

## CHAPTER 267.

## JURORS.

S. F. 490.

AN ACT amending chapter XI of title III of the code as amended, relating to the selection of grand and petit jurors.

*Be it enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. **Amendment.** That chapter XI of title III of the code  
2 as amended, be, and the same is hereby amended, by adding thereto  
3 the following:

1 SEC. 2. **Jury commission—qualifications.** In all counties hav-  
2 ing a population exceeding twenty thousand, in which there is a city  
3 having a population of fifteen thousand, or more, the judge, or judges  
4 of the district court of the judicial district, in which such county  
5 is located, shall, on or before the first day of October, in each year,  
6 select and appoint three competent persons, having the qualifica-  
7 tion of electors in the county in which they are appointed, com-  
8 missioners, to select the grand and petit jurors, and talesmen for  
9 the district court of such county, for the year beginning on the  
10 first day of January, next after their appointment; and the persons  
11 so appointed shall be known as the jury commission. Not more  
12 than two members of the commission shall be residents of the city  
13 in which the courthouse of the county in which they are appointed,  
14 is located, and no person shall be appointed who has solicited such  
15 appointment; nor shall any county officer be appointed a member  
16 of such commission.

1 SEC. 3. **Procedure attending appointment.** The appointment of  
2 such commissioners shall be in writing, signed by the judge, or a  
3 majority of the judges, if more than one, of the judicial district  
4 in which the appointment is made, and shall be filed and made a  
5 matter of record, in the office of the clerk of the district court of  
6 the county in which the commission is appointed. If, for any rea-  
7 son, any judge of a district, in which such commission should be ap-  
8 pointed, is unable to act, the appointment shall be signed by the  
9 judge, or a majority of the judges of such district, who are able  
10 to act. Upon the filing of the written appointment, the clerk of the  
11 court, in whose office such appointment shall be filed, shall, at once,  
12 by registered letter, notify each commissioner, of his appointment.

1 SEC. 4. **Commissioners to qualify—tenure—refusal to qualify**  
2 **—compensation.** The commissioners shall, after their appointment,  
3 and before the tenth day of October, in each year, qualify, by taking  
4 the oath of office, as provided in section 1180 of the code, which  
5 oath shall be subscribed by them, and filed in the office of the  
6 clerk of the district court, in the county in which they are appointed,  
7 and shall hold office for the term of one year, and until their  
8 successors are duly appointed and qualified. Any person appointed  
as jury commissioner, under the provisions of this act, who shall

9 fail to qualify, and act as such commissioner, after having been so  
10 appointed and notified, shall forfeit and pay to the county treasurer  
11 of the county in which he shall have been appointed, for the benefit  
12 of the school fund of the county, the sum of one hundred (\$100)  
13 dollars, which sum may be recovered in a civil action, by the county  
14 against him, unless he be excused from serving as such commissioner,  
15 by the judge or one of the judges, by whom he was appointed.  
16 Each commissioner shall be paid from the general fund of the  
17 county, as compensation for his services, four dollars for every  
18 day, or fraction thereof, not exceeding two days, at any meeting  
19 of the commission, during which he is actually engaged in the duties  
20 of his office, and the time which the commissioners are actually  
21 employed in the duties of their office shall be certified by the clerk  
22 of the district court to the county auditor, and the auditor shall  
23 thereupon draw a warrant upon the proper funds of the county, and  
24 deliver the same to the commissioner entitled thereto, for the amount  
25 to which such commissioner is entitled.

**SEC. 5. Number of grand and petit jurors—duty of auditor.**

1 The commission shall meet in a room, which shall be provided by  
2 the board of supervisors, in the court house, in the county in which  
3 they are appointed, on the first Monday, after the tenth day of  
4 November, in each year, and select the names of persons, having  
5 the qualification of jurors, and who are of good moral character, to  
6 serve as grand and petit jurors, and talesmen, for the year begin-  
7 ning on the first day of January next after the meeting of such  
8 commission. The names of one hundred persons shall be drawn  
9 from which the grand jurors shall be selected: the names of a  
10 number of persons equal to one-seventh of the whole number of  
11 qualified electors in the county, who voted at the last preceding gen-  
12 eral election, as shown by the poll books of such election, shall be  
13 drawn, from which the petit jurors shall be selected; and the names  
14 of a number of persons equal to twenty per cent of the whole num-  
15 ber of qualified electors, who voted at the last preceding general  
16 election, as shown by the poll books of said election, in the city or  
17 town, in which the district court is held, and the township or town-  
18 ships in which said city or town is located, shall be drawn, from  
19 which talesmen shall be selected, and the names so drawn shall consti-  
20 tute the grand and petit jury lists, and the list of talesmen from  
21 which grand and petit jurors and talesmen shall be selected, for the  
22 annual period commencing with the first day of January next  
23 after the meeting of such commission. The county auditor shall  
24 compute in the manner provided by law, and furnish the commis-  
25 sion, a statement of the number of grand and petit jurors and tales-  
26 men, to be drawn from each voting precinct in the county, and the  
27 commission shall draw the number of persons so proportioned by  
28 the county auditor, from each of such voting precincts. In counties  
29 which are divided for judicial purposes, and in which courts are  
30 held at more than one place, the grand and petit jurors, and tales-  
31 men, selected to serve in the respective courts, shall be drawn from  
32 the division of the county in which the court is held, at which they  
33 are required to serve.

