

Do Pass 2/26/85 (p. 513)

SENATE FILE

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BY DELUHERY

Passed Senate, Date 2-5-85 (p. 604) Passed House, Date 4-1-86 (p. 1086)

Vote: Ayes 47 Nays 0 Vote: Ayes 98 Nays 0

Approved April 21, 1986

### A BILL FOR

1 An Act relating to jurors, jury commissions and juror selec-  
2 tion and providing penalties.

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

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1 Section 1. Section 331.322, subsection 16, Code 1985, is  
2 amended to read as follows:

3 16. Pay reasonable compensation to assistants for the jury  
4 commission established under chapter ~~608~~ 607.

5 Sec. 2. Section 331.502, subsection 42, Code 1985, is  
6 amended to read as follows:

7 42. Serve as an ex officio member of the jury commission  
8 as provided in section ~~608-1~~ 607.9.

9 Sec. 3. Section 331.502, subsection 44, Code 1985, is  
10 amended to read as follows:

11 44. Carry out duties relating to the selection of jurors  
12 as provided in chapter ~~609~~ 607.

13 Sec. 4. Section 331.602, subsection 38, Code 1985, is  
14 amended to read as follows:

15 38. Serve as a member of the jury commission to draw  
16 jurors as provided in section ~~608-1~~ 607.9.

17 Sec. 5. Section 331.653, subsections 43 and 44, Code 1985,  
18 are amended by striking the subsections and inserting in lieu  
19 thereof the following:

20 43. Carry out duties relating to the service of notice on  
21 a jury commissioner or jury manager as provided in section  
22 607.44.

23 Sec. 6. Section 602.1303, subsection 3, Code 1985, is  
24 amended to read as follows:

25 3. A county shall pay the compensation and expenses of the  
26 jury commission and assistants under chapter ~~608~~ 607.

27 Sec. 7. Section 602.8102, subsections 91 and 92, Code  
28 1985, are amended to read as follows:

29 91. Serve as an ex officio jury commissioner and notify  
30 appointive commissioners of their appointment as provided in  
31 sections ~~608-1~~ 607.9 and ~~608-5~~ 607.13.

32 92. Carry out duties relating to the selection of jurors  
33 as provided in chapter ~~609~~ 607.

34 Sec. 8. Section 602.11101, subsection 1, Code 1985, is  
35 amended to read as follows:

1 1. On October 1, 1983 the state shall assume the  
2 responsibility for and the costs of jury fees and mileage as  
3 provided in section 607-5 607.8 and on July 1, 1984 the state  
4 shall assume the responsibility for and the costs of  
5 prosecution witness fees and mileage and other witness fees  
6 and mileage assessed against the prosecution in criminal  
7 actions prosecuted under state law as provided in sections  
8 622.69 and 622.72.

9 Sec. 9. NEW SECTION. 607.1 DECLARATION OF POLICY.

10 It is the policy of this state that all persons be selected  
11 at random from a fair cross section of the population of the  
12 area served by the court, and that a person shall have both  
13 the opportunity in accordance with the provisions of law to be  
14 considered for jury service in this state and the obligation  
15 to serve as a juror when selected.

16 Sec. 10. NEW SECTION. 607.2 PROHIBITION OF  
17 DISCRIMINATION.

18 A person shall not be excluded from jury service or from  
19 consideration for jury service in this state on account of  
20 age, race, creed, color, sex, national origin, religion,  
21 economic status, or occupation.

22 Sec. 11. NEW SECTION. 607.3 DEFINITIONS.

23 As used in this chapter, unless the context otherwise  
24 requires:

25 1. "Clerk" means clerk of the district court, deputy  
26 clerk, or the clerk's designee.

27 2. "Court" means the district court of this state and  
28 includes, when the context requires, a judicial officer as  
29 defined in section 602.1101.

30 3. "Juror" means any person selected for service on either  
31 the grand or petit jury who attends court when originally in-  
32 structed to report or is deferred to a future date uncertain,  
33 or is on-call and available to report to court when so needed  
34 and so requested by the court.

35 4. "Jury wheel" means a physical device or electronic data

1 processing system for storage of the names and addresses or  
2 identifying numbers of prospective jurors.

3 5. "Motor vehicle operators list" means the official  
4 records maintained by the state of the names and addresses of  
5 those individuals in the respective counties retaining valid  
6 motor vehicle operator's licenses on or before October 15 of  
7 each general election year.

8 6. "Panel" means those jurors drawn or assigned for ser-  
9 vice to a courtroom, judge, or trial.

10 7. "Pool" means the sum total of prospective jurors re-  
11 porting for service and not drawn or assigned to a courtroom,  
12 judge or trial.

13 8. "Random selection" means the selection of names in a  
14 manner immune to any subjective bias so that no recognizable  
15 class of the population from which names are being selected  
16 can be purposefully included or excluded.

17 9. "Source lists" means the voter registration list, the  
18 motor vehicle operator's list and other comprehensive lists of  
19 persons residing in a county as identified pursuant to section  
20 607.22.

21 10. "Voter registration list" means the official records  
22 maintained by the state of names and addresses of persons  
23 registered to vote on or before October 15 of each general  
24 election year.

25 Sec. 12. NEW SECTION. 607.4 JURY SERVICE -- MINIMUM  
26 QUALIFICATIONS -- DISQUALIFICATION -- DOCUMENTATION.

27 1. To serve or to be considered for jury service, a person  
28 must possess the following minimum qualifications:

29 a. Be eighteen years of age or older.

30 b. Be a citizen of the United States.

31 c. Be able to understand the English language in a  
32 written, spoken, or manually signed mode.

33 d. Be able to receive and evaluate information such that  
34 the person is capable of rendering satisfactory juror service.

35 2. However, a person possessing the minimum qualifications

1 for service or consideration for service may be disqualified  
2 for service or consideration for service if the person has,  
3 directly or indirectly, requested to be placed on a list for  
4 juror service.

5 3. A person who claims disqualification for any of the  
6 grounds identified in this section may, upon the person's own  
7 volition, or shall, upon the court's volition, submit in writ-  
8 ing to the court's satisfaction, documentation that verifies  
9 disqualification from juror service.

10 Sec. 13. NEW SECTION. 607.5 AUTOMATIC EXCUSE FROM JURY  
11 SERVICE.

12 A person shall be excused from jury service if the person  
13 submits written documentation verifying, to the court's  
14 satisfaction, that the person is solely responsible for the  
15 daily care of a permanently disabled person living in the  
16 person's household and that the performance of juror service  
17 would cause substantial risk of injury to the health of the  
18 disabled person. However, if the person is regularly employed  
19 at a location other than the person's household, the person  
20 shall not be excused under this section.

21 Sec. 14. NEW SECTION. 607.6 DISCRETIONARY EXCUSE FROM  
22 JURY SERVICE.

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

32 Sec. 15. NEW SECTION. 607.7 FALSE EXCUSE -- PROHIBITED  
33 REQUESTS -- PENALTY.

34 A person who knowingly makes a false affidavit, statement,  
35 or claim, for the purpose of relieving the person or another

1 person from juror service, or a person who requests the court  
2 to select the person as a juror, commits a simple misdemeanor.

3 Sec. 16. NEW SECTION. 607.8 FEES FOR JURORS.

4 Grand jurors and petit jurors in all courts shall receive  
5 ten dollars as compensation for each day's service or  
6 attendance, including attendance required for the purpose of  
7 being considered for service, reimbursement for mileage  
8 expenses at the rate specified in section 79.9 for each mile  
9 traveled each day to and from their residences to the place of  
10 service or attendance, and reimbursement for actual expenses  
11 of parking, as determined by the clerk. A juror shall not  
12 receive reimbursement for mileage expenses or actual expenses  
13 of parking when the juror travels in a vehicle for which  
14 another juror is receiving reimbursement for mileage and  
15 parking expenses.

16 Sec. 17. NEW SECTION. 607.9 EX OFFICIO COMMISSIONS.

17 In counties utilizing a jury commission for the drawing of  
18 jurors, the clerk of the district court, the county auditor,  
19 and the county recorder shall ex officio constitute the jury  
20 commission but shall receive no extra compensation for acting  
21 as jury commissioners.

22 Sec. 18. NEW SECTION. 607.10 APPOINTIVE COMMISSION TO  
23 SELECT.

24 In each county the judges of the district court of the  
25 judicial district in which the county is located shall, on or  
26 before October 1 of each year in which the general election is  
27 held, appoint three competent electors as a jury commission to  
28 select and make lists of the names of persons to serve as  
29 grand and petit jurors and the jury pool for the two years  
30 beginning January 1 after the election.

31 Sec. 19. NEW SECTION. 607.11 LIMITATION ON APPOINTMENT.

32 More than two members of the appointive commission shall  
33 not be residents of the city in which the courthouse of the  
34 county in which they are appointed, is located, and a person  
35 shall not be appointed who has solicited the appointment; nor

1 shall any county officer or attorney at law be appointed a  
2 member of the commission.

3 Sec. 20. NEW SECTION. 607.12 MANNER OF APPOINTMENT.

4 The appointment shall be in writing, signed by three judges  
5 of the judicial district and shall be filed and made a matter  
6 of record, in the office of the clerk of the district court.

7 Sec. 21. NEW SECTION. 607.13 CLERK TO NOTIFY.

8 The clerk of the district court shall at once notify each  
9 appointive commissioner of the appointment.

10 Sec. 22. NEW SECTION. 607.14 VACANCY.

11 If a vacancy occurs in the appointive commission through  
12 death, removal or inability of a member of the commission to  
13 act, the judge or judges of the judicial district shall  
14 appoint a person to act during the remainder of the unexpired  
15 term.

16 Sec. 23. NEW SECTION. 607.15 QUALIFICATION -- TENURE.

17 The appointive commissioners shall qualify on or before the  
18 tenth day of October, following their appointment, by taking  
19 the oath of office required of civil officers. The oath shall  
20 be subscribed by them and filed in the office of the clerk of  
21 the district court. They shall hold office for the term of  
22 two years and until their successors are duly appointed and  
23 qualified.

24 Sec. 24. NEW SECTION. 607.16 INSTRUCTIONS TO APPOINTIVE  
25 COMMISSION.

26 The judges of the district court shall give instructions to  
27 appointive jury commissioners at the time of their appointment  
28 as to their duties, and shall call their attention to sections  
29 607.1, 607.2, 607.4 and 607.22.

30 Sec. 25. NEW SECTION. 607.17 COMPENSATION AND EXPENSES.

31 Each appointive commissioner shall, in addition to actual  
32 expenses, receive a compensation of ten dollars for each day  
33 employed by the appointive commissioner in the discharge of  
34 the appointive commissioner's official duties.

35 Sec. 26. NEW SECTION. 607.18 ASSISTANTS.

The commissioners may employ assistants in preparing the jury lists as they may deem necessary, and the board of supervisors shall allow reasonable compensation to the assistants.

Sec. 27. NEW SECTION. 607.19 JURY COMMISSION NOT REQUIRED.

