

Supreme Court of Kentucky

ORDER

2017-04

**In Re: Amendments to the Rules of Administrative Procedures
AP Part II. Jury Selection and Management**

IT IS HEREBY ORDERED that Part II of the Rules of Administrative Procedures is hereby amended as follows:

PART II. JURY SELECTION AND MANAGEMENT

Section 1. Definitions

As used in these sections, unless the context otherwise requires:

- (1) “Box” means the receptacle in which are placed the identifying numbers representing the names of those assigned to a jury panel, from which a grand jury or petit jury shall be chosen.
- (2) “Centralized mailing” means the method of service that each county must utilize through the Administrative Office of the Courts to mail juror summonses to prospective jurors via first class mail.
- (3) “Court” means a circuit or district court of this Commonwealth and includes any judge of these courts.
- (4) “County insert” means informational or supplemental material for prospective jurors that the chief circuit judge or designee submits to the Administrative Office of the Courts for inclusion with the centralized mailing of the summons and juror qualification form.
- (5) “Identifying number” means the number assigned to each name in the jury panel.
- (6) “Jury Management Program” means the centralized electronic system provided by the Administrative Office of the Courts that each county must utilize for the administration of jury management practices and procedures.

- (7) "Jury panel" means the group of prospective jurors who are summoned to appear for jury service and from which a grand jury or petit jury will be chosen.
- (8) "Jury period" and "jury period of service" mean the time period for which a group of persons is summoned to jury service.
- (9) "Master list" means a list identifying all persons over age 18 who hold valid drivers' licenses issued in each county, all persons filing Kentucky individual income tax returns that show an address in the county, and all persons registered to vote in the county.
- (10) "Name" includes an identifying number.
- (11) "Randomized jury list" means the randomized computer generated list of prospective jurors taken from the master list and used to generate prospective juror lists for jury panels.

Section 2. Master List of Prospective Jurors

- (1) A list of all persons over the age of 18 and holding valid drivers' licenses which were issued in each county, of the names and addresses of all persons filing Kentucky resident individual income tax returns which show an address in the county, and of all persons registered to vote in the county shall constitute a master list of prospective jurors.
- (2) The Administrative Office of the Courts shall at least annually acquire an electronic copy of the drivers' license list from the Transportation Cabinet, an electronic copy of the tax roll described in subsection (1) of this section from the Department of Revenue, and an electronic copy of the voter registration lists from the State Board of Elections. In addition, the Administrative Office of the Courts shall at least annually acquire a listing of deceased persons from the Vital Statistics Branch in the Department of Public Health. The Transportation Cabinet, the Department of Revenue, the State Board of Elections, and the Vital Statistics Branch that have custody, possession, or control of any of the lists required under subsections (1) and (2) of this section shall annually furnish a copy of the list to the Administrative Office of the Courts without charge.
- (3) The Administrative Office of the Courts shall merge the lists required by subsections (1) and (2) of this section into a master list in a manner designed to create an accurate listing of all persons eligible for jury service. The Administrative Office of the Courts may purge names from

the master list upon reasonable evidence of death, change of state residence, change of county residence, or any other reason causing a person to be ineligible for jury service pursuant to KRS 29A.080 and Section 8 of these Rules.

- (4) Any person who, pursuant to this section, comes into possession of the Kentucky income tax names and addresses as provided in this section shall be bound by the confidentiality provisions of KRS 131.190.

Section 3. Use of the Jury Management Program

- (1) Each county in the Commonwealth shall utilize the Jury Management Program and centralized mailing to request, select, and summon prospective jurors.
- (2) The Administrative Office of the Courts shall establish business practices and procedures for the uniform use of the Jury Management Program and centralized mailing.
- (3) Training on the Jury Management Program will be administered by the Administrative Office of the Courts to the chief circuit judge or his or her designee.

Section 4. Notification of Need for Jurors

Before the commencement of a jury period of service and within a sufficient period of time to ensure compliance with the 45-day requirement of Section 5(2)(a) of these Rules, each circuit and district judge shall notify the chief circuit judge or designee of the judge's need for qualified jurors for the next jury period. If any judge anticipates the need for a larger panel than is usually provided, because of a particular nature or notoriety of a pending case, he or she shall so notify the chief circuit judge.

