

A BILL

FOR AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO SELECT AND DRAW GRAND AND PETIT JURORS, INCLUDING TALESMEN, IN COUNTIES HAVING A CITY WITH A POPULATION OF OVER TWENTY-FIVE THOUSAND (25,000), AND PRESCRIBING THE DUTIES THEREOF.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That in all counties in this state having a city with a population exceeding
2 25,000, as shown by the last preceding official census, the grand and petit jurors, including
3 talesmen, shall be selected, drawn and summoned in the following manner:

Sec. 2. The judges of the district court of such counties, within thirty days prior to the
2 first day of January of each year, shall select and appoint, from among the freeholders and
3 qualified electors of each county, in each judicial district, possessing a population as afore-
4 said, five intelligent and discreet men, over twenty-one years of age, residents in different por-
5 tions of the county, having no action in court requiring the intervention of a jury, to act and
6 serve as a jury commission for one year, and no persons shall serve on such jury commission
7 more than once in twelve months. Said body shall be known as a jury commission.

8 They shall be notified of their appointment by the service upon each of them of a copy of
9 the order of their appointment, which may be served by the sheriff, his deputy, or any per-
10 son appointed therefor, by the judges, or one of them, and a failure to appear before the court
11 or judge at the time and place provided by such order, without good and sufficient cause
12 therefor, shall be a contempt of court and may be punished accordingly.

13 Upon appearing in obedience to such order, unless excused for good cause shown, the
14 judge or court, before whom they appear, shall administer to them, and each of them, the fol-
15 lowing oath:

16 "You and each of you do solemnly swear that you will well and truly and to the best of
17 your knowledge, skill and ability, perform the duty of jury commissioner for this court; that
18 you will select for jury service only men whom you honestly believe to be qualified by intel-
19 ligence and integrity, for the performance of jury duty; that you will neither select nor re-
20 ject any because of his religious or political belief; that you will select no one who has sought
21 a place upon the jury by himself, or for whom a place has been sought by another; that you
22 will faithfully report to the court any attempt made, directly or indirectly, by any person or

23 persons, to bias or influence you in the selection or rejection of the name or names of any per-
24 son or persons to be placed upon the jury list; and that you will select no man for jury ser-
25 vice for any other reason than because of your belief in his intelligence and qualification for
26 the service to be performed; that you will not make known to anyone the name of any person
27 selected by you and reported on your list; that you will not, directly or indirectly, converse
28 with anyone selected by you as jurymen concerning the merits of any suit to be tried in this
29 court.”

30 No more than three of said commission shall be appointed from residents of cities or towns
31 in the county, nor shall any person holding a county, city, town or township office in the county
32 be eligible to be appointed on said jury commission.

33 The judges of each district, or the majority of them, shall have the power, at any time, with
34 or without cause assigned, to cancel the appointment of any jury commissioner, and to ap-
35 point another to fill the vacancy so created, or to fill vacancy created in any other manner.

Sec. 3. The jury commissioners shall hold their meeting in some room to be provided by
2 the board of supervisors, in the court house of each county, and designated by one of the
3 judges of said district, and shall, while in session, be under the charge of a bailiff, who shall be
4 appointed and sworn by one of said judges, not to permit any person to speak to any of
5 them or hold any communication with any of them in any manner whatsoever, except upon
6 the order of one of the judges, nor communicate with him himself, except in respect to their
7 personal wants, while they have under consideration the selection of the jury list; and while
8 engaged in making the lists of juries and selecting names, nor persons shall be permitted to
9 be in said room with them.

Sec. 4. The said jury commissioners upon entering the duties of their office shall from the
2 qualified electors of each county, prepare lists of persons of good character, sound judgment
3 and reasonable information, possessing all the other qualifications of jurors, as now provided
4 by law, from which to draw the requisite number of persons to serve as grand jurors, petit
5 jurors and talesmen for each succeeding year, and shall omit from such list the names of all
6 persons, who have indicated, directly or indirectly, a desire to go upon the jury list, and all
7 persons who have served upon either the grand or petit jury in the preceding year.

8 The persons to go upon such jury list shall be apportioned, as nearly as may be, in num-
9 ber, to the different precincts of the county, in proportion to the number of votes cast in
10 each voting precinct at the last preceding general election, but no more than three-fifths of
11 such lists for petit jurors shall be selected from persons residing in cities and towns in each
12 county.