In counties utilizing electronic data processing techniques and equipment for the drawing of jurors, ex officio or appointive jury commissions need not be appointed provided that proper records are retained by the jury manager that document, to the court's satisfaction, that the procedures utilized to randomly select the names of the prospective petit and grand jurors meet the requirements of this chapter. The decision to use electronic data processing techniques and equipment in lieu of a jury commission shall be made by the chief judge of the judicial district in which the county is located.

Sec. 28. NEW SECTION. 607.20 JURY MANAGER.

If the chief judge of the judicial district uses electronic data processing techniques and equipment for the drawing of jurors in lieu of a jury commission, the chief judge shall, after consultation with the clerk, district court administrator, county auditor and county recorder, appoint an individual to serve as the jury manager for the county. The jury manager shall be responsible for the implementation of this chapter for the county but shall receive no compensation for such service.

Sec. 29. NEW SECTION. 607.21 JURY LISTS.

The jury commission or jury manager shall prepare, select and return, on blank lists furnished by the county, the following:

1. The list of grand jurors: A list of names and addresses of one hundred and fifty persons from which to draw grand jurors.

2. The list of petit jurors: A list of names and

1 addresses of persons selected from the source lists equal to  
2 the number of names necessary to provide jurors needed by the  
3 court, with the number to be determined by the jury commission  
4 or jury manager.

5 Sec. 30. NEW SECTION. 607.22 USE OF SOURCE LISTS --  
6 INFORMATION PROVIDED.

7 The jury commission or the jury manager shall use all of  
8 the following source lists in preparing grand and petit jury  
9 lists:

- 10 1. The current voter registration list.
- 11 2. The current motor vehicle operators' list.
- 12 3. Any other current comprehensive list of persons  
13 residing in the county, including but not limited to the lists  
14 of public utility customers, which the jury commission or jury  
15 manager determines are useable for the purpose of a juror  
16 source list.

17 The applicable state and local government officials shall  
18 furnish, upon request, the jury commission or jury manager  
19 with copies of lists necessary for the formulation of source  
20 lists at no cost to the commission, manager, or county.

21 Sec. 31. NEW SECTION. 607.23 JUDICIAL DIVISION OF  
22 COUNTY.

23 In counties which are divided for judicial purposes, and in  
24 which court is held at more than one place, each division  
25 shall be treated as a separate county, and the grand and petit  
26 jurors, selected to serve in the respective courts, shall be  
27 drawn from the division of the county in which the court is  
28 held and at which the persons are required to serve.

29 Sec. 32. NEW SECTION. 607.24 CERTIFICATION.

30 The jury lists required to be prepared by this chapter  
31 shall be certified by the jury commission or the jury manager  
32 in substantially the following form:

33 We/I, ..... constituting the jury com-  
34 mission/the jury manager for ..... county, certify  
35 that the foregoing lists do not, to our/my knowledge and be-

1 lief, contain the name of any person who is not qualified for  
2 juror service under Iowa Code section 607.4 and that the lists  
3 were selected in compliance with Iowa Code sections 607.1,  
4 607.2, and 607.21 through 607.23.

5 Sec. 33. NEW SECTION. 607.25 FILING OF LISTS.

6 The commissioners or jury manager, after certifying the  
7 jury lists, shall place the lists in sealed containers, and  
8 deposit the lists in the office of the clerk who shall keep  
9 them in a secure area. The lists may also be stored by means  
10 of electronic data processing procedures and equipment.

11 Sec. 34. NEW SECTION. 607.26 PRESERVATION OF RECORDS.

12 The clerk or jury manager shall preserve all records and  
13 lists compiled and maintained in connection with the selection  
14 and service of jurors for four years, or for any longer period  
15 ordered by the chief judge of the judicial district.

16 Sec. 35. NEW SECTION. 607.27 PREPARATION FOR DRAWING OF  
17 PANELS.

18 The names entered upon the commissioner's or jury manager's  
19 lists and deposited in the office of the clerk constitute the  
20 grand and petit jury lists, from which grand and petit jurors  
21 shall be drawn.

22 Within ten days after the lists are deposited in the office  
23 of the clerk, the clerk shall do either of the following:

24 1. Prepare from the lists separate ballots, uniform in  
25 size, shape, and appearance, and folded to conceal information  
26 on the ballot. The ballots for grand and petit jurors shall  
27 be kept separate and each ballot shall contain the name and  
28 place of residence of each prospective juror.

29 2. In cooperation with the jury manager, have the grand  
30 and petit jury lists separately programmed into electronic  
31 data processing equipment for random selection. The numerical  
32 division required in section 607.21 need not be used when a  
33 jury wheel is used for the preparation of the lists.

34 Sec. 36. NEW SECTION. 607.28 BALLOT BOXES -- SEALED AND  
35 CUSTODY -- SECURITY OF PROGRAMS.

1 In counties using a jury commission, the ballots containing  
2 the names of the grand and petit jurors shall be deposited in  
3 separate boxes which shall be plainly marked to show the class  
4 of jurors whose names are contained in each box, and shall  
5 have only one aperture through which a hand may be inserted.  
6 The boxes shall then be sealed by the auditor, in the presence  
7 of the clerk, and deposited with the clerk.

8 In counties using a jury manager, the lists containing the  
9 names of the grand and petit jurors shall be programmed  
10 separately and shall be accessible to only the manager or the  
11 manager's designee.

12 Sec. 37. NEW SECTION. 607.29 LENGTH OF SERVICE.

- 13 In any two-year period, a person shall not be required:  
14 1. To serve or attend court for prospective juror service  
15 for more than a term of service ordered by the court, not to  
16 exceed three months, unless necessary to complete service in a  
17 particular case.  
18 2. To serve on more than one grand jury.  
19 3. To serve or attend as both a grand and a petit juror.

20 Sec. 38. NEW SECTION. 607.30 TIME OF DRAWING.

21 In counties using a jury commission, the required number of  
22 jurors shall be drawn by the commission, or a majority of its  
23 members, at the office of the clerk at a time agreed to by the  
24 commissioners.

25 In counties using a jury manager, the manager shall arrange  
26 for the selection of the required number of jurors at a time  
27 and place chosen by the manager.

28 The chief judge of the judicial district may by order pre-  
29 scribe the time for the drawing by the commission or the  
30 manager.

31 The jurors thus selected constitute the jury panel and  
32 shall be notified by the clerk or jury manager by regular mail  
33 when called.

34 Sec. 39. NEW SECTION. 607.31 NOTICE OF DRAWING.

35 In counties using jury commissions, the clerk, at least

1 five days prior to the day for drawing, shall notify in  
2 writing the other jury commissioners of the time and place of  
3 the drawing.

4 Sec. 40. NEW SECTION. 607.32 ABSENCE OF COMMISSIONER.

5 In counties using a jury commission, in the absence or  
6 inability to act of any one of the commissioners, the jury  
7 commissioner's deputy or designee shall act as the  
8 commissioner.

9 Sec. 41. NEW SECTION. 607.33 DETAILS OF DRAWING.

10 1. In counties using a jury commission, at the time of  
11 drawing the appropriate ballot box shall first be thoroughly  
12 shaken in the presence of the commissioners attending the  
13 drawing. Next, the seal on the opening of the box shall be  
14 broken in the presence of the commissioners. A commissioner  
15 shall then, without looking at the ballots, successively draw  
16 the required number of names from the box, and successively  
17 pass the ballots to another commissioner, who shall open the  
18 ballots as they are drawn, and read aloud the names on the  
19 ballots, and enter the names in writing on the appropriate  
20 list.

21 2. In counties using a jury manager, a program for the  
22 selection and printing of names may be used by the manager for  
23 the drawing if the names printed by the program cannot differ  
24 from the names selected by the program.

25 Sec. 42. NEW SECTION. 607.34 RESEALING OF BOX.

26 In counties using a jury commission, after the required  
27 number of grand or petit jurors have been drawn in the manner  
28 provided, and their names entered on the lists, the ballot box  
29 or boxes shall again be sealed by the commissioners and  
30 returned to the custody of the clerk.

31 Sec. 43. NEW SECTION. 607.35 FILING LIST -- NOTICE TO  
32 REPORT.

33 After the list or lists have been drawn in the manner  
34 provided in section 607.33, the list or lists shall be filed  
35 in the office of the clerk or jury manager and immediately

1 upon the order of the court the clerk or manager shall issue a  
2 notice to report, by regular mail, to the persons so drawn to  
3 appear at the courthouse at times as the court prescribes, for  
4 service as petit or grand jurors.

5 Sec. 44. NEW SECTION. 607.36 CONTEMPT.

6 If a person fails to appear when notified to report or at a  
7 regularly scheduled meeting, without sending a sufficient  
8 cause, the court may issue an order requiring the person to  
9 appear and show cause why the person should not be punished  
10 for contempt, and unless the person provides a sufficient  
11 cause for the failure, the person may be punished for  
12 contempt.

13 Sec. 45. NEW SECTION. 607.37 CANCELLATION FOR  
14 ILLEGALITY.

15 If the court determines that the petit or grand jurors have  
16 been illegally selected, drawn, or notified to report, the  
17 court may set aside the precept under which the jurors were  
18 notified and direct that a new drawing, selection and  
19 notification of a sufficient number of replacement jurors take  
20 place. In that case, the jury commission shall meet at the  
21 office of the clerk, at the time the court directs, and  
22 proceed in the manner provided for the drawing of the original  
23 panel, to draw the required number of replacement jurors.

24 Sec. 46. NEW SECTION. 607.38 DISCHARGED JURORS --  
25 NOTIFICATION.

26 Jurors who have been discharged for any reason may, during  
27 the calendar quarter, be instructed to again report if the  
28 business of the court necessitates such action.

29 Sec. 47. NEW SECTION. 607.39 ADDITIONAL JURORS.

30 The court may order as many additional jurors drawn for a  
31 panel, or for the trial of any case, as the court deems  
32 necessary.

33 Sec. 48. NEW SECTION. 607.40 DISCHARGE OF PANEL.

34 The court may at any time discharge the panel of jurors, or  
35 any part of it, and order a new panel, or the number of jurors

1 as deemed necessary, to be drawn.

2 Sec. 49. NEW SECTION. 607.41 METHOD OF SUBSEQUENT DRAW-  
3 ING.

4 The names of the jurors drawn under sections 607.39 and  
5 607.40 shall be drawn by the commissioners or the jury manager  
6 in the manner provided for the drawing of an original panel.

7 Sec. 50. NEW SECTION. 607.42 DISPOSITION OF NAMES DRAWN.

8 The names of prospective jurors who have been drawn one  
9 time to serve on the petit or grand jury and who do not appear  
10 or do not serve shall be omitted from the respective ballot  
11 box or selection program.

12 At the discretion of the court or the clerk, a person ex-  
13 cused from service on one panel may be required to serve on a  
14 succeeding panel if the reason for the person's being excused  
15 is authorized under section 607.6. In counties using jury  
16 commissions, the ballots of jurors who appear and serve during  
17 any term of service shall be destroyed. In counties using a  
18 jury manager, the names of jurors who appear and serve during  
19 any term of service shall be stricken from the selection  
20 program.

