



Bureau of Justice Statistics

State Court Organization 1998

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PART VI: The jury

Our legal system is founded on the jury system. Traditionally this has been a twelve-person jury that must reach a unanimous verdict. That is no longer the standard in the state courts. This section of *State Court Organization 1998* uses four tables to describe the selection and verdict rules of the petite juries in the state and federal courts. A fifth table describes the composition and function of the grand jury.

States use various methods to procure lists for which they identify potential jurors. Table 39 identifies the statutorily authorized sources that may be used by each state to create its master list. These sources are generally not mandatory; only sources followed by an asterisk *must* be used. States often do not use all of the authorized sources to generate their master lists. The local jury commissioner usually determines the use made of the discretionary sources. Qualifications for jury service in terms of age, time elapsed since prior jury service, convicted felon status, residency, and literacy are also specified in this table. Finally, court policy toward jurors with disabilities is described.

Many states exempt or excuse some potential jurors from jury duty. Table 40 explains the factors that exempt a person from jury duty, as well as factors that represent a valid basis for excusal from jury service. Exemptions are generally based on age or occupation. Twenty-three states and the District of Columbia do not grant automatic occupational exemptions; several other states limit exemptions to those on active military duty. Excusals from jury service are allowed for claims of undue hardship, extreme inconvenience, public necessity, or mental disability. These claims typically have no specific definition; the application of these claims is typically up to the trial judge. Table 40 also details the obligations that employers bear in each state toward maintaining the salaries of employees while on jury service. Finally, the daily fee, if any, paid to serving jurors is also indicated.

The formal process of jury selection in each relevant court is described in Table 41. First, the table indicates who conducts voir dire: the judge, the attorneys, or both the judge and the attorneys. Typically, the provisions are the same for all courts within a state holding a jury trial, but there are a few states that conduct voir dire differently in general and in limited jurisdiction courts. The remainder of the table indicates the number of peremptory challenges available to each party in different types of cases. The number generally differs between civil and criminal cases, and for criminal cases, between capital felony, other felony, and misdemeanor cases. In civil cases each side gets the same number of challenges while the number of peremptory challenges for each side in a criminal case may differ. Most states also have statutes regarding the distribution of

peremptory challenges for multiple party plaintiffs and defendants. In some cases this varies the total number of peremptory challenges allowed and in others the total number stays the same, but are split among the parties.

Since 1970, U.S. Supreme Court decisions have allowed states to move away from the traditional federal jury standard of 12 members who must reach a unanimous verdict. Specifically, six-member juries were found to be constitutional in *Williams v. Florida*, 399 U.S. 78 (1970) and non-unanimous verdicts in *Apodaca v. Oregon*, 406 U.S. 404 (1972). The relaxation of traditional size and verdict requirements is most prevalent for misdemeanor criminal cases. Table 42 lists jury size and verdict rules. Seven states use eight or six-member juries for non-capital felonies, and two states (Louisiana and Oregon) do not require a unanimous verdict in such cases. Some states that continue to use a 12-member, unanimous verdict jury typically allow the parties to stipulate to a smaller, non-unanimous jury. Twenty-one states, the District of Columbia, and the federal courts still require a unanimous verdict in all civil cases while twenty-nine states require a super majority.

“No person shall be held to answer for a capital, or other infamous crime, unless on a presentment or indictment at a grand jury.” This clause from the Fifth Amendment to the U.S. Constitution applies to all felony prosecutions in the federal courts. The information in Table 43 shows that while most states retain the option of a grand jury indictment, few require it to begin felony proceedings. A trend toward a diminished role for the state grand jury in processing felony cases began early in the Twentieth Century. Grand jury indictments were largely replaced by the practice of prosecutors filing a document called a criminal information, a practice ultimately upheld by the U.S. Supreme Court (*In re McNaught*, 1909; *Palko v. Connecticut*, 1937). Table 43 indicates whether a grand jury indictment is required for all felony prosecutions, the size of the grand jury, the number needed to indict, the statutory term of grand jury sittings, and the scope of the grand jury’s purview.

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Table 39. Trial Juries: Qualifications and Source Lists for Juror Service

		Jurors						
	Juries: Statutory Authority	Sources of Master List (See footnotes for Legend)	Minimum Age (yrs)	Time since Prior Jury Service	Are Convicted Felons Disqualified?	Residency Requirement	Literacy and Language Qualifications	Disabilities, Other Provisions
Alabama	§12-16-60	May include VR, DL, and other lists such as UC, TR ¹ , MVR.	19	~	Yes. If lost the right to vote for any crime involving moral turpitude.	1 year county resident	Must be able to read, speak, understand and follow any instructions given by the judge in English.	Is capable by reason of physical and mental ability to render satisfactory jury service and is not afflicted with any permanent disease or physical weakness.
Alaska	§09.20.050	All applicants for permanent fund income.*	18	1 year or no more than 3 months in a 2 year period.	Yes	District resident	Able to read or speak English.	Court shall provide, and pay the cost of, an interpreter or reader, in the case of hearing or sight impaired juror.
Arizona	§21-101-428	VR, DL and persons from other lists as determined by the Supreme Court.*	18	Varies	Yes, unless civil rights are restored.	Resident of jurisdiction	Able to write his name or make his mark.	Adjudicated mentally incompetent or insane.
Arkansas	§16-31-101	VR*	18	2 years	Yes	County resident, Registered voter	Able to read or write English, except that judge may waive this requirement for persons found otherwise capable.	Persons who are not of good character or approved integrity, are lacking in sound judgment or reasonable information, are intemperate, or are not of good behavior. Persons who, by reason of a physical or mental disability are unable to render satisfactory jury service.
California	CCP 190	May include, in addition to other lists, customer mailing lists, TD, UC, VR, DL ²	18	1 year	Yes, also "malfeasance in office".	County resident	Possessed of sufficient knowledge of English.	No person shall be deemed incompetent solely because of the loss of sight or hearing, or any other disability.
Colorado	§13-71-101	VR supplemented with DL and CD.*	18	1 year	~	County resident- more than 50% of time	Able to read, speak and understand English.	Physically impaired persons shall serve, except where the court finds that such service is not feasible.
Connecticut	§51-217	TR, VR, DL* Discretion exercised by town civil servants.	18	2 years (Juror must request to be excused because of prior jury service within the two prior jury service years.)	Yes, for 7 years following conviction or a defendant in a pending felony case.	Electors and state residents	Able to speak and understand English.	No person shall be disqualified on the basis of deafness or hearing impairment.
Delaware		VR*; may be supplemented with other sources.	18	~	Yes, unless civil rights are restored.	County resident	Able to read, speak and understand English.	Incapable, by reason of physical or mental disability of rendering satisfactory jury service.
District of Columbia	§11-1906	DL, VR* and names from other sources or lists as may be provided in the jury system plan.	18	2 years	Yes, for 10 years after sentence completion, or if pending felony or misdemeanor charge- 10 years since probation or parole is completed.	Resident of DC	Able to read, speak and understand English.	No person shall be deemed incompetent solely because of the loss of sight or hearing, or any other disability.

Legend: CD=City/County Directories, DL=Driver's License
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Florida	§40.013	DHSMV database ³ and volunteers who execute an affidavit at the office of the clerk, even if not on the DHSMV database list.*	18	1 year	Yes, includes bribery, forgery, perjury, larceny.	County resident	~	Adjudicated mentally incompetent. No person shall be excused from service on a civil trial jury solely on the basis that the person is deaf or hearing impaired.
Georgia	§15-12-60	VR, supplemented with other sources if necessary to assure a fairly representative cross section.* Discretion exercised by the board of jury commissioners.	18	No more than 4 weeks in 1 year.	No. Except to the extent that they are not "upright and intelligent" citizens. Yes, Grand Jurors.	Grand juror=6 months prior to service	~	Jury commission uses lists that will yield a fairly representative cross section of the intelligent and upright citizens of the county.
Hawaii ⁴	§612-1	VR, supplemented with other lists such as TR, DL.	18	1 year	Yes	Resident of circuit	Able to read, speak and understand English.	Physical or mental disability (with physician's certificate).
Idaho ⁵	§2-201	VR, supplemented with names from other lists, such as UC, TR, DL MVR, "which the Supreme Court from time to time designates.**	18	No more than 10 days in 2 years.	Yes, if lost the right to vote.	County resident	Able to read, speak and understand English.	Physical or mental disability (with physician's certificate). Over 70 if requested. A mother raising her child may postpone jury duty.
Illinois	705 ILCS 305	VR, DL, Illinois Disabled Person identification card.* & Illinois ID Card holder.	18	~	Yes. Free from all legal exception.	County resident	Able to understand English.	Of fair character, of approved integrity, of sound judgment, well informed.
Indiana ⁶	§33-4-5-7	VR, supplemented with other lists such as UC, TR, CD, DL, TD, MVR.* ⁷	18	1 year	Yes, any person under a sentence. In Lake County, Felony conviction only.	County resident	Able to read, speak and understand English with sufficient proficiency to fill out qualification form.	Physical or mental disability (with physician's certificate).
Iowa	§607A.2	VR, DL*. May use other lists, including but not limited to UC, which the jury commission or jury manager determines suitable.	18	Not to exceed 3 months of service in a two year period.	~	County resident or division of county	Able to understand English in a written, spoken or manually signed mode.	Be able to receive and evaluate information. Will be disqualified if person requests to be put on juror list.
Kansas	§43-155	VR, DL.* Lists of state-issued nondrivers' identification cards may be used.	18	1 year	Yes, within 10 years of conviction, guilty plea, or nolo contendere to felony charge.	County resident, qualifications of elector	Able to read, speak and understand English with sufficient proficiency to fill out qualification form.	Persons under adjudication of incompetency.
Kentucky	§29A.80 Adm. Proc. Part II S III	VR, DL*	18	1 year	Yes, or presently under indictment.	County resident	Able to read, speak and understand English.	Incapable, by reason of physical or mental disability of rendering satisfactory jury service.
Louisiana	S.Ct.R. 25; La. CCRP, Art. 401 et seq.	VR, DL (Discretionary) sometimes supplemented with other lists.	18	2 Years. District courts may change this to 4.	Yes, or presently under indictment.	1 year Parish resident	Able to read, speak and understand English and be possessed of sufficient knowledge of English.	Mental or physical infirmity provided that no person deemed incompetent solely because of loss of hearing in any degree. ⁸

