

CONSTITUTIONAL LAW: Board of Jury Commissioners for Jackson County shall follow provisions of Sections 697 and 719, R. S. Mo. 1939, until July 1, 1946, unless sooner amended to conform to new Constitution.

May 4, 1945.



Honorable Andrew P. Leacy, Clerk
Board of Jury Commissioners
302 County Courthouse
Kansas City 6, Missouri

Dear Mr. Leacy:

Under date of May 3, 1945, you wrote this office requesting an opinion as follows:

"We are desirous of securing a ruling on the matter with reference to women serving as jurors.

"Section 22 of our new Constitution provides as follows:

"'No citizen shall be disqualified from jury service because of sex, but the court shall excuse any woman who requests exemption therefrom before being sworn as a juror.'

"Section 697, R. S. Mo. 1939, provides as follows:

"'Every juror, grand and petit, shall be a male citizen of the state, resident of the county, sober and intelligent, of good reputation, over twenty-one years of age and otherwise qualified.'

"Section 719, R. S. Mo. 1939, provides as follows:

"'In all trials of civil actions in any court of record in this state a jury

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shall consist of twelve men possessing the qualifications as are or may hereafter be provided by law: * * *

"Will you please advise us as soon as possible whether the above constitutional provision is self-executing, or if it will require legislation to make it effective."

The answer to your question is found in Section 2 of the Schedule of the new Constitution, which is as follows:

"All laws in force at the time of the adoption of this Constitution and consistent therewith shall remain in full force and effect until amended or repealed by the general assembly. All laws inconsistent with this Constitution, unless sooner repealed or amended to conform with this Constitution, shall remain in full force and effect until July 1, 1946."

Inasmuch as Section 697, R. S. Mo. 1939, and Section 719, R. S. Mo. 1939, quoted in your letter, are in conflict with Section 22, Article I, of the new Constitution, those sections of the statute, under the provisions of Section 2 of the Schedule of the new Constitution hereinabove quoted, will remain in force and effect until the first day of July, 1946, unless sooner amended or repealed to conform to the provisions of Section 22, Article I, of the new Constitution.

Conclusion

It is, therefore, the opinion of this office that the Board of Jury Commissioners for Jackson County will follow the provisions of the statutes mentioned in your letter until these statutes are amended or repealed.

Respectfully submitted,

W. O. JACKSON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General