Section 5. Obtaining the Randomized Jury List

- (1) Following the notification of need for jurors, the chief circuit judge or his or her designee shall use the Jury Management Program to request the randomized jury list which will be drawn from the master list referred to in Section 2 of these Rules. At the request of the chief circuit judge or his or her designee, the list may be divided into smaller jury panels.

- (2) The Administrative Office of the Courts, through the Jury Management Program, shall provide a randomized list of prospective jurors.
 - (a) The chief circuit judge or his or her designee shall request said list as needed, but in any event no later than 45 days before the date prospective jurors are required to report for jury service.
 - (b) The Jury Management Program shall draw from the list a random jury panel which contains a given number of names as requested by the chief circuit judge or designee.

Section 6. Juror Summons

- (1) The chief circuit judge or designee shall cause each person drawn for jury service to be served with a summons requiring that person to report for jury service at a specified time and place, unless otherwise notified by the court, and to be available for jury service for 30 judicial days thereafter. The service of summons shall be accomplished utilizing centralized mailing through the Administrative Office of the Courts. The summons will be addressed to the juror at his or her usual residence, business, or post office address. In the event service cannot be accomplished via first class mail through centralized mailing, the court may cause service to be made personally by the sheriff. In either case, notice shall be mailed or served to the prospective juror at least 30 days before required to report for service.
- (2) The juror qualification form required by Section 7 of these Rules and any additional county inserts submitted to and approved by the Administrative Office of the Courts shall be enclosed with the summons.
- (3) In order to control mailing costs, county inserts shall be in a format prescribed by the Administrative Office of the Courts as follows:
 - (a) An insert shall not exceed four pages of text total (two pages front and back). Two separate pages will be printed on a single page front and back.
 - (b) Pages must be 8 1/2" by 11" in size.
 - (c) Conversion to PDF or PDF/A format is required before submitting to the Administrative Office of the Courts.
 - (d) The name of the county shall be clearly identified at the top of the insert. If the insert bears a seal, it shall be the current Kentucky Court of Justice seal.

- (e) Language, structure, and design shall be clear so that the intended audience can easily understand and use the information provided.
- (4) If a county insert does not meet the requirements as outlined in subsection (3) of this section, the Administrative Office of the Courts will notify the chief circuit judge or designee via email of the need for modification(s).
- (5) The Administrative Office of the Courts will store county inserts electronically in the Jury Management Program; therefore, each county must ensure that its inserts are current and up to date.
- (6) Any prospective juror who does not return the juror qualification form within 10 days or such other time as may be specified in the summons may, at the discretion of the chief circuit judge or designee, be personally served the summons by the sheriff.

Section 7. Juror Qualification Forms

- (1) A juror qualification form will be mailed with the summons to each juror accompanied by instructions to fill out and return the form by mail or hand delivery to the clerk within five days after its receipt, or to be completed as otherwise directed. The juror qualification form shall be provided by the Administrative Office of the Courts and subject to approval by the Chief Justice of the Supreme Court.
- (2) The juror qualification form shall contain the prospective juror's signed declaration that the responses are true to the best of his or her knowledge and his or her acknowledgment that a willful misrepresentation of a material fact may be punished by a fine or by imprisonment, or both. Notarization of the juror qualification form shall not be required.
- (3) If the prospective juror is unable to fill out the form, another person may do it for the prospective juror and shall indicate that he or she has done so and the reason therefor.