21 Sec. 51. NEW SECTION. 607.43 CORRECTING ILLEGALITY IN  
22 ORIGINAL LISTS.

23 If the court for any reason determines that there has been  
24 such substantial failure to comply with the law relative to  
25 selection, preparation, or return of grand or petit lists that  
26 lawful grand or petit jurors cannot be drawn, or that the  
27 lists are exhausted or insufficient for the needs of the  
28 court, the court shall order the jury commission or the jury  
29 manager to convene at a fixed time and place to prepare lists  
30 in lieu of the lists which have been found to be illegal, or  
31 an additional list or lists as the court deems necessary.

32 Sec. 52. NEW SECTION. 607.44 NOTICE TO JURY  
33 COMMISSIONERS OR JURY MANAGER.

34 If the commission or manager is required to meet for the  
35 purpose of drawing jurors under the order of the court, the

1 clerk shall at once notify each commissioner or the jury  
2 manager of the order, if appropriate, and the time and place  
3 fixed for the meeting and, if necessary, the court may order  
4 the notice to be served by the sheriff.

5 Sec. 53. NEW SECTION. 607.45 EMPLOYER PROHIBITED FROM  
6 PENALIZING EMPLOYEE -- PENALTY -- ACTION FOR LOST WAGES.

7 1. An employer shall not deprive an employee of employment  
8 or threaten or otherwise coerce an employee with respect to  
9 the employee's employment because the employee receives a  
10 notice to report, responds to the notice, serves as a juror,  
11 or attends court for prospective juror service. An employer  
12 who violates this subsection commits contempt.

13 2. If an employer discharges an employee in violation of  
14 subsection 1, the employee may within sixty days of the  
15 discharge bring a civil action for the recovery of wages lost  
16 as a result of the violation and for an order requiring the  
17 reinstatement of the employee. Damages recoverable shall not  
18 exceed lost wages for a period of six weeks. If the employee  
19 prevails, the employee shall be allowed reasonable attorney  
20 fees as determined by the court.

21 Sec. 54. NEW SECTION. 607.46 DELINQUENCY OF OFFICERS.

22 A judicial officer, court employee, or other governmental  
23 official who intentionally fails to perform a legal duty  
24 imposed by this chapter, or who acts corruptly in the  
25 discharge of a legal duty imposed by this chapter, commits a  
26 serious misdemeanor.

27 Sec. 55. Rule of civil procedure 187, paragraph (a), Iowa  
28 court rules, second edition, is amended to read as follows:

29 (a) Selection. ~~The clerk shall prepare and deposit in a~~  
30 ~~box separate ballots containing the names of all persons~~  
31 ~~returned or added as jurors.~~ At each jury trial the clerk  
32 shall select sixteen jurors by ~~closing and shaking the box to~~  
33 ~~intermingle the ballots,~~ and drawing them from the a box  
34 without seeing the names. The clerk shall list all jurors so  
35 drawn. Computer selection processes may be used instead of

1 separate ballots to select jury panels. Before drawing  
2 begins, either party may require that the names of all jurors  
3 be called, and have an attachment for those absent who are not  
4 engaged in other trials; but the court may wait for its return  
5 or not, in its discretion.

6 Sec. 56. Rule of criminal procedure 17, section 1, Iowa  
7 court rules, second edition, is amended to read as follows:

8 1. Selection. ~~The clerk shall prepare and deposit in a~~  
9 ~~box separate ballots containing the names of all persons~~  
10 ~~returned or added as jurors.~~ At each jury trial the clerk  
11 shall select a number of prospective jurors equal to twelve  
12 plus the prescribed number of strikes, by drawing ballots from  
13 a box without seeing the names. The clerk shall list all  
14 jurors so drawn. Computer selection processes may be used  
15 instead of separate ballots to select jury panels. Before  
16 drawing begins, either party may require that the names of all  
17 jurors be called, and have an attachment for those absent who  
18 are not engaged in other trials; but the court may wait for  
19 its return or not, in its discretion.

20 Sec. 57. Chapter 607, Code 1985, is repealed and sections  
21 9 through 46 of this Act are inserted in lieu thereof.

22 Sec. 58. Chapters 608 and 609, Code 1985, are repealed.

23 EXPLANATION

24 Sections 57 and 58 of this bill repeal the chapters of the  
25 Code currently relating to jurors and replace the chapters  
26 with a single new chapter 607, the provisions of which are  
27 contained in sections 9 through 46 of this bill.

28 Sections 1 through 8 of this bill modify current provisions  
29 regarding the powers and duties of county auditors, county  
30 recorders, county sheriffs and clerks of the district court  
31 regarding jury selection.

32 Section 9 of this bill declares the policy of the state as  
33 one ensuring the right to serve as a juror and imposing an  
34 obligation to serve when selected.

35 Section 10 prohibits the use of discriminatory practices in

jury selection and service.

2 Section 11 provides for definitions of terms used  
3 throughout the new chapter.

4 Section 12 establishes the minimum qualifications for jury  
5 service, the grounds for disqualification for jury service,  
6 and the procedure by which disqualifications may be  
7 documented.

8 Sections 13 and 14 establish the automatic and  
9 discretionary excuses to jury service, and section 15  
10 prohibits the giving of a false excuse and provides a penalty  
11 therefor.

12 Section 16 provides for the payment of fees for jurors.

13 Sections 17 through 26 establish the use of ex officio and  
14 appointive jury commissions.

15 Sections 27 and 28 establish the use of jury manager  
16 systems.

17 Sections 29 through 52 of the bill provide the rules and  
18 regulations for the selection, preparation, return, and  
19 notification of jurors.

20 Section 53 prohibits an employer from penalizing an em-  
21 ployee for jury service.

22 Section 54 of the bill establishes a penalty for the fail-  
23 ure to act, or for corrupt actions, in discharge of the legal  
24 duties imposed by the new chapter.

25 Sections 55 and 56 make collateral modifications to the  
26 criminal and civil rules of court regarding jury selection.

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- 1 Amend Senate File 245 as follows:  
2 1. Page 3, by inserting after line 24 the  
3 following:  
4 "11. "Term of service" means the period of time a  
5 juror is requested to serve.  
6 12. "Master list" means the list of names taken  
7 from the source lists for possible jury service."  
8 2. Page 4, line 25, by striking the word "must"  
9 and inserting the words "may be required to".  
10 3. Page 4, line 28, by inserting after the word  
11 "finding" the following: "that such service would  
12 threaten the person's economic, physical, or emotional  
13 well-being, or the well-being of another person who is  
14 dependent upon the person, or other similar findings".  
15 4. Page 5, by striking line 2 and inserting the  
16 following: "to select the person as a juror for a  
17 particular case, commits contempt."  
18 5. Page 5, line 8, by inserting after the number  
19 "79.9" the words and number "or section 602.1509".  
20 6. Page 5, by striking lines 28 through 30 and  
21 inserting the following: "draw up the master list for  
22 the two years beginning January 1 after the election.  
23 The names for the master list shall be taken from the  
24 source lists. If all of the source lists are not used  
25 to draw up the master list, then the names drawn must  
26 be selected in a random manner."  
27 7. Page 7, line 5, by striking the word  
28 "COMMISSION" and inserting the word "COMMISSIONS".  
29 8. Page 7, by striking lines 26 and 27 and  
30 inserting the following: "this chapter for the  
31 county. The jury manager shall update the master list  
32 from the source lists at least once every two years  
33 beginning January 1 after the general election is  
34 held."  
35 9. Page 7, line 29, by inserting after the word  
36 "The" the word "appointive".  
37 10. Page 8, line 7, by inserting after the word  
38 "The" the word "appointive".  
39 11. Page 8, line 14, by inserting after the word  
40 "the" the word "appointive".  
41 12. Page 8, line 18, by inserting after the word  
42 "the" the word "appointive".  
43 13. Page 8, line 31, by inserting after the words  
44 "by the" the word "appointive".  
45 14. Page 9, line 6, by striking the word  
46 "commissioners" and inserting the words "appointive  
47 jury commission".  
48 15. Page 9, line 8, by inserting after the word  
49 "clerk" the words "or jury manager".  
50 16. Page 9, line 18, by striking the word

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- 1 "commissioner's" and inserting the words "appointive  
2 jury commission's".
- 3 17. Page 9, line 19, by inserting after the word  
4 "clerk" the words "or jury manager".
- 5 18. Page 9, line 20, by striking the word "jury"  
6 and inserting the word "master".
- 7 19. Page 9, by striking line 23 and inserting the  
8 following: "of the clerk or jury manager, the clerk  
9 or jury manager shall do either of the following:".
- 10 20. Page 9, by striking lines 29 through 31 and  
11 inserting the following:
- 12 "2. Use electronic data processing equipment for  
13 the storage of names of the grand and petit jurors.  
14 The numerical".
- 15 21. Page 10, line 1, by striking the word "a" and  
16 inserting the words "an ex officio".
- 17 22. Page 10, line 7, by inserting after the words  
18 "with the clerk" the following: "or jury manager".
- 19 23. Page 10, by striking lines 9 and 10, and  
20 inserting the following: "names of the grand and  
21 petit jurors shall be stored electronically or  
22 manually processed by the jury manager and shall be  
23 accessible to only the manager or the".
- 24 24. Page 10, line 21, by striking the word "a"  
25 and inserting the words "an ex officio".
- 26 25. Page 10, line 29, by inserting after the  
27 words "by the" the words "ex officio".
- 28 26. Page 10, line 31, by striking the word  
29 "panel" and inserting the word "pool".
- 30 27. Page 10, line 35, by inserting after the word  
31 "using" the words "ex officio".
- 32 28. Page 11, line 5, by striking the word "a" and  
33 inserting the words "an ex officio".
- 34 29. Page 11, line 10, by striking the word "a"  
35 and inserting the words "an ex officio".
- 36 30. Page 11, by striking lines 21 through 24, and  
37 inserting the following:
- 38 "2. In counties using a jury manager, a  
39 computerized program for the random selection and  
40 printing of the names may be used to draw the required  
41 number of jurors needed."
- 42 31. Page 11, line 26, by striking the word "a"  
43 and inserting the words "an ex officio".
- 44 32. Page 12, line 1, by striking the word "order"  
45 and inserting the word "request".
- 46 33. Page 12, line 5, by striking the word  
47 "CONTEMPT" and inserting the word "CONTEMPT".
- 48 34. Page 12, line 7, by striking the word  
49 "sending" and inserting the word "providing".
- 50 35. Page 12, line 17, by striking the word

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- 1 "precept" and inserting the word "order".
- 2 36. Page 12, line 20, by inserting after the
- 3 words "case, the" the words "ex officio".
- 4 37. Page 12, by striking line 31, and inserting
- 5 the following: "pool or panel as the court deems".
- 6 38. Page 13, line 5, by striking the word
- 7 "commissioners" and inserting the words "ex officio
- 8 commission".
- 9 39. Page 13, line 6, by inserting after the word
- 10 "original" the words "pool or".
- 11 40. Page 13, by striking lines 8 through 11, and
- 12 inserting the following:
- 13 "The names of prospective jurors who have been
- 14 drawn and are eligible to serve on the petit or grand
- 15 jury and who do not serve shall be omitted from the
- 16 respective ballot box or selection program."
- 17 41. Page 13, line 12, by inserting after the word
- 18 "court" the words ", the jury manager,".
- 19 42. Page 13, line 15, by striking the word "jury"
- 20 and inserting the words "an ex officio jury
- 21 commission".
- 22 43. Page 13, line 16, by striking the word
- 23 "commissions".
- 24 44. Page 13, line 28, by inserting after the
- 25 words "order the" the words "ex officio".
- 26 45. Page 13, line 32, by inserting after the word
- 27 "TO" the words "EX OFFICIO".
- 28 46. Page 13, line 33, by striking the word
- 29 "COMMISSIONERS" and inserting the word "COMMISSION".
- 30 47. Page 14, line 24, by striking the word
- 31 "corruptly" and inserting the words "with willful
- 32 malfeasance".

