

Judiciary  
Delubery, Chair  
Welsh  
Bries

FEB 15 1983

SENATE FILE 253

BY PRIEBE

Do Pass 3/21/83 (87)  
" " 1/14/84 (62)

Passed Senate, Date 1-16-84 (S. 113) Passed House, Date \_\_\_\_\_  
Vote: Ayes 49 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to qualifications for and exemptions from  
2 juror service.

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

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S.F. 253

1 Section 1. Section 29A.41, Code 1983, is amended to read  
2 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--~~ No A  
6 member of the national guard shall not be arrested, or served  
7 with any a summons, order, warrant or other civil process  
8 after having been ordered to any duty, or while going to,  
9 attending, or returning from, any place to which the officer  
10 or enlisted person is required to go for military duty.  
11 ~~Nothing-herein-shall~~ This section does not 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~~ the members ~~shall-be~~ are exempt from seizure or sale  
17 for debt. Every member of the national guard who has  
18 faithfully served the full term of the member's commission,  
19 warrant or enlistment, ~~shall, upon application, be~~ is entitled,  
20 upon application, to an honorable discharge, exempting the  
21 member from military duty except in time of war or public  
22 danger.

23 Sec. 2. Section 607.1, Code 1983, is amended by striking  
24 the section and inserting in lieu thereof the following:

25 607.1 SERVICE ON JURY. Juror service is a duty which  
26 every person who qualifies under this chapter shall perform  
27 when selected, except as provided in section 607.3. Selection  
28 for juror service shall be at random from the population of  
29 the judicial district. All persons residing in the district  
30 shall have equal opportunity to be considered for juror ser-  
31 vice. A person shall not be exempted from serving as a juror  
32 because of race, color, religion, sex, national origin,  
33 economic status, or occupation. Physically handicapped per-  
34 sons shall serve unless the court finds the service is not  
35 feasible. The court shall strictly enforce this section.

1     Sec. 3. Section 607.2, Code 1983, is amended by striking  
2 the section and inserting in lieu thereof the following:

3     607.2 QUALIFICATION FOR SERVICE.

4     1. A person is qualified for juror service unless one  
5 of the following grounds for disqualification applies:

6     a. The person is under eighteen years of age.

7     b. The person is not a United States citizen.

8     c. The person cannot read, speak, or understand the English  
9 language.

10    d. The person's ability to receive and evaluate informa-  
11 tion is impaired so that the person is incapable of rendering  
12 satisfactory juror service. A person claiming this dis-  
13 qualification must submit a letter from a licensed physician  
14 stating the nature of the impairment and the physician's  
15 opinion that the impairment prevents the person from rendering  
16 satisfactory juror service.

17    e. The person is solely responsible for the daily care  
18 of a permanently disabled person living in the same household  
19 and the performance of juror service would cause a substantial  
20 risk of injury to the health of the disabled person. A person  
21 claiming this disqualification must submit a letter from a  
22 licensed physician stating the name, address, and age of the  
23 disabled person, the nature of the daily care provided by  
24 the prospective juror, and the physician's opinion that the  
25 performance of juror service would cause a substantial risk  
26 of injury to the health of the disabled person. A person  
27 who is regularly employed at a location other than the person's  
28 household is not entitled to this disqualification.

29    f. The person has, directly or indirectly, requested to  
30 be placed on the list for juror service compiled under section  
31 609.1.

32    2. As used in this section, "eligible elector" has the  
33 meaning assigned to it in section 39.3, subsection 1.

34    Sec. 4. Section 607.3, Code 1983, is amended by striking  
35 the section and inserting in lieu thereof the following:

1 607.3 JURORS EXCUSED. The court may defer a term of grand  
2 or petit juror service upon a finding of hardship, in-  
3 convenience, or public necessity, however the juror must serve  
4 at a later date established by the court. The court may  
5 excuse a person from grand juror service in part or in full,  
6 upon a finding of hardship, inconvenience, or public neces-  
7 sity, considering the length of grand juror service. The  
8 court may excuse a person from petit juror service, in part  
9 or in full, upon a finding of extreme hardship. The courts  
10 shall exercise this authority strictly. The court may dismiss  
11 a juror at any time in the interest of justice.