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					Are Convicted Felons Disqualified?	Residency Requirement	Literacy and Language Qualifications	Disabilities, Other Provisions
Maine ⁹	S. 1201-A	DL, Volunteers.* These lists may be supplemented with names from other lists specified by the Supreme Judicial Circuit. ID card holders.	18	No more than 15 days in 5 years.	~	County resident	Able to read, speak and understand English.	~
Maryland	§8-207	VR and from such additional sources permitted by juror selection plan.* Volunteers and recommendations not accepted.	18	3 years ¹⁰	Yes, or a charge pending for crime exceeding \$500 or 6 months punishment.	Qualified to vote in county	Able to read, speak and understand English with sufficient proficiency to fill out qualification form.	Is a party to a civil suit pending in court called to serve. Physical or mental infirmity (physician's certificate).
Massachusetts	234A	Numbered resident files.*	18	3 years	Convicted of felony within past 7 years, or defendant in felony case, or is in custody of correctional institution.	Lives within district more than 50% of time, whether or not registered to vote.	Able to speak and understand English.	Physically handicapped persons shall serve except where the court find service is not feasible.
Michigan	§600.1307a	DL, personal identification cardholder lists.*	18	1 year	Must not be under sentence for felony at time of selection.	County resident	Conversant with the English language.	Must be physically and mentally able to carry out functions of a juror.
Minnesota	§593	VR, DL*	18	4 years	Yes, unless civil rights restored.	County resident	Able to communicate in English.	Physical or mental disability (with physician's certificate) if incapable of rendering satisfactory jury service.
Mississippi ¹¹	§13-5-1	VR*	21	2 years	Convicted of an infamous crime, bootleggers, habitual drunkards, common gamblers.	Qualified elector or 1 year as resident freeholder.	Able to read and write.	No person who within past 12 months the overseer of a public road or road contractor (for grand jury only).
Missouri	§494.4	"One or more public records."* plus DL, VR on request.	21	1 year ¹²	Yes, unless civil rights restored.	County resident or resident of city not within a county	Able to read, speak and understand English.	Incapable, by reason of physical or mental disability of rendering satisfactory jury service.
Montana	§3-15-303	VR*	18	1 year	Malfeasance in office or any felony or high crime.	Registered elector	~	Chronic incapacitation by illness/injury. Affidavit required.
Nebraska	§25-1601	VR, DL*	19	Not more than 4 weeks in any 5 year period.	Yes, and all other legal exceptions.	County resident	Able to read, speak and understand English.	Physical or mental disability (with physician's certificate). Husband and wife may not serve together. Persons party to pending suit.
Nevada	§§6.045	VR*, Other lists. Discretion exercised by county jury commissioners.	18	1 year	Yes, if convicted of treason, felony, or other infamous crime.	Qualified elector	Sufficient knowledge of English.	Incapable, by reason of physical or mental disability of rendering satisfactory jury service.

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New Hampshire	§500A	DL	18	3 years	No	~ ¹³	By statute, prospective juror must state on juror qualification form whether able to read, speak and understand the English language.	Unfit, by reason of physical or mental disability to act as a juror.
New Jersey	§2A:69-1	DL, VR*, TR and homestead rebate filers.	18	3 years	Yes	County resident.	Able to read and understand English.	No Prior Mental Disability which will prevent from properly serving.
New Mexico	§38-5-1	VR, DL*	18	3 years	Yes	County resident	~	Incapable, by reason of physical or mental disability of rendering satisfactory jury service.
New York	§16-506	VR, DL, TR, unemployment, welfare, and volunteers.	18	4 years	Yes	County resident	Able to understand and communicate in the English language.	~
North Carolina	§9-3	VR, DL* May use other sources deemed to be reliable.	18	2 years	Yes, or pleaded nolo contendere to indictment charging a felony.	State citizen, County resident	Able to communicate and understand English.	Physically and mentally competent, not adjudged non compos mentis.
North Dakota ¹⁴	§27.091-08	Actual voters, supplemented with other lists such as UC, TR, DL, MVR which the Supreme Court designates.	18	2 years	Lost right to vote.	County and state resident	Able with reasonable accommodation to communicate and understand English.	Physical or mental disability (with physician's certificate).
Ohio	§1901.25, §1907.28	VR, DL* ¹⁵	18, eligible if driver	1 year	Yes	County or Municipality's territory	~	~
Oklahoma	§38s28	DL, Volunteers* ¹⁶	18	2 years	Yes, unless civil rights are restored.	State residents and qualified electors	~	Of sound mind and of good moral character; over 70 years of age shall not be required to serve.
Oregon	ORS Ch. 10	VR, DL, "and any other sources approved by the Chief Justice of the Supreme Court that will furnish a fair cross section." ¹⁷	18	2 years	Yes, unless civil rights are restored.	County resident and US citizen	~	Blind, hearing or speech impaired, or physically handicapped not ineligible based solely on handicap.
Pennsylvania	Chapter 45 of the Judicial Code 42 P.A.C.S. §4501 et seq	VR.* May supplement with lists such as TD, CD, TR, persons participating in any state, local or federal program, school census list, volunteers.	18	3 years if service more than 3 days, 1 year otherwise.	Yes	Commonwealth citizen, county resident.	Able to read, write, speak and understand English.	Incapable, by reason of physical or mental infirmity, to render efficient jury service.
Puerto Rico	§2s11	List of actual voters.	18	1 year	Yes	Resident 1 year and 90 days within judicial district	Able to read and write Spanish.	Must be in possession of mental and physical faculties.
Rhode Island	§9-9-1.1	VR*, MVR, random selection.	18	2 years	Yes, until sentence completion.	Resident voter (30 days)	Able to understand and participate in court proceedings.	Physically and mentally competent, not adjudged non compos mentis. Handicapped person not ineligible solely on basis of handicap.

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South Carolina	§14-7-110 et seq	DL, VR.* Discretion exercised by a jury commission composed of civil servants.	18	3 years	Yes, unless civil rights are restored.	County resident	Able to read, write, speak or understand English.	Must have at least a sixth grade education or its equivalent. Legal blindness does not disqualify an otherwise qualified juror.
South Dakota	§16-13-10	VR, supplemented with DL.*	18	2 years	Yes	State citizen, and jury or county resident	Able to read, write and understand English.	Of sound mind. Potential jurors may not be excluded on the basis of a visual or hearing impairment.
Tennessee	§22-1-101	TR, DL, VR, or other available and reliable sources, "but shall not include the VR as the sole or primary source." Discretion exercised by a jury commission composed of civil servants.	18	2 years	Yes, if convicted of infamous offenses, theft, perjury.	County resident for ~ 12 months	~	Unsound mind and habitual drunkards. Persons not in full possession of the senses of hearing or seeing if the court determines that such person cannot provide adequate service.
Texas	Gov. §62-102	VR, DL.*	18	3 months City Court; 6 months District Court	Yes, and if under indictment or other legal accusation of misdemeanor or felony.	State citizen, county resident and qualified elector	Able to read and write.	Of sound mind and good moral character. Blind and deaf not disqualified based solely on handicap. If related by consanguinity or affinity within the third degree.
Utah	§78-46-7	DL*, VR* ¹⁷	18	2 years	Yes, unless expunged.	County resident	Able to read, speak and understand English.	Judicial discretion if incapable (because of Prior Mental Disability) of jury service.
Vermont	Jurors R.1	VR, DL, and other residents who request it.	18	No more than 3 times in 2 years	Yes	Resident of court's geographical jurisdiction.	Able to read, write and understand English.	Incapable, by reason of physical or mental disability of rendering satisfactory jury service.
Virginia	§8.01-337	VR, and, where feasible, DL CD, TD, TR, and "other such lists as approved by the chief judge of the Circuit."*	18	3 years	Yes, and treason.	1 year commonwealth resident, 6 months local. Excludes military stationed here.	Able to communicate in English.	No person deemed incompetent by reason of blindness. Persons under a disability. Persons adjudicated mentally incompetent. Persons who seek to serve as jurors.
Washington	§2.36.070	VR*, DL*	18	1 year (if served more than 2 weeks)	Yes, unless civil rights are restored.	County resident	Able to communicate in English.	~
West Virginia	§52-1-8	Not less than two of the following: TR, VR, DL or chauffeurs license.*	18	2 years	Yes, and perjury, false swearing or other infamous crime.	County resident	Able to read, speak and understand English, or ability to communicate in American sign language.	Persons physically disabled can render competent service with reasonable accommodation, persons claiming disqualification based on substantial physical or mental disability may be required to submit physician's certificate.

