

A BILL

FOR AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO SELECT, DRAW AND SUMMON GRAND AND PETIT JURORS IN ALL COUNTIES HAVING A POPULATION OF OVER 50,000 AND PRESCRIBING THE DUTIES THEREOF.

Be it Enacted by the General Assembly of the State of Iowa:

SECTION 1. That in all counties of this State having a population exceeding 50,000, as shown by the last preceding State census, the grand and petit jurors shall be selected, drawn and summoned in the following manner:

SEC. 2. The District Court of said county, during the several terms thereof, shall select a commission, composed of five qualified electors of the county, not more than one of such commissioners being selected from the same civil township. In any county in which two judges are authorized by law, to hold session of the District Court at the same time, the two judges shall concur in the selection of the said jury commission. And in any county in which more than two judges are authorized by law to hold sessions of the District Court at the same time, the majority of such judges shall concur in the selection of the jury commission. The members of this jury commission shall have the qualifications hereinafter prescribed, and shall select the jurors for ensuing term of court in the manner hereinafter provided.

SEC. 3. No person shall be a jury commissioner who is a party to a case triable to a jury in said court at the next ensuing term thereof, or who is a stockholder or employe of a corporation which is a party to such a case, and no person shall be eligible as a jury commissioner more than once in twelve months.

SEC. 4. Jury commissioners shall be summoned to appear by the service upon them of an order signed by a judge of the District Court, requiring them to attend at a given time, which order may be served by the sheriff, his deputy or any person appointed therefor by such judge, and any person so summoned who fails to appear as ordered, without good and sufficient cause, shall be guilty of contempt of court, and may be punished accordingly. When the commissioners shall appear in court the court shall instruct them as to their duties and administer to them the following oath:

“You and each of you do solemnly swear that you will well and truly, and to the best of your knowledge, skill and ability, perform the duty of jury commissioner for this court; that

10 you will select for jury service only men whom you honestly believe to be qualified by intelli-
11 gence and integrity, for the performance of jury duty; that you will neither select or reject
12 any because of his religious or political beliefs; that you will select no one who has sought
13 a place upon the jury by himself, or for whom a place has been sought by another; that you
14 will faithfully report to the court any attempt made directly or indirectly by any person or
15 persons to bias or influence you in the selection or rejection of the name or names of any person
16 or persons to be placed upon the jury list; and that you will select no man for jury service for
17 any other reason than because of your belief in his fitness and qualification for the service to
18 be performed; that you will not make known to anyone the name of any jurymen selected by
19 you and reported on your list; that you will not directly or indirectly converse with anyone
20 selected by you as jurymen concerning the merits of any suit to be tried at the next term of
21 this court until after the said cause shall have been tried or continued or the jury discharged.

SEC. 5. In case any person summoned as jury commissioner shall fail to attend at the time
2 ordered by the court, or if attending shall for any reason be excused from the service, the
3 judge or judges of said court shall appoint another person or persons to complete the jury
4 commission, and summon him or them in the same manner as hereinbefore provided.

SEC. 6. The Jury Commissioners when appointed and sworn shall be furnished a room and
2 placed under the charge of a sworn bailiff, and shall be provided with a poll list of the county
3 of the last preceding general election and a list of all persons who have served on the grand
4 and petit jury during the twelve months last preceding, and shall not be permitted to sep-
5 arate except upon the order of the court for serious and urgent reasons until they have per-
6 formed the duties imposed upon them by this act.

SEC. 7. There shall be administered to the bailiff in charge of the said Jury Commission
2 the following oath:

3 "You do solemnly swear that you will keep this Jury Commission together until you are
4 ordered by the court to release them; that you will permit no person to speak to any of them
5 or hold an communication with any of them in any manner whatsoever, except upon the
6 order of this court, nor communicate with them yourself except as to their personal wants
7 until they have been discharged by the court."

