

SENATE BILL No. 409

By Senator Pettey

2-7

1 AN ACT concerning jurors; relating to contact; procedures and limitations;
2 Kansas code of criminal procedure; code of civil procedure.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) On completion of a jury trial and before the jury is
6 discharged, the court in a criminal action shall inform the jurors that they
7 have an absolute right to discuss or not to discuss the deliberations or
8 verdict with anyone. The judge shall also inform the jurors of the
9 provisions set forth in subsections (b), (d) and (e).

10 (b) Following the discharge of the jury in a criminal action, the
11 defendant, or the defendant's attorney or representative, or the prosecutor,
12 or the prosecutor's representative, may discuss the jury deliberations or
13 verdict with a member of the jury only if the juror consents to the
14 discussion and the discussion takes place at a reasonable time and place.

15 (c) If a discussion of the jury deliberations or verdict with a member
16 of the jury pursuant to subsection (b) occurs at any time more than 24
17 hours after the verdict, prior to discussing the jury deliberations or verdict
18 with a member of a jury pursuant to subsection (b), the defendant or the
19 defendant's attorney or representative, or the prosecutor or the prosecutor's
20 representative, shall inform the juror of the identity of the case, the party in
21 the case that the person represents, the subject of the interview, the
22 absolute right of the juror to discuss or not discuss the deliberations or
23 verdict in the case with the person and the juror's right to review and have
24 a copy of any declaration filed with the court.

25 (d) Any unreasonable contact with a juror by the defendant, or the
26 defendant's attorney or representative, or by the prosecutor, or the
27 prosecutor's representative, without the juror's consent shall be
28 immediately reported to the trial court.

29 (e) Any violation of this section shall be considered a violation of a
30 lawful court order and may be punished as contempt of court.

31 (f) Nothing in the section shall prohibit a law enforcement officer
32 from investigating an allegation of criminal conduct.

33 (g) This section shall be a part of and supplemental to the Kansas
34 code of criminal procedure.

35 Sec. 2. (a) On completion of a jury trial and before the jury is
36 discharged, the court in a civil action shall inform the jurors that they have

1 an absolute right to discuss or not to discuss the deliberations or verdict
2 with anyone. The judge shall also inform the jurors of the provisions set
3 forth in subsections (b), (d) and (e).

4 (b) Following the discharge of the jury in a civil action, the
5 defendant, or the defendant's attorney or representative, or the plaintiff, or
6 the plaintiff's representative, may discuss the jury deliberations or verdict
7 with a member of the jury only if the juror consents to the discussion and
8 the discussion takes place at a reasonable time and place.

9 (c) If a discussion of the jury deliberations or verdict with a member
10 of the jury pursuant to subsection (b) occurs at any time more than 24
11 hours after the verdict, prior to discussing the jury deliberations or verdict
12 with a member of a jury pursuant to subsection (b), the defendant or the
13 defendant's attorney or representative, or the plaintiff or the plaintiff's
14 representative, shall inform the juror of the identity of the case, the party in
15 the case that the person represents, the subject of the interview, the
16 absolute right of the juror to discuss or not discuss the deliberations or
17 verdict in the case with the person and the juror's right to review and have
18 a copy of any declaration filed with the court.

19 (d) Any unreasonable contact with a juror by the defendant, or the
20 defendant's attorney or representative, or by the plaintiff, or the plaintiff's
21 representative, without the juror's consent shall be immediately reported to
22 the trial court.

23 (e) Any violation of this section shall be considered a violation of a
24 lawful court order and may be punished as contempt of court.

25 (f) Nothing in the section shall prohibit a law enforcement officer
26 from investigating an allegation of criminal conduct.

27 (g) This section shall be part of and supplemental to the code of civil
28 procedure.

29 Sec. 3. This act shall take effect and be in force from and after its
30 publication in the statute book.