

House Amendment 3183

Amendment Text

PAG LIN

1 1 Amend the amendment, [H-3109](#), to [House File 2](#) as
1 2 follows:
1 3 #1. Page 1, by inserting before line 27 the
1 4 following:
1 5 "Sec. ____ NEW SECTION. 624.13A JURY INSTRUCTION
1 6 &endash; DEATH PENALTY &endash; RIGHT TO JUDGE LAW.
1 7 1. A defendant's right to trial by jury in a case
1 8 under section 901.11 includes the right to inform the
1 9 jury of the jury's prerogative to judge the law as
1 10 well as all the evidence, and to render a verdict
1 11 dictated by conscientious consideration. This right
1 12 shall not be limited by the rules of civil or criminal
1 13 procedure, juror's oath, court order, or procedure or
1 14 practice of the court, including the use of any method
1 15 of jury selection which could preclude or limit the
1 16 impanelment of jurors willing to exercise this power.
1 17 2. Once the jury has been informed in accordance
1 18 with subsection 1, a party to the action shall not be
1 19 prohibited from presenting arguments to the jury which
1 20 may pertain to issues of law and conscience, including
1 21 the following:
1 22 a. The merit, intent, constitutionality, or
1 23 applicability of the law to the defendant's case.
1 24 b. The motive, moral perspective, or circumstances
1 25 of the defendant.
1 26 c. The degree and direction of guilt or actual
1 27 harm done.
1 28 d. The sanctions which may be applied to the
1 29 losing party.
1 30 3. Failure to allow the defendant to so inform the
1 31 jury shall be grounds for a mistrial and another trial
1 32 by jury."
1 33 #2. Page 16, line 9, by inserting after the word
1 34 "applied," the following: "by providing for certain
1 35 instructions to the jury,".
1 36
1 37
1 38 _____
1 39 [RUNNING](#) of Linn
1 40
1 41
1 42 _____
1 43 [FALLON](#) of Polk
1 44 [HF 2.337](#) 76
1 45 mk/cf