13 For the purpose of making such selection, the county auditor shall furnish to the jury com-
14 missioners, and put in their possession for their use while in session, the poll books and rec-
15 ords of the last preceding general election.

16 If, for any reason the jury list shall not be prepared by the jury commissioners within the
17 times hereinbefore stated, they shall then be prepared by such commission under the order
18 of one of said judges, or by the court, if in session, at the time and place fixed by such or-
19 der, and a failure to comply therewith by the jury commission, after the service of such or-
20 der upon them, shall be contempt of court, and shall subject them to a fine of not less than
21 \$10.00 nor more than \$100.00 or to imprisonment not to exceed thirty days, in the discretion
22 of the judges or court, or the judges of court may appoint other persons as jury commission-
23 ers, in the manner and possessing the qualifications and powers aforesaid.

24 The commissioners shall prepare from the separate list selected, separate ballots, contain-
25 ing the name, age, occupation and place of residence of each person so selected for jury lists,
26 keeping the names of the several classes of jurors separate, and deposit in separate boxes,
27 the ballots of the grand jurors, petit jurors and talesmen, as returned on said lists, which
28 boxes shall be plainly marked, sealed and forthwith deposited with the clerk of the district
29 court, to be kept carefully sealed until the time fixed by law for the drawing of the several
30 juries; the ballots to be placed in respective boxes from which the drawings are to be made,
31 shall be uniform in size, color, and paper, and be so folded as to conceal the names on the bal-
32 lots, and shall then be placed in boxes, arranged, sealed and cared for as now provided by
33 law.

Sec. 5. At the time of the appointment of the jury commission by the court or judges as
2 hereinbefore provided, such court or judges shall fix the number of jurors to be selected by
3 the jury commission for grand jurors, petit jurors and talesmen for the year next ensuing.
4 And it shall be the duty of the county auditor to furnish to the jury commission, duly certified,
5 a statement or apportionment of the number of grand and petit jurors and talesmen appor-
6 tioned to each election precinct as aforesaid.

Sec. 6. The grand and petit jurors shall be drawn by the clerk of the district court, the
2 county auditor and county recorder, as now provided by law.

3 The clerk of the court shall draw the talesmen, in the presence and under the direction of
4 the presiding judge and the talesmen boxes should be sealed and unsealed in the presence
5 of the judge at each drawing. When a new panel or new member of the regular panel of petit
6 jurors are to be drawn in term time, each new panel or new member shall be drawn by the
7 clerk of the court, in the presence and under the direction of the presiding judge, who shall
8 witness the unsealing and re-sealing of the jury box.

9 At all times when jurymen are not being drawn, the jury ballot boxes shall remain sealed
10 and in the custody of the clerk of the court.

Sec. 7. Section 346 of the code of Iowa is hereby repealed, and in lieu thereof the follow-
2 ing is enacted:

3 The grand jury shall be composed of seven members. The petit jury in such county shall
4 be composed of such number of jurors as may be ordered by the court to be drawn for each
5 successive term thereof.

Sec. 8. The jury commissioners shall be allowed the sum of \$4.00 per day each for their ser-
2 vices as such commissioner. to be paid by the county upon the certificate of the clerk of the
3 court, and the jury commissioners shall not remain in session at any one time to exceed two
4 days, except upon the order of the court, and for good reason.

Sec. 9. No person legally drawn as a grand juror or petit juror shall be excused from
2 service for any other reason than disqualification as now provided by law or sickness in the
3 family of such juror, or of himself.

Sec. 10. It shall be lawful, if the court shall deem it advisable, to divide a term of court
2 into two or more divisions, and draw a separate panel of trial jurors for each divisions of the
3 term, releasing at the end of the division, the first panel, and drawing another in its stead.

Sec. 11. Any person who shall seek, in any manner, to influence the action of a jury com-
2 missioner, or who shall request any member of the jury commission to place his name, or the
3 name of any other person upon the jury list, shall be guilty of a misdemeanor, and upon con-
4 viction thereof may be fined in any sum not exceeding \$100.00.

Sec. 12. All acts and parts of act in conflict herewith are hereby repealed.