S-3169 Filed  
February 27, 1985

*Adopted 3/5/85 (p. 604)*

By COMMITTEE ON JUDICIARY

Do Pass 3/12/86 (J. 724)

SENATE FILE 245

BY DELUHERY

(AS AMENDED AND PASSED BY THE SENATE MARCH 5, 1985)

Passed Senate, Date 4-9-86 (J. 1137) Passed House, Date 4-1-86 (J. 1686)

Vote: Ayes 44 Nays 0 Vote: Ayes 98 Nays 0

Approved April 21, 1986 (J. 1335)

### A BILL FOR

1 An Act relating to jurors, jury commissions and juror selec-  
2 tion and providing penalties.

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

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————— = New Language  
by the Senate

\* = Language Stricken  
by the Senate

1 Section 1. Section 331.322, subsection 16, Code 1985, is  
2 amended to read as follows:

3 16. Pay reasonable compensation to assistants for the jury  
4 commission established under chapter 608 607.

5 Sec. 2. Section 331.502, subsection 42, Code 1985, is  
6 amended to read as follows:

7 42. Serve as an ex officio member of the jury commission  
8 as provided in section ~~608-4~~ 607.9.

9 Sec. 3. Section 331.502, subsection 44, Code 1985, is  
10 amended to read as follows:

11 44. Carry out duties relating to the selection of jurors  
12 as provided in chapter 609 607.

13 Sec. 4. Section 331.602, subsection 38, Code 1985, is  
14 amended to read as follows:

15 38. Serve as a member of the jury commission to draw  
16 jurors as provided in section ~~608-4~~ 607.9.

17 Sec. 5. Section 331.653, subsections 43 and 44, Code 1985,  
18 are amended by striking the subsections and inserting in lieu  
19 thereof the following:

20 43. Carry out duties relating to the service of notice on  
21 a jury commissioner or jury manager as provided in section  
22 607.44.

23 Sec. 6. Section 602.1303, subsection 3, Code 1985, is  
24 amended to read as follows:

25 3. A county shall pay the compensation and expenses of the  
26 jury commission and assistants under chapter 608 607.

27 Sec. 7. Section 602.8102, subsections 91 and 92, Code  
28 1985, are amended to read as follows:

29 91. Serve as an ex officio jury commissioner and notify  
30 appointive commissioners of their appointment as provided in  
31 sections ~~608-4~~ 607.9 and ~~608-5~~ 607.13.

32 92. Carry out duties relating to the selection of jurors  
33 as provided in chapter 609 607.

34 Sec. 8. Section 602.11101, subsection 1, Code 1985, is  
35 amended to read as follows:

1 1. On October 1, 1983 the state shall assume the  
2 responsibility for and the costs of jury fees and mileage as  
3 provided in section 607-5 607.8 and on July 1, 1984 the state  
4 shall assume the responsibility for and the costs of  
5 prosecution witness fees and mileage and other witness fees  
6 and mileage assessed against the prosecution in criminal  
7 actions prosecuted under state law as provided in sections  
8 622.69 and 622.72.

9 Sec. 9. NEW SECTION. 607.1 DECLARATION OF POLICY.

10 It is the policy of this state that all persons be selected  
11 at random from a fair cross section of the population of the  
12 area served by the court, and that a person shall have both  
13 the opportunity in accordance with the provisions of law to be  
14 considered for jury service in this state and the obligation  
15 to serve as a juror when selected.

16 Sec. 10. NEW SECTION. 607.2 PROHIBITION OF  
17 DISCRIMINATION.

18 A person shall not be excluded from jury service or from  
19 consideration for jury service in this state on account of  
5564 20 age, race, creed, color, sex, national origin, religion,  
5565 21 economic status, or occupation.

22 Sec. 11. NEW SECTION. 607.3 DEFINITIONS.

23 As used in this chapter, unless the context otherwise  
24 requires:

25 1. "Clerk" means clerk of the district court, deputy  
26 clerk, or the clerk's designee.

27 2. "Court" means the district court of this state and  
28 includes, when the context requires, a judicial officer as  
29 defined in section 602.1101.

30 3. "Juror" means any person selected for service on either  
31 the grand or petit jury who attends court when originally in-  
32 structed to report or is deferred to a future date uncertain,  
33 or is on-call and available to report to court when so needed  
34 and so requested by the court.

35 4. "Jury wheel" means a physical device or electronic data

1 processing system for storage of the names and addresses or  
2 identifying numbers of prospective jurors.

3 5. "Motor vehicle operators list" means the official  
4 records maintained by the state of the names and addresses of  
5 those individuals in the respective counties retaining valid  
6 motor vehicle operator's licenses on or before October 15 of  
7 each general election year.

8 6. "Panel" means those jurors drawn or assigned for ser-  
9 vice to a courtroom, judge, or trial.

10 7. "Pool" means the sum total of prospective jurors re-  
11 porting for service and not drawn or assigned to a courtroom,  
12 judge or trial.

13 8. "Random selection" means the selection of names in a  
14 manner immune to any subjective bias so that no recognizable  
15 class of the population from which names are being selected  
16 can be purposefully included or excluded.

17 9. "Source lists" means the voter registration list, the  
18 motor vehicle operator's list and other comprehensive lists of  
19 persons residing in a county as identified pursuant to section  
20 607.22.

21 10. "Voter registration list" means the official records  
22 maintained by the state of names and addresses of persons  
23 registered to vote on or before October 15 of each general  
24 election year.

25 11. "Term of service" means the period of time a juror is  
26 requested to serve.

27 12. "Master list" means the list of names taken from the  
28 source lists for possible jury service.

29 Sec. 12. NEW SECTION. 607.4 JURY SERVICE -- MINIMUM  
30 QUALIFICATIONS -- DISQUALIFICATION -- DOCUMENTATION.

31 1. To serve or to be considered for jury service, a person  
32 must possess the following minimum qualifications:

33 a. Be eighteen years of age or older.

34 b. Be a citizen of the United States.

35 c. Be able to understand the English language in a

1 written, spoken, or manually signed mode.

2 d. Be able to receive and evaluate information such that  
3 the person is capable of rendering satisfactory juror service.

4 2. However, a person possessing the minimum qualifications  
5 for service or consideration for service may be disqualified  
6 for service or consideration for service if the person has,  
7 directly or indirectly, requested to be placed on a list for  
8 juror service.

9 3. A person who claims disqualification for any of the  
10 grounds identified in this section may, upon the person's own  
11 volition, or shall, upon the court's volition, submit in writ-  
12 ing to the court's satisfaction, documentation that verifies  
13 disqualification from juror service.

14 Sec. 13. NEW SECTION. 607.5 AUTOMATIC EXCUSE FROM JURY  
15 SERVICE.

16 A person shall be excused from jury service if the person  
17 submits written documentation verifying, to the court's  
18 satisfaction, that the person is solely responsible for the  
19 daily care of a permanently disabled person living in the  
20 person's household and that the performance of juror service  
21 would cause substantial risk of injury to the health of the  
22 disabled person. However, if the person is regularly employed  
23 at a location other than the person's household, the person  
24 shall not be excused under this section.

25 Sec. 14. NEW SECTION. 607.6 DISCRETIONARY EXCUSE FROM  
26 JURY SERVICE.

27 The court may defer a term of grand or petit juror service  
28 upon a finding of hardship, inconvenience, or public  
29 necessity, however the juror may be required to serve at a  
30 later date established by the court. The court may excuse a  
31 person from grand juror service, considering the length of  
32 grand juror service, in part or in full, upon a finding that  
33 such service would threaten the person's economic, physical,  
34 or emotional well-being, or the well-being of another person  
35 who is dependent upon the person, or other similar findings of

1 extreme hardship. The courts shall exercise this authority  
35-3>2 strictly. The court may dismiss a juror at any time in the  
3 interest of justice.

4 Sec. 15. NEW SECTION. 607.7 FALSE EXCUSE -- PROHIBITED  
5 REQUESTS -- PENALTY.

6 A person who knowingly makes a false affidavit, statement,  
7 or claim, for the purpose of relieving the person or another  
8 person from juror service, or a person who requests the court  
9 to select the person as a juror for a particular case, commits  
10 contempt.

11 Sec. 16. NEW SECTION. 607.8 FEES FOR JURORS.

12 Grand jurors and petit jurors in all courts shall receive  
13 ten dollars as compensation for each day's service or  
14 attendance, including attendance required for the purpose of  
15 being considered for service, reimbursement for mileage  
16 expenses at the rate specified in section 79.9 or section  
17 602.1509 for each mile traveled each day to and from their  
18 residences to the place of service or attendance, and  
19 reimbursement for actual expenses of parking, as determined by  
20 the clerk. A juror shall not receive reimbursement for  
21 mileage expenses or actual expenses of parking when the juror  
22 travels in a vehicle for which another juror is receiving  
23 reimbursement for mileage and parking expenses.

24 Sec. 17. NEW SECTION. 607.9 EX OFFICIO COMMISSIONS.

25 In counties utilizing a jury commission for the drawing of  
26 jurors, the clerk of the district court, the county auditor,  
27 and the county recorder shall ex officio constitute the jury  
28 commission but shall receive no extra compensation for acting  
29 as jury commissioners.

30 Sec. 18. NEW SECTION. 607.10 APPOINTIVE COMMISSION TO  
31 SELECT.

32 In each county the judges of the district court of the  
33 judicial district in which the county is located shall, on or  
34 before October 1 of each year in which the general election is  
35 held, appoint three competent electors as a jury commission to

1 draw up the master list for the two years beginning January 1  
2 after the election. The names for the master list shall be  
3 taken from the source lists. If all of the source lists are  
4 not used to draw up the master list, then the names drawn must  
5 be selected in a random manner.