12 Sec. 5. Section 608.8, Code 1983, is amended to read as  
13 follows:

14 608.8 INSTRUCTIONS TO APPOINTIVE COMMISSION. ~~It shall~~  
15 ~~be the duty of the~~ The judges of the district court ~~to shall~~  
16 give instructions to appointive jury commissioners at the  
17 time of their appointment as to their duties, and ~~to shall~~  
18 call their ~~special~~ attention to ~~the provisions of section~~  
19 ~~609-2~~ sections 607.1, 607.2, and 609.5.

20 Sec. 6. Section 609.1, subsections 1, 2, and 3, Code 1983,  
21 are amended to read as follows:

22 1. GRAND JURORS. A list of names and addresses of one  
23 hundred fifty ~~eligible electors~~ persons qualified for service  
24 under section 607.2 from which to select grand jurors.

25 2. PETIT JURORS. A list of names and addresses of ~~eligible~~  
26 ~~electors~~ qualified persons equal to one-eighth of the whole  
27 number of qualified electors in the county as shown by the  
28 current list of registered voters, from which to select petit  
29 jurors.

30 3. TALESMEN. A list of the names and addresses of ~~eligible~~  
31 ~~electors~~ qualified persons equal to fifteen percent of the  
32 whole number of qualified electors as shown by the current  
33 list of registered voters, in the city in which the district  
34 court is held and in the township or townships in which ~~such~~  
35 that city is located, ~~but~~ in no case exceeding five hundred

1 names), from which to select talesmen.

2 Sec. 7. Section 609.5, Code 1983, is amended to read as  
3 follows:

4 609.5 ADDITIONAL INFORMATION PROVIDED. ~~For the purpose~~  
5 ~~of aiding the appellate commission in drawing the jury lists,~~  
6 ~~officials of the state and its political subdivisions shall~~  
7 ~~furnish the appellate commission with copies of the~~ The  
8 commission shall use all of the following lists in preparing  
9 a jury list:

- 10 1. A current list of registered voters, ~~lists.~~
- 11 2. A list of persons holding motor vehicle operators'  
12 licenses, ~~of such.~~
- 13 3. Lists of public utility customers.

14 In addition to the lists required to be used in preparing  
15 a jury list the commission may use other comprehensive lists  
16 of persons residing in the county as the commission may request  
17 identifies. State and local government officials shall furnish  
18 the commission with copies of lists required by law or as  
19 the commission requests. The clerk of the district court  
20 shall also deliver to the commission a list of all persons  
21 who have served as grand or petit jurors since January 1 of  
22 the preceding year.

23 Sec. 8. Section 609.11, unnumbered paragraph 2, Code 1983,  
24 is amended to read as follows:

25 We, ....., and ....., constituting the  
26 jury commission for ..... county, do hereby certify  
27 that the foregoing lists do not, to our knowledge and belief,  
28 contain the name of any person who ~~should be excluded~~ is not  
29 qualified under section 609-2 607.2.

30 Sec. 9. Sections 609.2 and 609.7, Code 1983, are repealed.

31 EXPLANATION

32 This bill provides that every person who is an eligible  
33 elector (which does not require registration) is eligible  
34 for jury service unless the person cannot read, write, or  
35 understand English, is mentally or physically incapable of

1 service or is responsible for a permanently disabled person  
2 so that service would cause a substantial risk to the disabled  
3 person's health. The bill eliminates national guard members,  
4 attorneys, and elected officials from the list of exemptions.

5 The bill also provides for deferrals to be granted by the  
6 court for hardship, inconvenience, and public necessity, but  
7 the person must serve at a later date established by the  
8 court. The court may excuse a person from grand jury service  
9 for the same reasons given the length of the term. In cases  
10 of "extreme" hardship, the court may excuse a person from  
11 petit juror service. Under the current law a person can  
12 request that their name not appear on a juror selection list  
13 for "business, domestic, or other circumstances".

14 The bill takes effect July 1 following enactment.

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1 Amend Senate File 253 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting in lieu thereof the following:

4 "Section 1. Section 29A.41, Code 1983, is amended  
5 to read as follows:

6 29A.41 EXEMPTION-FROM-JURY-AND-OTHER EXEMPTIONS.

