Chapter 10

2005 EDITION

Juries

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GENERAL PROVISIONS

10.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Clerk of court" means the trial court administrator or any other nonjudicial officer or employee of the circuit court for a county authorized by the presiding judge for the judicial district.

(2) "Juror" means any juror or prospective juror.

(3) "Jury" means a body of persons temporarily selected from persons who live in a particular county or district, and invested with power to present or indict in respect to a crime or to try a question of fact. [Amended by 1985 c.703 §1; 1995 c.658 §22; 1995 c.781 §21; 1997 c.801 §121]

10.020 Kinds of juries. A jury is of three kinds:

(1) A grand jury.

(2) A trial jury.

(3) A jury of inquest.

10.030 Eligibility for jury service; discrimination prohibited. (1) Except as otherwise specifically provided by statute, the opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation or any other factor that discriminates against a cognizable group in this state.

(2) Any person is eligible to act as a juror in a civil trial unless the person:

(a) Is not a citizen of the United States;

(b) Does not live in the county in which summoned for jury service;

(c) Is less than 18 years of age; or

(d) Has had rights and privileges withdrawn and not restored under ORS 137.281.

(3)(a) Any person is eligible to act as a juror in a criminal trial, beginning on or after December 5, 1996, unless the person:

(A) Is not a citizen of the United States;

(B) Does not live in the county in which summoned for jury service;

(C) Is less than 18 years of age;

(D) Has had rights and privileges withdrawn and not restored under ORS 137.281; or

(E) Has been convicted of a felony or served a felony sentence within the prior 15 years.

(b) As used in this subsection:

(A) "Felony sentence" includes any incarceration, post-prison supervision, parole or probation imposed upon conviction of a felony or served as a result of conviction of a felony.

(B) "Has been convicted of a felony" has the meaning given that term in ORS 166.270.

(4) A person who is blind, hearing or speech impaired or physically disabled shall not be ineligible to act as a juror or be excluded from a jury list or jury service on the basis of blindness, hearing or speech impairment or physical disability alone.

(5) No person is eligible to act as a juror in any circuit court of this state within 24 months after being discharged from jury service in a federal court in this state or circuit court of this state unless that person's service as a juror is required because of a need for additional jurors.

(6) In addition to the disqualifications listed in subsection (2) of this section, a person is ineligible to act as a juror on a grand jury if the person has been convicted of a felony, other than a felony traffic offense, or has served a felony sentence, other than a sentence for a felony traffic offense, within the prior 15 years. As used in this subsection, "conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction. [Amended by 1971 c.630 §1; 1975 c.781 §4; 1977 c.262 §1; 1985 c.703 §2; 1989 c.224 §3; 1997 c.313 §8; 1997 c.736 §1]

10.040 [Amended by 1961 c.454 §208; 1975 c.84 §1; repealed by 1979 c.728 §1]

10.050 Excuse from jury duty. (1) A judge of the court or clerk of court shall excuse a person from acting as a juror upon a showing of undue hardship or extreme inconvenience to the person, the person's family, the person's employer or the public served by the person. In applying this subsection the judge or clerk of court shall carefully consider and weigh both the public need for juries which are representative of the full community and the individual circumstances offered as a justification for excuse from jury service. A person may request and be granted excuse from jury service under this subsection by means of telephone communication or mail.

(2) Notwithstanding ORS 10.030 (4), a judge may, by own motion, excuse a juror whose presence on the jury would substantially impair the progress of the action on trial or prejudice the parties thereto.

(3) A judge of the court or clerk of court shall excuse a person from acting as a juror upon the request of that person if the person is 70 years of age or older. A person may request and be granted excuse from jury service under this subsection by means of telephone communication or mail.

(4) A judge of the court or clerk of court shall excuse a woman from acting as a juror upon the request of the woman if the woman is breast-feeding a child. A request for excuse from jury service under this subsection must be made in writing.

