

JURORS:
SUMMONS:

A sheriff may serve jury summons by mail under the provisions of Section 494.225, RSMo, (S.C.S.S.B. No. 103 of the 76th General Assembly) effective September 28, 1971, without regard to the method used for assembling and drawing names of jurors.

OPINION NO. 450

November 10, 1971

Honorable John D. Schneider
Missouri Senate, District 14
1185 Penhurst
St. Louis, Missouri 63033



Dear Senator Schneider:

This official opinion is issued pursuant to your recent request in which you ask whether a sheriff may serve a summons for jury duty by mail in a case in which the selection of jurors has been accomplished without the assistance of a data processing system.

Senate Committee Substitute for Senate Bill No. 103 of the 76th General Assembly effective September 28, 1971, is entitled "AN ACT relating to juries" and reads as follows:

"SECTION 1. Chapter 494, RSMo, is amended by adding one new section to be known as Section 494.225, to read as follows:

494.225

Any other provisions of Chapters 494, 495, 496, 497, 498 and 499 notwithstanding, the board of jury commissioners, or jury commission board, or board of jury supervisors or jury commissioner as the case may be may cause to be maintained the list of names and addresses of qualified jurors as required by law by storing them upon magnetic tape, cores, discs, or similar devices which are a part of a data processing system and may cause general panels of jurors to be drawn therefrom by designating a suitable method of random selection so that the names drawn for any general panel of jurors shall be thoroughly mixed; and, summons for jury duty shall be served by the sheriff and the sheriff may use the United States mail to accomplish service. Actual receipt of summons

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by mail by the person summoned for jury duty or by some member of his family over the age of fifteen years shall be lawful service."

We note that the new Section 494.225 applies by its express terms to each of six statutory chapters dealing with juries, and that its provisions prevail "any other provisions" of these chapters to the contrary "notwithstanding."

The first sentence of Section 494.225 consists of two independent clauses separated by a semicolon. The first relates to the method of securing and drawing the names of jurors and is addressed to the "board of jury commissioners" or other agency responsible for the selection of jurors. Its purpose is to permit the use of electronic data processing systems in maintaining lists of jurors and drawing particular names.

The second independent clause is addressed to the several sheriffs, and relates solely to the method of serving summons on the persons whose names have been drawn.

The evident purpose of the legislation is to permit two modifications in the methods theretofore prevailing in the process of obtaining jurors. Each independent clause should be given full effect in accordance with its terms. There is no logical relationship between the method by which the names of jurors are drawn, and the method for serving summons on jurors. The second independent clause of Section 494.225 is not dependent on nor limited by the first clause.

This conclusion is reinforced by the second full sentence of Section 494.225, which deals solely with summons and not at all with the drawing of names for juries.

S.C.S.S.B. No. 103 deals with a single subject--"juries"--which is clearly expressed in its title as required by Article III, Section 23 of the Missouri Constitution. There is no reason why the legislature could not give separate directions to different officials in two independent clauses in the same sentence.

CONCLUSION

It is the opinion of this office that a sheriff may serve jury summons by mail under the provisions of Section 494.225, RSMo, (S.C. S.S.B. No. 103 of the 76th General Assembly) effective September 28, 1971, without regard to the method used for assembling and drawing names of jurors.

Honorable John D. Schneider

The foregoing opinion, which I hereby approve, was prepared by my special assistant, Charles B. Blackmar.

Very truly yours,

A handwritten signature in cursive script that reads "John C. Danforth". The signature is written in black ink and is positioned above the typed name.

JOHN C. DANFORTH
Attorney General