7 ~~Every officer and enlisted person of the national~~  
8 ~~guard while in active state service shall be exempt~~  
9 ~~from jury duty.---No~~ A member of the national guard  
10 shall not be arrested, or served with any a summons,  
11 order, warrant or other civil process after having  
12 been ordered to any duty, or while going to, attending,  
13 or returning from, any place to which the officer  
14 or enlisted person is required to go for military  
15 duty. ~~Nothing herein shall~~ This section does not  
16 prevent the officer's or enlisted person's arrest  
17 by order of a military officer or for a felony or  
18 breach of the peace committed while not in the actual  
19 performance of the officer's or enlisted person's  
20 duty. The articles of equipment personally owned  
21 by such members ~~shall be~~ are exempt from seizure or  
22 sale for debt. Every member of the national guard  
23 who has faithfully served the full term of the member's  
24 commission, warrant or enlistment, ~~shall, upon~~  
25 ~~application, be~~ is entitled, upon application, to  
26 an honorable discharge, exempting the member from  
27 military duty except in time of war or public danger.

28 Sec. 2. Section 607.1, Code 1983, is amended by  
29 striking the section and inserting in lieu thereof  
30 the following:

31 607.1 SERVICE ON JURY. Juror service is a duty  
32 which every person who qualifies under this chapter  
33 shall perform when selected, except as provided in  
34 sections 607.2 and 607.3. Selection for juror service  
35 shall be at random from the population of the judicial  
36 district. All persons residing in the district shall  
37 have equal opportunity to be considered for juror  
38 service. A person shall not be exempted from serving  
39 as a juror because of race, color, religion, sex,  
40 national origin, economic status, or occupation.  
41 Physically handicapped persons shall serve unless  
42 the court finds the service is not feasible. The  
43 court shall strictly enforce this section.

44 Sec. 3. Section 607.2, Code 1983, is amended by  
45 striking the section and inserting in lieu thereof  
46 the following:

47 607.2 QUALIFICATION FOR SERVICE. A person is  
48 qualified for juror service unless one of the following  
49 grounds for disqualification applies:

50 1. The person is under eighteen years of age.

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1 2. The person is not a United States citizen.

2 3. The person cannot understand the English  
3 language in a written, spoken, or manually signed  
4 mode.

5 4. The person's ability to receive and evaluate  
6 information is so impaired that the person is incapable  
7 of rendering satisfactory juror service.

8 5. The person is solely responsible for the daily  
9 care of a permanently disabled person living in the  
10 same household and the performance of juror service  
11 would cause a substantial risk of injury to the health  
12 of the disabled person. A person who is regularly  
13 employed at a location other than the person's  
14 household is not entitled to this disqualification.

15 6. The person has, directly or indirectly,  
16 requested to be placed on the list for juror service  
17 compiled under section 609.2.

18 A person who claims disqualification for any of  
19 the grounds identified in this section may, upon the  
20 person's own volition, or shall, upon the court's  
21 volition, submit in writing to the court's  
22 satisfaction, documentation that verifies  
23 disqualification from juror service.

24 Sec. 4. Section 607.3, Code 1983, is amended by  
25 striking the section and inserting in lieu thereof  
26 the following:

27 607.3 JURORS EXCUSED. The court may defer a term  
28 of grand or petit juror service upon a finding of  
29 hardship, inconvenience, or public necessity, however  
30 the juror must serve at a later date established by  
31 the court. The court may excuse a person from grand  
32 juror service in part or in full, upon a finding of  
33 hardship, inconvenience, or public necessity,  
34 considering the length of grand juror service. The  
35 court may excuse a person from petit juror service,  
36 in part or in full, upon a finding of extreme hardship.  
37 The courts shall exercise this authority strictly.  
38 The court may dismiss a juror at any time in the  
39 interest of justice.

40 Sec. 5. Section 608.8, Code 1983, is amended to  
41 read as follows:

42 608.8 INSTRUCTIONS TO APPOINTIVE COMMISSION.  
43 ~~it shall be the duty of the~~ The judges of the district  
44 court ~~to shall~~ give instructions to appointive jury  
45 commissioners at the time of their appointment as  
46 to their duties, and ~~to shall~~ call their ~~special~~  
47 attention to ~~the provisions of section 609.2~~ sections  
48 607.1, 607.2, and 609.5.

49 Sec. 6. Section 609.1, subsections 1, 2, and 3,  
50 Code 1983, are amended to read as follows:

1 1. GRAND JURORS. A list of names and addresses  
2 of one hundred fifty ~~eligible-electors~~ persons  
3 qualified for service under section 607.2 from which  
4 ~~to select grand jurors.~~

5 2. PETIT JURORS. A list of names and addresses  
6 of ~~eligible-electors~~ persons qualified for service  
7 under section 607.2 equal to one-eighth of the whole  
8 number of qualified electors in the county as shown  
9 by the current list of registered voters, from which  
10 to select petit jurors.