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Wisconsin	§756.01	DL*, may be supplemented with other lists, including but not limited to VR, TD, UC, TR, high school graduates, welfare lists. ¹⁸	18	4 years ¹⁹	Yes, unless civil rights are restored.	Resident of Circuit Court area	Able to understand the English language.	Cannot fulfill the responsibilities of a juror.
Wyoming	§1-11-101	VR*, DL	18	Remainder of calendar year	Yes	County resident 30 days	Possessed of sufficient knowledge of English.	In possession of natural facilities, of ordinary intelligence and without mental or physical infirmity.
Federal	§28-1865	Plan for random selection developed by each district. Several use VR and DL.	18	No more than 30 days in any 2 year period (unless finishing trial)	Yes, unless civil rights are restored.	Resident 1 year within judicial district	Able to read, speak and understand English with sufficient proficiency to fill out qualification form.	Incapable, by reason of physical or mental disability of rendering satisfactory jury service.

NOTE: All states require their jurors to be U.S. citizens. The Uniform Jury Selection and Service Act (UJSSA), drafted in 1970 by the National Conference of Commissioners on Uniform State Laws.

FOOTNOTES:

Alabama:

¹All counties use automated one-step juror summoning and qualification program which uses the state's driver's license list, except for Montgomery County and Tuscaloosa County which use the voter's registration list.

California:

²The VR and DL lists alone, if purged of duplicate names, shall be considered a representative cross section.

Florida:

³Not "drivers' license" list, because that is discriminatory for persons with disabilities and other individuals who do not drive.

Hawaii:

⁴Hawaii has adopted the UJSSA.

Idaho:

⁵Idaho has adopted the UJSSA.

Indiana:

⁶Indiana has adopted the UJSSA.

⁷Discretion exercised by court-appointed commissioners.

Louisiana:

⁸Judge may disqualify a juror when there is reasonable doubt of his competency.

Maine:

⁹Maine has adopted the UJSSA.

Maryland:

¹⁰In cases where petit juror service is less than 5 days, the limitation is reduced to 1 year.

Mississippi:

¹¹Mississippi has adopted the UJSSA.

Missouri:

¹²Any person who has served on a state or federal petit or grand jury within the preceding year shall be excused upon timely application to the court.

New Hampshire:

¹³By statute, prospective juror must state on juror qualification form whether a citizen of United States and resident of county. Constitution requires trial for crime in county or judicial district commitment.

North Dakota:

¹⁴North Dakota has adopted the UJSSA.

Ohio:

¹⁵Random selection followed by personal interview with 2-member citizen jury commission.

Oklahoma:

¹⁶Discretion exercised by jury commission except in Oklahoma and Tulsa counties.

Utah:

¹⁷Judicial Council shall designate one or more regularly maintained lists of persons as the source for the master lists. In San Juan County, the Council has designated the Navajo Tribal Roll as a third source list.

Wisconsin:

¹⁸Each year the Department of Transportation prepares and transmits by county a master list of all persons licensed or holding DOT identification cards in that county. Each county has the option of using the master list only, or in combination with any other comparable list, from which to randomly select potential jurors. At the option of the county board, either the Clerk of Circuit Court or a panel of 3 jury commissioners screen responses to juror questionnaires to determine eligibility for service.

¹⁹1 day rule in those jurisdictions that choose to adopt in which jurors not required to do more than a day in any 2 year period.

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Table 40. Trial Juries: Exemptions, Excusals and Fees

	Age at which may be exempt	Exemptions: Judicial Officers (JO), Public Officials (PO), Elected Legislators (EL), Physicians (DR), Attorneys (AT)	Excusals: Undue Hardship (UH), Extreme Inconvenience (EI), Public Necessity (PN), Physical or Mental Disability (PMD)	Employer Pays?	Jury fees (Per day)
Alabama	N/S	No exemptions.	UH, EI, PN	Yes	\$10
Alaska	70 and request in writing	Health exemption if expected to last more than 2 years or a JO.	UH, EI, PN, all excusals for current year only unless for disability or old age.	No	\$25
Arizona	N/S	No exemptions.	UH, PN, and where absence from employment would tend materially and adversely to affect the public safety, health, welfare and interest	No	\$12
Arkansas	N/S	No exemptions.	Excusals where state of health or that of family reasonably requires absence, or where personal and public interests materially injured by attendance	No	\$20
California	N/S	No exemptions.	Excused only for undue hardship upon themselves or the public as defined by the Judicial Council.	No	\$5 ¹
Colorado	N/S	No exemptions.	UH, EI	Yes	\$0 for 3 days, then \$50 ²
Connecticut	70	JO and EL disqualified while General Assembly in session. Specified State Officials.	PMD, UH. A person shall be capable if able to perform a sedentary job requiring close attention for six hours per day, with short breaks, for at least 3 consecutive business days.	Yes, first 5 days only	\$0 for 5 days, then \$50 ³
Delaware	N/S	No exemptions.	UH, EI, PN	No	\$20
District of Columbia	N/S	No exemptions.	UH, EI, PMD	Yes, up to 5 days	\$30 ⁴
Florida	70	JO, PO, Governor, Lieutenant Governor, cabinet officer, clerk of court.	UH, EI, PN, PMD, expectant mothers and persons responsible for care of disabled person. Also police, attorneys, physicians, the physical infirm.	No	\$15 for first 3 days, \$30 after
Georgia	70 ⁵	Permanently mentally or physically disabled.	Work necessary for the public health, safety, or good order, or other good cause ⁶ .	Yes ⁷	\$5-\$35
Hawaii	N/S	JO, PO, EL, DR, AT, police, active military, clergy, dentists, fire fighters, any person who has served as juror in Hawaii within one year preceding the time of filling out the juror qualification form.	Excused only for serious personal hardship or other good cause.	No	\$30
Idaho	70 and request in writing	No exemptions.	UH, EI, PN	No	\$10 for half day
Illinois	N/S	No exemptions.	UH on occupation, health, family situation, active duty in military, or other personal affairs.	No	\$4 - \$15.50, varies among counties
Indiana	65	JO, PO, EL and active military, dentists.	UH, EI, PN	No	\$7.50 if not selected - \$17.50 if selected

Table 40. Trial Juries: Exemptions, Excusals and Fees

	Age at which may be exempt	Exemptions: Judicial Officers (JO), Public Officials (PO), Elected Legislators (EL), Physicians (DR), Attorneys (AT)	Excusals: Undue Hardship (UH), Extreme Inconvenience (EI), Public Necessity (PN), Physical or Mental Disability (PMD)	Employer Pays?	Jury fees (Per day)
Iowa	N/S	No exemptions.	Automatic excuse for care of disabled person. Discretionary for UH, EI, PN or it would threaten economic, physical or emotional well being.	No	\$10
Kansas	N/S	National guard when active or in training. Kansas State Guard, observers of the Sabbath shall be exempt from Saturday Jury services.	PMD, UH, PN	No	\$10
Kentucky	None	No exemptions.	UH, EI, PN	No	\$12.50
Louisiana	N/S	No exemptions. ⁸	UH or EI	No	~ ⁹
Maine	N/S	Governor, JO, AT, physicians and dentists providing active patient care, sheriffs, active military.	UH, EI, PN, PMD	No	\$10
Maryland	70 and request in writing	No exemptions except military.	UH, EI, PN	No	\$10-20 varies among counties
Massachusetts	70	No exemptions.	PMD or care of permanently disabled person requires physician's letter. A person shall be capable if able to perform a sedentary job requiring close attention for six hours per day, with short breaks, for at least 3 consecutive business days.	Yes, first 3 days	Employer pays first 3 days, then state pays \$50/day ¹⁰
Michigan	70	No exemptions.	Material injury to public or individual interests, health of juror or family member.	No	\$15 minimum
Minnesota	70	JO and EL and EL's staff while legislature is in session.	Continuing hardship to them or members of the public, must be in writing. Ability to receive or evaluate information is so impaired they are unable to perform duties of juror	No	Rate set by Supreme Court
Mississippi	65	No exemptions.	Illness, serious financial loss, emergency. Illness requires a physician's statement.	No	\$25
Missouri	N/S	JO, AT, active military.	Absence from work would affect public health, safety, interest or welfare, extreme hardship, has served within preceding year, practicing dentist, pharmacist, physician, performing clergy, police officer.	No	\$6
Montana	N/S	No exemptions.	Chronic incapacity; UH for person or public served, must be by affidavit.	No	\$25
Nebraska	65	JO, court clerks, jailers, sheriffs, husband and wife not allowed on same panel, national guard, volunteer firefighters, and parties to a pending suit.	PMD, requires physician's certificate. UH, EI, PN.	No	\$35
Nevada	70, 65 if lives +65 miles from court	JO, PO, county clerk, recorder, assessor, sheriff, police, locomotive operator, correctional officer, physician, optometrist or dentist, legislators and legislative employee during session, and AT.	PMD, illness or death of immediate family member, UH, EI, PN. PMD requires physician's certificate. Sickness or physical disability.	No	\$15 for first 5 days, then \$30

