

CHAPTER 5.**JURY TRIALS****ARRANGEMENT OF SECTIONS****Section**

- §501. Short title.
- §502. Right to trial by jury.
- §503. Qualification of jurors.
- §504. Exemption from jury service.
- §505. Exclusion or excuse from service.
- §506. Manner of drawing juries.
- §507. Apportionment within a district.
- §508. Talesmen from bystanders.
- §509. Summoning jurors.
- §510. Disqualification of Chief of Police.
- §511. Frequency of service.
- §512. Fees.

An Act to provide for trial by jury and for matters connected therewith.

Commencement:	21	November 1968
Source:	D.L.	15-4 (1968)
	M.I	Code (1975)
	P. L.	1983-9
	P. L.	1986-18
	P. L.	1997-44
	P. L.	1998-69
	P. L.	2003-85
	P. L.	2007-75

§501. Short title.

This Chapter may be cited as the “Jury Trial Act.”

§502. Right to trial by jury.

(1) Any person accused of committing an offense punishable with three (3) or more years in prison, shall with respect to the offense be entitled to a trial by a jury of four (4) persons, unless the defendant knowingly and voluntarily waives the right to a jury trial. The Republic shall be entitled to two (2) pre-emptory challenges and the defendant or defendants jointly to two (2) pre-emptory challenges. If there is more than one defendant, the court may allow the defendants additional peremptory challenges and permit the same to be exercised separately or jointly.

(2) If an offense is punishable by less than three (3) years in prison, the defendant is not entitled to a jury trial with respect to the offense.

(3) Whenever the defendant waives his right to a jury trial or the defendant does not have a right to a jury trial, the offense shall be tried by the court alone. [D.L. 15-4 (1968) MI. Code (1975), §3.201; amended by P.L. 1983-9 and P.L. 1986-18; Subsection (2) added by P.L. 1997-44, § 2(2); Subsection (2) amended by P.L. 1998-69, §2.] [amended by P.L. 2003-85, deleting civil juries.] [amended by P.L. 2007-75].

§503. Qualification of jurors.

Any citizen of the Republic between the ages of eighteen (18) and sixty-five (65) years and who has resided within the Republic for a period of one year immediately prior to jury service is competent to serve as a juror unless:

(a) the juror has been convicted in a court of record in any jurisdiction of a crime punishable by imprisonment for more than one year and the juror's civil rights have not been restored by pardon or amnesty;

(b) the juror is unable to read, write, speak, and understand either English or Marshallese;

(c) the juror is incapable by reason of mental or physical infirmities to render efficient jury service; or

(d) the juror is incompetent to serve as a juror by any law of the Republic.

[D.L. 15-4 (1968); M.I. Code (1975), §3.202, modified] [amended P.L. 2003-85].

§504. Exemption from jury service.

The following persons shall be exempt from jury service:

(a) members in actual service in the armed forces of the United States;

(b) members of the Marshall Islands Police Force or Fire Department of the Republic or any subdivision thereof; and

(c) public officers in the executive, legislative, or judicial branches of the Government of the Marshall Islands or a subdivision thereof who are actively engaged in the performance of official duties. [D.L. 15-4 (1968); M.I. Code (1975), §3.203, modified.].

§505. Exclusion or excuse from service.

(1) A judge of the High Court for good reason may excuse or exclude from jury service any person called as a juror.

(2) Any class or group of persons may, for the public interest, be excluded from the jury panel or excused from service as jurors by order of a High Court judge based on a finding that such jury service would entail undue hardship, extreme inconvenience, or serious obstruction or delay in the fair and impartial administration of justice.

(3) No citizen of the Republic shall be excluded from service as a juror on account of race, color, or religion. [D.L. 15-4 (1968); M.I. Code (1975), §3.204, modified] [subsection (3) amended by P.L. 2003-85].

§506. Manner of drawing juries.

(1) The names of jurors for an array shall be publicly drawn by the Presiding Judge of the District Court, or designee, and the Clerk of the Courts, or designee, from a box containing the names of not less than one hundred (100) qualified persons at the time of each drawing.