11 3. TALESMEN. A list of the names and addresses  
12 of ~~eligible-electors~~ persons qualified for service  
13 under section 607.2 equal to fifteen percent of the  
14 whole number of qualified electors as shown by the  
15 current list of registered voters, in the city in  
16 which the district court is held and in the township  
17 or townships in which ~~such~~ that city is located, (but  
18 in no case exceeding five hundred names), from which  
19 to select talesmen.

20 Sec. 7. Section 609.5, Code 1983, is amended to  
21 read as follows:

22 609.5 ADDITIONAL INFORMATION PROVIDED. ~~For the~~  
23 ~~purpose of aiding the appointive commission in drawing~~  
24 ~~the jury lists, officials of the state and its~~  
25 ~~political subdivisions shall furnish the appointive~~  
26 ~~commission with copies of the~~ The commission shall  
27 use all of the following lists in preparing a jury  
28 list:

29 1. A current list of registered voters, lists.

30 2. A list of persons holding motor vehicle  
31 operators' licenses, ex-such.

32 3. Lists of public utility customers.

33 In addition to the lists required to be used in  
34 preparing a jury list the commission may use other  
35 comprehensive lists of persons residing in the county  
36 as that the commission may request identifies. State  
37 and local government officials shall furnish the  
38 commission with copies of lists required by law or  
39 as the commission requests. The clerk of the district  
40 court shall also deliver to the commission a list  
41 of all persons who have served as grand or petit  
42 jurors since January 1 of the preceding year.

43 Sec. 8. Section 609.11, unnumbered paragraph 2,  
44 Code 1983, is amended to read as follows:

45 We, ....., and ....., constituting  
46 the jury commission for ..... county, do  
47 hereby certify that the foregoing lists do not, to  
48 our knowledge and belief, contain the name of any  
49 person who ~~should be excluded~~ is not qualified under  
50 section 609-2 607.2.

PAGE 4

1 Sec. 9. Section 609.2, Code 1983, is repealed."

S-5004 FILED  
JANUARY 11, 1984

BY BERL E. PRIEBE

*Accepted as amended 1/16 (p. 112)*

SENATE FILE 253

S-5010

1 Amend S-5004 to Senate File 253 as follows:

2 1. Page 3, by striking lines 20 through 42.

3 2. Page 3, by inserting after line 50 the

4 following:

5 "Sec. \_\_\_\_ NEW SECTION. 609.49 JURY SELECTION.

6 When selecting a jury in a trial in which a

7 municipality is a defendant, a juror challenge based

8 on the potential juror's status as a taxpayer of that

9 municipality shall not be allowed unless a real,

10 substantial, and immediate interest is shown which

11 would unfairly prejudice the plaintiff."

12 3. By renumbering as necessary.

S-5010 FILED

BY DOUG RITSEMA

JANUARY 12, 1984

*Adopted 1/16 (p. 112)*

SENATE FILE 253

S-5011

1 Amend Senate File 253 as follows:

2 1. Page 4, by striking lines 2 through 22.

3 2. Page 4, by inserting after line 29 the

4 following:

5 "Sec. \_\_\_\_ NEW SECTION. 609.49 JURY SELECTION.

6 When selecting a jury in a trial in which a

7 municipality is a defendant, a juror challenge based

8 on the potential juror's status as a taxpayer of that

9 municipality shall not be allowed unless a real,

10 substantial, and immediate interest is shown which

11 would unfairly prejudice the plaintiff."

12 3. By renumbering as necessary.

S-5011 FILED

BY DOUG RITSEMA

JANUARY 12, 1984

*Adopted 1/16 (p. 112)*

Judiciary and Law Enforcement: Parker, Chair: Schroeder and Varn.

