

**ACT 100**

An Act Amending Chapter 221 of the Revised Laws of Hawaii 1955, as Amended, Relating to Jurors.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 221 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended as follows:

(1) By amending section 221-4 thereof to read as follows:

**“Section 221-4. Excused when.** A juror shall not be excused by a court for slight or trivial cause, but only when it appears that jury duty would entail a serious hardship to his business or to the business of his employer, or that his health or the welfare or health of a member of his family requires his absence, or that for other good cause he should be excused either temporarily or for the balance of the term.”

(2) By amending section 221-5 thereof to read as follows:

“If a person who is exempt under the provisions of section 221-3 from liability to act as a juror, or who believes himself to be entitled to be excused from jury duty under the provisions of section 221-4, is summoned as a juror, he may make and transmit his written request for exemption or excuse to the clerk of the court for which he is summoned, stating his office, occupation or employment, and his reason for claiming exemption under section 221-3, or for being entitled to be excused under the provisions of section

221-4. Such written request shall be delivered by the clerk to the judge of the court when the name of such person is called, and if sufficient in substance, shall be received as an excuse for nonattendance in person. The written request shall then be filed by the clerk."

(3) By amending section 221-10 thereof, as amended, by deleting the first and second paragraphs thereof, and substituting therefor the following wording:

"Every year the jury commission of each circuit shall make and, at least ten days prior to the court term, file with the clerk of its circuit court, a certified list of the names and addresses of fifty citizens selected to be subject to serve as grand jurors during the ensuing year.

At the same time the jury commission of each circuit shall likewise file a separate certified list of the names and addresses of citizens selected to be subject to serve as trial jurors during the ensuing year, the numbers thereof for each circuit to be as follows: First circuit, three thousand, third circuit, five hundred, second and fifth circuits, four hundred.

However, if the jury commission of any circuit is not able to select the above designated number of citizens subject to be trial jurors, it shall so report to its circuit court and, with the approval of the judge or administrative judge of said court, shall select and list the highest number thereof which it deems practicable.

All such citizens so selected shall be persons whom the respective commissions believe, after careful investigation in each case, to be qualified under section 221-1, and not exempt under section 221-3; provided that any such person who is exempt under section 221-3 may be selected if he waives his exemption. All such selections shall be made without reference to sex, political affiliations, race, or place of nativity of citizens, with a view to obtain lists representative of the qualified citizenry of each circuit."

(4) By adding a new section to said Chapter, to be numbered 221-26, to read as follows:

**"Section 221-26. Use of electronic and/or electro-mechanical devices for drawing grand and trial juries.** The jury commissioners are authorized to make their selections of citizens who shall be subject to grand and trial jury duty by means of electronic and/or electro-mechanical devices commonly designated as data processing machines such as punch cards, electronic tape, random access files and other solid state devices when the same are available for their use.

In any judicial circuit where such data processing equipment, devices, or cards are being so used, the appropriate judge may order that such aforementioned equipment, devices or cards or some of them, be used in the drawing of grand and trial jury panels, in lieu of pieces of paper and jury boxes as otherwise provided in this chapter. In such case the said judge shall direct the manner of use of such aforementioned equipment, devices or cards so as to provide for impartial drawings of the names of the persons to constitute the said jury panels and for the preparation of the lists of the names so drawn."

SECTION 2. This Act shall take effect upon its approval.

(Approved May 23, 1961.) S.B. 1087.