(5) Unless the public need for juries in the court outweighs the individual circumstances of the person summoned, a judge of the court or clerk of court shall excuse a person from acting as a juror upon the request of that person if the person is the sole caregiver for a child or other dependent during the court's normal hours of operation, the person is unable to afford day care or make other arrangements for the care of the dependent, and the person personally attends to the dependent during the court's normal hours of operation. [Amended by 1967 c.389 §1; 1975 c.160 §3; 1977 c.262 §2; 1977 c.631 §2; 1979 c.728 §2; 1985 c.703 §5; 1995 c.808 §1; 1997 c.313 §35; 1999 c.1085 §1]

10.055 Deferment of jury service. A judge of the court or clerk of court may allow, for good cause shown, a person summoned to serve as a juror for a particular jury service term to defer jury service to any other term beginning within one year after the end of the term for which the person was summoned. The name of a person allowed to defer jury service shall be included with the names of persons to be summoned as jurors for the subsequent term to which jury service is deferred. [1967 c.473 §2; 1969 c.176 §1; 1971 c.207 §1; 1975 c.342 §13; 1985 c.703 §6]

10.060 [Amended by 1955 c.296 §1; 1971 c.358 §1; 1981 c.509 §1; 1985 c.703 §7; repealed by 1999 c.1085 §3 (10.061 enacted in lieu of 10.060)]

10.061 Fees payable to jurors; required waiver. (1) The fee of jurors in courts other than circuit courts is $10 for each day that a juror is required to attend.

(2)(a) The fee of jurors for the first two days of required attendance in circuit court during a term of service is $10 for each day that a juror is required to attend.

(b) The fee of jurors for the third and subsequent days of required attendance in circuit court during a term of service is $25 for each day that a juror is required to attend.

(3) Unless otherwise provided by the terms of an employment agreement, a juror must waive the juror's fee provided for in subsection (1), (2) or (4) of this section if the juror is paid a wage or salary by the juror's employer for the days that the juror is required to attend a court, including a municipal or justice court. The provisions of this subsection do not affect any claim a juror may have for mileage reimbursement under ORS 10.065.

(4) In addition to the fees and mileage prescribed in subsection (1) of this section and ORS 10.065 for service in a court other than a circuit court, the governing body of a city or county may provide by ordinance for an additional juror fee and for city or county reimbursement of jurors for mileage and other expenses incurred in serving as jurors in courts other than circuit courts. [1999 c.1085 §4 (enacted in lieu of 10.060); 2001 c.761 §3; 2001 c.779 §13; 2002 s.s.1 c.10 §3]

10.065 Mileage fee and reimbursement of other expenses. (1) In addition to the fees prescribed in ORS 10.061, a juror who is required to travel from the juror's usual place of abode in order to execute or perform service as a juror in a court other than a circuit court shall be paid mileage at the rate of eight cents a mile for travel in going to and returning from the place where the service is performed.

(2) In addition to the fees prescribed in ORS 10.061, a juror who is required to travel from the juror's usual place of abode in order to execute or perform service as a juror in a circuit court shall be paid mileage at the rate of 20 cents a mile for travel in going to and returning from the place where the service is performed. Mileage paid to a juror shall be based on the shortest practicable route between the juror's residence and the place where court is held.

(3) In addition to the fees prescribed in ORS 10.061, the State Court Administrator may reimburse a juror who uses public transportation to travel from the juror's usual place of abode in order to execute or perform service as a juror in a circuit court, without regard to the distance traveled by the juror.

(4) In addition to the fees prescribed in ORS 10.061, a juror serving in circuit court may be paid for lodging expenses, dependent care expenses and other reasonable expenses that arise by reason of jury service. Expenses under this subsection may be paid only upon written request of the juror, made in such form and containing such information as may be required by the State Court Administrator. The State Court Administrator shall establish policies and procedures on eligibility, authorization and payment of expenses under this subsection. Payment of expenses under this subsection is subject to availability of funds for the payment.