- (4) Any prospective juror who fails to return a properly completed juror qualification form as instructed may be directed by the chief circuit judge to appear forthwith to fill out a juror qualification form. A prospective juror who fails to appear as directed by the judge pursuant to this subsection shall be ordered to appear and show cause for failure to appear as directed. If the prospective juror fails to appear pursuant to the judge's order or fails to show good cause for failure to appear as directed by the judge, the prospective juror may be punished for contempt.
- (5) On the first day that prospective jurors appear in response to the summons, any prospective juror may be questioned by the judge or designee, but only with regard to responses to questions contained on the form and grounds for his or her excuse or disqualification. Any information thus acquired shall be noted on the juror qualification form.
- (6) No person shall willfully misrepresent a material fact on a juror qualification form.
- (7) The contents of juror qualification forms shall be made available to the trial judge and to parties or their attorneys of record unless the chief circuit judge or designee determines in any instance in the interest of justice that the information shall be kept confidential or its use limited in whole or in part

Section 8. Disqualification for Jury Service; Permanent Exemption

- (1) The chief circuit judge or one or more judges of the court, the circuit court clerk or a deputy clerk, the court administrator, or a deputy court administrator designated by the chief circuit judge shall determine on the basis of the information provided on the juror qualification form whether the prospective juror is disqualified for jury service for any of the reasons listed in subsection (2) of this section. This determination shall be entered in the space provided on the juror qualification form, signed by the chief circuit judge or designee, and updated by the county in the Jury Management Program. The chief circuit judge shall cause each disqualified juror to be immediately notified of his or her disqualification.
- (2) A prospective juror is disqualified to serve on a jury if he or she:
 - (a) Is under 18 years of age;
 - (b) Is not a citizen of the United States;
 - (c) Is not a resident of the county;

- (d) Has insufficient knowledge of the English language;
- (e) Has been previously convicted of a felony and:
 - 1. Has not received a full pardon or full restoration of civil rights by the governor or other authorized person of the jurisdiction in which the prospective juror was convicted;
 - 2. Has not received a partial pardon or partial restoration of civil rights expressly restoring the right to serve on a jury by the governor or other authorized person of the jurisdiction in which the prospective juror was convicted; or
 - 3. Has not had the felony conviction vacated, dismissed, and expunged pursuant to KRS 431.073 and the prospective juror is not otherwise prohibited from serving on a jury;
- (f) Is presently under indictment; or
- (g) Has served on a jury within the time limitations set out in Section 13 of these Rules.

(3) The chief circuit judge may grant a permanent exemption based upon an individual's request and a finding of a permanent medical condition rendering the individual incapable of serving. The judge granting the permanent exemption shall sign the juror qualification form and notify the requesting individual and the Administrative Office of the Courts. Upon receiving notification of a permanent exemption, the Administrative Office of the Courts shall remove the individual's name from the master list and update the Jury Management Program.

(4) There shall be no waiver of these disqualifications, except that pursuant to the federal Americans with Disabilities Act of 1990, an individual with a disability shall not be disqualified solely by reason of the disability. For the purposes of this section, "individual with a disability" means a person with a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of the impairment, or being regarded as having the impairment.

Section 9. Excusing of Juror, Postponement or Reduction of Service

(1) Upon the request of a prospective juror prior to the juror's assignment to a trial court, the chief circuit judge, or after the juror's assignment to a trial court, the trial judge may excuse such juror upon a showing of undue hardship, extreme inconvenience, or public necessity. On the day on which the prospective jurors are summoned to appear, any person not

previously excused who desires to be excused shall be heard in a bench conference if he or she so desires. Other persons may be heard in open court or in a bench conference at the discretion of the court.

- (2) In his or her discretion the chief circuit judge or a judge designated by the chief circuit judge may excuse a juror from service entirely, reduce the number of days of service, or postpone the juror's service temporarily for a period not to exceed 24 months. Whenever possible the judge shall favor temporary postponement of service or reduced service over permanent excuse. When excusing a juror, the judge shall record the juror's name, as provided in Section 8 of these Rules, and the reason(s) for granting the excuse.
- (3) The chief circuit judge may designate and authorize one or more judges of the court, the court's clerk, a deputy clerk, the court's administrator, a deputy court administrator or the chief judge's secretary to excuse a juror from service for a period not to exceed 10 days or to postpone jury service for a period not to exceed 12 months. The reasons for excuse or postponement shall be entered in the space provided on the juror qualification form, signed, and the juror's status shall be updated by the county in the Jury Management Program.
- (4) The judge shall excuse a mother who is breastfeeding a child or expressing breast milk from jury service until such time as the child is old enough that the mother is no longer breastfeeding the child pursuant to KRS 29A.100(4). The reason for excuse, an anticipated date of availability, and the juror's status shall be updated by the county in the Jury Management Program.
- (5) Names of prospective jurors who have been postponed will be placed on the next panel approved by the Jury Management Program once the prospective juror becomes available for service, which may or may not be the same panel for which the juror was originally summoned.
- (6) All the prospective jurors who qualify and are not excused shall be called to report each day by the identifying numbers assigned on the randomized jury list instead of by name. The same numbers shall be used in selecting a grand jury or petit jury from a jury panel under the provision of Section 10 of these Rules.
- (7) When possible, trials shall be scheduled for the day on which jurors are summoned to appear, in order to maximize their day of service.
- (8) Except for those who are excused from service pursuant to this section, persons who appear in response to a summons for jury duty shall be compensated in accordance with KRS 29A.170.