*Re Passed 3/23 (p. 1245)*

SENATE FILE 253

BY PRIEBE

(AS AMENDED AND PASSED BY THE SENATE JANUARY 16, 1984)

*Re* Passed Senate, Date 4-3-84 (p. 1258) Passed House, Date 3-29-83 (p. 1443)

Vote: Ayes 42 Nays 1 Vote: Ayes 92 Nays 5

Approved May 3, 1984

# A BILL FOR

1 An Act relating to qualifications for and exemptions from  
2 juror service.

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

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ALL New Language  
by the Senate

1 Section 1. Section 29A.41, Code 1983, is amended to read  
2 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.--No~~ A  
6 member of the national guard shall not be arrested, or served  
7 with any a summons, order, warrant or other civil process  
8 after having been ordered to any duty, or while going to,  
9 attending, or returning from, any place to which the officer  
10 or enlisted person is required to go for military duty.  
11 ~~Nothing-herein-shall~~ This section does not 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~~ are exempt from seizure or sale for  
17 debt. Every member of the national guard who has faithfully  
18 served the full term of the member's commission, warrant or  
19 enlistment, ~~shall,-upon-application,-be~~ is entitled, upon  
20 application, to an honorable discharge, exempting the member  
21 from military duty except in time of war or public danger.

22 Sec. 2. Section 607.1, Code 1983, is amended by striking  
23 the section and inserting in lieu thereof the following:

24 607.1 SERVICE ON JURY. Juror service is a duty which  
25 every person who qualifies under this chapter shall perform  
26 when selected, except as provided in sections 607.2 and 607.3.  
27 Selection for juror service shall be at random from the  
28 population of the judicial district. All persons residing  
29 in the district shall have equal opportunity to be considered  
30 for juror service. A person shall not be exempted from serving  
31 as a juror because of race, color, religion, sex, national  
32 origin, economic status, or occupation. Physically handicapped  
33 persons shall serve unless the court finds the service is  
34 not feasible. The court shall strictly enforce this section.

35 Sec. 3. Section 607.2, Code 1983, is amended by striking

1 the section and inserting in lieu thereof the following:

2 607.2 QUALIFICATION FOR SERVICE. A person is qualified  
3 for juror service unless one of the following grounds for  
4 disqualification applies:

5 1. The person is under eighteen years of age.

6 2. The person is not a United States citizen.

7 3. The person cannot understand the English language in  
8 a written, spoken, or manually signed mode.

9 4. The person's ability to receive and evaluate information  
10 is so impaired that the person is incapable of rendering  
11 satisfactory juror service.

12 5. The person is solely responsible for the daily care  
13 of a permanently disabled person living in the same household  
14 and the performance of juror service would cause a substantial  
15 risk of injury to the health of the disabled person. A person  
16 who is regularly employed at a location other than the person's  
17 household is not entitled to this disqualification.

18 6. The person has, directly or indirectly, requested to  
19 be placed on the list for juror service compiled under section  
20 609.2.

21 A person who claims disqualification for any of the grounds  
22 identified in this section may, upon the person's own volition,  
23 or shall, upon the court's volition, submit in writing to  
24 the court's satisfaction, documentation that verifies  
25 disqualification from juror service.

26 Sec. 4. Section 607.3, Code 1983, is amended by striking  
27 the section and inserting in lieu thereof the following:

28 607.3 JURORS EXCUSED. The court may defer a term of grand  
29 or petit juror service upon a finding of hardship,

30 inconvenience, or public necessity, however the juror must  
31 serve at a later date established by the court. The court  
32 may excuse a person from grand juror service in part or in  
33 full, upon a finding of hardship, inconvenience, or public  
34 necessity, considering the length of grand juror service.

35 The court may excuse a person from petit juror service, in

1 part or in full, upon a finding of extreme hardship. The  
2 courts shall exercise this authority strictly. The court  
3 may dismiss a juror at any time in the interest of justice.

4 Sec. 5. Section 608.8, Code 1983, is amended to read as  
5 follows:

6 608.8 INSTRUCTIONS TO APPOINTIVE COMMISSION. ~~It shall~~  
7 ~~be the duty of the~~ The judges of the district court ~~to shall~~  
8 give instructions to appointive jury commissioners at the  
9 time of their appointment as to their duties, and ~~to shall~~  
10 call their ~~special~~ attention to ~~the provisions of section~~  
11 ~~609.2~~ sections 607.1, 607.2, and 609.5.

12 Sec. 6. Section 609.1, subsections 1, 2, and 3, Code 1983,  
13 are amended to read as follows:

14 1. GRAND JURORS. A list of names and addresses of one  
15 hundred fifty ~~eligible electors~~ persons qualified for service  
16 under section 607.2 from which to select grand jurors.

17 2. PETIT JURORS. A list of names and addresses of ~~eligible~~  
18 ~~electors~~ persons qualified for service under section 607.2  
19 equal to one-eighth of the whole number of qualified electors  
20 in the county as shown by the current list of registered  
21 voters, from which to select petit jurors.