(5) A juror shall be paid the mileage and other expenses provided for in this section for each day's attendance at court.

(6) The State Court Administrator shall establish policies and procedures on eligibility, authorization and payment of mileage and expenses under subsections (2) to (4) of this section. [1957 c.676 §1; 1971 c.358 §2; 1981 c.509 §2; 1999 c.1085 §5; 2002 s.s.1 c.10 §4]

10.070 [Repealed by 1957 c.676 §2]

10.075 Payment of per diem and mileage fees by state; payment of other expenses. (1) The per diem fees, mileage and expenses due to each juror in the circuit court shall be paid by the state from funds available for the purpose. Payment shall be made upon a certified statement, prepared by the clerk of court, showing the number of days each juror has served and the amount due each juror for mileage and other expenses.

(2) If a jury in the circuit court is provided food, drink, lodging or transportation by order of the circuit court, the cost thereof shall be paid by the state from funds available for the purpose.

(3) Each circuit court shall offer each juror the opportunity to waive receipt of the per diem and mileage expenses otherwise payable to the juror for the purpose of funding Judicial Department programs and activities identified by the Chief Justice of the Supreme Court. All amounts waived by a juror under the provisions of this subsection are continuously appropriated to the Judicial Department programs and activities that are identified by the Chief Justice for receipt of the waived amounts, and may be used only for the purposes of those programs and activities.

(4) This section does not apply to mileage and other expenses of jurors reimbursed by a county as provided in ORS 10.061 (4). [1981 s.s. c.3 §43; 1985 c.703 §8; 1999 c.1085 §6]

10.077 [Formerly 17.315; 1981 s.s. c.30 §60; repealed by 1985 c.703 §28]

10.080 Seeking or offering to procure place on jury or list of jurors and selection of juror pursuant to request prohibited. (1) A person may not ask or request any sheriff, constable or any other person, whose duty it is under the law to select or summon any jury or juror, to select or put the person upon the jury. A person may not procure or offer to procure for the person or for another person a place upon any jury or seek to have the person or another placed upon the list of jurors that is required by law to be made.

(2) A sheriff, constable or other person who has a duty under the law to select or summon a jury may not select, summon or place upon any jury any person whom the sheriff, constable or other person has been asked or requested to select or summon. [Amended by 2003 c.14 §12]

10.090 Prohibited acts by employers against jurors; notice to jurors; remedy for violations. (1) An employer shall not discharge or threaten to discharge, intimidate, or coerce any employee by reason of the employee's service or scheduled service as a juror on a grand jury, trial jury or jury of inquest.

(2) This section shall not be construed to alter or affect an employer's policies or agreements with employees concerning employees' wages during times when an employee serves or is scheduled to serve as a juror.

(3) When summoning jurors, the person whose duty it is under the law to summon shall notify each juror of the juror's rights under this section.

(4) Upon complaint filed by a prospective juror or a juror who has served or upon petition of the district attorney, the circuit court shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including but not limited to, reinstatement of an employee discharged by reason of service as a juror, with back pay for the time the employee was discharged. [1975 c.160 §1; 1985 c.703 §11]

10.095 Duty of jury; instructions. The jury, subject to the control of the court, in the cases specified by statute, are the judges of the effect or value of evidence addressed to them, except when it is thereby declared to be conclusive. They are, however, to be instructed by the court on all proper occasions:

(1) That their power of judging of the effect of evidence is not arbitrary, but to be exercised with legal discretion, and in subordination to the rules of evidence;

(2) That they are not bound to find in conformity with the declarations of any number of witnesses, which do not produce conviction in their minds, against a less number, or against a presumption or other evidence satisfying their minds;

(3) That a witness false in one part of the testimony of the witness is to be distrusted in others;

(4) That the testimony of an accomplice ought to be viewed with distrust, and the oral admissions of a party with caution;