SEC. 8. The Jury Commission after they are sworn shall select from the qualified electors
2 of the county two hundred and fifty names of persons of good character and approved in-
3 tegrity, sound judgment and reasonable information and possessing all the other qualifications
4 of petit jurors as now provided by law, to serve as petit jurors for the next ensuing term of
5 court, and shall enclose a list of such names in a sealed envelop and deliver the same to a
6 judge of the court in open court. This sealed envelop shall be endorsed upon the back, "petit
7 jury list," with the date of the return and the name of the term of court at which said jury

8 list is to be used, and this endorsement on the back of the envelop shall be signed by each of
9 the said commissioners. They shall at the same time select from the body of the county from
10 persons having the qualifications hereinbefore specified for petit jurors, sixty persons from
11 whom the grand jurors for the next ensuing term of the court shall be selected as hereinafter
12 provided, and said grand jurors shall be distributed as nearly as practical pro rata to the
13 several townships of the county. They shall enclose such list in a sealed envelope and deliver
14 the same to a judge of the court in open court. This sealed envelop shall be endorsed on the
15 back, "grand jury list," with the date of the return and the name of the term of court at
16 which the said grand jury list is to be used and this endorsement on the back of said envelope
17 shall be signed by each member of the commission. The said commission shall at the same
18 time select from the body of the township in which the court is held, from persons having the
19 qualifications hereinbefore specified for petit jurors one hundred persons to constitute a spec-
20 ial venire list for the next ensuing term of court; shall enclose this list in a sealed envelope
21 label it "special venire list," giving the date upon which the said list is returned into court,
22 with the name of the term of court at which said special venire is to be used, and this en-
23 dorsement upon the back of the said envelope shall be signed by each of the commissioners
24 and shall be returned by the said commissioners to a judge of the said court in open court.

SEC. 9. Not less than ten days or more than fifteen days prior to the next ensuing term of
2 court after the making of said list the clerk of the District Court, the County Auditor and the
3 County Recorder shall meet in the office of the clerk of the said court, and shall then open
4 in the presence of the three officers named, the list of grand jurors hereinbefore provided for,
5 and shall write the name of each person therein found upon a separate ballot, these ballots
6 to be uniform in size, color and material, and folded in such a manner that they cannot be
7 read without opening the ballot. The clerk shall also, at the same time, record in the journal
8 of the court, the name of every person found in the grand jury list as returned by the com-
9 mission, and this record shall be made by the clerk in the presence of the Auditor and the
10 Recorder, and it shall be attested upon the record by the signatures of the Clerk, the Auditor
11 and the Recorder. Immediately after the names are duly recorded, as herein provided, the
12 ballots containing the names of the grand jurors shall be folded and placed in a box provided
13 for that purpose, which box shall be closed and thoroughly shaken, and from the said box one of
14 the three officers named, in the presence of the others, shall draw twelve ballots, and the persons
15 whose names are drawn shall constitute the grand jury panel for the next ensuing term,
16 provided that no more than one person shall be drawn as a grand juror from any civil town-
17 ship, except where there are less than twelve civil townships in the county, in which case no
18 more than two persons shall be drawn from any one township. At the same time, the Clerk,
19 the Auditor and the Recorder shall open the sealed lists of petit jurors and in the presence

20 of the three officers named, the Clerk shall enter upon the journal of the court the name of
21 every person found upon the list as returned by the Jury Commission, which list, when en-
22 tered upon the journal, shall be attested by the signatures of the three officers named affixed
23 upon the record. They shall then, in the presence of the three officers named, prepare ballots
24 as hereinbefore provided for grand jurors, placing upon said ballot the name of every person
25 found in the return of the Jury Commission. They shall then fold the said ballots and place
26 them in a closed box, which said box shall be thoroughly shaken and therefrom one of the
27 said officers, in the presence of the others, shall draw such a number of names as the court
28 may have ordered, and such persons so drawn shall constitute the petit jury panel for the next
29 ensuing term of court. The special venire list hereinbefore provided for shall not be opened
30 until such time as may be ordered by the court, at which time, if a less number of names are
31 ordered drawn therefrom than the list contained, the said special venire list shall be opened,
32 their names recorded like petit jurors, placed upon the ballots in the manner hereinbefore
33 provided, the ballots folded and placed in a box in like manner as hereinbefore provided, all
34 of which shall be done by the Clerk, Auditor and Recorder acting together in the office of the
35 Clerk, as hereinbefore provided, and from the box so prepared there shall be drawn by one of
36 the three, in the presence of the other two, such a number of persons as the court shall have
37 ordered drawn from the special venire.

