

O.C.G.A. § 15-12-40

OFFICIAL CODE OF GEORGIA ANNOTATED
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*** Current Through the 2012 Regular Session ***
*** Annotations Current Through November 9, 2012 ***

TITLE 15. COURTS
CHAPTER 12. JURIES
ARTICLE 3. SELECTION OF JURORS

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O.C.G.A. § 15-12-40 (2012)

§ 15-12-40. Ineligibility to serve as trial juror

Any person who has been convicted of a felony in a state or federal court who has not had his or her civil rights restored and any person who has been judicially determined to be mentally incompetent shall not be eligible to serve as a trial juror.

HISTORY: Code 1981, § 15-12-40, enacted by Ga. L. 2012, p. 173, § 3-1/HB 665.

NOTES: EFFECTIVE DATE. --This Code section became effective July 1, 2012.

CROSS REFERENCES. --Registration of voters and compilation of official registered voters' lists, § 21-2-210 et seq.

EDITOR'S NOTES. --This Code section formerly pertained to the compilation, maintenance, and revision of jury lists. The former Code section was based on Ga. L. 1878-79, p. 27, § 2; Ga. L. 1878-79, p. 34, § 1; Ga. L. 1880-81, p. 124, § 1; Code 1882, §§ 3910b, 3910d; Ga. L. 1887, p. 31, § 1; Ga. L. 1892, p. 61, § 1; Penal Code 1895, §§ 815, 818; Ga. L. 1897, p. 40, § 1; Ga. L. 1899, p. 44, § 1; Penal Code 1910, §§ 816, 819; Code 1933, § 59-106; Ga. L. 1953, Nov.-Dec. Sess., p. 284, § 1; Ga. L. 1955, p. 247, § 1; Ga. L. 1967, p. 251, § 1; Ga. L. 1968, p. 533, § 1; Ga. L. 1973, p. 484, § 1; Ga. L. 1976, p. 438, § 1; Ga. L. 1978, p. 1611, § 1; Ga. L. 1979, p. 3, § 1; Ga. L. 1985, p. 149, § 15; Ga. L. 1985, p. 1511, § 2; Ga. L. 1987, p. 953, § 1; Ga. L. 1987, p. 1575, § 1; Ga. L. 1988, p. 13, § 15; Ga. L. 1989, p. 427, § 1; Ga. L. 1995, p. 1292, § 4; Ga. L. 1999, p. 890, § 1; Ga. 2001, Ex. Sess., p. 318, §§ 1-1, 2-1; Ga. L. 2005, p. 334, § 5-3/HB 501; Ga. L. 2006, p. 897, § 1/HB 1417; Ga. L. 2011, p. 59, § 1-15/HB 415 and was repealed by its own terms effective July 1, 2012.

JUDICIAL DECISIONS

FOURTEENTH AMENDMENT PROTECTS ALL CITIZENS. --United States Const., amend. 14 protects all and not some citizens as to discrimination in jury selection. *Simmons v. Jones*, 317 F. Supp. 397 (S.D. Ga. 1970), rev'd on other grounds, 478 F.2d 321 (5th Cir. 1973) (decided under former Code 1933, § 59-106).

JURY SERVICE IS A DUTY RATHER THAN A RIGHT. --**Jury service** is not a right or privilege but is a burden which the state summons certain of the state's citizens to bear. *Simmons v. Jones*, 317 F. Supp. 397 (S.D. Ga. 1970), rev'd on other grounds, 478 F.2d 321 (5th Cir. 1973) (decided under former Code 1933, § 59-106).


PRESUMPTION THAT JURORS ABLE TO CORRECTLY ANALYZE FACTS. --Jurors are expected to bring into the box not only uprightness, but also intelligence, and there ought to be a presumption that jurors, through the use of the intelligence which the jurors are required to have in order to be qualified to be jurors, are able to correctly analyze the evidence and determine the facts, shown by such evidence, to have occurred. Purcell v. Hill, 111 Ga. App. 256, 141 S.E.2d 153 (1965) (decided under former Code 1933, § 59-106).

COMPETENCY OF JUROR. --Defendant did not show that juror was incompetent to serve merely because the juror gave an incoherent answer the first time the juror was polled about defendant's verdict; thus, denial of defendant's motion for a new trial was proper. Creed v. State, 255 Ga. App. 425, 565 S.E.2d 480 (2002) (decided under former O.C.G.A. § 15-12-40).

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