

3-9-95 Judiciary

SENATE FILE 287
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BOETTGER

(COMPANION TO LSB 1642HH
BY SCHULTE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to jury instructions.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 287

1 Section 1. NEW SECTION. 624.13A JURY INSTRUCTION --

2 RIGHT TO JUDGE LAW.

3 1. A defendant's right to trial by jury, in all instances
4 where the state or a political subdivision of the state is the
5 plaintiff, includes the right to inform the jury of the jury's
6 prerogative to judge the law as well as all the evidence, and
7 to render a verdict dictated by conscientious consideration.
8 This right shall not be limited by the rules of civil or
9 criminal procedure, juror's oath, court order, or procedure or
10 practice of the court, including the use of any method of jury
11 selection which could preclude or limit the impanelment of
12 jurors willing to exercise this power.

13 2. Once the jury has been informed in accordance with
14 subsection 1, a party to the action shall not be prohibited
15 from presenting arguments to the jury which may pertain to
16 issues of law and conscience, including the following:

17 a. The merit, intent, constitutionality, or applicability
18 of the law to the defendant's case.

19 b. The motive, moral perspective, or circumstances of the
20 defendant.

21 c. The degree and direction of guilt or actual harm done.

22 d. The sanctions which may be applied to the losing party.

23 3. Failure to allow the defendant to so inform the jury
24 shall be grounds for a mistrial and another trial by jury.

25 EXPLANATION

26 This bill provides that in any jury trial where the state
27 or one of its political subdivisions is the plaintiff, the
28 defendant has the right to inform the jury of its prerogative
29 to judge the applicable law of the case as well as the facts
30 and to return a verdict which does not apply the law as
31 instructed by the judge. This right to inform the jury shall
32 not be limited by the rules of criminal or civil procedure,
33 court procedure or practice, or methods of jury selection
34 which might preclude or limit the selection of jurors who are
35 willing to judge the law as it applies to the case. The bill

1 also provides that any party to the trial shall not be
2 prohibited from presenting arguments to the jury pertaining to
3 issues of law and conscience. Finally, the bill provides that
4 failure to allow the defendant to inform the jury of its right
5 to judge the law as it applies to the case is grounds for a
6 mistrial and a new jury trial.

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