

4/3/95 Referred to Judiciary

SENATE FILE **395**
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 308)

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

A BILL FOR

1 An Act relating to juries and imposing penalties.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S. F. 395

1 Section 1. Section 602.8105, subsection 1, Code 1995, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. f. For filing a request for a jury trial
4 in a civil case, twenty dollars which shall be known as the
5 juror notification fee and used for the purposes provided for
6 in section 607A.35.

7 Sec. 2. Section 607A.8, Code 1995, is amended to read as
8 follows:

9 607A.8 FEES AND EXPENSES FOR JURORS.

10 Grand jurors and petit jurors in all courts shall receive
11 ~~ten~~ twenty dollars as compensation for each day's service or
12 attendance, including attendance required for the purpose of
13 being considered for service, reimbursement for mileage
14 expenses at the rate specified in section 70A.9 or section
15 602.1509 for each mile traveled each day to and from their
16 residences to the place of service or attendance, and
17 reimbursement for actual expenses of parking, as determined by
18 the clerk. A juror shall not receive reimbursement for
19 mileage expenses or actual expenses of parking when the juror
20 travels in a vehicle for which another juror is receiving
21 reimbursement for mileage and parking expenses.

22 Sec. 3. Section 607A.36, Code 1995, is amended to read as
23 follows:

24 607A.36 CONTEMPT.

25 If a person fails to appear when notified to report or at a
26 regularly scheduled meeting, without providing a sufficient
27 cause, the court may impose a fifty dollar fine on the person
28 or may issue an order requiring the person to appear and show
29 cause why the person should not be punished for contempt, and
30 unless the person provides a sufficient cause for the failure,
31 the person may be punished for contempt.

32 Sec. 4. Section 625.8, subsection 1, Code 1995, is amended
33 to read as follows:

34 1. The clerk of the district court shall tax as a court
35 cost a jury fee of ~~ten~~ twenty dollars for each juror impaneled

1 in every action tried to a jury.

2 Sec. 5. STUDY. The judicial department shall report to
3 the chairpersons and ranking members of the senate and house
4 committees on judiciary by January 15, 1996, concerning
5 methods of notifying and selecting jurors that ensure, in
6 part, that juror lists are kept updated on an annual basis.

7 EXPLANATION

8 This bill concerns jurors in civil cases. The bill
9 provides that a party in a civil case requesting a jury trial
10 shall pay a fee of \$20 to be used in connection with the costs
11 needed to notify jurors. The bill also increases from \$10 to
12 \$20 the daily fee paid to jurors. The bill also authorizes
13 the imposition of a \$50 fine on an individual who fails to
14 report in response to a jury notice. The bill also provides
15 that the clerk of district court can tax as a court cost for a
16 jury fee \$20 for each juror impaneled in the case. Currently,
17 the clerk can tax \$10 as a jury fee. Finally, the bill
18 provides that the judicial department study the method of
19 selecting and notifying jurors and make a report to the
20 judiciary committee of each house by January 15, 1996.

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SENATE FILE 395
FISCAL NOTE

REQ. BY SENATOR VILSACK

A fiscal note for Senate File 395 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 395 concerns jurors in civil cases and provides that a party in a civil case requesting a jury trial shall pay a fee of \$20 to be used in connection with the costs needed to notify jurors. The Bill increases the daily fee paid to jurors from \$10 to \$20 and authorizes the imposition of a \$50 fine on an individual who fails to report in response to a jury notice.

The Bill provides that the Clerk of District Court can tax as a court cost for a jury fee \$20 for each juror impaneled in the case. Currently, the Clerk can tax \$10 as a jury fee.

Assumptions:

1. A total of \$1.7 million in fees was paid to jurors in FY 1994.
2. By increasing the daily rate paid to jurors to \$20, total fees paid to jurors may increase to \$3.4 million.
3. The Bill amends the Code of Iowa so that the daily fees are taxed to parties as costs of the action. The type of actions include civil, indictable criminal, and simple misdemeanor.
4. Based on FY 1994 data approximately 20.0% of all jury fees are paid to jurors serving in civil cases. Approximately 60.0% of the fees taxed in civil cases is collectable.
5. Based on FY 1994 data approximately 74.0% of all jury fees are paid to jurors serving in indictable criminal cases. Approximately 6.0% of the fees taxed in indictable criminal cases are collectable.
6. Based on FY 1994 data approximately 6.0% of the jury fees are paid to jurors serving in simple misdemeanor actions. Approximately 50.0% of the fees taxed in simple misdemeanor actions are collectable.
7. The 60.0% revenue collection rate for civil actions is based on the assumption that some convicted parties will refuse to pay the required fee. The 6.0% revenue collection rate for indictable criminal actions is based on the assumption that many of the defendants will be indigent. The 50.0% revenue collection rate for simple misdemeanor actions is based on the assumption that 50.0% of the defendants assessed a fee will pay.

Fiscal Effect:

The estimated fiscal effect created by changing the daily paid rate to jurors from \$10 to \$20 is \$3.4 million, an increase of \$1.7 million compared to FY 1994. The net effect of SF 395 to the General Fund is based upon the following:

-2-

1. **Jury Fees** - The estimated increase in jury fees will be paid to jurors for civil, indictable criminal, and simple misdemeanor actions by the following percentages:

Type of Action	Total Jury Fees	Percent Distribution		Amount
Civil	\$ 3.4 million	@ 20.0%	=	\$ 680,000
Indictable Criminal	\$ 3.4 million	@ 74.0%	=	\$ 2,516,000
Simple Misdemeanor	\$ 3.4 million	@ 6.0%	=	\$ 204,000

Total				\$ 3,400,000 =====

2. **Jury Fees Taxed and Revenues Collected** - Senate File 395 permits the Clerks of the District Court to tax parties a court cost of \$20 for each juror impaneled in the case. It is estimated that total fees taxed will be collected, by percentage, and deposited in the State General Fund as follows:

Type of Action	Total Fees Taxed	Collection Rates		Estimated Collections
Civil	\$ 680,000	@ 60.0%	=	\$ 408,000
Indictable Criminal	2,516,000	@ 6.0%	=	150,960
Simple Misdemeanor	204,000	@ 50.0%	=	102,000
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Total	\$3,400,000 =====			\$ 660,960 =====

3. **Net Effect to the General Fund** - The estimated net fiscal effect of SF 395 to the State General Fund is an increase in costs of \$2.7 million (\$3.4 million jury fees less \$661,000 collections) in FY 1996.

There is not sufficient information available to determine the number of selected jurors who will be in contempt as a result of not responding to jury notices. Therefore, the potential revenues which may be collected from the \$50 fine for failure to respond to a jury notice cannot be determined.

Sources: Judicial Department
 Criminal Juvenile Justice Planning Agency (LSB 1974sv, LAM)

FILED APRIL 4, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR

Vilsack
Giannetto
Fruel
McKean
Redfern

SSB 308

Judiciary BY

SENATE FILE # 395
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY CHAIR-
PERSON GIANNETTO)

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