



December 21, 2024

Private Acts of 1931 Chapter 564

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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 1931 Chapter 564

COMPILER'S NOTE: This Act must be read in conjunction with Private Acts of 1937, Chapter 347, reproduced immediately after this Act. Certain provisions may be superseded by Tennessee Code Annotated Section 22-2-10.

SECTION 1. That there shall be a Board of Jury Commissioners for each county in this State having a population of not less than one hundred and fifty-nine thousand or more than one hundred and sixty thousand inhabitants, by the Federal Census of 1930, or by any subsequent Federal Census, and that said Jury Commissioners shall be appointed to hold office until the first Monday of July, 1931, the said commissioners then appointed to hold office until the first Monday in January, 1933, and after that time said commissioners shall be elected on the first Monday of January of every other year, said appointment to be made jointly by the Judges of the Circuit Courts, Criminal Courts and Chancery Court or Courts in the counties affected by this Act.

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 said court at the time of their or his appointment, and not more than two of whom shall belong to the same political party; each of whom shall be appointed for a term of two years.

All vacancies occurring in said Board, either from death, resignation, or otherwise, shall be filled in the same manner as the original appointments are made.

In the event that at any time when, by the provisions of this Act, it shall be the duty of said Board to discharge any of the duties hereinafter imposed, it shall appear by the affidavit of any member thereof or by the certificate of a reputable physician that such member is by temporary sickness or physical disability or for some other good and sufficient reason unable to attend and discharge such duty or duties, then said affidavit or certificate shall be filed in the office of the Circuit Court Clerk, and the two remaining members shall constitute the Board and discharge said duties.

SECTION 2. That the Jury Commissioners, before entering on the discharge of their duties, shall take and subscribe before an officer authorized to administer oaths the following oath, viz.:

"I, A.B., do solemnly swear (or affirm) that I will faithfully and impartially discharge the duty of Jury Commissioner for the county of (filling in name) to the best of my knowledge and ability; that I will not place the name of any person on said jury list or in the jury box whom I believe to be corrupt and unfit, or who has to my knowledge solicited or had others to solicit that his name 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 duties, unless called upon 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 minute 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 said Jury Commissioners shall meet and organize by the election of one of their members as chairman. The Clerk of the Circuit Court shall be the Clerk of the Board of Jury Commissioners, and shall perform all the clerical duties required by law.

Before entering upon the performance of his duties as Clerk of said Board he shall take and subscribe to an oath to faithfully discharge his duties as required by law, and that he will never divulge any of the proceedings and deliberations of the Jury Commissioners unless compelled to testify thereto in some court in this State.

This oath shall be spread upon the minutes of the court and the original preserved as a part of the records of the commissioners.

SECTION 4. That it shall be the duty of each and every Justice of the Peace in counties subject to the provisions of this Act to furnish to said Jury Commissioners a list of persons qualified by existing laws for jury service who are residents of the civil district from which such Justice was elected, and who are men of good character; and it shall be the duty of said Jury Commissioners to call for and receive such lists, and from said lists and from the tax books of said county and from any other reliable sources of information said Jury Commissioners shall select the names of upright and intelligent men known for their integrity, fair character, and sound judgement from each and every district in the county, and proportion to the population of such districts as near as may be, who have not served on any regular or grand jury in the county within the preceding twelve months, and who possess the qualifications for jurors otherwise prescribed by law; the number of such names to be placed on such list shall be that number determined

by the judges appointing the board. The judges may authorized the jury commissioners to obtain said names from voter registration lists by electronic or mechanic means as provided by Tennessee Code Annotated, Section 22-2-302(d).

Said list shall constitute the jury list for one year from making thereof, and shall not during said year be added to or taken from except as hereinafter provided.

The Circuit Court Clerk of the Board shall purchase for the Board a suitable and well-bound book in which to record said list.

At the top of each page of said book shall be written or printed the words: "Jury Lists for _____ County" (filling in the name of the county). Said book shall be so ruled as to leave a space at the left hand of each page for the names, and at the right hand side for such entries as are hereinafter provided for.

Preceding the lists of names in said book shall be written these words: "Jury list selected by the Board of Jury Commissioners for _____ County, the ___ day of _____ (filling in the name of the county and date.) Immediately following this shall be recorded the lists of jurors selected placing one name on each line, arranging the names in alphabetical order and numbering them consecutively, beginning with number one.