**SEC. 6. Duty of auditor—exemption from service—disqualifi-  
1 cation.** For the purpose of aiding the commission, in making the

2 lists of grand and petit jurors and talesmen, the county auditor  
3 shall furnish the commission with the poll books of the last pre-  
4 ceding general election, and a statement of the number of persons  
5 apportioned by him to be drawn from the respective voting precincts  
6 of the county as jurors, together with the names of all persons who  
7 have served as grand or petit jurors, after the first day of January,  
8 preceding the time of the meeting of the commission. No person  
9 who has been drawn, and has served in a court of record, as a grand  
10 or petit juror, during the year beginning with the first day of Janu-  
11 ary, preceding the time of the meeting of the commission, and no  
12 person who has requested to be selected as a grand or petit juror,  
13 or talesman, shall be selected by the commission as a grand or  
14 petit juror, or talesman. And if the name of any such person shall  
15 be selected by the commission, the fact that he has requested to  
16 be selected, or that he has served as a grand or petit juror, in a  
17 court of record, during the year, shall be ground for challenge for  
18 cause.

**SEC. 7. Preparation, certification, sealing and filing of lists.**

1 The names of the persons selected by the commission for grand or  
2 petit jurors, and talesmen, shall be, by the commission entered upon  
3 lists, which shall be furnished by the county auditor for that pur-  
4 pose, and when such lists are completed, they shall be separately  
5 certified, by the commissioners, in substance and in form as election  
6 officers are required to certify the lists of jurors, returned by them.  
7 After such lists have been so certified, they shall, by the commis-  
8 sion, be placed in sealed envelopes, and on or before the 15th day  
9 of November, of the year in which such lists are made, be de-  
10 posited with, and filed by the county auditor, and recorded by him  
11 in the proper record, and shall stand as the regular jury lists of  
12 the county for the year for which such lists are selected, and the  
13 grand and petit jurors, and talesmen shall be chosen from such  
14 lists for that year, as herein provided.

1 **SEC. 8. Preparation and deposit of ballots.** Within five days  
2 after such lists are deposited with the county auditor, the auditor  
3 and clerk of the court shall prepare therefrom, separate ballots,  
4 which shall be uniform in size, shape and appearance, and upon  
5 which the names and places of residence of all persons selected by  
6 the jury commission, for grand and petit jurors, and talesmen, shall  
7 be written. The names of the classes of jurors shall be kept sepa-  
8 rate, and each ballot shall be folded, so as to conceal the name  
9 written thereon. The ballots containing the names of the grand  
10 and petit jurors, and talesmen, shall be deposited in separate boxes,  
11 as provided by section 338 of the code, which shall be plainly marked,  
12 so as to show the class of jurors, whose names are contained there-  
13 in, and shall have but one aperture, through which a hand may be  
14 inserted. The boxes shall then be sealed by the auditor, in the  
15 presence of the clerk, and deposited with the clerk of the district  
16 court.

1 **SEC. 9. Drawing of jurors.** At a day to be fixed by the clerk of  
2 the court, which shall be not less than twenty days, nor more than  
3 thirty days, before the first day of each term of the district court,  
4 which shall be held after the 31st day of December, 1917, in the

5 counties included in this act, at which a petit jury is required, and  
6 of which five days notice shall be given by the clerk, by mailing  
7 to each commissioner a notice thereof, the jury commission shall  
8 meet at the office of the clerk of the court, and in the presence of  
9 the county auditor and clerk, shall draw from the proper box, the  
10 required number of ballots, containing the names of the persons  
11 selected to serve as petit jurors, and the persons whose names are  
12 so drawn, shall constitute the petit jurors for the next ensuing  
13 term of the court. The box containing the names of the persons  
14 selected as petit jurors, shall, at the time of the drawing, and be-  
15 fore the name of any juror shall have been drawn therefrom, be  
16 thoroughly shaken, and the seal on the aperture broken by one of  
17 the commissioners. After the seal on the box shall have been broken,  
18 one of the commissioners shall, without looking at the ballots, draw  
19 one ballot at a time from the box, and pass it to one of the other  
20 commissioners, who shall open such ballot, and read aloud the name  
21 of the person written thereon, which name shall be taken down, by  
22 the clerk of the court, upon a list which shall contain the names  
23 of all the petit jurors so drawn, and the commissioners shall, in  
24 like manner, continue to draw ballots from the box until the names  
25 of the entire number of petit jurors required, shall have been drawn,  
26 and their names duly entered upon the list by the clerk of the court.  
27 After the required number of petit jurors shall have been drawn  
28 in the manner provided, and their names entered upon the list by the  
29 clerk, the box shall again be sealed by the commission, and returned  
30 to the custody of the clerk.

