

COPY

IN THE DISTRICT COURTS OF POLK COUNTY, TEXAS
258TH JUDICIAL DISTRICT
411TH JUDICIAL DISTRICT

PLAN FOR THE SELECTION OF PERSONS FOR JURY SERVICE

WHEREAS, Section 62.011, Government Code, provides that on the recommendation of a majority of the District and criminal District Judges of a county, the Commissioners Court, by order entered in its minutes, may adopt a plan for the selection of persons for jury service with the aid of electronic or mechanical equipment instead of drawing the names from a jury wheel.

NOW THEREFORE, it is recommended to the Commissioners Court of Polk County, Texas, by a majority of the Judges of the District Courts of Polk County, Texas and under the provisions of Section 62.011, Government Code, that the following plan for the selection of persons for jury service be adopted, to-wit:

1. SOURCE OF NAMES:

The sources from which names shall be taken shall be the current list from the Secretary of State who will combine the voter registrar list from the Tax Assessor-collector of Polk County with the Department of Public Safety list. The Department of Public Safety list shall include the citizens of the County who hold a valid Texas driver's license or a valid personal identification card or certificate issued by the Department. The duplicate names shall be eliminated and the combined list sent to the county by December 31 of each year. This list shall exclude the names of persons listed in a register of persons exempt from jury service which may not be used in preparing the record of names from which a jury list is selected, as provided by Sections 62.108 and 62.109, Government Code. The County then gives the list to the NET Data Corporation and they upload the list of potential jurors into the NET Data jury selection system. The source of the names for potential jurors selected electronically is the same as that for a jury wheel.

2. OFFICIAL IN CHARGE:

The District Clerk of the County is designated as the official to be in charge of the selection process.

3. PROGRAM FOR SELECTION:

The contract between the NET Data Corporation and Polk County contains, among other things, a computer program agreement, hardware purchase agreement, conversion agreement, training/support agreement and a maintenance agreement for a jury selection system. The program NET Data Corporation uses for jury selection is the "random-number generation" program. "A random-number generator is a computer procedure which scrambles the digits of an integer to produce a new integer." For this function to continuously produce new variables, it uses the ever-changing time and date from the operating system. Because of this, the numbers entered by the operator are only an added surety in obtaining a true random number.

4. PRESIDING JUDGE:

Each of the Judges of the District Courts of Polk County shall have the authority and duty to carry out the provisions of this plan as to their court and such authority, as provided in Sections 62.001 to 62.017, inclusive, Government Code, except as modified by this order under the provisions of Section 62.011, Government Code. A Judge of one District Court may act for the Judge of the other District Court in the event one District Judge is absent in carrying out the provisions of this plan.

5. SELECTION OF JURORS:

- a. From time to time the Judge of a District Court shall direct the District Clerk to prepare lists of persons to be called for jury service in their court and shall specify the number of lists of persons to be selected and number of persons on each list. The Judge may direct lists to be drawn in advance for six months, for one year or for a specific term of court, etc. After such direction has been given, the District Clerk, or their deputy, shall pull a jury by logging into the NET Data jury selection system, typing in the code for the court the jury will be in, assigning the next available list number for the jury, inputting the number of jurors requested and the date of service. Once all is entered the random number generation system will produce a jury list. This method of selection either will use the same record of names for the selection of persons for jury service until that record is exhausted or will use the same record of names for a period of time specified by the plan.
- b. From time to time the Judge of the County Court at Law shall direct the District Clerk to prepare lists of persons to be called for jury service in their court and shall specify the number of lists of persons to be selected and number of persons on each list. The Judge may direct lists to be drawn in advance for six months, for one year or for a specific term of court, etc. After such direction has been given, the District Clerk, or their deputy, shall pull a jury by logging into the NET Data jury selection system, typing in the code for the court the jury will be in, assigning the next available list number for the jury, inputting the number of jurors requested and the date of service. Once all is entered the random number generation system will produce a jury list. This method of selection either will use the same record of names for the selection of persons for jury service until that record is exhausted or will use the same record of names for a period of time specified by the plan.
- c. From time to time the Justice of the Peace in their courts shall direct their District Clerk to prepare lists of persons to be called for jury service in their court and shall specify the number of lists of persons to be selected and number of persons on each list. The Judge may direct lists to be drawn in advance for six months, for one year or for a specific term of court, etc. After such direction has been given, the District Clerk or their deputy, shall pull a jury by logging into the NET Data jury selection system, typing in the code for the court the jury will be in, assigning the next available list number for the jury, inputting the number of jurors requested and the date of service. Once all is entered the random number generation system will produce a jury list. This method of selection either will use the same record of names for the selection of persons for jury service until that record is exhausted or will use the same record of names for a period of time specified by the plan.

