

Judiciary and Law Enforcement: Pelton, Chair; Welsh and Anderson of Audubon.

FILED MAR 10 1980

SENATE FILE 2303

By COMMITTEE ON JUDICIARY
Approved 2/27 (p 783)
(FORMER SSB 208)

Passed Senate, Date 3-21-80 (p. 1001) Passed House, Date _____
Vote: Ayes 34 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to permit counties to use random computer selection
2 of jurors.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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2303

1 Section 1. Section six hundred nine point fourteen
2 (609.14), Code 1979, is amended to read as follows:

3 609.14 ~~LISTS-MADE-OFFICIAL~~ PREPARATION FOR DRAWING OF
4 PANELS. The names entered upon ~~said~~ the commissioner's lists
5 ~~and returned-as-herein-provided-shall~~ deposited with the
6 county auditor constitute the grand and petit jury lists,
7 and the list of talesmen from which grand and petit jurors
8 and talesmen shall be selected, for the biennial period
9 commencing with the first day of January next after the general
10 election.

11 Within five days after the jury lists are deposited with
12 the county auditor, the auditor and clerk of court shall do
13 one of the following:

- 14 1. Have the grand and petit jury and talesman lists
15 separately programmed into a computer for random selection.
16 2. Prepare from the lists separate ballots, uniform in
17 size, shape and appearance, and folded to conceal information
18 on the ballot. The ballots of grand and petit jurors and
19 talesmen shall be kept separate.

20 The computer program and each ballot shall contain the
21 name and place of residence of each prospective juror and
22 talesman.

23 The county auditor and clerk shall omit the names of all
24 persons who have served as grand or petit jurors since the
25 preceding January first.

26 Sec. 2. Section six hundred nine point seventeen (609.17),
27 Code 1979, is amended to read as follows:

28 609.17 BALLOT BOXES--SEALING AND CUSTODY. The In counties
29 using ballots, the ballots containing the names of the grand
30 and petit jurors and talesmen shall be deposited in separate
31 boxes which shall be plainly marked so-as to show the class
32 of jurors whose names are contained therein, and shall have
33 but one aperture through which a hand may be inserted. The
34 boxes shall then be sealed by the auditor, in the presence
35 of the clerk, and deposited with the clerk of the district

1 court.

2 Section 3. Section six hundred nine point twenty (609.20),
3 Code 1979, is amended to read as follows:

4 609.20 TIME FOR DRAWING. ~~Petit~~ In counties where ballots
5 are used, the required number of petit jurors shall be drawn
6 by the ex officio commission or a majority thereof at the
7 office of the clerk of the district court. In counties using
8 computer selection, the ex officio commission or a majority
9 thereof shall arrange for a random drawing by the computer
10 of the required number of petit jurors. The court may by
11 order prescribe the time for such drawing. The clerk shall
12 notify the jurors thus drawn of their selection and of their
13 obligation to report for service when called.

14 Sec. 4. Section six hundred nine point twenty-four
15 (609.24), Code 1979, is amended to read as follows:

16 609.24 DETAILS OF DRAWING. ~~The~~ In counties using ballots,
17 the appropriate box shall, at the time of the drawing, be
18 first thoroughly shaken in the presence of the commissioners
19 attending the drawing, and thereupon the seal on the opening
20 shall be broken, likewise in the presence of the commissioners.
21 One of said the commissioners shall then, without looking
22 at the ballots, successively draw the required number of names
23 from the box, and successively pass said the ballots to one
24 of the other commissioners, who shall open said ballots as
25 they are drawn, and read aloud the names thereon, and enter
26 said the names in writing on an appropriate list.

27 Sec. 5. Section six hundred nine point twenty-five
28 (609.25), unnumbered paragraph one (1), Code 1979, is amended
29 to read as follows:

30 A grand jury panel of twelve persons shall be drawn by
31 the said commissioners from the grand jury box or from the
32 computer on or before the last secular Monday of December
33 preceding the new calendar year, and shall be drawn in the
34 same manner and under the same conditions, except as otherwise
35 provided, as are specified for the drawing of said petit jury

1 panel. Such grand jury panel shall constitute the panel from
2 which to select the grand jurors for one year.

3 Sec. 6. Section six hundred nine point twenty-nine
4 (609.29), Code 1979, is amended to read as follows:

5 609.29 RESEALING OF BOX. After the required number of
6 grand or petit jurors ~~shall~~ have been drawn in the manner
7 provided, and their names entered upon the list, the box or
8 boxes in counties using ballots shall again be sealed by the
9 commission, and returned to the custody of the clerk.

10 Sec. 7. Section six hundred nine point thirty-nine
11 (609.39), Code 1979, is amended to read as follows:

12 609.39 TALESMEN. If the court ~~shall-determine~~ determines
13 that it is probable talesmen will be needed to complete a
14 jury, or if the regular panel has been exhausted, the clerk
15 shall, in the presence of the court, draw such number of names
16 as the court may order from the talesmen box, or arrange for
17 the random computer selection of sufficient names, to complete
18 the jury.

19 Sec. 8. Section six hundred nine point forty-two (609.42),
20 Code 1979, is amended to read as follows:

21 609.42 DISPOSITION OF BALLOTS. The names of talesmen
22 ~~be~~ drawn by ballot, and who serve, shall be placed in a safe
23 receptacle from time to time, until all the ballots are drawn
24 from the talesmen's box, when such ballots shall be returned
25 to the ~~said~~ box, to be drawn in like manner as before.

26 Sec. 9. Section six hundred nine point forty-four (609.44),
27 Code 1979, is amended to read as follows:

28 609.44 DISPOSITION OF BALLOTS NAMES DRAWN. All ~~ballots~~
29 names drawn, when the persons do not appear or do not serve
30 (except when permanent ineligibility or disability is shown),
31 shall be returned to the respective boxes from which drawn
32 or programmed in the computer as eligible or, at the discretion
33 of the judge, a person excused from service on one panel may
34 be required to serve on the succeeding panel if the reason
35 for ~~his~~ the person's being excused will not be present at

1 such time. The ballots of the petit jurors, except talesmen,
2 so drawn, who appear and serve during any calendar quarter,
3 shall be destroyed. The names of such petit jurors shall
4 be omitted from the computer in counties using computers.

5 Sec. 10. Sections six hundred nine point fifteen (609.15),
6 six hundred nine point sixteen (609.16) and six hundred nine
7 point twenty-two (609.22) of the Code are repealed.

8 Sec. 11. This Act is effective January first following
9 its enactment.

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EXPLANATION

This bill provides that counties may use computers to
randomly select jury lists.