(5) That in civil cases the affirmative of the issue shall be proved, and when the evidence is contradictory, the finding shall be according to the preponderance of evidence;

(6) That in criminal cases a person is innocent of a crime or wrong until the prosecution proves otherwise, and guilt shall be established beyond reasonable doubt;

(7) That evidence is to be estimated, not only by its own intrinsic weight, but also according to the evidence which it is in the power of one side to produce and of the other to contradict; and, therefore,

(8) That if weaker and less satisfactory evidence is offered when it appears that

stronger and more satisfactory was within the power of the party, the evidence offered should be viewed with distrust. [Formerly 17.250]

10.100 View of premises by jury. Whenever, in the opinion of the court, it is proper that the jury should have a view of real property which is the subject of the litigation, or of the place in which any material fact occurred, it may order the jury to be conducted in a body, in the custody of a proper officer, to the place, which shall be shown to them by the judge or by a person appointed by the court for that purpose. While the jury are thus absent, no person, other than the judge or person so appointed, shall speak to them on any subject connected with the trial. [Formerly 17.230]

10.105 Jury service term. The length of a jury service term in a county shall be established by the presiding judge for the judicial district, but no trial juror shall be required to serve more than 10 days unless necessary to complete the trial of an action. A day of service is each day during a jury service term on which a juror is required to attend and attends. [1985 c.703 §4; 1995 c.781 §22]

10.107 Implementation of "one day, one trial" jury service. The Chief Justice of the Supreme Court shall take all reasonable actions necessary to expedite implementation of juror service procedures for circuit courts that will allow a person called for jury service to serve for one day, or for one trial if selected to serve on a trial. [1999 c.1085 §10]

10.110 [Amended by 1955 c.717 §1; 1957 c.393 §1; 1973 c.836 §312; 1981 s.s. c.3 §44; repealed by 1985 c.703 §28]

10.115 Hearing or speech impaired jurors. (1) As used in this section:

(a) "Assistive communication device" means any equipment designed to facilitate communication by a disabled person.

(b) "Disabled juror" means a person who is hearing or speech impaired, who is summoned to serve as a juror and whose name is drawn for grand jury or trial jury service.

(c) "Qualified interpreter" means a person who is readily able to communicate with a disabled juror, accurately communicate the proceedings to the juror and accurately repeat the statements of the juror.

(2) The court to which a disabled juror is summoned, upon written request by the juror and upon a finding by the court that the juror requires the services of a qualified interpreter or the use of an assistive communication device in examination of the juror as to the juror's qualifications to act as a juror or in performance by the juror of the functions of a juror, shall appoint a qualified interpreter for the juror and shall fix the compensation and expenses of the interpreter and shall provide an appropriate assistive communication device if needed. The compensation and expenses of an interpreter so appointed and the cost of any assistive communication device shall be paid by the public authority required to pay the fees due to the juror.

(3) An oath or affirmation shall be administered to a qualified interpreter appointed for a disabled juror, in substance that the interpreter will accurately communicate the proceedings to the juror and accurately repeat the statements of the juror.

(4) Except as provided in subsection (5) of this section, a qualified interpreter appointed for a disabled juror shall be present during deliberations by the jury on which the juror serves. The interpreter shall not participate in the jury deliberations in any manner except to facilitate communication between the disabled juror and the other jurors or other persons with whom the jurors may communicate, and the court shall so instruct the jury and the interpreter.

