



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Private Acts of 1965 Chapter 159

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Private Acts of 1965 Chapter 159

COMPILER'S NOTE: This act is superseded by the Knox County Charter, Section 18-31, pursuant to T.C.A. § 5-1-210, subject to continuation by ordinance of the Knox County Commission. This act was reproduced rather than placed in the historical notes due to its importance and possible continuation by ordinance. See Knox County Charter Chapter 18, Article II.

SECTION 1. That there is hereby authorized to be created a Jury Law for Knox County. There is created a Board of Jury Commissioners, hereafter referred to as the Board. The members of said Board shall be appointed by the Judge or Judges of the Circuit Court, acting jointly with the Judge or Judges of the Circuit Court, acting jointly with the Judge or Judges of the Criminal Court. Said Board shall consist of three discreet persons who are householders and freeholders of the County, and who are not practicing Attorneys at Law, or State or County Officers, and who have no suit pending in any of the said Circuit or Criminal Courts at the time of their appointment. No more than two of the said Commissioners shall belong to the same political party. The first appointee of said Commissioners shall be appointed to serve for one (1) year, one for two (2) years and one for three (3) years; all vacancies which may occur in said Board, either from death, resignation or otherwise, shall be filled in the same manner and by the same authority as the original appointment, for a three (3) year term. Such vacancy may be filled immediately upon receipt of satisfactory notice thereof.

There is hereby created an Executive Secretary to the Board, hereafter referred to as Secretary, who shall serve as the Deputy or Executive Officer of the Judges in their administration and supervision of the Jury Law, the Secretary's duties being more fully set out hereafter.

The Clerk of the Circuit Court is hereby created the Clerk of said Board, and whenever any member of said Board shall fail, refuse, or be unable to discharge any of the duties imposed by this Act upon said Board, the two remaining members of said Board shall perform the duties required of said Board temporarily; the performance of said duties by said remaining members of said Board shall be justified at any time when it shall appear by the affidavit of any member of said Board, or certificate of a reputable physician that any member of said Board is unable for any reason to perform the duties required of such member.

As amended by: Private Acts of 1970, Chapter 321

SECTION 2. That the Jury Commissioners before entering upon the discharge of their duties, shall take and subscribe before any Judge of the Circuit or Criminal Courts the following oath:

"I, A. B., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for Knox County to the best of my knowledge and ability, and that I will not place the name of any person on the jury list of said County, or in the jury box thereof, whom I believe to be corrupt or unfit, or who has to my knowledge solicited or had another to solicit his name to be placed on the jury list, or in the jury box, that I will keep secret and inviolate the deliberations and counsel of the Jury Commissioners while in the discharge of their duty, unless called on to give evidence thereof in some Court of Justice or other legal tribunal of this State, so help me God."

Said oath shall be spread upon the Minutes of the Circuit Court and the original preserved as a part of the records of said Commissioners.

SECTION 3. That immediately after their appointment and qualification by the taking of said oath, said Jury Commissioners shall meet and organize by electing one of their members as Chairman, and by requiring the Executive Secretary and the Clerk of the Circuit Courts to take and subscribe an oath to faithfully discharge their duties as Executive Secretary and as Clerk of said Board, as required by law, and not to divulge any of the proceedings and deliberations of the Jury Commissioners, unless required to testify thereof in some Court of this State. This oath shall be spread upon the Minutes of the Circuit Court and the original preserved as a part of the records of the Commission.

SECTION 4. That it shall be the duty of said Jury Commissioners to select from the tax books, permanent registration lists, and poll books of the County, the names of not less than 15,000 upright and intelligent men and women of fair character and sound judgment, resident citizens of the County, who are eligible for jury service according to the qualifications of jurors as now prescribed by law; no name shall be selected except by majority vote of the Board; said names when so compiled by said Commissioners shall be listed alphabetically, assigned an identifying number, and shall constitute the jury list for the jury box of said County and from this the venire for each term shall be pulled by lot. The Board shall certify on each page of said list that the foregoing is the Jury List selected by it as of the date of completion of the list. The Secretary and Clerk of said Board shall then deposit numbered slips of paper containing all the numbers on the numbered list of names selected by the Board in a Jury Box. Said box shall be securely locked and sealed by the Secretary and Clerk and so kept until ordered by the Judges to break said seal and unlock said box for drawing of the venires.

For recording the said Jury List in said Book, said Clerk shall be entitled to a fee of ten cents for each name upon said list, to be paid by the County on the certificate of two or more of said Judges that said service has been rendered by said Clerk and said sum so allowed shall be in full payment of all services rendered by said Clerk pertaining to said Jury List and said Jury Box, and the keeping thereof, which said Clerk is required to perform under this Act.

As amended by: Private Acts of 1981, Chapter 76

SECTION 5. That at such time as the Judges shall determine, and in ample time before each Regular or Special Term of the Circuit and Criminal Courts, upon order of the Judges and in the presence of two or more of the Judges, the Secretary and Clerk shall unlock the Jury Box, break the seal thereof and after having well shaken same, cause to be drawn therefrom, in the presence of the Board, by a child under the age of ten years, or a person over said age but blindfolded, such number of names as may be ordered to be taken therefrom by the Judges of said Courts from which to impanel petit and trial juries for the respective terms of said Courts.