After each name shall be placed in parenthesis [sic] the initials of commissioners proposing such name, but no name shall be placed on said list except by a majority vote of the Board of Commissioners. At the end of the list shall be written and signed by the commissioners the following:

"We certify that the foregoing is the jury list selected by us the _____ day of _____ (filling in the date). The commissioners report the list to the next term of the Circuit Court of _____ (filling in the name of the county).

"We, the Jury Commissioners for said county, respectfully submit the following as the jury list selected by us for the next year as shown by the jury book herewith, viz.: (here shall follow a complete list of names)."

Each of the names on said list shall be written on a slip or scroll of paper and placed in a box to be known as the jury box and so labeled.

Said box shall be kept securely locked and under seal, and it shall not be unlocked or the seal broken except by the order of and in the presence of the Board, and then only for the purpose of drawing therefrom names of jurors or making a new list as herein provided, or in open court by order of the Circuit or Criminal Courts for good and sufficient causes.

Said jury book shall be kept in secret by the Clerk, under lock and key, and no one shall be allowed to inspect the same except the Clerk, the presiding Judge or Judges and Jury Commissioners.

It shall be the duty of the Clerk of the Circuit Court to record the jury list in said jury book and to write the names or numbers on said slips or scrolls. For these services he shall be entitled to a fee of Five Cents for each name on said list, to be paid by the county on the certificate of the Circuit Judge that the services have been rendered.

As amended by: Private Acts of 1953, Chapter 277
Private Acts of 1991, Chapter 85

SECTION 5. That not less than ten days nor more than twenty-one days before each regular or special term of the Circuit Courts or Criminal Courts said Board shall unlock the jury box and break the seal thereof; and after having well shaken the same cause to be drawn therefrom, in the presence of the Board, by a child under twelve years of age, or an adult blindfolded, a number of names equal to the number of jurors required, and the Judge of the Circuit or Criminal Court, or the number designated by order of the Court, as herein provided, to constitute the regular panel of grand and petit jurors for such term of Court. In the event a name or names of a person or persons known by the commissioners to have died or removed from the county, or to be mentally or physically disabled, shall be drawn, such name or names shall be put aside and another name or names drawn in its or their stead.

When in this way the required number of names have been drawn, the slips or scroll on which they have been written shall be placed in a sealed envelope and safely kept by the chairman of the Board and delivered by him or one of his associates on said Board in open Court to the Judges of the Courts on the first day of the term.

In the same manner all names which may have been drawn and put aside as above provided shall be kept and delivered in open Court.

A report shall also be prepared by the Clerk of the Board substantially as follows:

To the Honorable _____ Court of _____ County (filling in the name of the Court,

whether Circuit or Criminal, and also the name of the county): We, the Jury Commissioners for said county, respectfully report the following as the regular panel of grand and petit jurors which have been drawn according to law for the _____ term of said Court, viz.: (filling in the blank before the word "term" and then copying the names drawn from the jury box).

If any names have been drawn and put aside as above provided there should be added to the report substantially the following:

"In addition to the above, there were drawn from the jury box the following names of persons known to the Board to have died, removed from the county, or become mentally or physically disabled, viz.: (here copying such names).

If, as heretofore provided, any member of the Board cannot be present at said drawing, these facts shall be stated, in the report, which shall be signed by the members actually present at the drawing.

This report shall be delivered to the Clerk of the Circuit or Criminal Court, according to the Court for which said panel has been drawn, and by him filed in his office, and the date of such filing endorsed thereon.

Thereafter and at least five days before the next regular or special term of such Court, the Clerk of the Court shall issue to the Sheriff a writ, *venire facias*, commanding him to summons the persons whose names are set out in said report as the jurors for said term of Court, and it shall be the duty of the Sheriff to serve same as now provided.

