

Senate File 2061

S-5112

1 Amend the House amendment, S-5093, to Senate File
2 2061, as passed by the Senate, as follows:
3 1. Page 1, before line 3 by inserting:
4 <___. Page 1, after line 18 by inserting:
5 <Sec. ___. Section 331.322, subsection 16, Code
6 2016, is amended by striking the subsection.
7 Sec. ___. Section 331.502, subsection 34, Code
8 2016, is amended by striking the subsection.
9 Sec. ___. Section 331.653, subsection 43, Code
10 2016, is amended by striking the subsection.
11 Sec. ___. Section 602.1209, Code 2016, is amended
12 by adding the following new subsection:
13 NEW SUBSECTION. 16A. Carry out duties relating to
14 the selection of jurors as provided in chapter 607A.
15 Sec. ___. Section 602.1303, subsection 3, Code
16 2016, is amended by striking the subsection.
17 Sec. ___. Section 602.8102, subsection 91, Code
18 2016, is amended by striking the subsection.
19 Sec. ___. Section 607A.3, Code 2016, is amended by
20 adding the following new subsections:
21 NEW SUBSECTION. 2A. *"Electronic data processing*
22 *system"* means an electronic jury management system as
23 designated by the state court administrator.
24 NEW SUBSECTION. 3A. *"Jury pool"* means the sum
25 total of prospective jurors reporting for service and
26 not drawn or assigned to a courtroom, judge, or trial.
27 Sec. ___. Section 607A.3, subsections 5, 6, 10, 11,
28 and 13, Code 2016, are amended to read as follows:
29 5. *"Master jury list"* means the list of names taken
30 from the source lists for possible jury service.
31 6. *"Motor vehicle operators list and nonoperators*
32 *identification list"* means the official records
33 maintained by the state of the names and addresses of
34 those individuals in the respective counties retaining
35 valid motor vehicle operator's driver's licenses

1 ~~on or before March 15 of each odd-numbered year or~~
2 nonoperator's identification cards.

3 10. "Random selection identification" means the
4 selection of names in a manner immune to any subjective
5 bias so that no recognizable class of the population
6 from which names are being selected can be purposefully
7 included or excluded.

8 11. "Source lists" means the voter registration
9 list, the motor vehicle operators list, the
10 nonoperators identification list, and other
11 comprehensive lists of persons residing in a county as
12 identified pursuant to [section 607A.22](#).

13 13. "Voter registration list" means the official
14 records maintained by the state of names and addresses
15 of persons registered to vote ~~on or before March 15 of~~
16 ~~each odd-numbered year.~~

17 Sec. _____. Section 607A.3, subsection 9, Code 2016,
18 is amended by striking the subsection.

19 Sec. _____. Section 607A.20, Code 2016, is amended to
20 read as follows:

21 **607A.20 Jury manager.**

22 ~~If the chief judge of the judicial district uses~~
23 ~~electronic data processing techniques and equipment for~~
24 ~~the drawing of jurors in lieu of a jury commission,~~
25 ~~the~~ The chief judge of the judicial district shall,
26 ~~after consultation with the clerk, district court~~
27 ~~administrator and county auditor,~~ appoint an individual
28 to serve as the jury manager for ~~the~~ each county in
29 that district. ~~The~~ A jury manager shall be responsible
30 for the implementation of [this chapter](#) for the jury
31 manager's county and shall assist the state court
32 administrator in implementing this chapter. ~~The~~ A
33 jury manager shall ~~update the master list from the~~
34 ~~source lists at least once every two years beginning~~
35 ~~January 1 after the general election is held~~ retain

1 proper records to document, as directed by the chief
2 judge or state court administrator, that the procedures
3 used to randomly identify prospective jurors meet the
4 requirements of this chapter.

5 Sec. _____. Section 607A.21, Code 2016, is amended by
6 striking the section and inserting in lieu thereof the
7 following:

8 **607A.21 Master jury list.**

9 The electronic data processing system shall create a
10 master jury list by merging all of the names from the
11 source lists and removing duplicative entries. The
12 state court administrator shall ensure the electronic
13 data processing system updates the master jury lists
14 from the source list at least once every year. The
15 names entered in the master jury lists constitute the
16 grand and petit master jury lists, from which grand and
17 petit jurors shall be drawn.

18 Sec. _____. Section 607A.22, Code 2016, is amended to
19 read as follows:

20 **607A.22 Use of source lists — information provided.**

21 1. ~~The appointive jury commission or the jury~~
22 ~~manager~~ state court administrator shall use both of
23 ensure the following source lists in are merged in the
24 electronic data processing system when preparing grand
25 and petit master jury lists:

26 a. The current voter registration list.

27 b. The current motor vehicle operators list and
28 nonoperators identification list.

29 2. ~~The appointive jury commission or the A jury~~
30 ~~manager~~ may use any other current comprehensive list
31 of persons residing in the county, ~~including but not~~
32 ~~limited to the lists of public utility customers,~~
33 which the ~~appointive jury commission or jury manager~~
34 determines are useable for the purpose of a juror
35 source list.