(5) When a disabled juror serves on a trial jury each party to the proceeding shall stipulate to the presence of the qualified interpreter appointed for the juror during jury deliberations, and shall prepare and deliver to the court proposed instructions in respect to the interpreter. [1985 c.703 §9; 1989 c.224 §4; 1991 c.750 §6]

10.120 [Amended by 1965 c.387 §1; repealed by 1973 c.836 §358]

10.125 Security for jury sequestered or kept overnight. When a jury is kept overnight or otherwise sequestered and the sheriff is ordered to provide security for the jury by a judge or clerk of court of the court to which the jurors were summoned, the sheriff shall provide that security. The cost of providing the security shall be paid by the county. [1985 c.703 §10]

10.130 [Amended by 1979 c.728 §3; repealed by 1985 c.703 §28]

10.135 [1969 c.219 §1; 1973 c.836 §313; repealed by 1985 c.703 §28]

10.140 [Amended by 1955 c.717 §2; repealed by 1969 c.219 §2]

10.150 [Amended by 1955 c.717 §3; 1977 c.465 §1; 1981 s.s. c.3 §45; repealed by 1985 c.703 §28]

10.160 [Amended by 1955 c.717 §4; 1981 s.s. c.3 §46; repealed by 1985 c.703 §28]

SELECTION AND SUMMONING OF GRAND JURORS AND TRIAL JURORS IN CIRCUIT COURTS

10.205 Selection and summoning of jurors; identification numbers. (1) ORS 10.205 to 10.265 govern the selection and summoning of persons for service as grand

jurors or trial jurors in the circuit court in a county.

(2) The presiding judge for the judicial district may authorize the use of juror identification numbers in place of juror names in the performance of functions under ORS 10.215 to 10.265, 132.020 and ORCP 57 B for the selection of jurors in the county, except for functions under ORS 10.215 (4) and 10.225 (3), when to do so would promote the efficiency of the selection process, but the selection must be done randomly. [1985 c.703 §12; 1995 c.781 §23; 2005 c.385 §4]

10.210 [Amended by 1957 c.594 §1; 1961 c.705 §4; 1965 c.510 §11; 1977 c.519 §1; repealed by 1981 s.s. c.3 §141]

10.215 Master jury list; sources; contents. (1) The State Court Administrator shall cause to be prepared at least once each year a master jury list containing names selected at random from the source lists. The source lists are the most recent list of electors of the county, the records furnished by the Department of Transportation as provided in ORS 802.260 (2) and any other sources approved by the Chief Justice of the Supreme Court that will furnish a fair cross section of the citizens of the county. The State Court Administrator and circuit courts may use source lists obtained from any person or public body, and jury lists containing names selected from a source list, only for purposes consistent with administering the selection and summoning of persons for service as jurors, the drawing of names of jurors, and other tasks necessary to accomplish those functions. Except as specifically provided by law, the State Court Administrator and circuit courts may not disclose source lists obtained from any person or public body, and jury lists containing names selected from a source list, to any other person or public body.

(2) A public body having custody, possession or control of any list that may be used as a source list for preparation of a master jury list, upon written request by the State Court Administrator, shall make its list available at any reasonable time and, except as otherwise provided in ORS 802.260, without charge to the State Court Administrator for inspection or copying. The public body, upon written request by the State Court Administrator, shall provide a copy of its list for the date and in the form requested to the State Court Administrator. Except as otherwise provided in ORS 802.260, the copy shall be provided without charge.

(3) The number of names placed on a master jury list shall be sufficient to meet the projected need for grand jurors and trial jurors in the circuit court in the county, but the total number shall not be less than two percent of the population of the county according to the latest federal decennial census.

(4) A master jury list shall contain the first name, the surname, the place of residence and, if assigned, the juror identification number of each person whose name is placed thereon.

(5) A master jury list shall be certified by the trial court administrator and placed on file in the circuit court as soon as possible after it is prepared.

(6) A newly filed master jury list shall be maintained separately from the previously filed master jury list. The presiding judge shall designate when a newly filed master jury list becomes effective, after which time names of persons shall not be selected from the previously filed master jury list for a term jury list. When a newly filed master jury list becomes effective, all orders, records and papers prepared in connection with the selection process based on the previously filed master jury list shall be preserved by the trial court administrator and State Court Administrator for the period prescribed by the State Court Administrator under ORS 8.125.

