

1 **NITIJELA OF THE MARSHALL ISLANDS**

2
3 **24th CONSTITUTIONAL REGULAR SESSION, 2003**

BILL NO:137 ND1
P.L. 2003-85

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7
8 **AN ACT**

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10 To amend the Jury Trial Act, 27 MIRC Chp. 5, Sections 502, 503, 505(3), 506 and 512, to; (a) repeal
11 the provision for a jury trial in civil cases; (b) to repeal the provisions of the Act that allow non-
12 citizens of the Republic to be jurors; (c) to clarify the procedure for selecting jurors; (d) to increase
13 the fees paid to jurors for their daily attendance, transportation, and subsistence; and to add a new
14 section 513 to protect jurors from any employment action based upon their jury service.

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16 **BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:**

17 **Section 1. Short Title.**

18 This Act may be cited as the Jury Trial (Amendment) Act 2003.

19 **Section 2. Amendments.**

20 (1) Section 502 of the Jury Trial Act, 27 MIRC Chp. 5 ("Jury Trial Act"), is amended
21 to read as follows:

22 §502. Right to trial by jury.

23 Any person accused of committing an offense punishable
24 with three (3) or more years in prison, shall be entitled to a trial by
25 a jury of four (4) persons, and the Marshall Islands rules of criminal
26 procedure shall apply thereto, except that the jury shall consist of
27 four (4) persons. The Republic shall be entitled to two (2)
28 peremptory challenges and the defendant or defendants jointly to
29 two (2) peremptory challenges. If there is
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2 more than one defendant, the court may allow the defendants additional
3 peremptory challenges and permit the same to be exercised separately or
4 jointly.

5 (2) Section 503 of the Jury Trial Act is amended to read as follows:

6 **§503. Qualification of jurors.**

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

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

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

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

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

(3) Section 505(3) of the Jury Trial Act is amended to read as follows:

(3) No citizen of the Republic shall be excluded from service as a juror on account of race, color, or religion.

(4) Section 506 of the Jury Trial Act is amended to read as follows:

§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.

(5) Section 512 of the Jury Trial Act is amended to read as follows:

§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

1 during the same. Such persons shall be entitled to the same
2 transportation fee as paid to jurors under paragraph (3)

3 (2) Jurors shall receive a fee in the amount of twenty-
4 five dollars (\$25.00) per day for actual attendance at the place of
5 trial and for the time necessarily occupied in going to and from such
6 place at the beginning and end of such service or at any time during
7 the same. A juror who receives a fee under this paragraph shall not
8 receive a fee under paragraph (1) of this section for the same day.

9 (3) For the distance necessarily traveled to and from a
10 juror's residence by the shortest practicable route in going to and
11 returning from the place of service, at the beginning and end of the
12 term of service, and for all additional necessary daily transportation
13 expense, the juror shall be entitled to 15¢ per mile, except that if a
14 juror is transported at government expense without charge, the
15 juror shall receive no mileage allowance for the distance the juror is
16 so transported, and except that if daily travel appears impracticable
17 subsistence of up to \$100 per day shall be allowed. Whenever in
18 any case the jury is sequestered, the cost of subsistence during such
19 period shall be paid upon order of the court in lieu of the foregoing
20 subsistence allowance. The cost of food and beverages for juror

lunches and breaks can be paid at the direction of the court.

(6) There is inserted at the end of the Jury Trial Act a new section, Section 513, that reads as follows:

§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.

Section 3. **Effective Date.**

This Act shall take effect upon certification in accordance with Article IV, Section 21 of the Constitution.

CERTIFICATE

I hereby certify:

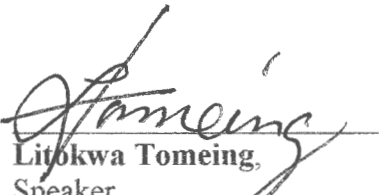
(1) that Nitijela Bill No. 137 was passed by the Nitijela of the Marshall Islands on the 10th day of September, 2003; and

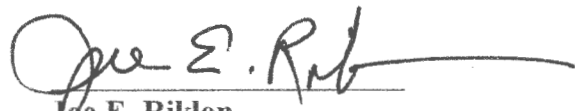
(2) that I am satisfied that Nitijela Bill No. 137 was passed in accordance with the

relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of
Procedures of the Nitijela .

I hereby place my signature before the Clerk of the Nitijela this 3rd day of December, 2003.

Attest:


Litokwa Tomeing,
Speaker,
Nitijela of the Marshall Islands


Joe E. Riklon
Clerk,
Nitijela of the Marshall Islands