At such regular or special term of the Court the Judge thereof shall first compare the list contained in the report filed with the Clerk with the names on the slips or scrolls delivered in open Court by the chairman of the Board or by one of his associates; and if they correspond, they shall constitute the panel of grand and [sic] jurors for that term of the Court. From this panel the grand and petit jury shall be made up as now provided by law, examining each proposed juror to ascertain whether he is qualified. In the event that by reasons of the disqualification of proposed jurors or other cause the required number of jurors cannot be obtained from the said panel, the Clerk of the Circuit Court shall produce in open Court the jury box, and said box shall be opened, and there shall be drawn therefrom in the manner provided for the original drawing, except that it shall be done in open Court instead of in the presence of the Board, the number of names deemed by the Judge sufficient to complete the juries. This process shall if necessary be continued until the grand and petit jurors are completed; *provided* it shall be the duty of the Judge of each Circuit and Criminal Court to make a rule or order of Court, entered on the minutes designating how many jurors shall be in attendance to supply the places of such jurors as shall be disqualified in particular cases, and further directing how many names shall be drawn by the Board for each term, including such number as he deems necessary to insure the prompt impaneling of the juries.

The Sheriff or his legally authorized deputies shall make due return of said writ of *venire facias*, showing how he has executed the same; and a failure to make said return or the making of a false return shall be a misdemeanor in office, and it shall be a misdemeanor for any person, by notice, request, intimidation, or otherwise, to prevent or seek to prevent any juror or jurors whose names appear upon said writ of *venire facias* from attending Court according to the command of said writ; *provided*, that no juror shall serve more than three (3) weeks within any period of one year, except so far as necessary to finish the trial of a case pending when the period of three (3) weeks may have expired, and service of any juror upon any regular jury within twelve (12) months next preceding shall entitle the juror to be excused, and shall be ground of challenge; *provided, further*, that said limitation of jury service to three (3) weeks shall not apply to juries in Criminal Courts, but that juries in Criminal Courts shall serve until the completion of the work of the term for which they are impaneled; *provided, further*, that in event the required number of jurors cannot be obtained from the names appearing upon said writ of *venire facias*, and it shall be necessary that said jury box be produced in open Court for other names to be drawn, and where the jurors whose names are so drawn reside at remote and inconvenient distances, the Court shall be authorized to place their names aside in a receptacle and continue the drawing until the requisite number of jurors has been drawn who can be summoned without unreasonable delay. In such case the names of the jurors drawn and residing at inconvenient distances and which have been set aside shall be returned to the jury box; *provided, further*, that in designating the number of jurors to be summoned, the Court shall designate upon the minutes the number of jurors to be summoned for each period of three (3) weeks; and the Clerk shall issue a separate writ of *venire facias* for the jurors to be summoned for each period of three (3) weeks, specifying on the face of the writ the time for which the jurors shall attend.

As amended by:

Private Acts of 1953, Chapter 277

Private Acts of 1967, Chapter 177

SECTION 6. That a list shall be kept by the Clerk of the Court of all persons whose names are drawn from the jury box and the cards bearing the names of those drawn from the jury box who are not selected as jurors shall be held by the Clerk of the Court ordering the same drawn from the box, and they will be placed back in the jury box at the discretion of the Judge who ordered the same to be drawn, the Court

ordering the box to be opened for that purpose. The cards bearing the names of those who are disqualified, or for other sufficient reason appearing to the Court, shall be destroyed by the Court or by the Chairman of the Jury Commission, at the discretion of the Court. A list of those constituting the regular grand and petit jurors shall also be spread on the minutes, and it shall be the duty of the Clerk of the Circuit Court to enter in the space following the name of every such juror on the jury list the following words: "Regular Jury," and also the date of such service on the jury. In counties where the Criminal and Circuit Courts are separate the Clerk of the Criminal Court shall, during each term of his Court furnish a list of the regular jurors serving to the Clerk of the Circuit Court, and from the list the latter shall make the entries on the jury list required by this Section.

As amended by: Private Acts of 1953, Chapter 277

The cards bearing the names of jurors who have been selected and are serving shall be destroyed by the Judge or on his order.