Table 40. Trial Juries: Exemptions, Excusals and Fees

	Age at which may be exempt	Exemptions: Judicial Officers (JO), Public Officials (PO), Elected Legislators (EL), Physicians (DR), Attorneys (AT)	Excusals: Undue Hardship (UH), Extreme Inconvenience (EI), Public Necessity (PN), Physical or Mental Disability (PMD)	Employer Pays?	Jury fees (Per day)
New Hampshire	70	JO, PO, EL while in session, AT, DR, firemen and police.	UH, EI, PN, PMD if unfit to act as juror.	No	\$10 for half day
New Jersey	75	School teachers (full-time while school is in session), hospital employees, caretakers of children (where jury services would interfere), firemen, first aid, police (excused from grand jury only).	PMD, medical inability (physician-certified), severe financial hardship, personal obligation of care for another, technical health care worker that can't be replaced, school employees while school in session, volunteer firefighters/rescue squad.	Employer pays salary minus jury fees	\$5
New Mexico	N/S	No exemptions.	May be excused at the discretion of judge upon satisfactory evidence.	No	State minimum wage
New York	N/S	No exemptions.	UH, EI to applicant or person under care or supervision, or the public, mental or physical condition incapacitating person from service.	Partial ¹¹	\$40
North Carolina	65	No exemptions.	Compelling personal hardship, contrary to public health, safety and welfare.	No	\$12 for first 5 days, then \$30
North Dakota	N/S	No exemptions.	UH, EI, PN	No	\$25
Ohio	N/S	N/S	Necessarily absent from county, material injury to interest of public or juror, physical inability, spouse or near relative ill or recently deceased.	No	Varies among counties
Oklahoma	70	JO, sheriffs, jailers, police, AT, EL.	Substantial hardship.	No	\$20
Oregon	70	No exemptions.	UH, EI to person, person's family, employer or public served.	No	\$10
Pennsylvania	N/S	No exemptions except active military.	UH, EI	No	\$9 first 3 days, then \$25
Puerto Rico	N/S	PO, JO, EL, DR, AT, military, public employees, clergy, school employees, hospital/medical employees, morticians, employees of prisons, employees of ships/shippers, carrier employees, police, news employees, public transportation employees, small business owners, US District Court jurors.	Material injury/destruction of property would result, serious illness or death of family member, housewives.	No	\$20 minimum per day
Rhode Island	N/S	EL, JO, AT, sheriffs, marshals, police, firemen, active military, P.O., parole officers.	PMD, UH, serious illness of juror/family.	No	\$15
South Carolina	65	"Any person employed within the walls of any courthouse".	Good and sufficient cause, woman with children under 7, school employees, students during school term.	No	\$2-12
South Dakota	N/S	JO, AT, clergy if conflicts with religious beliefs.	N/S	No	\$40
Tennessee	65	EL, AT, teachers, firemen, national guard, pharmacists, PO, JO, sole proprietors of businesses, nurses, certified public accountants, persons not fully possessed of sight or hearing.	Material injury to person's health, family, public. UH, care for children, grandchildren, or wards, relation to 6th degree of any party, aged 70.	No	\$10 minimum; may be supplemented by local body

Table 40. Trial Juries: Exemptions, Excusals and Fees

	Age at which may be exempt	Exemptions: Judicial Officers (JO), Public Officials (PO), Elected Legislators (EL), Physicians (DR), Attorneys (AT)	Excusals: Undue Hardship (UH), Extreme Inconvenience (EI), Public Necessity (PN), Physical or Mental Disability (PMD)	Employer Pays?	Jury fees (Per day)
Texas	65	Officer or an employee of the senate, house of representatives, or any department commission, board, office, or other agency in the legislative branch of state government.	PMD with physician's affidavit, consanguinity or affinity within third degree, student, persons caring for children under 10, primary caretaker of invalid.	No	\$6 - \$50, varies among counties
Utah	None	No exemptions.	PMD, UH, EI, PN	No	Day 1= \$18.50; subsequent days=\$49
Vermont	N/S	No exemptions.	UH on prospective juror or his employer.	No	\$30
Virginia	70	President and Vice President of U.S., EL, PO, AT, sheriffs, police, correctional employees.	Person whose spouse is summoned to serve on same jury; persons caring for children under 16 or invalids, mariners and sole operators of business, commercial, or agricultural enterprises.	No	\$30
Washington	N/S	No exemptions.	UH, EI, PN	No	\$10 - \$25, varies among counties
West Virginia	65	No exemptions.	UH, EI, PN, person age 65 or older must be excused upon request.	No	\$15
Wisconsin	N/S	No exemptions.	Cannot fulfill responsibilities of a juror.	No	\$16 minimum per day
Wyoming	73	EL, elected PO, police, firemen.	Material injury or destruction to property threatened, health or family sickness, care of young children.	No	\$30 for first 5 days, then \$50 at discretion of the court.
Federal Courts	N/S	Active military, firemen, police, PO, JO, EL.	Varies, District Court may formulate a plan.	No	\$40 ¹²

FOOTNOTES:

California:

¹Minimum unless county stipulates higher fee.

Colorado:

²Fees include expenses to unemployed jurors.

Connecticut:

³Employer pays full-time employed jurors regular wages for first five days. Part-time employed jurors and unemployed jurors are reimbursed for out-of-pocket expenses.

District of Columbia:

⁴For second day and thereafter.

Georgia:

⁵A person 70 years or older can request to have name removed from jury list.

⁶If state legislator during term of General Assembly.

⁷By opinion of the Attorney Journal.

Louisiana:

⁸All exemptions were eliminated in 1994.

⁹\$12 for civil cases, criminal cases not less than \$12, nor more than \$25, for each day of attendance in court. Orleans Parish civil cases are \$16.

Massachusetts:

¹⁰Fees include expenses to unemployed jurors. Such expenses may be paid from first day of service.

New York:

¹¹Employers with more than ten employees pay \$40 for the first three days; thereafter, the state pays. If the employer pay the entire salary then state pays nothing. Jurors who work for employers with ten or fewer employees (who do not pay regular wages while on jury duty) or jurors who are not employed received \$40 per day from the state.

Federal Courts:

¹²A juror required to attend for more than thirty days may be paid, at the discretion of the trial judge, an additional fee not to exceed \$10 per day.