In the event the name of a person known by the Board to have died, removed from the County, or to be mentally or physically disabled or otherwise ineligible, should be drawn from said Box, a line shall be drawn through such name and number on said Jury List. Such name and number shall be struck through with applicable notation made and the corresponding numbered slip destroyed. Additional names shall be drawn until the required number of names for the venire is obtained. The numbered slips shall be immediately applied to the Jury List and typewritten list of the venire prepared. The numbered slips shall be placed in an envelope which together with the typewritten list of the venire shall be endorsed by the Secretary and the Clerk with the date of the drawing and certified on each as the Venire for the term and Court drawn and filed by the Clerk. Said envelope shall be kept under lock and key, together with said Venire List after its use, for three years from the date of expiration of the Term for which drawn. At the expiration of said three years, the Judges may order said numbered slips placed back in the Jury Box or may order them destroyed. After preparation of the Venire List and in ample time before commencement of the Term, the Clerk shall notify by certified or regular mail the persons whose names are set out in said Venire List and this notification by certified or regular mail shall constitute a legal summons to these persons as jurors for said Term of Court. From such persons, when so summoned, the Judges shall prepare a jury calendar dividing the Term of Court into periods of not more than three weeks and shall impanel from the venire such number of names of Jurors as shall in their discretion be required for the aforesaid periods, and these shall be designated as the trial panels. Jurors assigned to each court or division shall be freely exchanged.

After service of the writ of venire facias, or after preparation of the trial panels, if by reason of a disqualification of the proposed jurors or other causes, the required number of Jurors cannot be obtained from said persons so summoned, the Judges shall have drawn from the Jury Box in open court a sufficient number of names until the trial panels are completed. This drawing need not be in the presence of the Jury Commissioners.

The Secretary and the Clerk shall note on the Jury List, provided for in Sec. 4, the date of the trial panel for which a Juror has been summoned. The inclusion of a Juror's name on a trial panel and the reporting of said Juror to said trial panel for service shall constitute jury service within the meaning of the provision herein that a Juror shall not be required to serve more than once in any three year period. Said Jury List shall be correctly posted by the Secretary and Clerk at the end of the service of each trial panel. Upon order of the Judges, any member of the Bar or public may inspect said Jury List, envelope with numbered slips or Venire List.

As amended by: Private Acts of 1981, Chapter 76

SECTION 6. That in the selection of a Grand Jury, the Judge or Judges of the Criminal Court, as the case may be, shall not be confined to the said Jury List, but may select members of the Grand Jury from the County at Large. To be eligible for Grand Jury service the individual must be eligible for jury service as is presently prescribed by law, and a registered voter, and must not have made any effort, directly or indirectly to become a member of such Grand Jury. The above qualifications must be determined by the Judge by asking such prospective Grand Juror, under oath, questions concerning the above qualifications.

As amended by: Private Acts of 1971, Chapter 170

Private Acts of 1973, Chapter 134.

SECTION 7. That whenever a Judge of the Circuit or Criminal Courts shall be satisfied that a jury in a cause pending in his Court cannot be obtained from the number of persons ordinarily summoned, the Judge may at such time, previous to the hearing of the cause as he may deem best, cause the Jury Box to be brought into open Court and such number of names as he deems sufficient drawn by the Judge therefrom. Said jurors may be summoned as provided in Section 5 or the Sheriff may summon said persons, in the manner directed by the Judge, and the Judge shall draw from the Box until the jury is completed, provided, however, that in empanelling a petit jury, the names of the regular venire summoned

for the term, who have been assigned to the regular panel in attendance, shall first be called and exhausted before calling any of the names of jurors who have been summoned as additional jurors of the special panel in the manner provided herein.

As amended by: Private Acts of 1969, Chapter 128

SECTION 8. That any person summoned to serve as a juror in the Circuit or Criminal Courts may present to the Judge of the Court in which he is summoned an excuse and said Judge may thereupon excuse or not excuse said persons from service, according to the sound judgement and discretion of said Judge. In the event such person shall be excused, his numbered slip may be replaced in the Jury Box, and this shall be done in the case of all persons eligible to jury service excused for any reason which in the sound judgment of the Court only temporarily exempts said person from jury service, or the said person may be placed on the venire for any subsequent Term within one year. If in the discretion of the Judge the person should be permanently excused, his slip shall be retired and his name stricken from the jury list with proper notation as to cause.

SECTION 9. That from time to time as may be necessary, and for the purpose of replenishing or adding to said Jury List such persons as under the provisions of this Act are eligible to jury service, the said Jury Commissioners may add additional names as provided in Section 4 to said Jury List of persons eligible for jury service, and for each of said names so added to said List, shall be prepared a numbered slip and the same shall be placed in the Jury Box.