Section 10. Selection of Petit and Grand Jury

- (1) To select a grand jury or petit jury from a jury panel, the judge or designee at the time of selection should utilize the Jury Management Program whenever possible.
- (2) If it is not possible to utilize the Jury Management Program to select a grand jury or petit jury, the judge or designee at the time of selection shall:
 - (a) Take identifying numbers from those assigned on the jury panel;
 - (b) Deposit in a box numbers bearing the same numbers as those assigned to the panel;
 - (c) Draw the required amount of numbers, dependent on the number of jurors to be chosen, including alternates, from the box and record each number as it is drawn.
- (3) The persons whose numbers have been selected or drawn pursuant to subsection (1) or (2) of this section shall constitute the grand jury or petit jury as the case may be, unless excused or removed by challenge.
- (4) As prospective jurors are excused or challenged, additional numbers shall be selected or drawn pursuant to subsection (1) or (2) of this section, one for each juror required, until all numbers have been exhausted.
- (5) In the event that all numbers are exhausted before a jury is chosen, the judge shall ascertain whether jurors who have been assigned to another courtroom are available. Jurors assigned to any district or circuit court may be used in any other division of district or circuit court when jurors are needed.
- (6) The chief circuit judge or designee shall regulate the random assignment of jurors for use in circuit and district courts. Any petit juror assigned to a judge of circuit or district court may be used by any other judge of any other division of circuit or district court when jurors are needed.
- (7) Jurors who are not selected for a jury shall be directed to report to the clerk's office (or other central location) to receive another assignment or be dismissed for the day. In those counties using a telephone answering service or local juror website for daily messages to jurors, all jurors should be reminded to continue to call the telephone answering service or check the website, when available, for further assignments.

- (8) When there is an unanticipated shortage of available jurors obtained from a randomized jury list, the chief circuit judge may cause to be summoned a sufficient number of jurors selected sequentially by the judge from the randomized jury list beginning with the first name following the last name previously selected. Jurors summoned in this way need not be given the notice provided in Section 6 of these Rules.
- (9) Except as provided in subsection (7) of this section, only persons duly summoned and qualified under these procedures shall serve as jurors.
- (10) If after making a fair effort in good faith, the judge is satisfied that it will be impracticable to obtain a jury free of bias in the county in which the prosecution is pending, the judge may obtain a sufficient number of jurors from some adjoining county in which the judge believes there is the greatest probability of obtaining impartial jurors. The judge shall request the chief circuit judge for the adjoining county to draw and summon as many jurors as are needed. Jurors summoned in this way need not be given the notice provided in Section 6 of these Rules.
- (11) The names of jurors selected as grand and petit jurors shall be made available to the public unless the chief circuit judge, or designee, determines that in the interest of justice, the names shall be kept confidential.

Section 11. Automatic Exemptions Prohibited

There shall be no automatic exemptions from jury service.

Section 12. Disclosure of Records or Papers Used in Selection Process

The contents of any records or papers used by the Administrative Office of the Courts or the clerk in connection with the selection process and not required to be made public under these Rules shall not be disclosed, except in connection with the preparation or presentation of a motion under the Rules of Civil Procedure or the Rules of Criminal Procedure, or upon order of the Chief Justice.

