

**CHAPTER 1181****JUROR SERVICE***S.F. 253*

**AN ACT** relating to qualifications for and exemptions from juror service.

*Be It Enacted by the General Assembly of the State of Iowa:*

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

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

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

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

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

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

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

injury to the health of the disabled person. A person who is regularly employed at a location other than the person's household is not entitled to this disqualification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We, . . . . ., and . . . . ., constituting the jury commission for . . . . . county, ~~do hereby~~ certify that the foregoing lists do not, to our knowledge and belief, contain the name of any person who ~~should be excluded is not qualified~~ under section ~~609.2~~ 607.2.

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

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

Approved May 3, 1984

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## CHAPTER 1182

### STATE HAZARDOUS WASTE FACILITY

*H.F. 2426*

**AN ACT** relating to the study of the feasibility of a state-owned hazardous waste treatment and resource recovery facility.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### Section 1. HAZARDOUS WASTE FACILITY STUDY.

1. The department of water, air and waste management shall study the feasibility of a state-owned hazardous waste treatment and resource recovery facility. The department shall:

- a. Identify the treatment and resource recovery technologies suitable for a hazardous waste treatment and resource recovery facility.
- b. Determine the optimum areas for the siting of the facility.
- c. Assess the use of economic incentives to local communities.
- d. Determine the economic feasibility of a state-owned facility.

2. The department shall report its findings to the general assembly by January 1, 1985.

Sec. 2. Section 455B.422, Code 1983, is amended to read as follows: