

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.

3  
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) **Immediately** following the discharge of the jury in a criminal  
11 action, the defendant, or the defendant's attorney or representative, or the  
12 prosecutor, or the prosecutor's representative, may discuss the jury  
13 deliberations or verdict with a member of the jury only if the juror  
14 consents to the discussion ~~and the discussion takes place at a reasonable~~  
15 ~~time and place.~~

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

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

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

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

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

1       Sec. 2. (a) On completion of a jury trial and before the jury is  
2 discharged, the court in a civil action shall inform the jurors that they have  
3 an absolute right to discuss or not to discuss the deliberations or verdict  
4 with anyone. The judge shall also inform the jurors of the provisions set  
5 forth in subsections (b), (d) and (e).

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

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

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

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

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

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

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