Section 13. Limitation on Jury Service within 24-Month Period

- (1) Except as set out below, in any 24 month period, a person shall not be required to:
 - (a) Serve or attend court for prospective service as a petit juror more than 30 court days except when necessary to complete service in a particular case;

- (b) Serve on more than one grand jury; or
 - (c) Serve as both a grand and petit juror.
- (2) For the purpose of this section, "court" includes all federal courts, all other state courts, and any court of the Commonwealth.

Section 14. Discharge of Juror

At the conclusion of a period of service as required by these rules, each juror shall be discharged.

Section 15. Failure to Appear; Contempt; Failure to Perform Jury Service

- (1) A person summoned for jury service who fails to appear as directed shall be ordered by the court to appear forthwith and show cause for failure to comply with the summons. If the person summoned fails to show good cause for noncompliance with the summons, he or she may be punished for contempt.
- (2) If the chief circuit judge or designee wishes to attempt additional contact with the prospective juror before issuing an order to appear forthwith and show cause, he or she may utilize the following failure to appear process:
- (a) Within 14 days of the date required to report for jury service, a failure to appear postcard shall be mailed to the prospective juror. The postcard [which must be ordered from the Administrative Office of the Courts] will notify the prospective juror of his or her delinquency status and advise him or her to contact the court within five days. If the prospective juror contacts the court, he or she will be directed to complete a juror qualification form, if not previously completed, and either be disqualified, excused, or postponed to serve as outlined in Sections 8 and 9 of these Rules.
 - (b) If after 30 days from the date the failure to appear postcard was mailed the prospective juror has not contacted the court, a failure to appear notice shall be mailed advising the prospective juror that if he or she does not contact the court within five days, he or she will be ordered by the court to appear forthwith and show cause for his or her failure to comply with the summons. If the prospective juror contacts the court, he or she will be directed to complete a juror qualification form, if not previously completed, and either be disqualified, excused, or postponed to serve as outlined in Sections 8 and 9 of these Rules.

- (c) If after 30 days from the date the failure to appear notice was mailed the prospective juror has not contacted the court, the court shall issue an order to show cause. The order for show cause shall be served by first-class mail.
 - (d) If the prospective juror fails to appear at the show cause hearing or fails to show good cause for noncompliance with the summons, the prospective juror may be held in contempt of court and fined, sent to jail, or both.
- (3) A juror who fails to give attention at court, or who leaves the courthouse while the court is in session, or who otherwise fails to complete jury service, without leave of the court, may be punished for contempt.

Section 16. Responsibility for Needs of Jurors, Transportation to View Scene, Security Personnel, Equipment, and Services

- (1) The sheriff, city police, or city marshal, as appropriate under KRS 23A.090 and 24A.140, shall be responsible for meals, housing, and other incidental needs of grand jurors and petit jurors in circuit court and in district court when the jurors are kept overnight or otherwise sequestered when ordered to do so by the judge of the court for which the jurors were summoned. The expenses for these services shall be borne by the Finance and Administration Cabinet and the officer shall be reimbursed in accordance with administrative regulations issued by the Finance and Administration Cabinet, pursuant to KRS Chapter 13A.
- (2) The sheriff, city police, or city marshal, as appropriate under KRS 23A.090 and 24A.140, shall be responsible for the transportation of jurors and other authorized persons to views of the scene or other locations authorized by the court pursuant to Section 29 of these Rules. In criminal cases the expenses for these services shall be borne by the Finance and Administration Cabinet, and the sheriff shall be reimbursed in accordance with administrative regulations issued by the Finance and Administration Cabinet, pursuant to KRS Chapter 13A. Excepting views conducted under the Eminent Domain Act of Kentucky, in civil cases these expenses shall be paid by the party requesting the viewing.
- (3) The sheriff, city police, or city marshal, as appropriate under KRS 23A.090 and 24A.140, shall be responsible for providing any specialized security personnel, equipment, and services which the judge, with the consent of the Chief Justice, shall deem necessary for the conduct of a trial in which the judge believes that special security precautions are necessary or desirable. The expenses for these services shall be borne by the Finance and Administration Cabinet, and the officer shall be

reimbursed in accordance with administrative regulations issued by the Finance and Administration Cabinet, pursuant to KRS Chapter 13A. In such cases the judge may also request the Chief Justice to provide the services of the Department of Kentucky State Police to ensure proper security precautions relating to the case.