As amended by: Private Acts of 1953, Chapter 277

SECTION 7. That whenever the Judge is satisfied that in any case a jury cannot be obtained from the regular panel, he may, but not earlier than three days before the case is assigned for hearing, cause the jury box to be brought into open Court and such number of names as he deems sufficient to obtain such jury to be drawn therefrom, and the Sheriff shall forthwith summon the persons whose names are so drawn from the panel so drawn and summoned, and the regular panel shall be made up if practicable. If not, another panel shall likewise be drawn and summoned instantly, and so on until the jury is completed or jury box exhausted; if the jury box is exhausted before the jury is completed the Sheriff shall summon such other men as may be designated by the presiding Judge until the jury is complete; *provided*, that in case of emergency as found by the Court, whose judgement shall be final, the presiding Judge may, in his discretion, where the regular panel has been exhausted before the Jury is completed, order the sheriff to summons additional jurors and so on until the jury is completed. The Judge shall not place on the list the name of any person who seeks directly or indirectly through another to be summoned as a juror, and such solicitation shall operate to disqualify said person for any jury service. It shall be a misdemeanor, punishable by fine of not less than Twenty-five Dollars nor more than Fifty Dollars, for any person to request or to have another request said Jury Commission or either of its members, or any Justice of the Peace of the county to be placed upon said jury list. The names drawn from the jury box under this Section shall be carefully preserved and returned to the jury box, whether such person serve on the jury or not, in the same manner as hereinbefore provided with respect to those drawn but not serving as regular jurors. It shall not be cause for challenge of a person drawn or summoned under this Section that he has served on a regular jury within one year, nor shall service on a jury under this Section disqualify or excuse him for service on the regular juries if his name is regularly drawn from the box thereafter. The Clerk of the Court shall keep a list of all persons serving on juries as provided in this Section, and at the close of each term shall furnish the same to the Clerk of the Board, who shall enter opposite each such name the words: "Served on special jury," together with the date of such service.

As amended by: Private Acts of 1953, Chapter 277

SECTION 8. That the Court shall not have the right to excuse any person summoned as a juror who is qualified for service unless it be made to appear to the satisfaction of the Court that the state of his own health or that of his family require his absence, or that some pressing and urgent business engagement, the neglect of which would cause irreparable loss, or the public service will be materially injured by his attendance, and such details shall be given as will clearly show the reason therefor to the satisfaction of the Court.

If excused, it shall be only for such time as the cause for excuse exists. If any reason of excusing of jurors under this Section it becomes necessary to have additional jurors during the term, they shall be drawn and summoned, the drawing to be done in open Court as provided in Section 5 of this Act. Nothing in this Act shall be construed as prohibiting a Judge from discharging a juror for good cause to him appearing.

As amended by: Private Acts of 1953, Chapter 277

SECTION 9. That before the Clerk delivers to the Sheriff or his deputies the writ for the regular panel, or any writ for names of jurors, otherwise drawn or prepared by the presiding Judge, he shall administer an oath to said Sheriff or deputies to keep said names secret, and instruct them to caution such jurors as summoned not to divulge the fact that they have been summoned as jurors.

SECTION 10. That the jury list herein provided for shall be prepared as soon as practicable after the passage of this Act.

On the first Monday in July, 1931, or as soon thereafter as practicable and annually thereafter the Board shall make out a new jury list, the names in the jury box being first removed; *provided*, that if within one year the number of names remaining in the jury box shall have been reduced until they are less than one-third of the names on the jury list, then a Judge of the Circuit or Criminal Court or Courts shall be an

order made either at chambers or in open Court require the Board to renew the list and box as though the year had expired.

SECTION 11. That when a new jury is to be made, the Board shall if practicable not put thereon the names of those on the list for the preceding year who have actually served during that time as regular jurors.

SECTION 12. That if for any reason the Court should at any time discover that the jury box had not been filled or renewed, or that the jury list had not been prepared or renewed as required by law, or the panel drawn, or additional names drawn therefrom as required by law, or the jury box had been tampered with, the Circuit or Criminal Judge may have the right to investigate said jury box and also the jury lists, and see that said Act is duly enforced; and should it be discovered that any irregularities or fraud exists, correct same.

If for any reason a legal panel is not furnished a Circuit or Criminal Court at any regular or special term as provided by this Act, then the Judge of said Court shall cause said jury box to be produced in open Court and the required number of jurors to be drawn therefrom for the purpose of making up the grand jury and the trial juries in case of a Criminal Court or of making up the trial juries where only grand juries are not needed. In such cases the drawing shall be as prescribed for the drawing of additional jurors in Section 5 of this Act, and in no case shall any Judge impanel any juror whose name has not been drawn from the box as prescribed in this Act.