6 Sec. 19. NEW SECTION. 607.11 LIMITATION ON APPOINTMENT.

7 More than two members of the appointive commission shall  
8 not be residents of the city in which the courthouse of the  
9 county in which they are appointed, is located, and a person  
10 shall not be appointed who has solicited the appointment; nor  
11 shall any county officer or attorney at law be appointed a  
12 member of the commission.

13 Sec. 20. NEW SECTION. 607.12 MANNER OF APPOINTMENT.

14 The appointment shall be in writing, signed by three judges  
15 of the judicial district and shall be filed and made a matter  
16 of record, in the office of the clerk of the district court.

17 Sec. 21. NEW SECTION. 607.13 CLERK TO NOTIFY.

18 The clerk of the district court shall at once notify each  
19 appointive commissioner of the appointment.

20 Sec. 22. NEW SECTION. 607.14 VACANCY.

21 If a vacancy occurs in the appointive commission through  
22 death, removal or inability of a member of the commission to  
23 act, the judge or judges of the judicial district shall  
24 appoint a person to act during the remainder of the unexpired  
25 term.

26 Sec. 23. NEW SECTION. 607.15 QUALIFICATION -- TENURE.

27 The appointive commissioners shall qualify on or before the  
28 tenth day of October, following their appointment, by taking  
29 the oath of office required of civil officers. The oath shall  
30 be subscribed by them and filed in the office of the clerk of  
31 the district court. They shall hold office for the term of  
32 two years and until their successors are duly appointed and  
33 qualified.

34 Sec. 24. NEW SECTION. 607.16 INSTRUCTIONS TO APPOINTIVE  
35 COMMISSION.

1 The judges of the district court shall give instructions to  
2 appointive jury commissioners at the time of their appointment  
3 as to their duties, and shall call their attention to sections  
4 607.1, 607.2, 607.4 and 607.22.

5 Sec. 25. NEW SECTION. 607.17 COMPENSATION AND EXPENSES.

6 Each appointive commissioner shall, in addition to actual  
7 expenses, receive a compensation of ten dollars for each day  
8 employed by the appointive commissioner in the discharge of  
9 the appointive commissioner's official duties.

10 Sec. 26. NEW SECTION. 607.18 ASSISTANTS.

11 The commissioners may employ assistants in preparing the  
12 jury lists as they may deem necessary, and the board of  
13 supervisors shall allow reasonable compensation to the  
14 assistants.

15 Sec. 27. NEW SECTION. 607.19 JURY COMMISSIONS NOT  
16 REQUIRED.

17 In counties utilizing electronic data processing techniques  
18 and equipment for the drawing of jurors, ex officio or  
19 appointive jury commissions need not be appointed provided  
20 that proper records are retained by the jury manager that  
21 document, to the court's satisfaction, that the procedures  
22 utilized to randomly select the names of the prospective petit  
23 and grand jurors meet the requirements of this chapter. The  
24 decision to use electronic data processing techniques and  
25 equipment in lieu of a jury commission shall be made by the  
26 chief judge of the judicial district in which the county is  
27 located.

28 Sec. 28. NEW SECTION. 607.20 JURY MANAGER.

29 If the chief judge of the judicial district uses electronic  
30 data processing techniques and equipment for the drawing of  
31 jurors in lieu of a jury commission, the chief judge shall,  
32 after consultation with the clerk, district court  
33 administrator, county auditor and county recorder, appoint an  
34 individual to serve as the jury manager for the county. The  
35 jury manager shall be responsible for the implementation of

1 this chapter for the county. The jury manager shall update  
2 the master list from the source lists at least once every two  
3 years beginning January 1 after the general election is held.

4 Sec. 29. NEW SECTION. 607.21 JURY LISTS.

5 The appointive jury commission or jury manager shall  
6 prepare, select and return, on blank lists furnished by the  
7 county, the following:

8 1. The list of grand jurors: A list of names and  
9 addresses of one hundred and fifty persons from which to draw  
10 grand jurors.

11 2. The list of petit jurors: A list of names and  
12 addresses of persons selected from the source lists equal to  
13 the number of names necessary to provide jurors needed by the  
14 court, with the number to be determined by the jury commission  
15 or jury manager.

16 Sec. 30. NEW SECTION. 607.22 USE OF SOURCE LISTS --  
17 INFORMATION PROVIDED.

18 The appointive jury commission or the jury manager shall  
19 use all of the following source lists in preparing grand and  
20 petit jury lists:

- 21 1. The current voter registration list.
- 22 2. The current motor vehicle operators' list.
- 23 3. Any other current comprehensive list of persons  
24 residing in the county, including but not limited to the lists  
25 of public utility customers, which the appointive jury  
26 commission or jury manager determines are useable for the  
27 purpose of a juror source list.

28 The applicable state and local government officials shall  
29 furnish, upon request, the appointive jury commission or jury  
30 manager with copies of lists necessary for the formulation of  
31 source lists at no cost to the commission, manager, or county.

32 Sec. 31. NEW SECTION. 607.23 JUDICIAL DIVISION OF  
33 COUNTY.

34 In counties which are divided for judicial purposes, and in  
35 which court is held at more than one place, each division

1 shall be treated as a separate county, and the grand and petit  
2 jurors, selected to serve in the respective courts, shall be  
3 drawn from the division of the county in which the court is  
4 held and at which the persons are required to serve.

5 Sec. 32. NEW SECTION. 607.24 CERTIFICATION.

6 The jury lists required to be prepared by this chapter  
7 shall be certified by the appointive jury commission or the  
8 jury manager in substantially the following form:

9 We/I, ..... constituting the jury com-  
10 mission/the jury manager for ..... county, certify  
11 that the foregoing lists do not, to our/my knowledge and be-  
12 lief, contain the name of any person who is not qualified for  
13 juror service under Iowa Code section 607.4 and that the lists  
14 were selected in compliance with Iowa Code sections 607.1,  
15 607.2, and 607.21 through 607.23.

16 Sec. 33. NEW SECTION. 607.25 FILING OF LISTS.

17 The appointive jury commission or jury manager, after  
18 certifying the jury lists, shall place the lists in sealed  
19 containers, and deposit the lists in the office of the clerk  
20 or jury manager who shall keep them in a secure area. The  
21 lists may also be stored by means of electronic data  
22 processing procedures and equipment.

23 Sec. 34. NEW SECTION. 607.26 PRESERVATION OF RECORDS.

24 The clerk or jury manager shall preserve all records and  
25 lists compiled and maintained in connection with the selection  
26 and service of jurors for four years, or for any longer period  
27 ordered by the chief judge of the judicial district.

28 Sec. 35. NEW SECTION. 607.27 PREPARATION FOR DRAWING OF  
29 PANELS.

30 The names entered upon the appointive jury commission's or  
31 jury manager's lists and deposited in the office of the clerk  
32 or jury manager constitute the grand and petit master lists,  
33 from which grand and petit jurors shall be drawn.

34 Within ten days after the lists are deposited in the office  
35 of the clerk or jury manager, the clerk or jury manager shall

1 do either of the following:

2 1. Prepare from the lists separate ballots, uniform in  
3 size, shape, and appearance, and folded to conceal information  
4 on the ballot. The ballots for grand and petit jurors shall  
5 be kept separate and each ballot shall contain the name and  
6 place of residence of each prospective juror.

7 2. Use electronic data processing equipment for the  
8 storage of names of the grand and petit jurors. The numerical  
9 division required in section 607.21 need not be used when a  
10 jury wheel is used for the preparation of the lists.

11 Sec. 36. NEW SECTION. 607.28 BALLOT BOXES -- SEALED AND  
12 CUSTODY -- SECURITY OF PROGRAMS.

13 In counties using an ex officio jury commission, the  
14 ballots containing the names of the grand and petit jurors  
15 shall be deposited in separate boxes which shall be plainly  
16 marked to show the class of jurors whose names are contained  
17 in each box, and shall have only one aperture through which a  
18 hand may be inserted. The boxes shall then be sealed by the  
19 auditor, in the presence of the clerk, and deposited with the  
20 clerk or jury manager.

21 In counties using a jury manager, the lists containing the  
22 names of the grand and petit jurors shall be stored  
23 electronically or manually processed by the jury manager and  
24 shall be accessible to only the manager or the manager's  
25 designee.

26 Sec. 37. NEW SECTION. 607.29 LENGTH OF SERVICE.

27 In any two-year period, a person shall not be required:

28 1. To serve or attend court for prospective juror service  
29 for more than a term of service ordered by the court, not to  
30 exceed three months, unless necessary to complete service in a  
31 particular case.

32 2. To serve on more than one grand jury.

33 3. To serve or attend as both a grand and a petit juror.

34 Sec. 38. NEW SECTION. 607.30 TIME OF DRAWING.

35 In counties using an ex officio jury commission, the

1 required number of jurors shall be drawn by the commission, or  
2 a majority of its members, at the office of the clerk at a  
3 time agreed to by the commissioners.

4 In counties using a jury manager, the manager shall arrange  
5 for the selection of the required number of jurors at a time  
6 and place chosen by the manager.

7 The chief judge of the judicial district may by order pre-  
8 scribe the time for the drawing by the ex officio commission  
9 or the manager.

10 The jurors thus selected constitute the jury pool and shall  
11 be notified by the clerk or jury manager by regular mail when  
12 called.

13 Sec. 39. NEW SECTION. 607.31 NOTICE OF DRAWING.

14 In counties using ex officio jury commissions, the clerk,  
15 at least five days prior to the day for drawing, shall notify  
16 in writing the other jury commissioners of the time and place  
17 of the drawing.

18 Sec. 40. NEW SECTION. 607.32 ABSENCE OF COMMISSIONER.

19 In counties using an ex officio jury commission, in the  
20 absence or inability to act of any one of the commissioners,  
21 the jury commissioner's deputy or designee shall act as the  
22 commissioner.

23 Sec. 41. NEW SECTION. 607.33 DETAILS OF DRAWING.

24 1. In counties using an ex officio jury commission, at the  
25 time of drawing the appropriate ballot box shall first be  
26 thoroughly shaken in the presence of the commissioners  
27 attending the drawing. Next, the seal on the opening of the  
28 box shall be broken in the presence of the commissioners. A  
29 commissioner shall then, without looking at the ballots,  
30 successively draw the required number of names from the box,  
31 and successively pass the ballots to another commissioner, who  
32 shall open the ballots as they are drawn, and read aloud the  
33 names on the ballots, and enter the names in writing on the  
34 appropriate list.

35 2. In counties using a jury manager, a computerized

1 program for the random selection and printing of the names may  
2 be used to draw the required number of jurors needed.

3 Sec. 42. NEW SECTION. 607.34 RESEALING OF BOX.

4 In counties using an ex officio jury commission, after the  
5 required number of grand or petit jurors have been drawn in  
6 the manner provided, and their names entered on the lists, the  
7 ballot box or boxes shall again be sealed by the commissioners  
8 and returned to the custody of the clerk.