Section 17. Adjournment of Juries

The court may adjourn the whole or part of the petit jury to any day of their required periods of service, but they shall not be compensated for the time they stand adjourned. The grand jury may be adjourned in like manner without compensation.

Section 18. Number of Grand Jurors; Number Required to Find Indictment

A grand jury shall consist of 12 persons, nine of whom concurring may find an indictment.

Section 19. Summoning and Convening of Regular Grand Juries; Sessions

- (1) A regular grand jury shall be summoned upon the order of the chief circuit judge. The grand jury shall be convened at least once every four months at such time as may be designated by the circuit court. The court may require the grand jury to convene more often if the ends of justice or the needs of the county so require. The court may require the grand jury to convene if the Commonwealth's or county attorney certifies to the court that there are defendants who have been bound over to the grand jury and that there is a need for the grand jury to consider the return of any indictments.
- (2) The Chief Justice may authorize any chief circuit judge to impanel an additional regular grand jury upon a showing that a single grand jury cannot handle the volume of business before the court.
- (3) A regular grand jury shall remain in session until discharged by the court but shall not remain in session longer than 20 days of actual court attendance except when necessary to complete work on a single case in which testimony has already been taken.

Section 20. Special Grand Juries; Sessions; Extensions of Sessions

- (1) Any chief circuit judge may summon for cause a special grand jury to deal with a situation requiring lengthy investigation which cannot be adequately handled during the term of the regular grand jury.

- (2) A special grand jury shall remain in session until discharged by the court, but shall not remain in session longer than 90 days, provided, however, that a special grand jury may be extended for additional 90 day periods on the written order of the chief circuit judge.

Section 21. Release of Juror from Grand Jury Service and Retention as Petit Juror

If a juror selected is incapable of serving as a grand juror but capable of serving as a petit juror, the judge may, for good cause shown, release the juror from grand jury service and retain that juror as a petit juror.

Section 22. Oath to Grand Jury

The court shall swear the grand jury, using substantially the following oath:

“Do you swear or affirm that you will hear and weigh carefully all the evidence presented to you, and that you will do your duty as prescribed by law, and that you will carry out carefully any investigations which you are requested to make?”

Section 23. Foreperson of Grand Jury; Oath to Witness(es)

The grand jurors shall elect one of their members to be foreperson. The foreperson shall administer an oath to each witness who testifies before the grand jury, substantially as follows:

“Do you swear or affirm that you will tell the truth, the whole truth, and nothing but the truth?”

Section 24. Replacement of Grand Juror Who is Excused

At any time for cause shown, the court may excuse a grand juror either temporarily or permanently and may swear another grand juror from a current jury panel in place of the one excused. The discharge of any such grand juror shall in no way or manner affect any indictment found by the grand jury as it was composed either before or after such discharge. If it is impossible to fill the vacancy on the grand jury from a current jury panel, the chief circuit judge may summon, using the procedure in Section 10(7) of these Rules, such number of prospective jurors as deemed necessary for the purpose.

Section 25. Number of Jurors in Circuit and District Courts; Number Required for Verdict

- (1) Juries for all trials in circuit court shall be composed of 12 persons. However, at any time before the jury is sworn, the parties with the approval of the court may stipulate that the jury shall consist of any number less than 12, except that no jury shall consist of less than six persons. Juries for all trials in district court shall be composed of six persons.
- (2) The following is required:
 - (a) A unanimous verdict is required in all criminal trials by jury.
 - (b) The agreement of at least 3/4 (nine of 12) of the jurors is required for a verdict in all civil trials by jury in circuit court. The agreement of at least 5/6 (five of six) of the jurors is required for a verdict in all civil trials by jury in district court. Pursuant to CR 48, the parties may stipulate that a verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury.

Section 26. Challenge to Panel

A motion raising an irregularity in the selection or summons of the jurors or formation of the jury must precede the examination of the jurors.

