

The right to a trial by jury is part of both the U.S. and Minnesota Constitutions. State law and court rules establish standards and procedures to allow people to exercise that constitutional right, choose people for jury duty, and select unbiased jurors to hear trials.

The federal and state constitutions create a right to a jury in most cases.

For criminal cases, the U.S. Constitution creates a right to a trial jury, also called a petit jury, if the maximum penalty for the crime charged is at least six months in jail or prison. The Minnesota Constitution goes further, guaranteeing a jury in all criminal cases where the penalty includes any amount of incarceration. Both constitutions also create a right to a jury in civil cases where one party is seeking payment for damages.

Trial juries have either 12 or six members, but may include alternates.

The size of a trial 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. It is common for a jury to begin with more people in case someone cannot continue for some reason. The court will excuse alternate jurors before the deliberations begin.

Grand juries do not decide if a person is guilty; they only decide if there is enough evidence to charge someone with a crime. Grand juries consist of 16 to 23 people and issue an indictment if 12 or more jurors agree that the person should be charged. Indictments are rare in Minnesota because prosecutors can charge most crimes by using a complaint without going to a grand jury. However, offenses that may be punished by life imprisonment (including murder in the first degree) must be prosecuted by indictment.

Courts select potential jurors from a variety of sources.

Courts draw potential jurors at random from voter registration, state identification, and drivers' license lists to provide a broad 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.

Most adults are considered "qualified citizens" and may be called to jury duty.

Both state law and court rules establish requirements for potential jurors. A juror must be at least 18 years old, be a citizen of the United States, have resided in Minnesota for at least 30 days, live in the county where the person is called to serve, be able to communicate in English, and be able to serve with reasonable accommodations for any disability.

A person does *not* qualify to serve if the person was convicted of a felony and does not have the right to vote; served on a state or federal grand or trial jury in the past four years; or is a judge currently serving in the Minnesota judicial branch. Before July 1, 2025, the rules prohibited a person on probation or other supervision for a felony offense from serving, but most individuals serving a felony sentence in the community can now vote and serve on a jury.

A small number of people may be automatically 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.

A person called to serve on a jury must appear or request a deferral.

A person who fails to appear without a good reason can be convicted of a misdemeanor. Failing to complete a jury qualification questionnaire or willfully misrepresenting a material fact on the questionnaire for purposes of securing or avoiding jury service are also misdemeanor offenses. Counties may allow a person to delay jury service based on personal conflicts, and candidates for elected office may request deferral during a campaign. The prospective juror must be available for service after a reasonable time.

Service lasts a few weeks or months and trials are rare.

Grand jury service lasts between four and 12 months depending on the county. In counties with a population of 100,000 or more, trial jury service lasts for two weeks. If the county population is over 50,000 and under 100,000, service lasts for up to two months while service in counties with a population of 50,000 or less can be for up to four months. If a person serves on a jury or actually reports to the courthouse for ten days, that person's service is over. Most people called to jury duty can call a phone number to see if they need to actually appear. In 2024, only 5.1 percent of people summoned actually served on a trial jury (11,179 of 217,476). This is because most cases settle before trial. There were 1,047 trials in Minnesota in 2024—932 criminal trials and 115 civil trials.

Jurors receive some payment and employment protections.

Jurors required to go to the courthouse receive \$20 per day and \$0.54 per mile for the round trip from the person's home to the courthouse. Jurors may request child care and parking expenses, but parking expenses are usually deducted from the daily rate. Employers are not required to pay an employee while the person is on jury leave, but cannot fire or punish an employee because the person was called for jury service. An employer who violates this provision faces both fines and 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.

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Voir dire ("vwhear 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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