(7) The State Court Administrator may make adjustments to the master jury list, and may authorize the presiding judge of a judicial district to make adjustments to a term jury list, for the purpose of updating the addresses of persons appearing on the lists and removing the names of persons who are deceased, permanently ineligible for jury service or permanently excused from jury service. The State Court Administrator shall ensure that a record is maintained of all adjustments to jury lists made under this subsection.

(8) For the purposes of this section, "public body" has the meaning given that term in ORS 174.109. [1985 c.703 §13; 1987 c.681 §3; 1995 c.273 §6; 1995 c.781 §24a; 1997 c.872 §15; 2001 c.779 §14; 2003 c.803 §18; 2005 c.385 §5]

10.220 [Amended by 1955 c.717 §5; 1957 c.594 §2; 1959 c.462 §1; 1961 c.705 §5; 1965 c.510 §12; 1977 c.519 §2; 1981 s.s. c.3 §47; repealed by 1985 c.703 §28]

10.225 Term jury list; contents; notice to persons whose names appear on list. (1) Not less than 10 days before the commencement of a jury service term in a county, a term jury list containing names selected at random from the master jury list shall be prepared at the direction of the presiding judge for the judicial district or clerk of court.

(2) The number of names placed on a term jury list shall be determined by the presiding judge or clerk of court according to the projected need for grand jurors and trial jurors in the circuit court in the county for the term.

(3) A term jury list shall contain the first name, the surname, the place of residence and, if assigned, the juror identification number of each person whose name is placed thereon.

(4) A term jury list shall be certified by the clerk of court and placed on file in the circuit court as soon as possible after it is prepared.

(5) Not less than 10 days before the commencement of a jury service term, the clerk of court shall summon the persons whose names are placed on the term jury list by giving written notice to each of them by mail. [1985 c.703 §14; 1995 c.781 §25]

10.230 [Amended by 1981 s.s. c.3 §48; repealed by 1985 c.703 §28]

10.235 Additional jurors; selection; notice. (1) When an additional number of jurors is needed for a jury service term in a county because the term jury list for the term becomes exhausted, or in the opinion of the presiding judge for the judicial district is likely to become exhausted, before the end of the term, additional jurors may be selected and summoned as provided in this section.

(2) The presiding judge for the judicial district may order an additional number of names selected from the master jury list and added to the term jury list in the same manner as the original term jury list is prepared. As directed by the presiding judge of the circuit court, the persons whose names are added to the term jury list shall be summoned by the clerk of court giving written notice to each of them by mail or by the sheriff or other officer giving written notice to each of them personally or by leaving written notice at the person's place of residence with some person of suitable age and discretion. The notice need be given only a reasonable time before the day on which the persons summoned are required to attend.

(3) If the master jury list becomes exhausted or in the opinion of the presiding judge is likely to become exhausted, the presiding judge may order that the clerk of court select an additional number of names from the source lists described in ORS 10.215 (1) and that the persons whose names are so selected be summoned as provided in subsection (2) of this section.

(4) If there is an immediate need for additional jurors, a judge of the circuit court for the county may direct the clerk of court, sheriff or other officer to summon a sufficient number of eligible persons to meet that need. Those persons shall be summoned as directed by the judge. [1985 c.703 §15; 1995 c.781 §26]

10.240 [Amended by 1981 s.s. c.3 §49; repealed by 1985 c.703 §28]

10.245 Determining eligibility of jurors; eligibility form; effect of false statements or failure to respond. (1) Before or at the time a person summoned to serve as a juror reports for jury service in a county, a judge of the circuit court for the county or clerk of court shall question the person as to the eligibility of the person to act as a juror under ORS 10.030. If a judge or clerk of court determines that a person so questioned is not eligible to act as a juror, the person shall be discharged.