SECTION 10. That the operation of the Jury Law created herein shall be supervised by the Judges. The Executive Secretary, at the direction of the Judges, shall assist them in the discharge of their duties relating to said Jury Law. The duties of said Secretary, while not limited thereto, shall be: To assist in providing names from those sources specified in Section 4 for the Jury List; to serve as Secretary of the Board of Jury Commissioners and to assist said Board in arranging meetings of the Board and arranging for an individual to draw the names from the Box; in a supervisory capacity, to assist in the preparation of the Jury List, the numbered slips for the Jury Box, and after drawing of names for the venire, the preparation of the Venire List, the separation of the Venire List into trial panels for the Term, the notification to the Jurors of their period of service; the safekeeping of the numbered slips and Venire Lists and the record of jury service on the Jury List; and such other duties as the Judges shall direct. The Secretary shall receive for services a salary, the amount of which shall be set by judges presiding over courts which regularly utilize jurors.

As amended by: Private Acts of 1971, Chapter 170
Private Acts of 1981, Chapter 76.

SECTION 11. That it shall be a misdemeanor for any Jury Commissioner or Clerk of the Court or Secretary of the Board of Jury Commissioners or the Sheriff or any of his deputies in said County subject to the provisions of this Act, to divulge any of the secrets of said Jury Commissioners or to notify any one what name or names appear on said Jury List, or appear upon regular or special venire to be summoned for use in any court, or any part of such regular or special panel; and it shall also be a misdemeanor for any of the persons or officers charged with the duty of carrying out this Act to fail to perform any duty imposed by Act. It shall also be a contempt of Court, punishable by the Circuit Court upon its own motion, or by the Criminal Court upon the petition of the Attorney General, or on its own motion, for any Jury Commissioner, Circuit Court Clerk, Secretary or any other person to hold any Jury Box except as authorized by the provisions of this Act, or to destroy, deface or remove without authority or to add any name to the Jury List, Venire List or any Jury List or to assist in or connive at any such acts, or for any custodian of a Jury Box or List to knowingly permit such acts to be done.

SECTION 12. That the Judge or Judges having the right to appoint Jury Commissioners, under the provisions of this Act, shall have the right and authority to remove any or all of such Jury Commissioners for cause and upon due hearing for incompetency, failure to perform their duties as required by law, or corruption in office, or any other good and sufficient reason to said Judge or Judges appearing, upon giving five days notice to said Commissioners or Commissioner of the time and place of taking action thereon and the grounds therefor.

SECTION 13. That the Jury Commissioners provided for by this Act shall receive an amount set by the Judges for each and every day's service while actually engaged in the performance of the duties required of them in this Act. Their service will be certified by the Secretary and Clerk of the Board to the County, who will thereupon issue proper warrants for their payment by the County Trustee.

As amended by: Private Acts of 1971, Chapter 170

SECTION 14. That Jurors who report for service on a panel shall receive the amount provided by general law, each per day for each day of service, and a Juror shall be deemed to have served if he has reported for service on a panel.

As amended by: Private Acts of 1971, Chapter 170

SECTION 15. That all books and boxes and other things required by this Act to be purchased by the

Secretary and the Clerk of said Board of Commissioners shall be paid for by the County in the manner now provided by law.

SECTION 16. That in the absence of fraud, no irregularity with respect to the provisions of this Act shall affect the validity of any action of a Grand Jury if this Act has been substantially complied with, or the validity of any verdict rendered by a trial jury if this Act has been substantially complied with, unless such irregularity has been specially pointed out and exception taken thereto before the Jury is sworn.

SECTION 17. That the provisions of this Act shall apply to all grand, petit, or trial juries in all Circuit and Criminal Courts of this County subject to the provisions of this Act; provided, the above provisions limiting jury service to not more than a three weeks period shall apply only to petit or trial juries; further, said limitation of jury service for not more than a three weeks period shall apply where a criminal or civil trial once commenced shall continue beyond said period, the jurors in this eventuality being required to serve until completion of the trial.

SECTION 18. That the Circuit and Criminal Courts that have selected petit or trial juries for the current terms under the provisions of Acts repealed by this Act, and are now in regular session, may continue the trial of cases in such courts until the end of the current terms, and organize at such subsequent term as may allow the Board to comply with this Act. Any indictments heretofore returned by Grand Juries and in all criminal cases pending in the Criminal Courts, are hereby declared legal, and the passage of this Act shall not affect in any wise any prior acts of Grand Juries or Trial Juries.

SECTION 19. That the Judges of said Courts may, acting within the limitations and framework of this Act, formulate, make and put into effect such procedural rules and regulations, applicable alike to all of said Courts, as may be necessary or proper to efficiently work out and put into practice the selection of juries as herein provided.

SECTION 20. That all laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 21. That this Act shall take effect from and after its passage, provided that the same shall have been approved by a two-thirds majority of the Legislative Body of the County affected thereby having the jurisdiction to approve or disapprove, and its approval or disapproval shall be proclaimed and certified to the Secretary of State by the presiding officer of said Body.

Passed: March 18, 1965.

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