Table 41. Trial Juries: Who Conducts Voir Dire and the Allocation of Peremptory Challenges

Court type: G=general jurisdiction L=limited jurisdiction	Who conducts voir dire?	Number of Peremptory Challenges							Civil Cases
		Criminal				Civil			
		Capital: State	Capital: Defense	Felony: State	Felony: Defense	Misdemeanor: State	Misdemeanor: Defense		
Alabama									
G Circuit	Attorneys or parties and Judge	12	12	6	6	3	3	6	
Alaska									
G Superior	Attorneys and/or Judge	~	~	10	10	3	3	3	
L District	Attorneys and/or Judge	~	~	~	~	3	3	3	
Arizona									
G Superior	Judge	10	10	6	6	6	6	4	
L Justice of the Peace	Judge	~	~	~	~	2	2	3	
L Municipal	Judge	~	~	~	~	2	2	~	
Arkansas									
G Circuit	Attorneys and Judge	10	12	6	8	3	3	3	
G Chancery & Probate	Attorneys and Judge	~	~	~	~	~	~	3	
California									
G Superior	Judge ¹	20	20	20/10 ²	20/10 ²	10/6 ³	10/6 ³	6	
L Municipal	Judge ¹	~	~	~	~	10/6 ³	10/6 ³	~	
Colorado									
G District	Attorneys and Judge	10	10	5	5	3	3	4	
G Probate	Attorneys and Judge	~	~	~	~	~	~	4	
G Water	Attorneys and Judge	~	~	~	~	~	~	4	
L County	Attorneys and Judge	~	~	~	~	3	3	1	
Connecticut									
G Superior	Attorneys	25	25	15/6 ⁴	15/6 ⁴	3	3	3	
Delaware									
G Superior	Judge	12	20	6	6	6	6	3	
L Common Pleas	Judge	~	~	~	~	6	6	3	
L Justice of the Peace	Magistrates	~	~	~	~	6	6	3	
District of Columbia									
G Superior	Attorneys and/or Judge	~	~	10	10	3	3	3	
Florida									
G Circuit	Attorneys and Judge	10	10	6/10 ⁵	6/10 ⁵	3	3	3	
L County	Attorneys and Judge	~	~	~	~	3	3	3	
Georgia									
G Superior	Attorneys and Judge	10	20	6	12	2	4	3/6 ⁶	
L State	Attorneys and Judge	~	~	~	~	2	4	3/6 ⁶	
L Civil	Attorneys and Judge	~	~	~	~	~	~	3	
L Municipal	No juries	~	~	~	~	~	~	~	
Hawaii									
G Circuit	Attorneys and Judge	~	~	3/12 ⁷	3/12 ⁷	3	3	3	
Idaho									
G District	Attorneys and Judge	10	10	6	6	4	4	4	
Illinois									
G Circuit	Judge ⁸	20	20	10	10	5	5	5	
Indiana									
G Superior	Attorneys and Judge	20	20	10	10	5	5	3	
G Circuit	Attorneys and Judge	20	20	10	10	5	5	3	
L County	Attorneys and Judge	~	~	10	10	5	5	3	
Iowa									
G District	Attorneys and Judge	10	~	10/6 ⁹	10/6 ⁹	4	4	4	
Kansas									
G District	Attorneys and Judge	12	12	12/8/6 ^{10,11}	12/8/6 ^{10,11}	3	3	3	

Legend: ~ = Not applicable

Table 41. Trial Juries: Who Conducts Voir Dire and the Allocation of Peremptory Challenges

Court type: G=general jurisdiction L=limited jurisdiction	Who conducts voir dire?	Number of Peremptory Challenges						
		Criminal						Civil
		Capital: State	Capital: Defense	Felony: State	Felony: Defense	Misdemeanor: State	Misdemeanor: Defense	Civil Cases
Kentucky								
G Circuit	Attorneys and Judge	8	8	8	8	~	~	3
L District	Attorneys and Judge	~	~	~	~	3	3	3
Louisiana								
G District	Attorneys and Judge	12	12	12/6 ¹²	12/6 ¹²	6	6	6/3 ¹³
Maine								
G Superior	Attorneys and Judge	~	~	8/10 ¹⁴	8/10 ¹⁴	4	4	3
Maryland								
G Circuit	Attorneys and Judge	10	20	5	10	4	4	4
Massachusetts								
G Superior	Judge ¹⁵	12	12	4	4	4	4	4
L District	Judge ¹⁵	~	~	2	2	2	2	2
L Boston Municipal	Judge ¹⁵	~	~	2	2	2	2	~
Michigan								
G Circuit	Attorneys and Judge	12	~	5/12 ¹⁶	5/12 ¹⁶	~	~	3
L District	Attorneys and Judge	~	~	~	~	3	3	3
L Municipal	Attorneys and Judge	~	~	~	~	3	3	3
L Probate	Attorneys and Judge	~	~	5	5	5	5	~
Minnesota								
G District	Attorneys and Judge	9	~	9/3 ¹⁷	15/5 ¹⁷	3	5	2
Mississippi								
G Circuit	Attorneys and Judge	12	12	6	6	6	6	4
G Chancery	Attorneys and Judge	~	~	~	~	~	~	4
L County	Attorneys and Judge	~	~	~	~	4/2 ¹⁸	4/2 ¹⁸	4/2 ¹⁸
L Justice	Judge	~	~	~	~	2	2	2
Missouri								
G Circuit	Attorneys and Judge	9	9	6	6	2	2	3
Montana								
G District	Attorneys and Judge	8	8	6/3 ¹⁹	6/3 ¹⁹	6/3 ¹⁹	6/3 ¹⁹	4
L Justice of the Peace	Attorneys and Judge	~	~	~	~	6/3	6/3	4/2 ²⁰
L Municipal	Attorneys and Judge	~	~	~	~	6/3	6/3	4/2 ²⁰
L City	Attorneys and Judge	~	~	~	~	6/3	6/3	4/2 ²⁰
Nebraska								
G District	Attorneys and Judge	12	12	6	6	3	3	3
L County	Attorneys and Judge	~	~	~	~	3	3	3
Nevada								
G District	Attorneys and Judge	8	8	4	4	4	4	4
L Justice	Attorneys and Judge	~	~	~	~	4	4	4
New Hampshire								
G Superior	Judge ²¹	10	20	15/3 ²²	15/3 ²²	3	3	3
New Jersey								
G Superior	Judge ²³	12 ²⁴	20 ²⁴	12	20	10	10	6
New Mexico								
G District	Attorneys and Judge	8	12	3	5	3	5	5/3 ²⁶
L Magistrate	Attorneys and Judge	~	~	~	~	2/1 ²⁵	2/1 ²⁵	1
L Bernalillo City Metropolitan	Attorneys and Judge	~	~	~	~	2/1 ²⁵	2/1 ²⁵	1

Table 41. Trial Juries: Who Conducts Voir Dire and the Allocation of Peremptory Challenges

Court type: G=general jurisdiction L=limited jurisdiction	Who conducts voir dire?	Number of Peremptory Challenges							Civil Cases
		Capital: State	Capital: Defense	Felony: State	Felony: Defense	Misdemeanor: State	Misdemeanor: Defense		
New York									
G Supreme	Criminal: Attorneys and Judge Civil: Attorneys	20	20	20/15/10	20/15/10	10	10	3	
G County	Criminal: Attorneys and Judge Civil: Attorneys	20	20	20/15/10 ²⁷	20/15/10 ²⁷	10	10	3	
L District	Criminal: Attorneys and Judge Civil: Attorneys	~	~	~	~	10	10	3	
L City	Criminal: Attorneys and Judge Civil: Attorneys	~	~	~	~	10	10	3	
L N.Y.C. Civil	Attorneys and Judge	~	~	~	~	~	~	3	
L N.Y.C. Criminal	Attorneys and Judge	~	~	~	~	10	10	~	
L Town and Village	Criminal: Attorneys and Judge Civil: Attorneys	~	~	~	~	10	10	3	
North Carolina									
G Superior	Attorneys	14	14	6	6	6	6	8	
L District	Attorneys	~	~	~	~	~	~	8	
North Dakota									
G District	Attorneys and Judge	~	~	6/4 ²⁸	6/4 ²⁸	6/4 ²⁸	6/4 ²⁸	4/4 ²⁹	
Ohio									
G Common Pleas	Attorneys and Judge	6	6	4	4	3	3	3	
L Municipal	Attorneys and Judge	~	~	~	~	3	3	3	
L County	Attorneys and Judge	~	~	~	~	3	3	3	
L Claims	Attorneys and Judge	~	~	~	~	~	~	3	
Oklahoma									
G District	Attorneys and Judge	9	9	5	5	3	3	3	
Oregon									
G Circuit	Attorneys and Judge	12	12	6	6	6	6	3	
L Justice	Attorneys and Judge	~	~	~	~	2	2	3	
L Municipal	Attorneys and Judge	~	~	~	~	6	6	3	
Pennsylvania									
G Common Pleas	Attorneys and/or Judge	20	20	7	7	5	5	4 ³⁰	
Puerto Rico									
G Superior	Attorneys and Judge	~	~	10/5 ³¹	10/5 ³¹	5	5	No jury	
Rhode Island									
G Superior	Attorneys and Judge	~	~	6	6	3	3	~ ³²	
L Family	Attorneys	~	~	6	6	~	~	~ ³²	
South Carolina									
G Circuit	Attorneys and Judge	5	10	5	10	5	5	4	
L Magistrate	Attorneys and Judge	~	~	~	~	6	6	6	
L Municipal	Attorneys and Judge	~	~	~	~	6	6	~	
South Dakota									
G Circuit	Attorneys and Judge	20	20	20/10 ³³	20/10 ³³	3	3	3	
Tennessee									
G Circuit	Attorneys and Judge	15	15	8	8	3	3	4	
G Criminal	Attorneys and Judge	15	15	8	8	3	3	~	
G Chancery	Attorneys and Judge	~	~	~	~	~	~	4	

Table 41. Trial Juries: Who Conducts Voir Dire and the Allocation of Peremptory Challenges

