN EMERGENCY.

The City of Warrenton ordains as follows:

The following Sections of Ordinance 428A are amended as follows:

Section 1. Section 4 of Ordinance No. 428A be and the same is amended to read as follows:

"Section 4. The auditor and police judge of the City of Warrenton shall keep in his office a current list of the registered voters of the City of Warrenton. This list shall be updated in April of each year. This list shall constitute the jury list."

Section 2. Section 5 of Ordinance 428-A be and the same is amended to read as follows:

"Section 5. The auditor and police judge of the City of Warrenton shall keep in his office a box, which is known as the "jury box". This box shall contain on a separate ballot, the name of each person on the current jury list. Each ballot shall be folded as nearly alike as practicable so that the name cannot be seen.

Section 3. Section 6 of Ordinance No. 428A be and the same is amended to read as follows:

"Section 6. When a jury is demanded in the municipal court of the city of Warrenton, Oregon, as hereinabove set forth, the auditor and police judge shall set a time prior to the trial for drawing the jury. At least seven (7) days prior to the drawing, he shall notify the parties by mail of the time set. Any party not present at the time so directed shall waive their right to their preemptory challenges, under Section 8. At the time set for drawing the jury, the auditor and police judge, or, at his direction, the court clerk of the city of Warrenton, shall draw from the jury box 12 ballots, or any greater number necessary, until the names of 12 persons who are deemed able to attend at the time and place required are obtained. The auditor and police judge, or court clerk, must make and sign a list of the 12 names thus drawn. On motion of either party, the auditor and police judge, or court clerk, shall then draw four additional names which shall be added to said list and designated as alternates."

Section 4. Section 7 of Ordinance No. 428A be and the same is amended to read as follows:

"Section 7. When it appears to the auditor and police judge, or court clerk, that a person whose name is drawn is dead or resides outside the city, the ballot must be destroyed. If auditor and police judge, or court clerk, has good reason to believe that a person whose name is drawn is unwell or temporarily absent from the city, the ballot must be laid aside without the name thereon being entered on the list drawn. The ballot shall be returned to the jury box when the drawing is completed."

Section 5. Section 8 of Ordinance No. 428A be and the same is amended to read as follows:

"Section 8. (A) Immediately after the drawing is completed, and the 12 names drawn, the parties may then select a jury by each striking from the list three names, alternately, commencing with the defendant. The first six names remaining on said list shall be summoned as principal jurors in the action. Any names thereafter remaining shall be summoned as alternates.

(B) If alternate names are drawn pursuant to Section 6, any preemptory challenges not used in selecting those summoned in paragraph (A) may be used to strike the names of alternates. No other preemptory challenges shall be allowed. The remaining names on the alternate list shall be summoned as alternate jurors in the action."

Section 6. Section 9 of Ordinance No. 428A be and the same is amended to read as follows:

"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. Any police officer of the city shall 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. If at time of trial on voir dire, any of the 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.

If, at time of trial, additional jurors are needed, the court may direct a police officer of the City of Warrenton to summon forthwith from the body of city persons whose names are upon the jury list and who have qualifications as jurors, the number of persons necessary in the court's opinion, to serve in the court in the interest of justice."

Section 7. Section 12 of Ordinance 428A, and Section 14 of 428A as amended by Ordinance 581A shall be deleted.

Section 8. Inasmuch as these amendments regarding the selecting of jurors are of paramount importance as the City will be unable to promote justice without immediate effect being given to this ordinance and as the performance of certain municipal functions outlined herein require the passage of this ordinance promptly this ordinance shall go into full force and effect immediately.

Section 9. If any articles, section, subsection, subdivision, phrase, clause, sentence, or word in this ordinance shall for any reason be held invalid or unconstitutional by a court of competent

jurisdiction, it shall not nullify the remainder of the ordinance, but shall be confined to the article, section, subsection, subdivision, clause, sentence or word so held invalid or unconstitutional.

First Reading: 4 April 1983

Second Reading: 18 April 1983

Passed by the City Commission of the City of Warrenton, Oregon this 18th day of April, 1983.

Examined and approved by the Mayor of the City of Warrenton, Oregon this 18th day of April, 1983.



Mayor

ATTEST:



Auditor and Police Judge