22 3. TALESMEN. A list of the names and addresses of ~~eligible~~  
23 ~~electors~~ persons qualified for service under section 607.2  
24 equal to fifteen percent of the whole number of qualified  
25 electors as shown by the current list of registered voters,  
26 in the city in which the district court is held and in the  
27 township or townships in which ~~such~~ that city is located,  
28 ~~but in no case exceeding five hundred names~~, from which  
29 to select talesmen.

30 Sec. 7. Section 609.11, unnumbered paragraph 2, Code 1983,  
31 is amended to read as follows:

32 We, ....., and ....., constituting the  
33 jury commission for ..... county, ~~do hereby~~ certify  
34 that the foregoing lists do not, to our knowledge and belief,  
35 contain the name of any person who ~~should be excluded~~ is not

1 qualified under section ~~609.2~~ 607.2.

2 Sec. 8. NEW SECTION. 609.49 JURY SELECTION. When  
3 selecting a jury in a trial in which a municipality is a  
4 defendant, a juror challenge based on the potential juror's  
5 status as a taxpayer of that municipality shall not be allowed  
6 unless a real, substantial, and immediate interest is shown  
7 which would unfairly prejudice the plaintiff.

8 Sec. 9. Section 609.2, Code 1983, is repealed.

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SENATE FILE 253

H-5886

1 Amend Senate File 253 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 4, by inserting after line 1 the following:  
 4 "Sec. 8. Section 609.20, Code 1983, is amended  
 5 by adding the following new unnumbered paragraph:  
 6 NEW UNNUMBERED PARAGRAPH. If the notice of  
 7 selection as a juror requests the completion of a  
 8 questionnaire by the juror, the notice shall state  
 9 that the juror's completion of the questionnaire is  
 10 voluntary."  
 11 2. By renumbering as necessary.

H-5886 FILED MARCH 27, 1984 BY CLARK of Cerro Gordo  
*Done 3/26 (p. 1443)*

SENATE FILE 253

H-5867

1 Amend Senate File 253 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 3, by inserting after line 29 the  
 4 following:  
 5 "Sec. 7. Section 609.1, Code 1983, is amended  
 6 by adding the following new unnumbered paragraph:  
 7 NEW UNNUMBERED PARAGRAPH. The jury commission  
 8 may convene at the courthouse to prepare an additional  
 9 list or lists as the commission deems necessary at  
 10 the time and date determined by a majority of the  
 11 commissioners.  
 12 Sec. 8. Section 609.5, Code 1983, is amended to  
 13 read as follows:  
 14 609.5 ADDITIONAL INFORMATION PROVIDED. ~~For the~~  
 15 ~~purpose of aiding the appointive commission in drawing~~  
 16 ~~the jury lists, officials of the state and its~~  
 17 ~~political subdivisions shall furnish the appointive~~  
 18 ~~commission with copies of the~~ The commission shall  
 19 use all of the following lists in preparing a jury  
 20 list:  
 21 1. A current list of registered voters, lists.  
 22 2. A list of persons holding motor vehicle  
 23 operators' licenses, or such.  
 24 3. Lists of public utility customers.  
 25 In addition to the lists required to be used in  
 26 preparing a jury list the commission may use other  
 27 comprehensive lists of persons residing in the county  
 28 as the commission may request identifies. State and  
 29 local government officials shall furnish the commission  
 30 with copies of lists required by law or as the com-  
 31 mission requests. The clerk of the district court  
 32 shall also deliver to the commission a list of all  
 33 persons who have served as grand or petit jurors since  
 34 January 1 of the preceding year. Lists of public  
 35 utility customers are limited to publicly available  
 36 telephone directories."  
 37 2. By renumbering as necessary.

H-5867 FILED MARCH 27, 1984

BY VARN of Johnson  
 PARKER of Jasper

*Adopted 3/29 (p. 1442)*

SENATE FILE 253

H-5455

- 1 Amend Senate File 253 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 19, by inserting after the word
- 4 "to" the words "at least".

H-5455 FILED MARCH 7, 1984 BY ROSENBERG of Story  
*Adopted 3/29 (p. 1441)*

SENATE FILE 253

H-5934

- 1 Amend Senate File 253 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 18, by striking the figure and
- 4 word "6. The" and inserting in lieu thereof the words
- 5 "A person may be disqualified if the".
- 6 2. Page 2, line 20, by striking the figure "609.2"
- 7 and inserting in lieu thereof the figure "609.1".