(2) The presiding judge for the judicial district may cause to be mailed or delivered with a juror's summons a juror eligibility form and instructions for completion of the form and return of the completed form by mail or personal delivery to the clerk of court by a specified date. The form shall set forth the eligibility requirements prescribed in ORS 10.030.

(3) A person who knowingly makes a false statement of material fact in response to a question on a juror eligibility form may be punished for contempt.

(4) A completed juror eligibility form shall contain the summoned person's signed declaration that the responses to questions on the form are true to the best of the person's knowledge and an acknowledgment that a knowingly made false statement of material fact may be punished by a fine or imprisonment or both. Notarization of a completed form shall not be required.

(5) If a person summoned is unable to complete a juror eligibility form, another person may do it for the person summoned. Another person completing a form shall indicate on the form that the person did so and the reason therefor.

(6) If a person summoned fails to return a properly completed juror eligibility form as instructed, a judge of the circuit court may direct the person to appear forthwith and properly complete a form. If the person fails to appear as directed, a judge of the circuit court shall order the person to appear and show cause for that failure. If the person fails to appear pursuant to the order or appears and fails to show good cause, the person may be punished for contempt.

(7) Before or at the time a person summoned reports for jury service, a judge of the circuit court or clerk of court may question the person as to responses to questions on a completed jury eligibility form returned by the person and grounds for any ineligibility of the person to act as a juror. Any pertinent information so acquired shall be noted on the form.

(8) Review by a judge of the circuit court or clerk of court of a completed juror eligi-

bility form returned by a person summoned satisfies the requirement prescribed in subsection (1) of this section that a person summoned be questioned. If a judge or clerk of court determines that a person is not eligible to act as a juror based on a completed form, the person shall be discharged. [1985 c.703 §16; 1995 c.781 §27]

10.250 [Amended by 1981 s.s. c.3 §50; repealed by 1985 c.703 §28]

10.255 Record of persons summoned to serve as jurors. The clerk of court shall cause to be prepared a record on all persons summoned to serve as jurors for a jury service term in a county, specifying:

(1) Those who did not attend.

(2) Those who were discharged for ineligibility to act as jurors.

(3) Those who were discharged for any other reason.

(4) Those whose jury service was deferred and the term to which jury service of each was deferred.

(5) Those who attended and were not discharged or deferred.

(6) The per diem fees and mileage due to each entitled thereto. [1985 c.703 §17]

10.260 [Repealed by 1985 c.703 §28]

10.265 Preservation of jury orders, records and papers. After the end of a jury service term in a county, all orders, records and papers prepared in connection with the selection and summoning of persons to serve as jurors for the term as provided in ORS 10.225 to 10.255 shall be preserved by the clerk of court for the period established by the State Court Administrator under ORS 8.125. [1985 c.703 §18; 1995 c.244 §6]

10.270 [Amended by 1967 c.532 §7; 1967 c.533 §17; repealed by 1985 c.703 §28]

10.275 Jury challenges; request for access to confidential jury records; order allowing disclosure; exclusive procedure. (1) A person challenging a jury panel under ORS 136.005 or ORCP 57 A who seeks jury records that are confidential under ORS 10.215 must include a request for access to the confidential records in the motion challenging the jury panel. The motion and supporting affidavit must be served on the trial court administrator and the State Court Administrator. The request must:

(a) Specify the purpose for which the jury records are sought; and

(b) Identify with particularity the relevant jury records sought to be released including the type and time period of the records.

(2) The court may order release of the jury records if the court finds that:

(a) The jury records sought are likely to produce evidence relevant to the motion; and

(b) Production of the jury records is not unduly burdensome.