Court type: G=general jurisdiction L=limited jurisdiction	Who conducts voir dire?	Number of Peremptory Challenges						Civil Cases
		Capital: State	Capital: Defense	Felony: State	Felony: Defense	Misdemeanor: State	Misdemeanor: Defense	
Texas								
G District	Attorneys	15	15	10	10	5	5	6
L County	Attorneys	~	~	~	~	3	3	3
L Justice of the Peace	Attorneys	~	~	~	~	3	3	3
L Municipal	Attorneys	~	~	~	~	3	3	3
Utah								
G District	Attorneys and Judge	10	10	4	4	3	3	3
L Justice	Attorneys and Judge	~	~	~	~	3	3	~
Vermont								
G Superior	Attorneys and Judge	~	~	6	6	6	6	6
G District	Attorneys and Judge	~	~	6	6	6	6	6
Virginia								
G Circuit	Attorneys and Judge	4	4	4	4	3	3	3
Washington								
G Superior	Attorneys and Judge	12	12	6	6	3	3	3
L District	Attorneys and Judge	~	~	~	~	3	3	3
L Municipal	Attorneys and Judge	~	~	~	~	3	3	3
West Virginia								
G Circuit	Attorneys and Judge	~	~	2	6	4	4	4
L Magistrate	Attorneys and Judge	~	~	~	~	4	4	4
Wisconsin								
G Circuit	Attorneys and Judge	~	~	6/4 ³⁴	6/4 ³⁴	4	4	3
Wyoming								
G District	Attorneys	12	12	8	8	4	4	3
L Municipal	Attorneys	~	~	~	~	4	4	~
L County	Attorneys	~	~	~	~	4	4	3
L Justice of the Peace	Attorneys	~	~	~	~	4	4	3
Federal								
G District	Attorneys and Judge	20	20	6	10	3	3	3

NOTE: States with no death penalty statute are AK, DC, HI, IA, ME, MA, MI, MN, ND, RI, VT, WI, WV

FOOTNOTES:

California:

¹Judge alone, with discretionary supplementing by attorneys (Code Cv. Pro. §223, Court Rule 228).

²Twenty challenges for either capital or life punishments.

³Six for a penalty of 90 days or less, 10 for other misdemeanors.

Connecticut:

⁴Fifteen peremptory challenges if offense is punishable for life, 6 for other.

Florida:

⁵Ten challenges allowed for each side when the defendant faces life imprisonment; six for all other cases.

Georgia:

⁶Six challenges are allowed for each side when a party requests a jury of twelve (minimum of \$10,000 at stake); three challenges for all other cases.

Hawaii:

⁷Twelve challenges allowed for each side when the defendant faces life imprisonment; three for all other cases.

Illinois:

⁸May permit attorneys to participate.

Iowa:

⁹Ten if Class A felony.

Kansas:

¹⁰Twelve for Class A felony, 8 for B felony, 6 for C, D, E.

¹¹After July 1, 1993 12 for off-grid or any severity level 1, 8 for severity level 2-6 person felonies, or greater non-person felony or severity level 2 or 3 drug felony, 6 for any other felony.

Louisiana:

¹²Louisiana's criminal statutes provide that some felonies are punishable "with or without hard labor.. For those punishable without hard labor, the state and the defense have six peremptory challenges each.

¹³If a trial is by a jury of twelve, each side is allowed six peremptory challenges. If a trial is by a jury of six, each side is allowed three peremptory challenges.

Maine:

¹⁴Ten if charged with murder.

Massachusetts:

¹⁵May permit attorneys to participate.

Michigan:

¹⁶Twelve challenges if tried for life imprisonment, otherwise 5.

Minnesota:

¹⁷Nine for state, 15 for defense if life imprisonment possible.

Table 41. Trial Juries: Who Conducts Voir Dire and the Allocation of Peremptory Challenges

Mississippi:

¹⁸Four for 12-person jury, 2 for 6-person.

Montana:

¹⁹Six challenges for 12-person jury, 3 for 6-person jury.

²⁰Two for 6-person jury, not to exceed total of 4 challenges if jury less than 12-person.

New Hampshire:

²¹Counsel is allowed to propose voir dire questions, especially in murder cases.

²²If offense is first degree murder, then 15 per side.

New Jersey:

²³May permit attorneys to participate.

²⁴May be increased by trial judge.

New Mexico:

²⁵One for petty misdemeanors, 2 for others.

²⁶Five for 12-person jury, 3 for 6-person.

New York:

²⁷Twenty for Class A felony; fifteen for Class B or C felony, ten for all other.

North Dakota:

²⁸Six challenges for 12-person jury, 4 for 6-person jury.

²⁹Four challenges for 9-person jury, 4 for 6-person jury.

Pennsylvania:

³⁰May be varied to achieve a fair distribution of challenges.

Puerto Rico:

³¹Ten if punishable by life imprisonment, 5 for all other felonies.

Rhode Island:

³²Peremptory challenges not to exceed 1/3 of qualified jurors (qualified jurors are jurors who are not subject to challenge for cause).

South Dakota:

³³Twenty peremptory challenges when life imprisonment is a potential penalty, 10 challenges for all else.

Wisconsin:

³⁴Six per side for life sentence, otherwise 4.

Table 42. Trial Juries: Size and Verdict Rules

Court Type G=general jurisdiction L=limited jurisdiction	Trial Type					
	Felony		Misdemeanor		Civil	
	Size	Decision-Rule	Size	Decision-Rule	Size	Decision-Rule
Alabama						
G Circuit	12	Unanimous	12	Unanimous	12	Unanimous
Alaska						
G Superior	12	Unanimous	12	Unanimous	12	5/6-rule
L District			6	Unanimous	6	5/6-rule
Arizona						
G Superior	12/8 ¹	Unanimous	6	Unanimous	8	3/4-rule
L Justice of the Peace			6	Unanimous	6	5/6-rule
L Municipal			6	Unanimous		
Arkansas						
G Circuit	12	Unanimous	12 ²	Unanimous	12	3/4 rule
G Common Pleas					12	3/4 rule
California						
G Superior	12	Unanimous	12 ³	Unanimous	12 ³	3/4 rule
L Municipal			12 ³	Unanimous	12 ³	3/4 rule
Colorado						
G District	12	Unanimous	6	Unanimous	6	Unanimous
L County			6	Unanimous	6	Unanimous
G Probate, Water					6	Unanimous
Connecticut						
G Superior	6 ⁴	Unanimous	6	Unanimous	6	Unanimous
Delaware						
G Superior	12	Unanimous	12	Unanimous	12	Unanimous
L Common Pleas, Just. Peace			12	Unanimous	6	Unanimous
District of Columbia						
G Superior	12	Unanimous	12	Unanimous	6 ⁵	Unanimous
Florida						
G Circuit	6 ⁶	Unanimous	6	Unanimous	6 ⁶	Unanimous
L County			6	Unanimous	6	Unanimous
Georgia						
G Superior	12	Unanimous	6	Unanimous	12	Unanimous
L State			6	Unanimous	6 ⁷	Unanimous
L Civil					6	Unanimous
Hawaii						
G Circuit	12	Unanimous	12 ⁸	Unanimous	12 ⁹	5/6-rule ¹⁰
Idaho						
G District	12	Unanimous	6	Unanimous	12/6 ¹¹	3/4-rule
Illinois						
G Circuit	12	Unanimous	12	Unanimous	12/6 ¹²	Unanimous
Indiana						
G Superior, Circuit	12/6 ¹³	Unanimous	6	Unanimous	6	Unanimous
L County	6 ^{13,14}	Unanimous	6	Unanimous	6	Unanimous
L City, Town	15		6	Unanimous	6	Unanimous
Iowa						
G District	12	Unanimous	12/6 ¹⁶	Unanimous	8	7/8-rule or Unanimous ¹⁷
Kansas						
G District	12 ¹⁸	Unanimous	6	Unanimous	6/12 ¹⁹	5/6-rule, or Unanimous ²⁰
Kentucky						
G Circuit	12	Unanimous	12	Unanimous	12	3/4-rule
L District			6	Unanimous	6	5/6-rule