1 3. The applicable state and local government
2 officials shall furnish, upon request, the appointive
3 ~~jury commission or state court administrator or~~
4 the jury manager with copies of lists necessary for
5 the formulation of source lists at no cost to the
6 ~~commission, manager, or county.~~

7 ~~4. The jury manager or jury commission may~~
8 ~~request a consolidated source list. A consolidated~~
9 ~~source list contains all the names and addresses~~
10 ~~found in either the voter registration list or the~~
11 ~~motor vehicle operators list, but does not duplicate~~
12 ~~an individual's name within the consolidated list.~~
13 ~~State officials shall cooperate with one another to~~
14 ~~prepare consolidated lists. The jury manager or jury~~
15 ~~commission may further request that only a randomly~~
16 ~~chosen portion of the consolidated list be prepared~~
17 ~~which may consist of either a certain number of~~
18 ~~names or a certain percentage of all the names in the~~
19 ~~consolidated list, as specified by the jury manager or~~
20 ~~jury commission.~~

21 Sec. _____. Section 607A.25, Code 2016, is amended by
22 striking the section and inserting in lieu thereof the
23 following:

24 **607A.25 Storing and security of master jury lists.**

25 The master jury lists shall be stored in the
26 electronic data processing system, and shall be
27 accessible to only the state court administrator or
28 state court administrator's designee, or the jury
29 manager or jury manager's designee.

30 Sec. _____. Section 607A.26, Code 2016, is amended to
31 read as follows:

32 **607A.26 Preservation of records.**

33 The clerk or jury manager shall preserve all records
34 and lists compiled and maintained in connection with
35 the ~~selection~~ identification and service of jurors

1 for four years, or for any longer period ordered by
2 the state court administrator or chief judge of the
3 judicial district.

4 Sec. _____. Section 607A.30, Code 2016, is amended to
5 read as follows:

6 **607A.30 ~~Time of drawing~~ Drawing of jury pools.**

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

11 1. ~~In counties using a jury manager, the~~ At times
12 necessary for drawing grand and petit jurors, the jury
13 manager shall arrange for the selection of the required
14 electronic data processing system to draw the necessary
15 number of grand and petit jurors at a time and place
16 chosen by the manager from the master jury list.

17 2. The chief judge of the judicial district may
18 by order prescribe the time for the drawing by ~~the ex~~
19 ~~officio commission or the~~ jury manager.

20 3. The jurors ~~thus selected~~ identified constitute
21 the jury pool and shall be notified by the clerk or
22 jury manager by regular mail when called.

23 Sec. _____. Section 607A.33, Code 2016, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 **607A.33 Electronic data processing — identifying**
27 **jurors.**

28 The designated electronic data processing system
29 shall be used for the random drawing of the number of
30 jurors needed.

31 Sec. _____. Section 607A.35, Code 2016, is amended to
32 read as follows:

33 **607A.35 ~~Filing list — notice~~ Notice to report.**

34 After the list or lists have been drawn in the
35 manner provided in [section 607A.33](#), ~~the list or lists~~

1 ~~shall be filed in the office of the clerk or jury~~
2 ~~manager~~ and immediately upon the request of the court,
3 the clerk ~~or manager~~ shall issue a notice to report,
4 by regular mail, to the persons so drawn to appear at
5 the courthouse at times as the court prescribes, for
6 service as petit or grand jurors.

7 Sec. _____. Section 607A.37, Code 2016, is amended to
8 read as follows:

9 **607A.37 Cancellation for illegality.**

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

21 Sec. _____. Section 607A.39, Code 2016, is amended to
22 read as follows:

23 **607A.39 Additional jurors.**

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

26 Sec. _____. Section 607A.41, Code 2016, is amended to
27 read as follows:

28 **607A.41 Method of subsequent drawing.**

29 The names of the jurors drawn under sections 607A.39
30 and 607A.40 shall be drawn by the ~~ex officio commission~~
31 ~~or the jury manager in the manner provided for the~~
32 ~~drawing of an original pool or panel~~ electronic data
33 processing system that was used to draw the original
34 jury pool or panel.

35 Sec. _____. Section 607A.43, Code 2016, is amended to

1 read as follows:

2 **607A.43 Correcting illegality in original lists.**

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

16 2. Page 1, after line 19 by inserting:

17 <Sec. ____ . REPEAL. Sections 607A.9, 607A.10,
18 607A.11, 607A.12, 607A.13, 607A.14, 607A.15, 607A.16,
19 607A.17, 607A.18, 607A.19, 607A.24, 607A.27, 607A.28,
20 607A.31, 607A.32, 607A.34, 607A.42, and 607A.44, Code
21 2016, are repealed.

22 ____ . Title page, line 2, after <proceedings> by
23 inserting <, the updating of the master list for juror
24 service, and the elimination of jury commissions>>

25 3. By renumbering as necessary.

TONY BISIGNANO