6. SUMMONING JURORS:

The Judge or the court for which a panel is summoned shall direct the method of summoning prospective jurors for the courts.

7. ADDITIONAL JURORS:

Whenever the Judge of a District Court, County Court at Law Judge or Justice of the Peace determines that the number of jurors previously selected for any designated date is insufficient, they shall direct the District Clerk to prepare a supplemental list containing a specified number of persons to be called for jury service in addition to those previously selected. Such additional persons shall be selected, listed and summoned in the same manner as those previously selected.

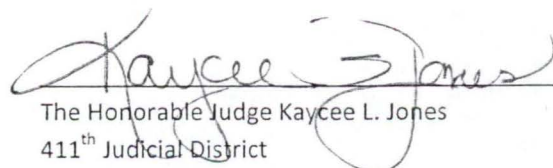
8. SUPERVISION BY JUDGE:

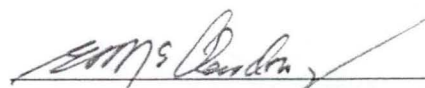
The District Judge trying the cases at the time a panel is summoned shall have supervision and control over the general panel of persons called for jury service for the District Court. The County Court at Law Judge shall have supervision and control over the general panel of persons called for jury service for the County Court at Law. The Justice of the Peace shall have supervision and control over the general panel of persons called for jury service for the Justice of the Peace Court. The Judge of the court for which a panel is summoned shall cause all persons selected, summoned and appearing for jury service as above provided to be sworn and interrogated concerning their qualifications as provided by law, shall pass on their qualifications and excuses, shall give them such instructions as may be required or appropriate before they are assigned to any particular court for duty, and shall cause them to be sworn to make true answers to all questions put them on voir dire concerning their qualifications to serve as jurors in any particular case.

9. AMENDMENTS:

This plan may be amended by the Commissioner's Court upon recommendations of the District Judges of Polk County.

Pursuant to the provisions of Section 62.011, Government Code, we the undersigned, being the only District Judges of Polk County, Texas, do hereby recommend this plan of selecting persons for jury service to the Commissioner's Court of Polk County, Texas.

 Date 9/15/15
The Honorable Judge Kaycee L. Jones
411th Judicial District

 Date 9/15/2015
The Honorable Judge Ernest L. McClendon, Jr.
258th Judicial District

Texas Statutes

Government Code

Title 2. Judicial Branch

Subtitle E. Juries

Chapter 62. Petit Juries

Subchapter A. General Provisions

Current with legislation passed during the 2015 Regular Session effective through 1/1/2016

§ 62.011. Electronic Or Mechanical Method Of Selection

(a)

On the recommendation of a majority of the district and criminal district judges of a county, the commissioners court, by order entered in its minutes, ~~may~~ adopt a plan for the selection of names of persons for jury service with the aid of electronic or mechanical equipment instead of drawing the names from a jury wheel.

(b)

A plan authorized by this section for the selection of names of prospective jurors must:

(1)

be proposed in writing to the commissioners court by a majority of the district and criminal district judges of the county at a meeting of the judges called for that purpose;

(2)

specify that the source of names of persons for jury service is the same as that provided by Section 62.001 and that the names of persons listed in a register of persons exempt from jury service may not be used in preparing the record of names from which a jury list is selected, as provided by Sections 62.108 and 62.109;

(3)

provide a fair, impartial, and objective method of selecting names of persons for jury service with the aid of electronic or mechanical equipment;

(4)

designate the district clerk, or in a county with a population of at least 1.7 million and in which more than 75 percent of the population resides in a single municipality, a bailiff appointed as provided under Section 62.019, as the officer in charge of the selection process and define the officer's duties; and

(5)

provide that the method of selection either will use the same record of names for the selection of persons for jury service until that record is exhausted or will use the same record of names for a period of time specified by the plan.

(c)

The provisions of this subchapter relating to the selection of names of persons for jury service by the use of a jury wheel do not apply in a county that adopts a plan authorized by this section for the selection of names of prospective jurors by the use of electronic or mechanical equipment.

(d)

A state agency or the secretary of state may not charge a fee for furnishing a list of names required by Section 62.001.

Cite as Tex. Gov't. Code § 62.011

History. Amended by Acts 2015, Texas Acts of the 84th Leg. - Regular Session, ch. TBD, Sec. 2, eff. 6/16/2015.

Amended by Acts 1989, 71st Leg., ch. 132, Sec. 3, 4, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., ch. 442, Sec. 2, eff. Jan. 1, 1992; Acts 1995, 74th Leg., ch. 677, Sec. 1, eff. Sept. 1, 1995.

Acts 1985, 69th Leg., ch. 480, Sec. 1, eff. Sept. 1, 1985.