

Senate Bill 2054
House Judiciary Committee
Testimony Presented by Sara Behrens
February 18, 2025

Good morning Chairman Klemin, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today in support of Senate Bill 2054. Section 27-09.1-01 states:

The legislative assembly of the state of North Dakota hereby declares that it is the policy of this state that all persons selected for jury service be selected at random from a fair cross section of the population of the area served by the court, and that all qualified citizens have the opportunity in accordance with this chapter to be considered for jury service in this state and an obligation to serve as jurors when summoned for that purpose.

SB 2054 strives to move a step closer to that intent by expanding the master jury list provided for in section 27-09.1-05. Section 27-09.1-05 currently contains a paragraph with a list of what lists are to comprise the master jury list. SB 2054 separates out the paragraph into list format. The current list is comprised of actual voters for the county and can be supplemented with lists of utility customers, property taxpayers, motor vehicle registrations, tribal registries if made available, and driver's licenses. While these lists capture a large portion of the population, there are individuals who do not fit within those categories. SB 2054 adds those receiving unemployment compensation, those receiving public assistance, and those receiving child care assistance. We worked with the Department of Health

and Human Services in drafting this bill and, because the lists of those receiving public and child care assistance are confidential, the Department must amend the state plan in order to provide the lists to the court. Therefore, there is a contingent effective date applied to those provisions.

Because of the confidentiality of some of the lists we seek to include, the master jury list will also be made confidential.

There's a constitutional and statutory right to a jury with a fair cross-section of the population and a right for individuals to participate in the jury process. This bill strives to better meet those constitutional and statutory obligations. Thank you for your consideration and we urge a do pass.