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Summoning Jurors

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Summoning Jurors 3
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Reference Number: CTAS-1273

Another duty of the sheriff, as it relates to both attending the courts and serving process, is summoning the jury. When the venire for the grand and petit jurors for any term of criminal court or circuit court has been drawn, the clerk of the court issues the state's writ of venire facias to the sheriff containing the names of the jurors drawn, commanding the sheriff to summon the jurors for the term of court for which they were drawn. The clerk must swear the sheriff when delivering the writ to keep secret the names of the jurors to be summoned. Summons is to be made by personal service or by sending by registered or certified mail to the regular address of the persons selected as jurors notice of their selection for jury duty. Service by mail must be mailed at least five days prior to the date fixed for their appearance for such jury service. The cost will be paid as are other costs of summoning jurors. In counties where jurors are selected by mechanical or electronic means pursuant to T.C.A. §§ 22-2-302 and 22-2-304, the sheriff is required to send the summons by first-class mail to the regular address of each person selected as a juror giving notice of the person's selection for jury duty. This summons must be mailed at least 10 days prior to the date fixed for the person's appearance for jury service. T.C.A. § 22-2-305.

If at a regular or special term of the court having criminal jurisdiction the required number of jurors cannot be obtained from the venire because of the disqualification of the proposed jurors or other cause, the clerk of the court will produce in open court the jury box and draw the number of names deemed by the judge sufficient to complete the juries. This process will, if necessary, continue until the grand and petit juries are completed. However, instead of following this procedure, the judge may furnish a sufficient number of names of persons to be summoned to the sheriff, or the judge may direct the sheriff to summon a sufficient number to complete the juries. T.C.A. § 22-2-310(c).

Whenever the presiding judge of the circuit or criminal court is satisfied that a jury cannot be obtained from the regular panel for the trial of a case, the judge may, before the case is assigned for hearing, cause the jury box to be opened by the clerk in the judge's presence in the clerk's office, and have the clerk draw a sufficient number of names as the judge deems sufficient to obtain a jury. The court clerk will then give this list to the sheriff whose duty it is to summon those whose names were drawn. If the jury cannot be made up from the panel drawn and summoned and the regular panel in attendance, another panel may be drawn and so on until the jury is completed or the jury box is exhausted. If, after the regular jury venire summoned for the term becomes exhausted, it becomes necessary to have additional jurors from which to select a jury to try a particular case or cases pending, the presiding judge may in the judge's discretion select from citizens of the county or direct the sheriff to summon people of the judge's selection whose names were not selected from the jury box. Neither the judge nor the sheriff are allowed to place on this list the name of any person who seeks either directly or indirectly, personally or through another, to be summoned as a juror, and such solicitations operate to disqualify such person for jury service. T.C.A. § 22-2-310(c).

It is a Class A misdemeanor for the sheriff or any of the sheriff's deputies to divulge any secrets of proceedings of the jury commissioners or to notify anyone what name, or names, constitute the panel or any part of it, or any name or names drawn from the jury box for service at any term of court or in any case pending in court, except where jury panel list publication is required under T.C.A. § 22-2-306, or fail to perform any duty imposed by Title 22, Chapter 2. Upon the conviction of a violation of this statute, such officer shall be removed from office and will be ineligible to hold any state or county office for a period of five years. T.C.A. § 22-2-102(b).

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