9 Sec. 43. NEW SECTION. 607.35 FILING LIST -- NOTICE TO  
10 REPORT.

11 After the list or lists have been drawn in the manner  
12 provided in section 607.33, the list or lists shall be filed  
13 in the office of the clerk or jury manager and immediately  
14 upon the request of the court the clerk or manager shall issue  
15 a notice to report, by regular mail, to the persons so drawn  
16 to appear at the courthouse at times as the court prescribes,  
17 for service as petit or grand jurors.

18 Sec. 44. NEW SECTION. 607.36 CONTEMPT.

19 If a person fails to appear when notified to report or at a  
20 regularly scheduled meeting, without providing a sufficient  
21 cause, the court may issue an order requiring the person to  
22 appear and show cause why the person should not be punished  
23 for contempt, and unless the person provides a sufficient  
24 cause for the failure, the person may be punished for  
25 contempt.

26 Sec. 45. NEW SECTION. 607.37 CANCELLATION FOR  
27 ILLEGALITY.

28 If the court determines that the petit or grand jurors have  
29 been illegally selected, drawn, or notified to report, the  
30 court may set aside the order under which the jurors were  
31 notified and direct that a new drawing, selection and  
32 notification of a sufficient number of replacement jurors take  
33 place. In that case, the ex officio jury commission shall  
34 meet at the office of the clerk, at the time the court  
35 directs, and proceed in the manner provided for the drawing of

1 the original panel, to draw the required number of replacement  
2 jurors.

3 Sec. 46. NEW SECTION. 607.38 DISCHARGED JURORS --  
4 NOTIFICATION.

5 Jurors who have been discharged for any reason may, during  
6 the calendar quarter, be instructed to again report if the  
7 business of the court necessitates such action.

8 Sec. 47. NEW SECTION. 607.39 ADDITIONAL JURORS.

9 The court may order as many additional jurors drawn for a  
10 pool or panel as the court deems necessary.

11 Sec. 48. NEW SECTION. 607.40 DISCHARGE OF PANEL.

12 The court may at any time discharge the panel of jurors, or  
13 any part of it, and order a new panel, or the number of jurors  
14 as deemed necessary, to be drawn.

15 Sec. 49. NEW SECTION. 607.41 METHOD OF SUBSEQUENT DRAW-  
16 ING.

17 The names of the jurors drawn under sections 607.39 and  
18 607.40 shall be drawn by the ex officio commission or the jury  
19 manager in the manner provided for the drawing of an original  
20 pool or panel.

21 Sec. 50. NEW SECTION. 607.42 DISPOSITION OF NAMES DRAWN.

22 The names of prospective jurors who have been drawn and are  
23 eligible to serve on the petit or grand jury and who do not  
24 serve shall be omitted from the respective ballot box or  
25 selection program.

26 At the discretion of the court, the jury manager, or the  
27 clerk, a person excused from service on one panel may be  
28 required to serve on a succeeding panel if the reason for the  
29 person's being excused is authorized under section 607.6. In  
\* 30 counties using an ex officio jury commission, the ballots of  
31 jurors who appear and serve during any term of service shall  
32 be destroyed. In counties using a jury manager, the names of  
33 jurors who appear and serve during any term of service shall  
34 be stricken from the selection program.

35 Sec. 51. NEW SECTION. 607.43 CORRECTING ILLEGALITY IN

1 ORIGINAL LISTS.

2 If the court for any reason determines that there has been  
3 such substantial failure to comply with the law relative to  
4 selection, preparation, or return of grand or petit lists that  
5 lawful grand or petit jurors cannot be drawn, or that the  
6 lists are exhausted or insufficient for the needs of the  
7 court, the court shall order the ex officio jury commission or  
8 the jury manager to convene at a fixed time and place to  
9 prepare lists in lieu of the lists which have been found to be  
10 illegal, or an additional list or lists as the court deems  
11 necessary.

12 Sec. 52. NEW SECTION. 607.44 NOTICE TO EX OFFICIO JURY  
13 COMMISSION OR JURY MANAGER.

14 If the commission or manager is required to meet for the  
15 purpose of drawing jurors under the order of the court, the  
16 clerk shall at once notify each commissioner or the jury  
17 manager of the order, if appropriate, and the time and place  
18 fixed for the meeting and, if necessary, the court may order  
19 the notice to be served by the sheriff.

20 Sec. 53. NEW SECTION. 607.45 EMPLOYER PROHIBITED FROM  
21 PENALIZING EMPLOYEE -- PENALTY -- ACTION FOR LOST WAGES.

22 1. An employer shall not deprive an employee of employment  
23 or threaten or otherwise coerce an employee with respect to  
24 the employee's employment because the employee receives a  
25 notice to report, responds to the notice, serves as a juror,  
26 or attends court for prospective juror service. An employer  
27 who violates this subsection commits contempt.

28 2. If an employer discharges an employee in violation of  
29 subsection 1, the employee may within sixty days of the  
30 discharge bring a civil action for the recovery of wages lost  
31 as a result of the violation and for an order requiring the  
32 reinstatement of the employee. Damages recoverable shall not  
33 exceed lost wages for a period of six weeks. If the employee  
34 prevails, the employee shall be allowed reasonable attorney  
35 fees as determined by the court.

1 Sec. 54. NEW SECTION. 607.46 DELINQUENCY OF OFFICERS.

2 A judicial officer, court employee, or other governmental  
3 official who intentionally fails to perform a legal duty  
4 imposed by this chapter, or who acts with willful malfeasance  
5 in the discharge of a legal duty imposed by this chapter,  
6 commits a serious misdemeanor.

7 Sec. 55. Rule of civil procedure 187, paragraph (a), Iowa  
8 court rules, second edition, is amended to read as follows:

9 (a) Selection. ~~The clerk shall prepare and deposit in a~~  
10 ~~box separate ballots containing the names of all persons~~  
11 ~~returned or added as jurors.~~ At each jury trial the clerk  
12 shall select sixteen jurors by ~~closing and shaking the box to~~  
13 ~~intermingle the ballots,~~ and drawing them from the a box  
14 without seeing the names. The clerk shall list all jurors so  
15 drawn. Computer selection processes may be used instead of  
16 separate ballots to select jury panels. Before drawing  
17 begins, either party may require that the names of all jurors  
18 be called, and have an attachment for those absent who are not  
19 engaged in other trials; but the court may wait for its return  
20 or not, in its discretion.

21 Sec. 56. Rule of criminal procedure 17, section 1, Iowa  
22 court rules, second edition, is amended to read as follows:

23 1. Selection. ~~The clerk shall prepare and deposit in a~~  
24 ~~box separate ballots containing the names of all persons~~  
25 ~~returned or added as jurors.~~ At each jury trial the clerk  
26 shall select a number of prospective jurors equal to twelve  
27 plus the prescribed number of strikes, by drawing ballots from  
28 a box without seeing the names. The clerk shall list all  
29 jurors so drawn. Computer selection processes may be used  
30 instead of separate ballots to select jury panels. Before  
31 drawing begins, either party may require that the names of all  
32 jurors be called, and have an attachment for those absent who  
33 are not engaged in other trials; but the court may wait for  
34 its return or not, in its discretion.

35 Sec. 57. Chapter 607, Code 1985, is repealed and sections

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9 through 46 of this Act are inserted in lieu thereof.  
Sec. 58. Chapters 608 and 609, Code 1985, are repealed.

HOUSE AMENDMENT TO  
SENATE FILE 245

S-5557

- 1 Amend Senate File 245 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 20, by inserting after the word
- 4 "age" the following: "if the person is eighteen years
- 5 of age or older".
- 6 2. Page 2, line 21, by inserting after the word
- 7 "status," the words "physical disability,".
- 8 3. Page 5, line 2, by inserting after the word
- 9 "strictly." the following: "However, in exercising
- 10 this authority the court shall allow the employer of
- 11 the person being asked to serve to give testimony in
- 12 support of a request by the person for deferral or
- 13 excuse."
- 14 4. Page 5, line 29, by inserting after the word
- 15 "commissioners." the following: "If any of the above
- 16 offices have been consolidated, the chief judge of the
- 17 judicial district shall select another elected county
- 18 officer to serve as a jury commissioner."
- 19 5. Page 7, line 33, by striking the words ",
- 20 county auditor and county recorder" and inserting the
- 21 words "and county auditor".
- 22 6. By renumbering, relettering, or redesignating
- 23 and correcting internal references as necessary.

S-5557 Filed April 3, 1986 REC'D FROM THE HOUSE

*Senate concurred 4/9 (p. 1127)*

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34  
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SENATE FILE 245

H-3548

1 Amend Senate File 245 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 5, line 2, by inserting after the word  
4 "strictly." the following: "However, in exercising  
5 this authority the court shall allow the employer of  
6 the person being asked to serve to give testimony in  
7 support of a request by the person for deferral or  
8 excuse."

H-3548 FILED MARCH 29, 1985 BY CHAPMAN of Linn  
*Adopted 4/1/85 (p. 1085)*

SENATE FILE 245

H-5515

1 Amend Senate File 245 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 2, line 21, by inserting after the word  
4 "status," the words "physical disability,".

H-5515 FILED MARCH 21, 1986 BY VAN CAMP of Scott  
*Adopted 4/1/86 (p. 1085)*

SENATE FILE 245

H-5566

1 Amend Senate File 245 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 2, line 20, by inserting after the word  
4 "age" the following: "if the person is eighteen years  
5 of age or older".

H-5566 FILED MARCH 27, 1986 BY SPEAR of Lee  
*Adopted 4/1/86 (p. 1086)*

SENATE FILE 245

H-5608

1 Amend Senate File 245 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 5, line 29, by inserting after the word  
4 "commissioners." the following: "If any of the above  
5 offices have been consolidated, the chief judge of the  
6 judicial district shall select another elected county  
7 officer to serve as a jury commissioner."  
8 2. Page 7, line 33, by striking the words "  
9 county auditor and county recorder" and inserting the  
10 words "and county auditor".

H-5608 FILED MARCH 28, 1986 BY SPEAR of Lee  
*Adopted 4/1/86 (p. 1085)*

SENATE FILE 245

AN ACT

RELATING TO JURORS, JURY COMMISSIONS AND JUROR SELECTION AND PROVIDING PENALTIES.

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

Section 1. Section 331.322, subsection 16, Code 1985, is amended to read as follows:

16. Pay reasonable compensation to assistants for the jury commission established under chapter 609 607.

Sec. 2. Section 331.502, subsection 42, Code 1985, is amended to read as follows:

42. Serve as an ex officio member of the jury commission as provided in section 608:1 607.9.

Sec. 3. Section 331.502, subsection 44, Code 1985, is amended to read as follows:

44. Carry out duties relating to the selection of jurors as provided in chapter 609 607.

Sec. 4. Section 331.602, subsection 38, Code 1985, is amended to read as follows:

38. Serve as a member of the jury commission to draw jurors as provided in section 608:1 607.9.

Sec. 5. Section 331.653, subsections 43 and 44, Code 1985, are amended by striking the subsections and inserting in lieu thereof the following:

43. Carry out duties relating to the service of notice on a jury commissioner or jury manager as provided in section 607.44.