Table 42. Trial Juries: Size and Verdict Rules

Court Type G=general jurisdiction L=limited jurisdiction	Trial Type					
	Felony		Misdemeanor		Civil	
	Size	Decision-Rule	Size	Decision-Rule	Size	Decision-Rule
Louisiana						
G District	12 ²¹	Unanimous/ 10/12 ²²	6	Unanimous	12 ²³	5/6-rule, 9/12-rule
Maine						
G Superior	12	Unanimous	12	Unanimous	8	3/4-rule
Maryland						
G Circuit	12	Unanimous	12	Unanimous	6	Unanimous
Massachusetts						
G Superior	12	Unanimous	12	Unanimous	12	5/6-rule
L District	6	Unanimous	6	Unanimous	6	5/6 rule
L Boston Municipal	6	Unanimous	6	Unanimous		
Michigan						
G Circuit	12	Unanimous	12	Unanimous	6	5/6-rule
L District, Municipal			6	Unanimous	6	5/6-rule
Minnesota						
G District	12	Unanimous	6	Unanimous	6	5/6-rule, or Unanimous ²⁴
Mississippi						
G Circuit	12	Unanimous	6	Unanimous	12	3/4-rule
G Chancery					12	3/4-rule
L County			6	Unanimous	6	5/6-rule
L Justice			6	Unanimous	6	Unanimous
Missouri						
G Circuit	12	Unanimous	12	Unanimous	12	3/4-rule
Montana						
G District	12	Unanimous	12 ²⁵	Unanimous	12 ²⁵	2/3-rule
L Justice Peace, Municipal			6 ²⁵	Unanimous	6 ²⁵	Unanimous
L City			6 ²⁵	Unanimous	6 ²⁵	Unanimous
Nebraska						
G District	12	Unanimous	12	Unanimous	12	5/6-rule, or Unanimous ²⁶
L County			6	Unanimous	6	5/6-rule, or Unanimous ²⁶
Nevada						
G District	12	Unanimous	12	Unanimous	12 ²⁷	3/4 rule
L Justice			6	Unanimous	6 ²⁷	3/4-rule
New Hampshire						
G Superior	12	Unanimous	6	Unanimous	12	Unanimous
New Jersey						
G Superior	12	Unanimous	12	Unanimous	6/12	5/6-rule
New Mexico						
G District	12	Unanimous	12	Unanimous	12	5/6-rule
L Magistrate, Bernalillo Metro.			6	Unanimous	6	5/6-rule
New York						
G Supreme, County	12	Unanimous	12	Unanimous	6	5/6-rule
L District			6	Unanimous	6	5/6-rule
L City, Town and Village			6	Unanimous	6	5/6-rule
L N.Y.C. Civil					6	5/6-rule
L N.Y.C. Criminal			6	Unanimous		
North Carolina						
G Superior	12	Unanimous	12	Unanimous	12 ²⁸	Unanimous ²⁸
L District					12 ²⁸	Unanimous ²⁸
North Dakota						
G District	12	Unanimous	12/6	Unanimous	6/9	Unanimous

Table 42. Trial Juries: Size and Verdict Rules

Court Type G=general jurisdiction L=limited jurisdiction	Trial Type					
	Felony		Misdemeanor		Civil	
	Size	Decision-Rule	Size	Decision-Rule	Size	Decision-Rule
Ohio						
G Common Pleas	12	Unanimous	8	Unanimous	12/8 ²⁹	3/4-rule
L Municipal, County			8	Unanimous	8	3/4-rule
L Claims					8	3/4-rule
Oklahoma						
G District	12	Unanimous	6 ³⁰	Unanimous	6/12 ³¹	Unanimous
Oregon						
G Circuit	12	5/6 (of 12) not murder ³²	6	5/6-rule	6/12 ³³	3/4-rule
L Justice			6	5/6-rule	6	5/6-rule
L Municipal			6	Unanimous	6	Unanimous
Pennsylvania						
G Common Pleas	12 ³⁴	Unanimous	12 ³⁴	Unanimous	12 ³⁵	5/6-rule
Puerto Rico						
G Superior	12	9	12	9	No jury	No jury
Rhode Island						
G Superior	12	Unanimous	12	Unanimous	12	Unanimous
L Family					6	Unanimous
South Carolina						
G Circuit	12	Unanimous	12	Unanimous	12	Unanimous
L Magistrate			6	Unanimous	6	Unanimous
L Municipal			6	Unanimous		
South Dakota						
G Circuit	12	Unanimous	12	Unanimous	12 ³⁶	5/6-rule
Tennessee						
G Circuit	12	Unanimous	12	Unanimous	12	Unanimous
G Criminal	12	Unanimous	12	Unanimous		
G Chancery					12	Unanimous
Texas						
G District	12	Unanimous	12	Unanimous	12	5/6-rule
L County, Justice Peace, Municipal			6	Unanimous	6	5/6-rule
Utah						
G District	8/12 ³⁷	Unanimous	6/4 ³⁸	Unanimous	8	3/4-rule or Majority
L Justice			4/6 ³⁸	Unanimous	~	~
Vermont						
G Superior, District	12	Unanimous	12	Unanimous	12	Unanimous
Virginia						
G Circuit	12	Unanimous	7	Unanimous	5/7 ³⁹	Unanimous
Washington						
G Superior	12 ⁴⁰	Unanimous	12 ⁴⁰	Unanimous	6 ⁴¹	5/6-rule
L District, Municipal			6	Unanimous	6	5/6-rule
West Virginia						
G Circuit	12	Unanimous	12	Unanimous	6	Unanimous
L Municipal			12	Unanimous		
L Magistrate			6	Unanimous	6	Unanimous
Wisconsin						
G Circuit	12 ⁴²	Unanimous	6	Unanimous	6 ⁴³	5/6-rule
Wyoming						
G District	12	Unanimous	6	Unanimous	6 ⁴⁴	Unanimous
L Municipal			6	Unanimous		
L County, Justice Peace			6	Unanimous	6 ⁴⁴	Unanimous

Table 42. Trial Juries: Size and Verdict Rules

Court Type G=general jurisdiction L=limited jurisdiction	Trial Type					
	Felony		Misdemeanor		Civil	
	Size	Decision-Rule	Size	Decision-Rule	Size	Decision-Rule
Federal						
G District	12	Unanimous	12	Unanimous	6 ⁴⁵	Unanimous

FOOTNOTES:

Arizona:

¹Twelve-member jury if death penalty or sentence of thirty years or more.

Arkansas:

²May be six at judge's discretion.

California:

³Or fewer by agreement of parties.

Connecticut:

⁴Twelve-member jury in capital cases, defendant may elect otherwise.

District of Columbia

⁵In civil trials, six-member jury unless a jury of twelve is demanded.

Florida:

⁶Capital and eminent domain cases require a twelve-member jury (Unanimous verdict).

Georgia:

⁷In state court civil trials, twelve-member jury may be demanded if damages are greater than \$10,000, otherwise six.

Hawaii:

⁸Crimes punishable by six months or more.

⁹May stipulate that the jury consist of any number less than twelve or that a verdict on finding of a stated majority of jurors is taken as the verdict or finding of the jury.

¹⁰Can stipulate to six-member with 5/6-rule.

Idaho:

¹¹Limited to six in cases involving less than \$500.00.

Illinois:

¹²In civil trials, six-member jury unless twelve are requested.

Indiana:

¹³Twelve for class A, B, and C felonies; six for other felonies.

¹⁴Only tries class D felonies.

¹⁵No jurisdiction over felonies.

Iowa:

¹⁶In misdemeanor trials, twelve-member jury if "serious" or "aggravated," six if "simple."

¹⁷In civil trials, 7/8-rule applies after six hours of deliberation.

Kansas:

¹⁸In felony trial, must start with twelve members.

¹⁹In civil trials, twelve-member jury if damages are greater than \$10,000, otherwise six.

²⁰In civil trials, 5/6-rule applies with twelve jurors, otherwise must be unanimous.

Louisiana:

²¹Capital cases and cases where punishment necessarily is confinement at hard labor=twelve jurors. Cases where punishment may be confinement at hard labor=six jurors.

²²Capital cases=unanimous; cases where punishment necessary is confinement at hard labor=10/12; cases where punishment may be confinement at hard labor=unanimous.

²³Parties may stipulate to a six person jury.

Minnesota:

²⁴If deliberate more than six hours.

Montana:

²⁵In misdemeanor and civil trials, four-member jury if both parties agree.

Nebraska:

²⁶In civil trials, 5/6-rule after six hours deliberation.

Nevada:

²⁷Parties may stipulate to a jury of 4-8.

North Carolina:

²⁸Except in actions in which a jury is required by statute, the parties may stipulate that the jury shall consist of any number less than twelve or that a verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury.

Ohio:

²⁹Twelve person only when action for appropriation of right-of-way by a corporation.

Oklahoma:

³⁰In cases where imprisonment is authorized for more than six months, all jurors must concur in the verdict.

³¹In civil trials, twelve-member jury if damages are greater than \$2,500, otherwise six.

Oregon:

³²In murder trials, verdict must be unanimous.

³³Six person if cause of action less than \$10,000.00.

Pennsylvania:

³⁴Upon consent, may be less than twelve, but not less than six.

³⁵Twelve is subject to waiver.

South Dakota:

³⁶Small claims actions – six person jury allowed (beginning 7/1/98 pilot)

Utah:

³⁷Twelve member jury for capital offense.

³⁸In class A misdemeanor trials, a six-member jury is required. In class C and D misdemeanor trials, a four-member jury is required.

Virginia:

³⁹In civil trials, a twelve-member jury may be allowed by judge.