SECTION 13. That said jurors when duly selected and impaneled by the said respective Judges of the Courts of the counties subject to this Act shall be eligible for service in all of said Courts of said counties during the period of their service and the said Judges shall have power to transfer said jurors or so many of them as may be necessary from one to another of said Courts as the necessities of the public therein may require.

SECTION 14. That whenever a jury is required for the trial of cases in the Chancery Court or Courts of the counties affected by this Act, the presiding Chancellor or Chancellors of said Court of Courts may make requisition upon one or more of the Judges of the Circuit and Criminal Courts for the number of jurors required and the Judges of the Circuit and Criminal Courts shall furnish such jurors from those not then engaged in said Courts, *provided* in case said Circuit and Criminal Courts are not in session or cannot have a sufficient number of jurors available within a reasonable time the said Chancellor or Chancellors shall have the power to impanel juries as now provided by law.

SECTION 15. That it shall be a misdemeanor for any Jury Commissioner, the Clerk of the Court, his deputy, or the Sheriff or any of his deputies to divulge any of the secrets of said Jury Commissioners, or to notify anyone what name or names constitute the panel or any part of it for the Court, or any name or names drawn from the jury box for service in any case pending in Court, or to fail to perform any duty imposed by this Act, and upon conviction thereof they shall pay a fine of not less than Forty Dollars and be imprisoned in the county jail not less than thirty days, one or both in the discretion of the Court trying the case, and shall be removed from office and be ineligible to hold any State or county office for a period of five years. It shall be also a contempt of Court punishable by the Circuit Court upon its own motion or upon the petition of the District Attorney for any Jury Commissioner, Circuit Court Clerk, or any other person to open any jury box except as herein provided, or to destroy, deface any jury list, or to assist in or connive at any such acts or for any custodian of the jury box or list to knowingly permit any such acts to be done.

SECTION 16. That the Judge or Judges have the right and authority to remove any or all of said Jury Commissioners for incompetency, failure to perform their duties as required by law, or corruption in office, or for any other good and sufficient reason upon giving five days' notice to said Commissioner or Commissioners of the time and place of taking action thereon and the grounds therefor.

SECTION 17. That said jurors shall be required to serve for not longer than three weeks, but such service need not be in consecutive succeeding weeks, but shall be under the control of the said Courts as to the time of service, and it shall be the duty of the jurors to report for service as directed by said Courts. No person shall be required to serve on a regular jury panel more than one time in one year; *provided, however,* that such service within one year shall not disqualify a person for jury service, nor shall it be cause for challenge.

SECTION 18. That the grand jurors shall be drawn, summoned, impaneled and charged by, and shall be under the general supervision of the First Division of the Criminal Court if there be more than two divisions of the Criminal Court in the county affected by this Act and that nothing herein shall be construed as affecting or interfering with the organization of the said grand jury, under existing laws.

SECTION 19. That the Jury Commissioners shall receive twenty-five dollars (\$25.00) for every day's service while actually engaged in making up the jury lists to be paid from the county treasury.

As amended by: Private Acts of 1953, Chapter 277
Private Acts of 1981, Chapter 178

SECTION 20. That the book for recording the jury list, also the jury box, shall be purchased by the Circuit Court Clerk and paid for by the county, and the Circuit Court Clerk shall be the custodian of said book and box, which book and box shall not be opened for inspection except to the commissioners themselves and the Courts theretofore referred to.

SECTION 21. That in the absence of fraud, no irregularity with respect to the provisions of this Act affect the validity of any action of the grand jury if this Act has been substantially complied with or the validity of any verdict rendered by a trial jury unless such irregularity has been especially pointed out and exceptions taken thereto before the jury is sworn.

SECTION 22. That the provisions of this Act shall apply to all grand and petit juries in all Circuit and Criminal Courts of the counties affected by this Act.

SECTION 23. That all laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 24. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 23, 1931.

COMPILER'S NOTE: Public Acts of 1979, Chapter 416, repealed the option to serve as a juror formerly conferred upon women, making them answerable to the same legal requirements for jury service as were male citizens. This Act was construed by the courts in Helton v. State, 195 Tenn. 36, 255 S.W.2d 694 (1953).

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