(3) An order under subsection (2) of this section may include, but need not be limited to:

(a) A requirement that the moving party provide advance payment to the trial court administrator and, if applicable, the State Court Administrator for the reasonable costs of providing copies of the jury records; and

(b) Restrictions on further disclosure of the jury records including, but not limited to:

(A) A requirement that the moving party return all originals and copies to the court at the conclusion of the proceeding;

(B) A requirement that the jury records may be used only for the purpose of supporting the jury panel challenge made in the motion;

(C) A prohibition against distributing the jury records to a person who is not an agent or representative of the moving party; and

(D) A prohibition against contacting or attempting to contact the persons whose names appear on the jury records without specific authorization of the court.

(4) The trial court administrator or the State Court Administrator may intervene at any time as a matter of right as to any issues relating to the release of jury records under this section.

(5) The procedure established by this section is the exclusive means for compelling production of confidential jury records as evidence relevant to a challenge to a jury panel under ORS 136.005 or ORCP 57 A. [2001 c.779 §16]

10.280 [Repealed by 1985 c.703 §28]

10.290 [Amended by 1965 c.387 §2; repealed by 1975 c.342 §1]

10.300 [Amended by 1963 c.519 §4; 1973 c.836 §314; repealed by 1985 c.703 §28]

10.310 [Repealed by 1985 c.703 §28]

10.320 [Amended by 1979 c.728 §4; 1981 s.s. c.3 §51; repealed by 1985 c.703 §28]

10.330 [Amended by 1981 s.s. c.3 §52; repealed by 1985 c.703 §28]

10.340 [Amended by 1963 c.519 §5; repealed by 1975 c.342 §1]

10.350 [Repealed by 1975 c.342 §1]

10.400 [1975 c.342 §3; 1977 c.631 §3; 1981 s.s. c.3 §53; repealed by 1985 c.703 §28]

10.410 [1975 c.342 §4; 1977 c.631 §4; 1981 s.s. c.3 §54; repealed by 1985 c.703 §28]

10.420 [1975 c.342 §5; 1977 c.631 §5; repealed by 1985 c.703 §28]

10.430 [1975 c.342 §6; 1977 c.631 §6; 1981 s.s. c.3 §55; repealed by 1985 c.703 §28]

10.440 [1975 c.342 §7; 1977 c.631 §7; 1981 s.s. c.3 §56; repealed by 1985 c.703 §28]

10.450 [1975 c.342 §8; 1977 c.631 §8; 1981 s.s. c.3 §57; repealed by 1985 c.703 §28]

10.460 [1975 c.342 §9; 1977 c.631 §9; 1981 s.s. c.3 §58; repealed by 1985 c.703 §28]

10.470 [1975 c.342 §10; 1977 c.631 §10; repealed by 1985 c.703 §28]

10.480 [1975 c.342 §11; 1977 c.631 §11; 1981 s.s. c.3 §59; repealed by 1985 c.703 §28]

10.490 [1975 c.342 §12; repealed by 1981 s.s. c.3 §141]

JURY OF INQUEST

10.810 Definition. A jury of inquest is a body of six persons, legally qualified to serve as jurors, summoned from the inhabitants of a particular district before the district attorney, sheriff or other ministerial officer, to inquire of particular facts. [Formerly 146.010; 1965 c.221 §9]

10.820 Number of jurors required to concur. The verdict of a jury of inquest is sufficient if two-thirds of the jurors concur therein. [Formerly 146.020]

PENALTIES

10.990 Penalties. (1) Violation of ORS 10.080 is a Class B violation.

(2) If a person summoned to serve as a juror in a circuit court fails to attend as required, the court shall order the person to appear forthwith and show cause for that failure. If the person fails to appear pursuant to the order or appears and fails to show good cause, the person may be punished for contempt.

(3) A juror summoned to a court who fails to give attention in court, or who leaves without permission while the court is in session or otherwise fails to complete required jury service without permission, may be punished for contempt of the court. [Amended by 1985 c.703 §19; 1999 c.1051 §144]

10.992 Penalty for violation of ORS 10.090. Any employer who violates ORS 10.090 commits a Class A violation. [1975 c.160 §2; 1999 c.1051 §145]