Sec. 6. Section 602.1303, subsection 2, Code 1985, is amended to read as follows:

2. A county shall pay the compensation and expenses of the jury commission and assistants under chapter 609 607.

Sec. 7. Section 602.8102, subsections 91 and 92, Code 1985, are amended to read as follows:

91. Serve as an ex officio jury commissioner and notify appointive commissioners of their appointment as provided in sections 608:1 607.9 and 608:5 607.13.

92. Carry out duties relating to the selection of jurors as provided in chapter 609 607.

Sec. 8. Section 602.11101, subsection 1, Code 1985, is amended to read as follows:

1. On October 1, 1983 the state shall assume the responsibility for and the costs of jury fees and mileage as provided in section 607:5 607.4 and on July 1, 1984 the state shall assume the responsibility for and the costs of prosecution witness fees and mileage and other witness fees and mileage assessed against the prosecution in criminal actions prosecuted under state law as provided in sections 622.69 and 622.72.

Sec. 9. NEW SECTION. 607.1 DECLARATION OF POLICY.

It is the policy of this state that all persons be selected at random from a fair cross section of the population of the area served by the court, and that a person shall have both the opportunity in accordance with the provisions of law to be considered for jury service in this state and the obligation to serve as a juror when selected.

Sec. 10. NEW SECTION. 607.2 PROHIBITION OF DISCRIMINATION.

A person shall not be excluded from jury service or from consideration for jury service in this state on account of age if the person is eighteen years of age or older, race, creed, color, sex, national origin, religion, economic status, physical disability, or occupation.

Sec. 11. NEW SECTION. 607.3 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Clerk" means clerk of the district court, deputy clerk, or the clerk's designee.
2. "Court" means the district court of this state and includes, when the context requires, a judicial officer as defined in section 602.1101.
3. "Juror" means any person selected for service on either the grand or petit jury who attends court when originally instructed to report or is deferred to a future date uncertain, or is on-call and available to report to court when so needed and so requested by the court.
4. "Jury wheel" means a physical device or electronic data processing system for storage of the names and addresses or identifying numbers of prospective jurors.
5. "Motor vehicle operators list" means the official records maintained by the state of the names and addresses of those individuals in the respective counties retaining valid motor vehicle operator's licenses on or before October 15 of each general election year.
6. "Panel" means those jurors drawn or assigned for service to a courtroom, judge, or trial.
7. "Pool" means the sum total of prospective jurors reporting for service and not drawn or assigned to a courtroom, judge or trial.
8. "Random selection" means the selection of names in a manner immune to any subjective bias so that no recognizable class of the population from which names are being selected can be purposefully included or excluded.
9. "Source lists" means the voter registration list, the motor vehicle operator's list and other comprehensive lists of persons residing in a county as identified pursuant to section 607.22.
10. "Voter registration list" means the official records maintained by the state of names and addresses of persons registered to vote on or before October 15 of each general election year.

11. "Term of service" means the period of time a juror is requested to serve.

12. "Master list" means the list of names taken from the source lists for possible jury service.

Sec. 12. NEW SECTION. 607.4 JURY SERVICE -- MINIMUM QUALIFICATIONS -- DISQUALIFICATION -- DOCUMENTATION.

1. To serve or to be considered for jury service, a person must possess the following minimum qualifications:

- a. Be eighteen years of age or older.
- b. Be a citizen of the United States.
- c. Be able to understand the English language in a written, spoken, or manually signed mode.
- d. Be able to receive and evaluate information such that the person is capable of rendering satisfactory juror service.

2. However, a person possessing the minimum qualifications for service or consideration for service may be disqualified for service or consideration for service if the person has, directly or indirectly, requested to be placed on a list for juror service.

3. 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. 13. NEW SECTION. 607.5 AUTOMATIC EXCUSE FROM JURY SERVICE.

A person shall be excused from jury service if the person submits written documentation verifying, to the court's satisfaction, that the person is solely responsible for the daily care of a permanently disabled person living in the person's household and that the performance of juror service would cause substantial risk of injury to the health of the disabled person. However, if the person is regularly employed at a location other than the person's household, the person shall not be excused under this section.

Sec. 14. NEW SECTION. 607.6 DISCRETIONARY EXCUSE FROM JURY SERVICE.

The court may defer a term of grand or petit juror service upon a finding of hardship, inconvenience, or public necessity, however the juror may be required to serve at a later date established by the court. The court may excuse a person from grand juror service, considering the length of grand juror service, in part or in full, upon a finding that such service would threaten the person's economic, physical, or emotional well-being, or the well-being of another person who is dependent upon the person, or other similar findings of extreme hardship. The courts shall exercise this authority strictly. However, in exercising this authority the court shall allow the employer of the person being asked to serve to give testimony in support of a request by the person for deferral or excuse. The court may dismiss a juror at any time in the interest of justice.

Sec. 15. NEW SECTION. 607.7 FALSE EXCUSE -- PROHIBITED REQUESTS -- PENALTY.

A person who knowingly makes a false affidavit, statement, or claim, for the purpose of relieving the person or another person from juror service, or a person who requests the court to select the person as a juror for a particular case, commits contempt.

Sec. 16. NEW SECTION. 607.8 FEES FOR JURORS.

Grand jurors and petit jurors in all courts shall receive ten dollars as compensation for each day's service or attendance, including attendance required for the purpose of being considered for service, reimbursement for mileage expenses at the rate specified in section 79.9 or section 602.1509 for each mile traveled each day to and from their residences to the place of service or attendance, and reimbursement for actual expenses of parking, as determined by the clerk. A juror shall not receive reimbursement for mileage expenses or actual expenses of parking when the juror travels in a vehicle for which another juror is receiving reimbursement for mileage and parking expenses.

Sec. 17. NEW SECTION. 607.9 EX OFFICIO COMMISSIONS.

In counties utilizing a jury commission for the drawing of jurors, the clerk of the district court, the county auditor, and the county recorder shall ex officio constitute the jury commission but shall receive no extra compensation for acting as jury commissioners. If any of the above offices have been consolidated, the chief judge of the judicial district shall select another elected county officer to serve as a jury commissioner.

Sec. 18. NEW SECTION. 607.10 APPOINTIVE COMMISSION TO SELECT.

In each county the judges of the district court of the judicial district in which the county is located shall, on or before October 1 of each year in which the general election is held, appoint three competent electors as a jury commission to draw up the master list for the two years beginning January 1 after the election. The names for the master list shall be taken from the source lists. If all of the source lists are not used to draw up the master list, then the names drawn must be selected in a random manner.

Sec. 19. NEW SECTION. 607.11 LIMITATION ON APPOINTMENT.

More than two members of the appointive commission shall not be residents of the city in which the courthouse of the county in which they are appointed, is located, and a person shall not be appointed who has solicited the appointment; nor shall any county officer or attorney at law be appointed a member of the commission.

Sec. 20. NEW SECTION. 607.12 MANNER OF APPOINTMENT.

The appointment shall be in writing, signed by three judges of the judicial district and shall be filed and made a matter of record, in the office of the clerk of the district court.

Sec. 21. NEW SECTION. 607.13 CLERK TO NOTIFY.

The clerk of the district court shall at once notify each appointive commissioner of the appointment.

Sec. 22. NEW SECTION. 607.14 VACANCY.

If a vacancy occurs in the appointive commission through death, removal or inability of a member of the commission to act, the judge or judges of the judicial district shall appoint a person to act during the remainder of the unexpired term.

Sec. 23. NEW SECTION. 607.15 QUALIFICATION -- TENURE.

The appointive commissioners shall qualify on or before the tenth day of October, following their appointment, by taking the oath of office required of civil officers. The oath shall be subscribed by them and filed in the office of the clerk of the district court. They shall hold office for the term of two years and until their successors are duly appointed and qualified.

Sec. 24. NEW SECTION. 607.16 INSTRUCTIONS TO APPOINTIVE COMMISSION.

The judges of the district court shall give instructions to appointive jury commissioners at the time of their appointment as to their duties, and shall call their attention to sections 607.1, 607.2, 607.4 and 607.22.

Sec. 25. NEW SECTION. 607.17 COMPENSATION AND EXPENSES.

Each appointive commissioner shall, in addition to actual expenses, receive a compensation of ten dollars for each day employed by the appointive commissioner in the discharge of the appointive commissioner's official duties.

Sec. 26. NEW SECTION. 607.18 ASSISTANTS.

The commissioners may employ assistants in preparing the jury lists as they may deem necessary, and the board of supervisors shall allow reasonable compensation to the assistants.

Sec. 27. NEW SECTION. 607.19 JURY COMMISSIONS NOT REQUIRED.

In counties utilizing electronic data processing techniques and equipment for the drawing of jurors, ex officio or appointive jury commissions need not be appointed provided that proper records are retained by the jury manager that document, to the court's satisfaction, that the procedures

utilized to randomly select the names of the prospective petit and grand jurors meet the requirements of this chapter. The decision to use electronic data processing techniques and equipment in lieu of a jury commission shall be made by the chief judge of the judicial district in which the county is located.

Sec. 28. NEW SECTION. 607.20 JURY MANAGER.

If the chief judge of the judicial district uses electronic data processing techniques and equipment for the drawing of jurors in lieu of a jury commission, the chief judge shall, after consultation with the clerk, district court administrator and county auditor, appoint an individual to serve as the jury manager for the county. The jury manager shall be responsible for the implementation of this chapter for the county. The jury manager shall update the master list from the source lists at least once every two years beginning January 1 after the general election is held.

Sec. 29. NEW SECTION. 607.21 JURY LISTS.

The appointive jury commission or jury manager shall prepare, select and return, on blank lists furnished by the county, the following:

1. The list of grand jurors: A list of names and addresses of one hundred and fifty persons from which to draw grand jurors.
2. The list of petit jurors: A list of names and addresses of persons selected from the source lists equal to the number of names necessary to provide jurors needed by the court, with the number to be determined by the jury commission or jury manager.

Sec. 30. NEW SECTION. 607.22 USE OF SOURCE LISTS -- INFORMATION PROVIDED.

The appointive jury commission or the jury manager shall use all of the following source lists in preparing grand and petit jury lists:

1. The current voter registration list.
2. The current motor vehicle operators' list.

3. Any other current comprehensive list of persons residing in the county, including but not limited to the lists of public utility customers, which the appointive jury commission or jury manager determines are useable for the purpose of a juror source list.

The applicable state and local government officials shall furnish, upon request, the appointive jury commission or jury manager with copies of lists necessary for the formulation of source lists at no cost to the commission, manager, or county.

Sec. 31. NEW SECTION. 607.23 JUDICIAL DIVISION OF COUNTY.

In counties which are divided for judicial purposes, and in which court is held at more than one place, each division shall be treated as a separate county, and the grand and petit jurors, selected to serve in the respective courts, shall be drawn from the division of the county in which the court is held and at which the persons are required to serve.

