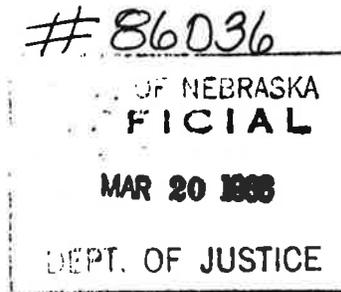


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509



ROBERT M. SPIRE
Attorney General
A. EUGENE CRUMP
Deputy Attorney General

DATE: March 20, 1986

SUBJECT: Implementation of Changes in the Jury Selection
Process Resulting from the Passage of LB 113
During the 1985 Legislative Session.

REQUESTED BY: Joseph C. Steele
Nebraska State Court Administrator

WRITTEN BY: Robert M. Spire, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion with respect to three questions which have arisen concerning the application of the new process for jury selection effected by the passage of LB 113 during the 1985 Legislative Session. Generally, LB 113 modified the jury selection process in Nebraska by providing for the inclusion of licensed motor vehicle operators, along with registered voters, in the compilation of the juror lists compiled by jury commissioners. Laws 1985, LB 113, Section 2 (codified at Neb.Rev.Stat. §25-1628 (Supp. 1985)). The bill provided for an operative date of July 1, 1986. Laws 1985, LB 113, Section 5.

Your first question concerns whether jurors selected from lists derived under the previous process, comprised of registered voters only, may serve on juries seated and sworn after July 1, 1986, the operative date of LB 113. In response to this question, we note that the Legislature specifically provided for an operative date in LB 113 which extended beyond the normal effective date for legislation. The reason for the Legislature's specific provision for an operative date of July 1, 1986, was apparently to provide sufficient time for the implementation of the administrative details necessary to effect the changes in the juror selection process prior to this date. See Neb.Rev.Stat. §25-1629 (Supp. 1985). Thus, under these circumstances, it seems reasonable to conclude that it was the Legislature's intent that all jurors serving after July 1, 1986, be selected from jury lists compiled to include both registered voters and licensed motor vehicle operators.

L. Jay Bartel
John M. Boehm
Dale D. Brodkey
Martel J. Bundy
Janie C. Castaneda

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Lynne R. Fritz
Ruth Anne E. Galter
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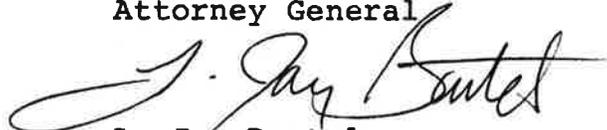
Mr. Joseph C. Steele
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Your second question concerns whether jurors seated and sworn after July 1, 1986, must be selected from jury lists derived from lists including both registered voters and licensed motor vehicle operators. Based upon our response to your initial question, we believe that jurors serving after July 1, 1986, the operative date of the Act, should be selected from jury lists consisting of both registered electors and licensed motor vehicle operators, as required by §25-1628.

Your final question concerns whether the selection and qualification process for jurors to be chosen from the new pool may be started prior to July 1, 1986. In light of our previous responses, we believe that, not only may the selection and qualification process begin prior to the operative date, the process must be started in advance of July 1, 1986, in order to impanel juries consisting of individuals selected from the combined pool including both registered electors and licensed motor vehicle operators after that date.

Very truly yours,

ROBERT M. SPIRE
Attorney General



L. Jay Bartel
Assistant Attorney General

LJB/bae

APPROVED:



Attorney General