Section 27. Peremptory Challenges in Civil Cases

- (1) In civil cases, each opposing side shall have three peremptory challenges, but co-parties having antagonistic interests shall each have three peremptory challenges.
- (2) If one or two additional jurors are called, the number of peremptory challenges allowed each side and antagonistic co-party shall be increased by one.

Section 28. Oath to Petit Jury

The court, or the clerk if the court so orders, shall swear the petit jurors, using substantially the following oath:

“Do you swear or affirm that you will impartially try the case between the parties and give a true verdict according to the evidence and the law, unless dismissed by the court?”

Section 29. Admonition to Jury upon Separation; View of Property or Place

- (1) If the jury is permitted to separate, either during the trial or after the case is submitted to them, they shall be admonished by the court that it is their duty not to converse with, nor allow themselves to be addressed by, any other person on any subject of the trial; and that, during the trial, it is their duty not to form or express an opinion thereon, until the case is finally submitted to them.
- (2) No officer, party, or witness to an action pending, or that person's attorney or attorneys shall, without leave of the court, converse with the jury or any member thereof upon any subject after they have been sworn.
- (3) When necessary the judge may authorize the jury to view the real property which is the subject of the litigation, or the place in which any material fact occurred, or the place in which the offense is charged to have been committed.

Section 30. Duty of Jury and Officer After Submission; Causes for Discharge of Jury; Procedure for Rendering Verdict

- (1) When the case is finally submitted to the jury, they shall retire for deliberation. When they retire, they shall be kept together in some convenient place, under the charge of an officer, until they agree upon a verdict or are discharged by the court, subject to the Supreme Court rules permitting them to separate temporarily at night and for their meals. The officer having them under his or her charge shall not allow any communications to be made to them, nor make any communications himself or herself to them, except to ask them if they have agreed upon their verdict, unless by order of the court; and the officer shall not, before their verdict is rendered, communicate to any person the state of their deliberations, or the verdict agreed upon.
- (2)
 - (a) The jury may be discharged by the court on account of the sickness of a juror, or other accident, calamity or circumstances requiring their discharge; or, by consent of both parties; or, after they have been kept together until it satisfactorily appears that there is no probability of their agreeing.
 - (b) Cases in which the jury is discharged without making a verdict shall be tried again at such time as the court may direct.

- (3) The procedure for rendering the verdict shall be:
 - (a) When the jurors have agreed on their verdict, the verdict shall be written and signed by the foreperson.
 - (b) When a verdict is rendered by less than the whole jury, it shall be signed by all the jurors who agree to it.
 - (c) The foreperson shall hand the verdict to the judge who shall read the verdict and then make inquiry of the jury as to whether it is their verdict.
 - (d) When the verdict is announced either party may require that the jury be polled, which is done by the judge asking each juror if it is his or her verdict.
 - (e) If more than the number of jurors required by Section 25 answers in the negative, the jury must be sent out for further deliberation.
 - (f) If no disagreement is expressed or, in an appropriate case, an insufficient number disagree, the verdict is complete and the jury shall be discharged from the case.

Section 31. Jury Fee

- (1) As provided by KRS 23A.200 and 24A.170, the jury fee for civil cases in circuit and district court is set in accordance with CR 3.02 and 3.03.
- (2) The jury fee in civil cases shall be paid at the time the request for a jury trial is made, and shall be paid by the party making the request. If two or more cases are consolidated and tried together, the clerk shall collect only one jury fee. A party who is proceeding in forma pauperis shall not be liable for a jury fee.
- (3) The clerk shall place the jury fee in an escrow account. If the request for a jury trial is withdrawn or the case is disposed of at least two court days prior to the date set for trial, the amount of the jury fee shall be refunded to the person paying it. Otherwise, it shall be placed in the general fund of the state treasury, in the same manner as the filing fee.

- (4) Unless the jury fee has been refunded as provided in subsection (3) of this section, the amount of the jury fee shall be assessed as costs against the unsuccessful party upon judgment or dismissal of the action.

This Order shall be effective October 1, 2017, and until further Order of this Court.

All sitting; all concur.

Entered this 19th day of April 2017.


CHIEF JUSTICE