

Judiciary  
DeKoster, Chairperson  
Holden  
Redmond

FILED JAN 26 1978

SENATE FILE 2067

By DRAKE

Passed Senate, Date 3-13-78 (p. 545) Passed House, Date \_\_\_\_\_  
Vote: Ayes 24 Nays 14 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

- 1 An Act providing that certain people may request exemption
- 2 from jury duty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

#### SENATE FILE 2067

S-5109

- 1 Amend Senate File 2067 as follows:
- 2 1. Page 1, by striking lines 22 through 33.
- 3 2. Page 2, by striking lines 11 through 17.
- 4 3. By renumbering sections to conform to this
- 5 amendment.

S-5109 FILED w/d 3/13 (p. 545) BY RICHARD F. DRAKE  
JANUARY 30, 1978

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#### SENATE FILE 2067

S-5268

- 1 Amend Senate File 2067 as follows:
- 2 1. Page 1, by striking lines 22 through 33.
- 3 2. Page 2, line 1, by striking the words "UPON
- 4 REQUEST".
- 5 3. Page 2, by striking line 6.
- 6 4. Page 2, by inserting after line 10 the following
- 7 new unnumbered paragraph:
- 8 "Practicing attorneys are exempt from liability
- 9 to act as jurors."
- 10 5. Page 2, by striking lines 11 through 17.

S-5268 FILED w/d 3/13 (p. 544) BY GENE GLENN, Chairperson  
MARCH 1, 1978 COMMITTEE ON JUDICIARY

1 Section 1. Section twenty-nine A point forty-one (29A.41),  
2 Code 1977, is amended to read as follows:

3 29A.41 EXEMPTION FROM JURY AND OTHER EXEMPTIONS. Every  
4 officer and enlisted person of the national guard while in  
5 active state service shall be exempt from jury duty if he  
6 or she requests an exemption. No member of the national guard  
7 shall be arrested, or served with any summons, order, war-  
8 rant or other civil process after having been ordered to any  
9 duty, or while going to, attending, or returning from, any  
10 place to which the officer or enlisted person is required  
11 to go for military duty. Nothing herein shall prevent the  
12 officer's or enlisted person's arrest by order of a military  
13 officer or for a felony or breach of the peace committed while  
14 not in the actual performance of the officer's or enlisted  
15 person's duty. The articles of equipment personally owned  
16 by such members shall be exempt from seizure or sale for debt.  
17 Every member of the national guard who has faithfully served  
18 the full term of the member's commission, warrant or  
19 enlistment, shall, upon application, be entitled to an  
20 honorable discharge, exempting the member from military duty  
21 except in time of war or public danger.

22 Sec. 2. Section one hundred two point one (102.1), Code  
23 1977, is amended to read as follows:

24 102.1 EXEMPTIONS OF MEMBERS. Any person while an active  
25 member of any fire engine, hook and ladder, hose, or any other  
26 company for the extinguishment of fire, or the protection  
27 of property at fires, which is under the control of the  
28 corporate authorities of any city, shall be exempt from serving  
29 as a juror if he or she requests an exemption. Any person  
30 who has been an active member of such company in any city  
31 as aforesaid, and has faithfully discharged his duties as  
32 such for the term of ten years, shall thereafter be exempt  
33 from serving as a juror if he or she request an exemption.

34 Sec. 3. Section six hundred seven point two (607.2), Code  
35 1977 Supplement, is amended to read as follows:

1       607.2 EXEMPTION UPON REQUEST. The following persons are  
2 exempt from liability to act as jurors if they request an  
3 exemption:

4       1. Persons holding office under the laws of the United  
5 States or of this state.

6       2. Practicing attorneys.

7       3. Persons conscientiously opposed to acting as a juror  
8 because of religious faith.

9       4. An officer or enlisted person of the national guard  
10 while in active state service.

11       5. A person while an active member of a fire engine, hook  
12 and ladder, hose, or other company for the extinguishment  
13 of fire or the protection of property at fires which is under  
14 the control of the corporate authorities of a city. A person  
15 who has been an active member of such a company and who has  
16 faithfully discharged his or her duties for the term of ten  
17 years.

18       Sec. 4. Section six hundred nine point two (609.2), Code  
19 1977, is amended by striking subsection three (3).

20       Sec. 5. Section six hundred nine point twenty (609.20),  
21 Code 1977, is amended to read as follows:

22       609.20 TIME FOR DRAWING. Petit jurors shall be drawn  
23 by the ex officio commission at the office of the clerk of  
24 the district court. The court may by order prescribe the  
25 time for such drawing. The clerk shall notify the jurors  
26 thus drawn of their selection and of their obligation to report  
27 for service when called unless they are eligible for and  
28 request the exemption provided for in section six hundred  
29 seven point two (607.2) of the Code Supplement.

30       Sec. 6. Section six hundred nine point twenty-two (609.22),  
31 Code 1977, is amended to read as follows:

32       609.22 DRAWING OF PETIT JURORS. The members of the ex  
33 officio jury commission or a majority thereof, shall meet  
34 at the time and place fixed and shall draw from the petit  
35 jury box the required number of names of persons to serve

1 as petit jurors, and the persons whose names are so drawn  
2 shall constitute the petit jurors unless they are eligible  
3 for and request the exemption provided for in section six  
4 hundred seven point two (607.2) of the Code Supplement.

5 Sec. 7. This Act is effective January 1, 1979.

6 EXPLANATION

7 This bill eliminates all automatic exemptions from jury  
8 duty. It provides that the following people will be exempt  
9 from jury duty, but only if they request the exemption:

- 10 1. Persons holding a state or federal office.
- 11 2. Practicing attorneys.
- 12 3. Persons conscientiously opposed to acting as a juror  
13 because of religious faith.
- 14 4. An officer or enlisted person of the national guard  
15 while in active state service.
- 16 5. A person while an active member of a fire engine, hook  
17 and ladder, hose, or other company for the extinguishment  
18 of fire or the protection of property at fires. A person  
19 who has been an active member of such a company and who has  
20 faithfully discharged his or her duties for the term of ten  
21 years.

22 The bill would bring the Code in line with Rule 187(f)  
23 of the Rules of Civil Procedure which states: "Exemption  
24 from jury service is not a ground of challenge, but the  
25 privilege of the person exempt."

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LSB 3115S  
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SENATE FILE 2067

S-5350

1 Amend Senate File 2067 as follows:  
Div C 2 1. Page 1, by striking lines 22 through 33.  
3 2. Page 2, line 1, by striking the words "UPON  
Div. B 4 REQUEST".  
5 3. Page 2, by striking line 6 and inserting in lieu  
6 thereof the following:  
7 "~~2. Practicing attorneys.~~"  
8 4. Page 2, by inserting after line 10 the following  
9 new unnumbered paragraph:  
10 "Practicing attorneys are exempt from liability  
11 to act as jurors."  
Div A 12 5. Page 2, by striking lines 11 through 17.  
13 6. By renumbering the subsections to conform with  
14 this amendment.

S-5350 FILED  
MARCH 14, 1978  
DIV. A. LOST (*p 545*)  
DIV B & C - ADOPTED (*p 545*)

BY GENE GLENN, CHAIRPERSON  
COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE MARCH 13, 1978)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

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\_\_\_\_\_ = New Language  
by the Senate

\* = Language Stricken  
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