

Senate File 318 - Introduced

SENATE FILE 318

BY SORENSON

A BILL FOR

1 An Act relating to jurors acting as finders of facts in a trial
2 as well as judging the law.

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

1 Section 1. NEW SECTION. 624.39 Jury right to judge law.

2 1. In all cases where the state or a political subdivision
3 of the state is the plaintiff, the rights of the defendant
4 include the right to inform the jury of the jury's right to
5 judge the law as well as be finders of fact, and to render a
6 verdict based upon conscience.

7 2. *a.* The right of the jury to judge the law and to render
8 a verdict based upon conscience in subsection 1 is absolute
9 and shall not be limited by the rules of civil or criminal
10 procedure, the juror's oath, a court order, or a procedure or
11 practice of the court.

12 *b.* A method or procedure shall not be used to exclude or
13 limit the empanelment of a juror willing to exercise the right
14 of a juror to judge the law and to render a verdict based upon
15 conscience.

16 3. After a jury has been informed of the right to judge
17 the law and to render a verdict based upon conscience, a party
18 shall not be prohibited from presenting arguments to the jury
19 which relate to issues of the law and conscience, including but
20 not limited to the following:

21 *a.* The merit, intent, constitutionality, or applicability
22 of the law in the case.

23 *b.* The motive, moral perspective, or circumstances of the
24 defendant.

25 *c.* The degree and direction of guilt or actual harm done in
26 the case.

27 *d.* The punishment, penalty, or other sanction that may be
28 applied to the losing party.

29 4. It shall be grounds for a mistrial if the court prohibits
30 a party from informing the jury about the right of the jury to
31 judge the law and to render a verdict based upon conscience,
32 to prohibit arguments appealing to conscience as provided in
33 subsection 3, or to instruct a jury to not act as judges of the
34 law.

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EXPLANATION

1 This bill relates to jurors judging the law as well as acting
2 as finders of fact in a trial.

3 The bill provides that in cases where the state or a
4 political subdivision of the state is the plaintiff, the rights
5 of the defendant include the right to inform the jury to judge
6 the law as well as be finders of fact, and to render a verdict
7 based upon the law and conscience.

8 The bill establishes the right of the jury to be absolute and
9 not to be limited by the rules of civil or criminal procedure,
10 the juror's oath, a court order, or a procedure or practice of
11 the court.

12 The bill prohibits the use of a method or procedure to
13 exclude or limit the empanelment of a juror willing to exercise
14 the right to judge the law.

15 Under the bill, a party may present evidence relating to the
16 merit, intent, constitutionality, or applicability of the law
17 in a case; the motive, moral perspective, or circumstances of
18 the defendant; the degree and direction of guilt or actual harm
19 done in the case; and the punishment or sanction which may be
20 applied to the losing party in the case.

21 Under the bill, it is grounds for a mistrial if the court
22 prohibits a party from informing the jury about the right of
23 the jury to judge the law, to prohibit arguments appealing to
24 conscience as provided in subsection 3, or to instruct a jury
25 to not act as judges of the law.