

FEB 6 2003

JUDICIARY

HOUSE FILE 135
BY OSTERHAUS

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

A BILL FOR

1 An Act relating to grand and petit juror compensation and
2 reimbursement.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 135

1 Section 1. Section 607A.8, Code 2003, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 607A.8 JUROR COMPENSATION AND REIMBURSEMENT.

5 1. A grand or petit juror shall be compensated the juror's
6 regular wage by the employer of the juror for the first five
7 days of service or attendance. A juror earning regular wages
8 who has accumulated more than five days of service or
9 attendance shall be compensated as provided in subsection 2.
10 A grand or petit juror who is self-employed, not employed, or
11 is a part-time employee shall be reimbursed as provided in
12 section 602.1302, subsection 3, for the first five days of
13 service or attendance for necessary expenses including but not
14 limited to mileage as provided in section 602.1509 and actual
15 expenses for parking. However, such a juror shall be
16 reimbursed an amount not less than twenty dollars and not more
17 than fifty dollars per day. A juror who earns a regular wage
18 but whose daily wage on the date of service or attendance is
19 less than one-half of the regular daily wage shall be
20 compensated in the same manner as a juror who is self-
21 employed, not employed, or is a part-time employee. A juror
22 who is self-employed, not employed, or is a part-time employee
23 and who has accumulated more than five days of service or
24 attendance shall be compensated as provided in subsection 2.
25 If service or attendance would place an extreme financial
26 hardship on a juror, the juror may file an application seeking
27 relief from service under section 607A.8A.

28 2. Each juror who is required to be in service or
29 attendance more than five days shall receive fifty dollars for
30 each day of service beyond the five days as provided in
31 section 602.1302, subsection 3.

32 3. As used in this section:

33 a. "Not employed" means unemployed or retired.

34 b. "Part-time employee" means an employee working on
35 average less than thirty hours per week over the previous

1 ninety days prior to service or attendance.

2 c. "Regular wage" means the full-time wage a person would
3 have earned but for the service or attendance.

4 d. "Service or attendance" means required attendance for
5 the purpose of being considered for service on a jury or
6 actual service.

7 Sec. 2. NEW SECTION. 607A.8A JUROR SERVICE OR ATTENDANCE
8 -- FINANCIAL HARDSHIP.

9 1. Thirty days or more prior to the required service or
10 attendance, a prospective grand or petit juror or an employer
11 of a prospective grand or petit juror may file on a form
12 prescribed by the clerk of the district court, an application
13 with the court seeking relief from service or attendance due
14 to an extreme financial hardship.

15 2. The court shall make a finding as to whether an extreme
16 financial hardship exists based upon the application and, if
17 necessary, the testimony of the grand or petit juror or the
18 employer of the grand or petit juror. If the court finds that
19 the juror or the employer of the juror would experience an
20 extreme financial hardship if service or attendance is
21 required, the court shall do any of the following:

22 a. Release a grand or petit juror from the duty to serve
23 as a juror.

24 b. Order that an employer not be required to compensate an
25 employee the juror's regular wages for service or attendance,
26 and order that the juror be compensated as provided in section
27 602.1302, subsection 3, for the first five days of service or
28 attendance in the same manner as a juror who is self-employed,
29 not employed, or a part-time employee.

30 EXPLANATION

31 This bill relates to grand and petit juror compensation and
32 reimbursement.

33 The bill requires that a juror who is employed full-time be
34 compensated the juror's regular wages by the employer of the
35 juror during the first five days the juror is required to be

1 in attendance or to serve as a juror. If a juror who is
2 employed full-time serves more than five days of jury duty,
3 the juror shall be compensated \$50 per day by the state for
4 each day the service exceeds five days. Current law provides
5 that a juror shall receive \$10 from the state for each day of
6 jury duty plus mileage to and from the courthouse and parking
7 expenses.

8 The bill provides that a juror who is self-employed,
9 retired, not employed, or a part-time employee be reimbursed
10 necessary expenses by the state. The bill provides that the
11 actual expenses include mileage and parking; however, the
12 amount reimbursed shall not be less than \$20 nor greater than
13 \$50 per day for the first five days of jury duty. If jury
14 duty by a juror who is self-employed, retired, not employed,
15 or a part-time employee exceeds five days, the juror shall be
16 compensated \$50 per day by the state for each day the service
17 exceeds five days.

18 The bill also provides that 30 or more days prior to the
19 required service or attendance, a prospective grand or petit
20 juror or an employer of a prospective grand or petit juror may
21 file an application with the court seeking relief from service
22 or attendance due to an extreme financial hardship. The bill
23 provides that if the court finds an extreme financial hardship
24 exists for either the employee or the employer if jury duty is
25 required, the court shall either release the juror from the
26 duty to serve, or order that a full-time employee juror be
27 reimbursed by the state in the same manner as self-employed,
28 retired, not employed, or part-time employees are reimbursed
29 during the first five days of jury duty.

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