

**CHAPTER 121—JURIES; TRIAL BY JURY**

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## AMENDMENTS

1992—Pub. L. 102-572, title IV, §403(b), Oct. 29, 1992, 106 Stat. 4512, substituted "Optional" for "Experimental" in item 1878.

1988—Pub. L. 100-702, title VIII, §805(b), Nov. 19, 1988, 102 Stat. 4659, added item 1878.

1983—Pub. L. 97-463, §3(2), Jan. 12, 1983, 96 Stat. 2532, added item 1877.

1980—Pub. L. 96-417, title III, §302(b), Oct. 10, 1980, 94 Stat. 1739, added item 1876.

1978—Pub. L. 95-572, §6(a)(2), Nov. 2, 1978, 92 Stat. 2456, added item 1875.

1968—Pub. L. 90-274, §101, Mar. 27, 1968, 82 Stat. 53, substituted "Declaration of policy" for "Qualifications" as item 1861, "Discrimination prohibited" for "Exemptions" as item 1862, "Plan for random jury selection" for "Exclusion or excuse from service" as item 1863, "Drawing of names from the master jury wheel; completion of juror qualification form" for "Manner of drawing; jury commissioners and their compensation" as item 1864, "Qualifications for jury service" for "Apportionment within district; additional jury commissioners" as item 1865, "Selection and summoning of jury panels" for "Special petit juries; talesmen from bystanders" as item 1866, "Challenging compliance with selection procedures" for "Summoning jurors" as item 1867, "Maintenance and inspection of records" for "Disqualification of marshal or deputy" as item 1868, "Definitions" for "Frequency of service" as item 1869, and reenacted items 1870-1874 without change.

**§ 1861. Declaration of policy**

It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross section of the community in the district or division wherein the court convenes. It is further the policy of the United States that all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and shall have an obligation to serve as jurors when summoned for that purpose.

(June 25, 1948, ch. 646, 62 Stat. 951; Pub. L. 85-315, part V, §152, Sept. 9, 1957, 71 Stat. 638; Pub. L. 90-274, §101, Mar. 27, 1968, 82 Stat. 54.)

## HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§411 and 415 (Mar. 3, 1911, ch. 231, §§275, 278, 38 Stat. 1164, 1165).

The revised section prescribes uniform standards of qualification for jurors in Federal Courts instead of making qualifications depend upon State laws. This is in accord with proposed legislation recommended by the Judicial Conference of the United States.

The last paragraph is added to exclude jurors incompetent to serve as jurors in State courts.

## AMENDMENTS

1968—Pub. L. 90-274 substituted provisions declaring the policy of the United States with respect to trial by jury and the opportunity to serve on such juries for provisions setting out the required qualifications of Federal jurors, including age, citizenship, residence, freedom from conviction of certain crimes, ability to read, write, speak, and understand the English language, and capability of rendering efficient jury service.

1957—Pub. L. 85-315 substituted "Qualifications of Federal jurors" for "Qualifications" in section catchline.

Pub. L. 85-315 substituted "and who has resided for a period of one year within the judicial district" for "and resides within the judicial district", and struck out provisions which prohibited service as a grand or petit juror if a person was incompetent to serve as a grand or petit juror by the law of the State in which the district court is held.

## EFFECTIVE DATE OF 1968 AMENDMENT

Pub. L. 90-274, §104, Mar. 27, 1968, 82 Stat. 63, provided that: "This Act [amending this section and sections 1821, 1862 to 1869, and 1871 of this title, repealing section 867 of Title 48, Territories and Insular Possessions, and enacting provisions set out as notes under this section] shall become effective two hundred and seventy days after the date of enactment [Mar. 27, 1968]: *Provided*, That this Act shall not apply in any case in which an indictment has been returned or petit jury empaneled prior to such effective date."

## SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-572, §1, Nov. 2, 1978, 92 Stat. 2453, provided that: "This Act [enacting sections 1363 and 1875 of this title, amending sections 1863, 1865, 1866, 1869, and 1871 of this title, renumbering section 1363 (relating to construction of references to laws of the United States or Acts of Congress) as section 1364 of this title, and enacting provisions set out as a note under section 1363 of this title] may be cited as the 'Jury System Improvements Act of 1978'."

## SHORT TITLE

Pub. L. 90-274, §1, Mar. 27, 1968, 82 Stat. 53, provided: "That this Act [amending this section and sections 1821, 1862 to 1869, and 1871 of this title, repealing section 867 of Title 48, Territories and Insular Possessions, and enacting provisions set out as notes under this section] may be cited as the 'Jury Selection and Service Act of 1968'."

**§ 1862. Discrimination prohibited**

No citizen shall be excluded from service as a grand or petit juror in the district courts of the United States or in the Court of International Trade on account of race, color, religion, sex, national origin, or economic status.

(June 25, 1948, ch. 646, 62 Stat. 952; Pub. L. 90-274, §101, Mar. 27, 1968, 82 Stat. 54; Pub. L. 96-417, title III, §302(c), Oct. 10, 1980, 94 Stat. 1739.)

## HISTORICAL AND REVISION NOTES

This section makes provision for specific exemption of classes of citizens usually excused from jury service in the interest of the public health, safety, or welfare. The inclusion in the jury list of persons so exempted usually serves only to waste the time of the court.