1 **SEC. 10. Precept.** The clerk of the district court shall immedi-  
2 ately, after the names of the petit jurors have been drawn, as here-  
3 in provided, and their names entered upon the list made by him,  
4 issue his precept to the sheriff of the county, commanding him to  
5 summon the persons whose names have been drawn, to appear at the  
6 courthouse at the time designated by the judge or judges of the  
7 district court, to serve as petit jurors.

1 **SEC. 11. Annuling precept—procedure.** If the court shall, for  
2 any reason, determine that the petit jurors shall have been illegally  
3 drawn, selected, or summoned, it may set aside the precept, under  
4 which they were summoned, and direct a sufficient number to be  
5 drawn and summoned, in the manner herein provided. In such  
6 case, the jury commission shall meet at the office of the clerk of the  
7 court, at such time as the court may direct, and in the presence of  
8 the clerk and auditor, and in the manner herein specified, draw the  
9 number of petit jurors required, under the order of the court, and  
10 the jurors so drawn and summoned, shall be required to appear im-  
11 mediately, or at such time as the court may fix.

1 **SEC. 12. Statutes made applicable.** All of the provisions of  
2 chapter XI, of title III, of the code, as the same is now, or may here-  
3 after be amended, which are not inconsistent with this act, shall  
4 apply to all jurors selected and drawn by the jury commission, with  
5 the same force and effect as though such provisions were specifically  
6 embodied herein.

1     **SEC. 13. Deficiency in number appearing—procedure.** Should  
2 the number of petit jurors summoned fail to appear or be excused,  
3 the requisite number, upon the order of court, shall be drawn in the  
4 same manner as the original panel, and the commissioners shall  
5 meet at the office of the clerk, at a time fixed by the court, and draw the  
6 names of the number of petit jurors required by the court to fill  
7 the panel. The persons whose names are so drawn shall forthwith  
8 be summoned to appear and serve as jurors during the term of  
9 court for which they are drawn, and shall have the right to present  
10 excuses, as provided for the original panel.

1     **SEC. 14. Additional jurors—discharge of panel—procedure.**  
2 The court, or judge thereof, either before or during any term of  
3 court, may order as many additional jurors drawn for the term,  
4 or for the trial of any particular case, as may be deemed necessary,  
5 and may at any time, discharge the panel of jurors, or any part  
6 of it, and order a new panel, or such number of jurors as may be  
7 deemed necessary to be drawn. The names of such jurors shall be  
8 drawn by the commissioners in the manner herein provided, and  
9 the commission shall, upon the order of the court, meet at the office  
10 of the clerk of the court, for that purpose.

11 Whenever the commission shall be required to meet for the pur-  
12 pose of drawing jurors under the order of the court, the clerk of  
13 the court shall at once notify each commissioner of such order, and  
14 the time fixed for the meeting of the commission; and, if deemed  
15 necessary, the court may order the notice to be served by the sheriff  
16 of the county, who shall be entitled to charge the same fees and mile-  
17 age for such service, as he is entitled to charge for the service of  
18 an original notice, and such fees and mileage shall be paid by the  
county.

1     **SEC. 15. Grand jurors—how drawn.** The names of grand jurors  
2 shall be drawn from the box containing the ballots upon which their  
3 names are written, as provided by sections 339 and 340 of the code,  
4 and the names of talesmen, required to serve as jurors, in the coun-  
5 ties included in this act, shall be drawn in the manner now pro-  
6 vided by law, from the box containing the names of the persons se-  
7 lected by the commission, to serve as such talesmen.

1     **SEC. 16. Annulment of present lists—pending matters.** All  
2 jury lists heretofore made, in the counties included in this act, are  
3 hereby annulled and made void, after the 31st day of December,  
4 1917, and all grand and petit jurors, and all talesmen required by  
5 the district court of such counties, shall, after that date, be  
6 drawn from the lists made by the jury commission, as herein pro-  
7 vided. But nothing herein shall render any act done or indictment  
8 found by any grand jury, or any act done or verdict returned by  
9 any petit jury after the 31st day of December, 1917, invalid or void,  
10 where such grand or petit jury was drawn and empaneled before  
11 that date.

Approved April 21, A. D. 1917.