



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 72

An Act to amend the Jurors Act

Introduction

**Introduced by
Mr Gil Rémillard
Minister of Justice**

**Québec Official Publisher
1988**

EXPLANATORY NOTES

This bill amends the Jurors Act in many respect.

A first amendment changes the procedure applicable to the formation of panels of jurors by permitting the sheriff to form all the panels by means of a single drawing per year instead of repeating the procedure at the end of every session held in the year.

In addition, the bill provides that jurors will be summoned by the sheriff at least thirty days before the date they are required to attend for jury duty or within any other number of days the judge may order instead of being summoned thirty days or less before the opening date of the session.

Finally, the bill enables a person summoned as a juror for a sittings of the session to serve at a later session if his situation prevents him from serving during the session at which he is summoned to serve.

Bill 72

An Act to amend the Jurors Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 18 of the Jurors Act (R.S.Q., chapter J-2) is replaced by the following section:

“18. The sheriff shall draw cards until a sufficient number of entries is reached to draw up all the panels required to summon the jurors in the next period of twelve months.”

2. Section 22 of the said Act is replaced by the following sections:

“22. Once the panels are drawn up for a session, the sheriff shall affix seals on the boxes in conformity with article 906 of the Code of Civil Procedure.

“22.1 The seals shall be removed whenever the sheriff is required to summon a jury for a new session.

“22.2 The sheriff shall draw up the panels for the new session by means of the cards placed in the boxes and by following the procedure set out in sections 20 and 21.

Where the number of entries on a panel is insufficient, the sheriff may repeat or continue the drawing in the manner provided in sections 17 to 21.

“22.3 Upon the expiry of the period mentioned in section 18, the seals shall be removed and the unused cards shall be destroyed.”

3. Section 24 of the said Act is replaced by the following section:

“24. The sheriff shall file the panels and the minutes in the office of the clerk of the Crown on the day the attendance of jurors is required in court.”

4. Section 25 of the said Act is replaced by the following section:

“25. The sheriff shall summon the jurors not less than thirty days before the day their attendance is required in court or within such other number of days as may be ordered by the judge, provided it is not less than eight.”

5. Section 28 of the said Act is amended by adding, at the end, the words “or to enable him to apply to serve at a later session.”

6. Section 29 of the said Act is replaced by the following section:

“29. A person summoned for jury duty may, if he has a ground for exemption, and must, if disqualified, apply for exemption or to be declared disqualified. He may also apply to serve at any later session held within the next twelve months if he proves that his situation prevents him from serving during the session for which he was summoned.

Every person wishing to be exempted from jury duty or to serve at a later session shall complete the form prescribed under section 28 and accompany his application with an affidavit. If he was summoned at least thirty days before the day his attendance is required, he shall serve his application on the sheriff, by registered or certified mail, within twenty days from the service of the summons; in other cases, he shall submit his application in accordance with section 34.”

7. Section 33 of the said Act is amended by replacing the words “or declared disqualified, he must appear” in the second and third lines by the words “, declared disqualified or permitted to serve at a later session, he must attend”.

8. The said Act is amended by inserting, after section 35, the following section:

“35.1 Where an application to serve at a later session has been granted, the decision shall indicate the session at which the juror shall serve. The name of the juror shall in that case be entered on the first panel drawn up for such session unless there is no jury trial scheduled, in which case his name shall be entered on the first panel the sheriff will subsequently be required to draw up.

Every juror whose service has been postponed to a later session and whose name is re-entered on a panel may submit a new application to the judge for leave to serve at a later session; if the judge considers the application to be valid he may grant it or he may release the juror if he considers it more advisable.

A juror whose service has been postponed to a later session is released by operation of law at the expiry of the period mentioned in the first paragraph of section 29."

9. Section 39 of the said Act is amended by replacing the words "or an application respecting a disqualification" in the third and fourth lines by the words ", an application respecting a disqualification or an application for the postponement of service to a later session".

10. This Act comes into force on the date fixed by the Government.