Table 42. Trial Juries: Size and Verdict Rules**Washington:**

⁴⁰In non-capital cases, defendant may elect trial before a six-member jury.

⁴¹In a civil trial, may demand a twelve-member jury.

Wisconsin:

⁴²Both parties may agree, in writing or on the record, to any number less than twelve.

⁴³In civil or traffic cases, a party may request, or the court on its own motion may require a greater number, not to exceed twelve.

Wyoming:

⁴⁴In civil trials, six-member jury unless demand made for twelve.

Federal:

⁴⁵In civil trials, six-member jury unless a jury of twelve is demanded. If a twelve member jury is used, even absent stipulation, a valid verdict may be returned by the remaining eleven jurors if the court finds it necessary to excuse a juror.

Table 43. Grand Juries: Composition and Functions

	Is Indictment Required for all Felony Prosecutions?*	Number of Jurors	Number Needed to Indict	Statutory Term	Scope of Activities
Alabama	Yes	18	12	Minimum of 2 per year if population is less than 50,000; minimum of 4 per year if population is over 50,000	Criminal investigations, indictments, inspect jails, examines county bookkeeping records
Alaska	Yes	12 to 18	Majority	4 months maximum	Criminal investigations, indictments, investigates and makes recommendations concerning public safety or welfare
Arizona	No	12 to 16	9	County grand jury, up to 120 days; statewide grand jury, 6 months	Criminal indictments
Arkansas	No	16 plus reasonable number of alternates	12	1 year maximum	Criminal investigations, indictments, inspects jails, public corruption investigations, examines public records
California	No	23/19/11 ¹	14/12/8	1 year	Criminal investigations, indictments, operation of local government, public records
Colorado	No	12	9	12 months, may be extended for another 6	Criminal investigations, indictments
Connecticut	Grand jury required only in capital or life imprisonment cases	18	12	Varies	Criminal investigations, indictments
Delaware	Yes, capital offenses only	15 (New Castle), 10 (Kent and Sussex)	9 (New Castle), 7 (Kent and Sussex)	Serves until discharged by court, usually 1 year	Criminal investigations, indictments
District of Columbia	Yes, defendant may waive rights in non-capital cases	16 to 23	12	Until discharged (up to 18 months)	All matters brought before it, regardless of whether an indictment is returnable.
Florida	Capital cases only, a separate state-wide jury is available in special cases	15 to 18	12	May be recalled at any time during the same term of court.	Criminal investigations, indictments, political corruption investigations
Georgia	No, defendant can waive right to grand jury	16 to 23	12	4 weeks or until end of case.	Criminal investigations, indictments, inspects jails and public buildings, inspects offices of superior court, probate court, county treasurer, district attorney, school superintendent. Appoints committee to inspect any county office or officer
Hawaii	No	16, 8 is a quorum	3/4, but not less than 8 of the jurors present	1 year	Criminal investigations, indictments
Idaho	No	16, 12 is a quorum	12	6 months	Criminal investigations, indictments
Illinois	No	16, 12 is a quorum	9	18 months maximum	Criminal investigations, indictments, inspection of jails
Indiana	No	6	5	6 months, may be extended to 2 years	Criminal investigations, indictments, status report on county homes, and correctional facilities

Table 43. Grand Juries: Composition and Functions

	Is Indictment Required for all Felony Prosecutions?*	Number of Jurors	Number Needed to Indict	Statutory Term	Scope of Activities
Iowa	No	7	5	1 year, may be extended	Criminal investigations, indictments, condition of public prisons, county institutions, places of detention, and misconduct of public officers
Kansas	No	15, 12 is a quorum	12	3 months, may be extended to 6	Criminal investigations, indictments
Kentucky	No	12	9	20 court days, special grand jury 90 days	Criminal investigations, indictments, public corruption investigations
Louisiana	No	12	9	4 to 8 months except up to 1 year in Cameron Parish	Criminal investigations, indictments, inspects public facilities
Maine	Yes	13 to 23	12	No set term, not to exceed 1 year	Criminal indictments
Maryland	No	23	12	Coterminous with term of court for which summoned	Criminal investigations, indictments, investigates local jail conditions
Massachusetts	No	23	12	Grand jurors serve for 3 months, but that time may be extended.	Criminal investigations, indictments
Michigan ²	No	13 to 17	9	6 months	Criminal investigations, indictments
Minnesota	No	16 to 23	12	Not to exceed 1 year	Criminal investigations, indictments, investigates public corruption, inspects prison management
Mississippi	Yes	15 to 20	12	6 months	Criminal indictments, inspects county owned facilities, inspects tax books
Missouri	No	12	9	Not to exceed 6 months; extension up to 60 days to complete work	Criminal investigations, indictments, examines public buildings
Montana	No	11	8	Varies	Criminal indictments, investigates public corruption, inspects prisons
Nebraska	No	16	12	Varies	Criminal investigations, indictments, inspects county jails
Nevada ³	No	17	12	1 year	Criminal investigations, indictments, inspects prisons and public records
New Hampshire	Yes	13 to 23	12	30 days maximum	Criminal indictments and investigations
New Jersey	Yes	Not more than 23	12	Not more than 20 weeks	Criminal investigations, indictments, investigation of public affairs or conditions
New Mexico	No	12	8	3 months	Criminal investigations, or as charged by district judge
New York	Yes	16 to 23	12	No set term	Criminal investigations, investigates public corruption
North Carolina	Yes	12 to 18	12	1 year (Judicial discretion to fix term at 6 months if judge finds jury service to be disproportionate burden on jurors and their employers.)	Criminal investigations, indictments, inspects jails and other county offices, reports to the court
North Dakota	No	8 to 11	6	10 days	Criminal investigations, indictments, investigates public corruption, inspects prisons
Ohio	No/Yes ⁴	15/9 ⁴	12/7 ⁴	Up to 4 months, extendible to 9 months	Criminal investigations, indictments, inspects correctional houses

Table 43. Grand Juries: Composition and Functions

	Is Indictment Required for all Felony Prosecutions?*	Number of Jurors	Number Needed to Indict	Statutory Term	Scope of Activities
Oklahoma	No; multi-county limited grand jury available in special cases	12	9	18 months	Criminal indictments, examines public officer conduct, investigates prison management
Oregon	No	7	5	Varies by county (depends on juror, term) service	Criminal investigations, indictments, investigates public corruption and deaths of law enforcement officers, inspects jails
Pennsylvania	No, all counties have abolished the indicting grand jury system	23, 15 is a quorum; 7 alternate jurors	~	18 months, but can be extended to 24 months	Criminal investigations
Rhode Island	Capital or life imprisonment cases only	13 to 23	12	18 months maximum	Criminal investigations, indictments
South Carolina	Yes	18	12	2 year maximum	Criminal investigations, indictments, investigates public officials
South Dakota	No	6 to 10	6	18 months	Criminal investigations, indictments, examines public records and prisons
Tennessee	Yes	13	12	Foreman serves for 2 years. The other 12 serve until dismissed by the judge or until the next term.	Criminal investigations, indictments, inspects conditions and management of prisons and other county buildings, inquire into abuse of office and bonds of county officers, and inquire into condition of county treasury.
Texas	No	12, 9 is a quorum	9	Varies	Criminal investigations, indictments
Utah	No	9 to 15	3/4 of jury	18 months	Criminal investigations
Vermont	No	18-23	12	6 months	Criminal investigations, indictments
Virginia	Yes	5 to 7	4	1 year	Criminal investigations, indictments
Washington	No	12	3/4 of jury	60 days	Criminal investigations, indictments, investigates public corruption
West Virginia	Yes	16, 15 is a quorum	12	1 term (4 months), may be extended	Criminal indictments (circuit court only)
Wisconsin ⁵	No	17	12	31 consecutive days	Criminal investigations, indictments
Wyoming	No	12, 9 is a quorum	9	Up to 1 year	Criminal indictments, inspects jails
Federal Courts	Yes	16 to 23	12	18 months, may be extended another 6 months	Criminal investigations, indictments

*Unless waived by the accused, "No" = not required but available.

FOOTNOTES:

California:

¹23 in counties having a population exceeding 4 million; 11 in counties having a population less than 20,000; 19 in all other counties.

Michigan:

²For multi-county grand juries, the court of appeals shall designate the number of jurors to be drawn. (MCL 767.7e)

Nevada:

³Every public offense must be prosecuted by indictment or information, except removal of civil officer, offenses arising in militia and offenses tried in municipal or justice court.

Ohio:

⁴State and County grand jury: for felonies in County Courts, grand jury indictment by 7 of 9 grand jurors required for all felony prosecutions. Not required by state court grand juries which have 15 members and 12 are needed to indict.

Wisconsin:

⁵Wisconsin has not convened a grand jury in at least twenty-five years, although the grand jury statute is still on the books. As a practical matter, it serves no function.