H-5934 FILED MARCH 28, 1984 BY SPEAR of Lee  
*Adopted 3/29 (p. 1441)*

HOUSE AMENDMENT TO SENATE FILE 253

S-5729

1 Amend Senate File 253 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 2, line 18, by striking the figure and  
4 word "6. The" and inserting in lieu thereof the words  
5 "A person may be disqualified if the".

6 2. Page 2, line 20, by striking the figure "609.2"  
7 and inserting in lieu thereof the figure "609.1".

8 3. Page 3, line 19, by inserting after the word  
9 "to" the words "at least".

10 4. Page 3, by inserting after line 29 the  
11 following:

12 "Sec. 7. Section 609.1, Code 1983, is amended  
13 by adding the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. The jury commission  
15 may convene at the courthouse to prepare an additional  
16 list or lists as the commission deems necessary at  
17 the time and date determined by a majority of the  
18 commissioners.

19 Sec. 8. Section 609.5, Code 1983, is amended to  
20 read as follows:

21 609.5 ADDITIONAL INFORMATION PROVIDED. ~~For the~~  
22 ~~purpose of aiding the appointive commission in drawing~~  
23 ~~the jury lists, officials of the state and its~~  
24 ~~political subdivisions shall furnish the appointive~~  
25 ~~commission with copies of the~~ The commission shall  
26 use all of the following lists in preparing a jury  
27 list:

28 1. A current list of registered voters, lists.

29 2. A list of persons holding motor vehicle  
30 operators' licenses, or such.

31 3. Lists of public utility customers.

32 In addition to the lists required to be used in  
33 preparing a jury list the commission may use other  
34 comprehensive lists of persons residing in the county  
35 as the commission may request identifies. State and  
36 local government officials shall furnish the commission  
37 with copies of lists required by law or as the com-  
38 mission requests. The clerk of the district court  
39 shall also deliver to the commission a list of all  
40 persons who have served as grand or petit jurors since  
41 January 1 of the preceding year. Lists of public  
42 utility customers are limited to publicly available  
43 telephone directories.

44 5. Renumbering as necessary.

S-5729 FILED  
APRIL 2, 1984

RECEIVED FROM THE HOUSE

*Senate concurred 4/3 (p. 125E)*

## SENATE FILE 253

## AN ACT

## RELATING TO QUALIFICATIONS FOR AND EXEMPTIONS FROM JUROR SERVICE.

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

Section 1. Section 29A.41, Code 1983, is amended to read as follows:

~~29A.41 EXEMPTION FROM JURY AND OTHER EXEMPTIONS. Every officer and enlisted person of the national guard while in active state service shall be exempt from jury duty--No~~ A member of the national guard shall not be arrested, or served with any summons, order, warrant or other civil process after having been ordered to any duty, or while going to, attending, or returning from, any place to which the officer or enlisted person is required to go for military duty. ~~Nothing herein shall~~ This section does not prevent the officer's or enlisted person's arrest by order of a military officer or for a felony or breach of the peace committed while not in the actual performance of the officer's or enlisted person's duty. The articles of equipment personally owned by such members ~~shall be~~ are exempt from seizure or sale for debt. Every member of the national guard who has faithfully served the full term of the member's commission, warrant or enlistment, ~~shall, upon application, be~~ is entitled, upon application, to an honorable discharge, exempting the member from military duty except in time of war or public danger.

Sec. 2. Section 607.1, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

607.1 SERVICE ON JURY. Juror service is a duty which every person who qualifies under this chapter shall perform when selected, except as provided in sections 607.2 and 607.3. Selection for juror service shall be at random from the

population of the judicial district. All persons residing in the district shall have equal opportunity to be considered for juror service. A person shall not be exempted from serving as a juror because of race, color, religion, sex, national origin, economic status, or occupation. Physically handicapped persons shall serve unless the court finds the service is not feasible. The court shall strictly enforce this section.