(2) The jury box shall from time to time be refilled by the Clerk of the Courts in a manner

approved by the Chief Justice of the High Court. [D.L. 15-4 (1968); M.I. Code (1975), §3.205, modified.][amended by P.L. 2003-85].

§507. Apportionment within a district.

(1) Jurors shall from time to time be selected from such parts of the Republic as the court directs so as to be most favorable to an impartial trial and not incur unnecessary expense or unduly burden the prospective jurors. To this end the court may direct the maintenance of separate jury boxes for some or all of the places for holding court in the Republic.

(2) Jurors summoned for service at one place for holding court on a particular island may, if the public convenience so requires and the jurors will not be unduly burdened thereby, be directed by the court to serve at another place in the Republic. [D.L. 15-4 (1968); M.I. Code (1975)].

§508. Talesmen from bystanders.

Whenever sufficient jurors are not available, the court may require the Chief of Police to summon a sufficient number of talesmen from the bystanders. [D.L. 15-4 (1968); M.I. Code (1975), §3.207.]

§509. Summoning jurors.

(1) When a court orders an array of jurors to be drawn, the Clerk of Courts or an Assistant Clerk of Courts shall issue summons for the number of jurors determined by the Court to be required, and deliver such summons to the Chief of Police for service.

(2) Each person drawn for jury service may be served personally or by registered or certified mail addressed to such person at his usual residence or place of business.

(3) Such service shall be made by the Chief of Police, or a member of the Marshall Islands Police Force selected by him, who shall attach to his return the addressee's receipt for the registered or certified summons for service made by mail. [D.L. 15-4 (1968); M.I. Code (1975), §3.208, modified.]

§510. Disqualification of Chief of Police.

Whenever the Chief of Police is in the opinion of the court disqualified to summon jurors the court may appoint some other disinterested person who shall take an oath to perform such duty truly and impartially. [D.L. 15-4 (1968); M.I. Code (1975), §3.209.]

§511. Frequency of service.

A juror may be challenged on the ground that he has been summoned and served as a juror in another array within one year of the challenge. [D.L. 15-4 (1968); M.I. Code (1975) §3.210.]

§512. Fees.

(1) Persons summoned for jury duty shall receive a fee in the amount of five dollars (\$5.00) for actual attendance at the place they are summoned for jury selection and for the time necessarily occupied in going to and from such place at the beginning and end of the jury selection process or at any time during the same. Such persons shall be entitled to the same transportation fee as paid to jurors under paragraph (3).

(2) Jurors shall receive a fee in the amount of twenty-five dollars (\$25.00) per day for actual attendance at the place of trial and for the time necessarily occupied in going to and from such place at the beginning and end of such service or at any time during the same. A juror who receives a fee

under this paragraph shall not receive a fee under paragraph (1) of this section for the same day.

(3) For the distance necessarily traveled to and from a juror's residence by the shortest practicable route in going to and returning from the place of service, at the beginning and end of the term of service, and for all additional necessary daily transportation expense, the juror shall be entitled to 15¢ per mile, except that if a juror is transported at government expense without charge, the juror shall receive no mileage allowance for the distance the juror is so transported, and except that if daily travel appears impracticable subsistence of up to \$100 per day shall be allowed. Whenever in any case the jury is sequestered, the cost of subsistence during such period shall be paid upon order of the court in lieu of the foregoing subsistence allowance. The cost of food and beverages for juror lunches and breaks can be paid at the direction of the court. [D.L. 15-4 (1968); M.I. Code (1975) §3.211.][amended by P.L. 2003-85].

§513. Employment Protection for Jurors.

It shall be unlawful for any employer to terminate, demote or otherwise take action adverse to a person, other than granting leave without pay, because that person is absent from work in response to a summons for jury duty. Any violation of this section shall be punishable by a fine of no more than \$1,000 and imprisonment for not more than one year, or both. [new section added by P.L. 2003-85].