

A BILL FOR AN ORDINANCE PROVIDING FOR)
THE RIGHT OF TRIAL BY JURY: THE METHOD)
AND PROCEDURE FOR SELECTING JUROR: A)
JURY FEE, AND DECLARING AN EMERGENCY)

ORDINANCE BILL NO. 18
for 1959.
ORDINANCE NO. 1067

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

amended 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 Lebanon, shall have the right to trial by jury upon giving notice to the municipal Judge, in writing, together with the deposit of \$12.00 jury fee at least four (4) days, excluding Sundays and legal holidays, prior to the trial date set by the municipal Court.

Section (2) Number of Jurors. The jury shall consist of six (6) persons duly sworn to try the cause for which they are called; and the jurors shall be selected as hereinafter provided.

Section (3) Term of Court. The terms of municipal Court shall be for a period of four months, beginning on January 1, May 1, and September 1 of each year following passage of this Ordinance.

Section (4) Jury List. Upon passage of this Ordinance, and on January 1 thereafter, beginning on January 1, 1960, the recorder-treasurer shall prepare a preliminary jury list, by lot, of One Hundred (100) names of persons taken from the latest tax roll and registration books used at the last city election. The recorder-treasurer, in preparing the preliminary jury list, shall place thereon only those names of persons who are known or believed to be possessed of the qualifications prescribed in ORS 10.030 and not entitled to exemption as provided in ORS 10.040.

Section (5) Jury Panels. The jury panel for each term shall be selected on the first day of each term of court, and the recorder-treasurer shall select Fifteen (15) 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. A jury panel shall be selected upon passage of this Ordinance and thereafter at the first day of each term of court except that none shall be selected on September 1, 1959, as the panel selected upon the passage of this ordinance shall serve until the panel is selected for the term beginning January 1, 1960. The jury panel shall be selected by the recorder-treasurer in the presence of the municipal judge. No challenge shall be made or allowed to the panel and substantial compliance with this ordinance for selecting the panel shall be sufficient.

Section (6) Selection of the Trial Jury. At least ~~one~~ (1) day, 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, six (6) names of persons from the jury panel. The Defendant or his attorney may then challenge by peremptory two (2) of the prospective jurors and the city may challenge by peremptory one (1) prospective jurors. The order of challenges shall be that the Defendant or his attorney may challenge two (2) and then the City Attorney may challenge one (1). Additional names shall be selected, by lot, to replace those jurors challenged. When six (6) jurors have been selected, they shall be notified to appear at trial at the appointed time and place and shall constitute the trial jury.

Section (7) 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 (8) Conduct of Trials. Trials shall be conducted as trials in justice courts and the rules of evidence shall be the same as in state courts and shall include applicable statutes of the state of Oregon regarding the introduction or admission of evidence.

Section (9) Verdicts. Five of the six jurors sworn to try the cause must concur to render a verdict.

Section (10) Refund of Jury Fee. If the defendant is acquitted by the jury, the jury fee deposited by the defendant shall be refunded.

amended Section (11) Payment of Jurors. Those jurors notified and who appear at trial shall receive compensation from the City of Lebanon in the amount of \$2.00 for each day of attendance upon the municipal court.

Section (12) Powers of the Municipal Judge. The municipal judge shall have all inherent and statutory powers and duties of a justice of the peace within the jurisdictional limits of the City of Lebanon. The chief of police shall assist the judge in the serving of subpoenas, notices of jury duty, and such other orders of the court necessary for the proper conduct thereof. The municipal judge may hold any prospective juror who disregards the notice of jury duty in contempt of court and may punish said juror by a fine of not more than \$100.00 or by imprisonment in the city jail for not more than thirty (30) days, or both.

amended Section (13) Costs and Disbursements. In all cases tried before a jury in the municipal court the municipal judge shall add the costs and disbursements to the fine, penalty or sentence imposed, in a sum not less than \$5.00.

Section (14) Emergency. An emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately

upon its passage by the Council and approval thereof by the mayor.

PASSED by the Council and signed by me in open session in authentication of its passage this 1st day of ~~November~~ ^{DECEMBER}, 1959.

Jean B. Black
Mayor

ATTEST:

Wm R. Howard
City Recorder