
The Minnesota Constitution guarantees citizens the right to a jury trial in all criminal actions in which a defendant may be sentenced to prison and civil actions in which a plaintiff seeks legal relief (such as money damages) rather than equitable relief (such as performing a specific act). ([Minn. Const. art I, §§ 4, 6](#)) There is no right to a jury when the only potential penalty is a fine (i.e., traffic tickets). A person may waive the right to a jury trial.

How many people serve on a jury?

The size of a jury depends on whether a case is civil or criminal, and what level of criminal charges a defendant faces. A felony jury has 12 members. Civil and other criminal juries have at least six members.

How are people selected for jury service?

Potential jurors are drawn at random from voter registration, state identification, and drivers' license lists to provide the broadest feasible cross section of the population of the area served by the court. All "qualified citizens" can be considered for jury service and must serve when summoned. Exclusions on the basis of race, color, creed, religion, sex, national origin, marital status, disability, age, occupation, economic status, status with regard to public assistance, or a physical or sensory disability are illegal.

Who is a "qualified citizen"?

A prospective juror qualifies to serve if that person is *all* of the following: a United States citizen; at least 18 years of age; a resident of the county; able to communicate in English; and physically and mentally capable of serving.

A person does *not* qualify to serve if the person is *any* of the following: under a sentence for a felony conviction; a former juror who served on a state or federal grand or petit jury in the past four years; or a judge serving in the judicial branch.

When may a person be excused from jury service?

People who are 70 years old or older are excused from jury service upon request. During the legislative session, a member, officer, or employee of the legislature is excused from jury service. A jury commissioner may excuse people if their ability to receive and evaluate information is so impaired that they cannot perform juror duties or if their service would be a continuing hardship.

May a person defer jury service to a later date?

Counties may establish conditions for deferral of jury service for situations including: temporary health problems, vacation plans, employment conflicts, prescheduled medical appointments, and arrangement of child care. Candidates for elected office may request deferral during a campaign. Deferrals shall be for a reasonable time, after which the prospective juror must be available for service.

What if a prospective juror fails to appear when summoned to jury service?

The court will order a person who fails to appear when summoned to explain the reason for failing to comply with the summons. If the person does not show good cause, the person is guilty of a misdemeanor. It is also a misdemeanor to complete a jury qualification questionnaire or willfully misrepresent a material fact on the questionnaire for purposes of securing or avoiding jury service.

Are jurors compensated for time spent on jury duty?

Jurors receive compensation for travel, and for their required attendance. Jurors may request child care and parking expenses. The Minnesota Supreme Court determines compensation rates and, as of 2019, jurors receive \$20 a day and \$.54 per mile for a round trip from their homes to the courthouse.

Are employers required to give employees time off for jury service?

Employers cannot fire or otherwise coerce an employee because the employee receives a jury summons, attends court as a prospective juror, or serves as a juror. An employer who violates this provision faces a charge of criminal contempt, as well as a fine of up to \$700 and/or six months' imprisonment. A discharged employee may also bring a civil action against the former employer for the recovery of lost wages and for an order requiring reinstatement. The employee has 30 days to bring a civil action. The court must award reasonable attorney's fees to a prevailing employee. Employers are not required to pay an employee while on jury leave.

How long is the term of jury service?

The time that a person is called upon to perform or be available for jury service varies by county. In counties with a population of 100,000 or more, a term of service must not exceed two weeks or the completion of one trial, whichever is longer. In counties with a population of less than 100,000, the maximum term of service ranges from two to four months; however, service ends after the person has reported to the courthouse for ten days or after the completion of a trial, whichever is longer.

What is the difference between a petit jury and a grand jury?

There are two types of juries: petit and grand. Petit (trial) juries consist of six to 12 people who hear evidence and issue verdicts in civil or criminal trials. In contrast, a grand jury determines whether probable cause exists to believe a person committed an offense and the person should be charged. Grand juries issue charges through an indictment, a written accusation similar to a complaint issued by a prosecutor. The grand jury consists of 16 to 23 people and may find an indictment only upon the concurrence of 12 or more jurors. Offenses that may be punished by life imprisonment must be prosecuted by indictment.

What is the process for selecting juries?

Voir dire ("vwah deer") is the jury selection process; its purpose is to produce a qualified and impartial jury. The parties may examine prospective jurors to discover grounds to challenge (and dismiss) a prospective juror. Jurors may be challenged for cause because of bias, prejudice, or having a relationship to or with the defendant, victim, or an attorney in the case. Parties may also use a limited number of peremptory challenges to dismiss prospective jurors without giving a reason. A peremptory challenge cannot be used on the basis of race or gender.



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