Sec. 3. Section 607.2, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

607.2 QUALIFICATION FOR SERVICE. A person is qualified for juror service unless one of the following grounds for disqualification applies:

1. The person is under eighteen years of age.
2. The person is not a United States citizen.
3. The person cannot understand the English language in a written, spoken, or manually signed mode.
4. The person's ability to receive and evaluate information is so impaired that the person is incapable of rendering satisfactory juror service.
5. The person is solely responsible for the daily care of a permanently disabled person living in the same household and the performance of juror service would cause a substantial risk of injury to the health of the disabled person. A person who is regularly employed at a location other than the person's household is not entitled to this disqualification.

A person may be disqualified if the person has, directly or indirectly, requested to be placed on the list for juror service compiled under section 609.1.

A person who claims disqualification for any of the grounds identified in this section may, upon the person's own volition, or shall, upon the court's volition, submit in writing to the court's satisfaction, documentation that verifies disqualification from juror service.

Sec. 4. Section 607.3, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

607.3 JURORS EXCUSED. The court may defer a term of grand or petit juror service upon a finding of hardship, inconvenience, or public necessity, however the juror must serve at a later date established by the court. The court may excuse a person from grand juror service in part or in full, upon a finding of hardship, inconvenience, or public necessity, considering the length of grand juror service. The court may excuse a person from petit juror service, in part or in full, upon a finding of extreme hardship. The courts shall exercise this authority strictly. The court may dismiss a juror at any time in the interest of justice.

Sec. 5. Section 608.B, Code 1983, is amended to read as follows:

608.B INSTRUCTIONS TO APPOINTIVE COMMISSION. ~~It shall be the duty of the~~ The judges of the district court ~~to shall~~ give instructions to appointive jury commissioners at the time of their appointment as to their duties, and ~~to shall~~ call their ~~special~~ attention to ~~the provisions of section 609-2 sections 607.1, 607.2, and 609.5.~~

Sec. 6. Section 609.1, subsections 1, 2, and 3, Code 1983, are amended to read as follows:

1. GRAND JURORS. A list of names and addresses of one hundred fifty ~~eligible electors~~ persons qualified for service under section 607.2 from which to select grand jurors.
2. PETIT JURORS. A list of names and addresses of ~~eligible electors~~ persons qualified for service under section 607.2 equal to at least one-eighth of the whole number of qualified electors in the county as shown by the current list of registered voters, from which to select petit jurors.
3. TALESMEN. A list of the names and addresses of ~~eligible electors~~ persons qualified for service under section 607.2 equal to fifteen percent of the whole number of qualified electors as shown by the current list of registered voters, in the city in which the district court is held and in the township or townships in which ~~such~~ that city is located,

(but in no case exceeding five hundred names), from which to select talesmen.

Sec. 7. Section 609.1, Code 1983, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The jury commission may convene at the courthouse to prepare an additional list or lists as the commission deems necessary at the time and date determined by a majority of the commissioners.

Sec. 8. Section 609.5, Code 1983, is amended to read as follows:

609.5 ADDITIONAL INFORMATION PROVIDED. ~~For the purpose of aiding the appointive commission in drawing the jury lists, officers of the state and its political subdivisions shall furnish the appointive commission with copies of the~~ The commission shall use all of the following lists in preparing a jury list:

1. A current list of registered voters ~~lists.~~
2. A list of persons holding motor vehicle operators' licenses ~~or such.~~
3. Lists of public utility customers.

In addition to the lists required to be used in preparing a jury list the commission may use other comprehensive lists of persons residing in the county as the commission may request identifies. State and local government officials shall furnish the commission with copies of lists required by law or as the commission requests. The clerk of the district court shall also deliver to the commission a list of all persons who have served as grand or petit jurors since January 1 of the preceding year. Lists of public utility customers are limited to publicly available telephone directories.

Sec. 9. Section 609.11, unnumbered paragraph 2, Code 1983, is amended to read as follows:

We, ....., and ....., constituting the jury commission for ..... county, ~~do hereby~~ certify that the foregoing lists do not, to our knowledge and belief,

contain the name of any person who ~~should-be-excluded~~ is not qualified under section ~~609-2~~ 607.2.

Sec. 10. NEW SECTION. 609.49 JURY SELECTION. When selecting a jury in a trial in which a municipality is a defendant, a juror challenge based on the potential juror's status as a taxpayer of that municipality shall not be allowed unless a real, substantial, and immediate interest is shown which would unfairly prejudice the plaintiff.

Sec. 11. Section 609.2, Code 1983, is repealed.

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ROBERT T. ANDERSON  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 253, Seventieth General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved May 3, 1984

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TERRY E. BRANSTAD  
Governor