Sec. 32. NEW SECTION. 607.24 CERTIFICATION.

The jury lists required to be prepared by this chapter shall be certified by the appointive jury commission or the jury manager in substantially the following form:

We/I, ..... constituting the jury commission/the jury manager for ..... county, certify that the foregoing lists do not, to our/my knowledge and belief, contain the name of any person who is not qualified for juror service under Iowa Code section 607.4 and that the lists were selected in compliance with Iowa Code sections 607.1, 607.2, and 607.21 through 607.23.

Sec. 33. NEW SECTION. 607.25 FILING OF LISTS.

The appointive jury commission or jury manager, after certifying the jury lists, shall place the lists in sealed containers, and deposit the lists in the office of the clerk or jury manager who shall keep them in a secure area. The lists may also be stored by means of electronic data processing procedures and equipment.

Sec. 34. NEW SECTION. 607.26 PRESERVATION OF RECORDS.

The clerk or jury manager shall preserve all records and lists compiled and maintained in connection with the selection and service of jurors for four years, or for any longer period ordered by the chief judge of the judicial district.

Sec. 35. NEW SECTION. 607.27 PREPARATION FOR DRAWING OF PANELS.

The names entered upon the appointive jury commission's or jury manager's lists and deposited in the office of the clerk or jury manager constitute the grand and petit master lists, from which grand and petit jurors shall be drawn.

Within ten days after the lists are deposited in the office of the clerk or jury manager, the clerk or jury manager shall do either of the following:

1. Prepare from the lists separate ballots, uniform in size, shape, and appearance, and folded to conceal information on the ballot. The ballots for grand and petit jurors shall be kept separate and each ballot shall contain the name and place of residence of each prospective juror.
2. Use electronic data processing equipment for the storage of names of the grand and petit jurors. The numerical division required in section 607.21 need not be used when a jury wheel is used for the preparation of the lists.

Sec. 36. NEW SECTION. 607.28 BALLOT BOXES -- SEALED AND CUSTODY -- SECURITY OF PROGRAMS.

In counties using an ex officio jury commission, the ballots containing the names of the grand and petit jurors shall be deposited in separate boxes which shall be plainly marked to show the class of jurors whose names are contained in each box, and shall have only one aperture through which a hand may be inserted. The boxes shall then be sealed by the auditor, in the presence of the clerk, and deposited with the clerk or jury manager.

In counties using a jury manager, the lists containing the names of the grand and petit jurors shall be stored electronically or manually processed by the jury manager and shall be accessible to only the manager or the manager's designee.

Sec. 37. NEW SECTION. 607.29 LENGTH OF SERVICE.

In any two-year period, a person shall not be required:

1. To serve or attend court for prospective juror service for more than a term of service ordered by the court, not to exceed three months, unless necessary to complete service in a particular case.

2. To serve on more than one grand jury.

3. To serve or attend as both a grand and a petit juror.

Sec. 38. NEW SECTION. 607.30 TIME OF DRAWING.

In counties using an ex officio jury commission, the required number of jurors shall be drawn by the commission, or a majority of its members, at the office of the clerk at a time agreed to by the commissioners.

In counties using a jury manager, the manager shall arrange for the selection of the required number of jurors at a time and place chosen by the manager.

The chief judge of the judicial district may by order prescribe the time for the drawing by the ex officio commission or the manager.

The jurors thus selected constitute the jury pool and shall be notified by the clerk or jury manager by regular mail when called.

Sec. 39. NEW SECTION. 607.31 NOTICE OF DRAWING.

In counties using ex officio jury commissions, the clerk, at least five days prior to the day for drawing, shall notify in writing the other jury commissioners of the time and place of the drawing.

Sec. 40. NEW SECTION. 607.32 ABSENCE OF COMMISSIONER.

In counties using an ex officio jury commission, in the absence or inability to act of any one of the commissioners, the jury commissioner's deputy or designee shall act as the commissioner.

Sec. 41. NEW SECTION. 607.33 DETAILS OF DRAWING.

1. In counties using an ex officio jury commission, at the time of drawing the appropriate ballot box shall first be thoroughly shaken in the presence of the commissioners

attending the drawing. Next, the seal on the opening of the box shall be broken in the presence of the commissioners. A commissioner shall then, without looking at the ballots, successively draw the required number of names from the box, and successively pass the ballots to another commissioner, who shall open the ballots as they are drawn, and read aloud the names on the ballots, and enter the names in writing on the appropriate list.

2. In counties using a jury manager, a computerized program for the random selection and printing of the names may be used to draw the required number of jurors needed.

Sec. 42. NEW SECTION. 607.34 RESEALING OF BOX.

In counties using an ex officio jury commission, after the required number of grand or petit jurors have been drawn in the manner provided, and their names entered on the lists, the ballot box or boxes shall again be sealed by the commissioners and returned to the custody of the clerk.

Sec. 43. NEW SECTION. 607.35 FILING LIST -- NOTICE TO REPORT.

After the list or lists have been drawn in the manner provided in section 607.33, the list or lists shall be filed in the office of the clerk or jury manager and immediately upon the request of the court the clerk or manager shall issue a notice to report, by regular mail, to the persons so drawn to appear at the courthouse at times as the court prescribes, for service as petit or grand jurors.

Sec. 44. NEW SECTION. 607.36 CONTEMPT.

If a person fails to appear when notified to report or at a regularly scheduled meeting, without providing a sufficient cause, the court may issue an order requiring the person to appear and show cause why the person should not be punished for contempt, and unless the person provides a sufficient cause for the failure, the person may be punished for contempt.

Sec. 45. NEW SECTION. 607.37 CANCELLATION FOR ILLEGALITY.

If the court determines that the petit or grand jurors have been illegally selected, drawn, or notified to report, the court may set aside the order under which the jurors were notified and direct that a new drawing, selection and notification of a sufficient number of replacement jurors take place. In that case, the ex officio jury commission shall meet at the office of the clerk, at the time the court directs, and proceed in the manner provided for the drawing of the original panel, to draw the required number of replacement jurors.

Sec. 46. NEW SECTION. 607.38 DISCHARGED JURORS -- NOTIFICATION.

Jurors who have been discharged for any reason may, during the calendar quarter, be instructed to again report if the business of the court necessitates such action.

Sec. 47. NEW SECTION. 607.39 ADDITIONAL JURORS.

The court may order as many additional jurors drawn for a pool or panel as the court deems necessary.

Sec. 48. NEW SECTION. 607.40 DISCHARGE OF PANEL.

The court may at any time discharge the panel of jurors, or any part of it, and order a new panel, or the number of jurors as deemed necessary, to be drawn.

Sec. 49. NEW SECTION. 607.41 METHOD OF SUBSEQUENT DRAWING.

The names of the jurors drawn under sections 607.39 and 607.40 shall be drawn by the ex officio commission or the jury manager in the manner provided for the drawing of an original pool or panel.

Sec. 50. NEW SECTION. 607.42 DISPOSITION OF NAMES DRAWN.

The names of prospective jurors who have been drawn and are eligible to serve on the petit or grand jury and who do not serve shall be omitted from the respective ballot box or selection program.

At the discretion of the court, the jury manager, or the clerk, a person excused from service on one panel may be required to serve on a succeeding panel if the reason for the

person's being excused is authorized under section 607.6. In counties using an ex officio jury commission, the ballots of jurors who appear and serve during any term of service shall be destroyed. In counties using a jury manager, the names of jurors who appear and serve during any term of service shall be stricken from the selection program.

Sec. 51. NEW SECTION. 607.43 CORRECTING ILLEGALITY IN ORIGINAL LISTS.

If the court for any reason determines that there has been such substantial failure to comply with the law relative to selection, preparation, or return of grand or petit lists that lawful grand or petit jurors cannot be drawn, or that the lists are exhausted or insufficient for the needs of the court, the court shall order the ex officio jury commission or the jury manager to convene at a fixed time and place to prepare lists in lieu of the lists which have been found to be illegal, or an additional list or lists as the court deems necessary.

Sec. 52. NEW SECTION. 607.44 NOTICE TO EX OFFICIO JURY COMMISSION OR JURY MANAGER.

If the commission or manager is required to meet for the purpose of drawing jurors under the order of the court, the clerk shall at once notify each commissioner or the jury manager of the order, if appropriate, and the time and place fixed for the meeting and, if necessary, the court may order the notice to be served by the sheriff.

Sec. 53. NEW SECTION. 607.45 EMPLOYER PROHIBITED FROM PENALIZING EMPLOYEE -- PENALTY -- ACTION FOR LOST WAGES.

1. An employer shall not deprive an employee of employment or threaten or otherwise coerce an employee with respect to the employee's employment because the employee receives a notice to report, responds to the notice, serves as a juror, or attends court for prospective juror service. An employer who violates this subsection commits contempt.

2. If an employer discharges an employee in violation of subsection 1, the employee may within sixty days of the

discharge bring a civil action for the recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed lost wages for a period of six weeks. If the employee prevails, the employee shall be allowed reasonable attorney fees as determined by the court.

Sec. 54. NEW SECTION. 607.46 DELINQUENCY OF OFFICERS.

A judicial officer, court employee, or other governmental official who intentionally fails to perform a legal duty imposed by this chapter, or who acts with willful malfeasance in the discharge of a legal duty imposed by this chapter, commits a serious misdemeanor.

Sec. 55. Rule of civil procedure 187, paragraph (a), Iowa court rules, second edition, is amended to read as follows:

(a) Selection. ~~The clerk shall prepare and deposit in a box separate ballots containing the names of all persons returned or added as jurors.~~ At each jury trial the clerk shall select sixteen jurors by ~~closing and shaking the box to intermingle the ballots and drawing them from the box~~ without seeing the names. The clerk shall list all jurors so drawn. Computer selection processes may be used instead of separate ballots to select jury panels. Before drawing begins, either party may require that the names of all jurors be called, and have an attachment for those absent who are not engaged in other trials; but the court may wait for its return or not, in its discretion.

Sec. 56. Rule of criminal procedure 17, section 1, Iowa court rules, second edition, is amended to read as follows:

1. Selection. ~~The clerk shall prepare and deposit in a box separate ballots containing the names of all persons returned or added as jurors.~~ At each jury trial the clerk shall select a number of prospective jurors equal to twelve plus the prescribed number of strikes, by drawing ballots from a box without seeing the names. The clerk shall list all jurors so drawn. Computer selection processes may be used instead of separate ballots to select jury panels. Before

drawing begins, either party may require that the names of all jurors be called, and have an attachment for those absent who are not engaged in other trials; but the court may wait for its return or not, in its discretion.

Sec. 57. Chapter 607, Code 1985, is repealed and sections 9 through 46 of this Act are inserted in lieu thereof.

Sec. 58. Chapters 608 and 609, Code 1985, are 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 245, Seventy-first General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved *April 21, 1986*

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TERRY E. BRANSTAD  
Governor