SEC. 10. The Clerk of the Court shall issue a summons to the person drawn as hereinbefore
2 provided for the grand jurors and petit jurors, which summons shall be served by the sheriff in
3 the manner now provided by law, to appear upon the second day of the next ensuing term of
4 court, unless otherwise ordered by the court and when such persons shall appear in court,
5 the grand jury panel shall be selected for the term in the manner now provided by statute,
6 and the petit jurors shall be impaneled in each case in the manner now provided by law. And
7 in the event that the regular petit jurors shall be found, for any reason, to be insufficient in
8 number, the court may order a further drawing from the petit jury box of such a number
9 of names as the court may order, which names shall be drawn in the same manner as herein-
10 before provided, and such person so drawn shall be summoned in the manner hereinbefore
11 provided. After any drawing of names from any of the boxes hereinbefore provided for,
12 the said box shall be closed and sealed in the presence of the Clerk, the Auditor and the Re-
13 corder, and when so sealed shall be left in the custody of the Clerk, and thereafter none of
14 the said boxes shall be opened by any person except upon the order of the court, and then in
15 the presence of the three officers named.

SEC. 11. If for any cause there shall be a failure to appoint a Jury Commission as herein
2 provided, or if for any cause the Jury Commission shall fail to select grand and petit jurors,
3 and a special venire as herein provided, or if for any cause the panel selected by the commis-

4 sion shall be set aside by the court, or the jury list shall be destroyed or lost, the court may
5 appoint a new Jury Commission which shall be summoned and sworn in the manner herein-
6 before provided, and which shall select grand and petit jurors, and a special venire as here-
7 inbefore provided. And in such an event the grand and petit jurors may be summoned
8 upon not less than three days' notice, and shall appear and act as grand and petit jurors as
9 ordered by the court. Whenever the court is satisfied that the Jury Commission has failed
10 in any material respect to perform the duties required of them, or that any improper influ-
11 ence has in any manner reached them and influenced the selection of jurors by the commission
12 the court may set aside the panel so drawn and appoint a new commission as hereinbefore
13 provided.

SEC. 12. In any county where the District Court is held in more than one place, the court
2 shall follow the same procedure for each division of the county as if each division were a
3 separate county and the commissioners selected for each division shall be the resident of
4 that division over which the court has jurisdiction.

SEC. 13. Any District Court of the State of Iowa affected by this act, if in session at the
2 time this law shall take effect, shall, during the session of said court, appoint a Jury Com-
3 mission to select jurors in the manner in this act provided for the next ensuing term of said
4 court. Any such court, if it shall have a jury impaneled for the said term may retain such jury
5 as long as needed. But if the said court shall be without a jury, it may appoint commissioners
6 in the manner herein provided, who shall select grand and petit jurors in the manner in this
7 act provided, and the said jurors shall be summoned and shall appear upon three days' no-
8 tice. The period of not less than ten days, or more than fifteen days, prescribed in section
9 nine of this act, shall not apply in such a case.

SEC. 14. The Jury Commissioners shall be allowed the sum of \$4.00 a day each for their ser-
2 vices as such commissioners, to be paid by the county upon the certificate of the clerk, and the
3 said Jury Commission shall not remain in session at any one time to exceed two days except
4 upon the order of the court and for good reason.

SEC. 15. Any person who shall seek, in any manner, to influence the action of the Jury
2 Commission, or who shall request any member of any Jury Commission to place his name or
3 the name of any other person upon the jury list, shall be guilty of a misdemeanor and upon
4 conviction thereof, may be fined in any sum not exceeding \$300.00.

SEC. 16. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 17. This act, being deemed of immediate importance, shall take effect and be in force
2 from and after its publication in the Register and Leader and the Des Moines Daily Capital,
3 newspapers published in the city of Des Moines, Iowa.