

Senate Study Bill 3166 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

A BILL FOR

1 An Act requiring the master list for juror service to be
2 updated using an electronic data processing system annually
3 and eliminating jury commissions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 331.322, subsection 16, Code 2016, is
2 amended by striking the subsection.

3 Sec. 2. Section 331.502, subsection 34, Code 2016, is
4 amended by striking the subsection.

5 Sec. 3. Section 331.653, subsection 43, Code 2016, is
6 amended by striking the subsection.

7 Sec. 4. Section 602.1209, Code 2016, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 16A. Carry out duties relating to the
10 selection of jurors as provided in chapter 607A.

11 Sec. 5. Section 602.1303, subsection 3, Code 2016, is
12 amended by striking the subsection.

13 Sec. 6. Section 602.8102, subsection 91, Code 2016, is
14 amended by striking the subsection.

15 Sec. 7. Section 607A.3, Code 2016, is amended by adding the
16 following new subsections:

17 NEW SUBSECTION. 2A. "*Electronic data processing system*"
18 means an electronic jury management system as designated by the
19 state court administrator.

20 NEW SUBSECTION. 3A. "*Jury pool*" means the sum total of
21 prospective jurors reporting for service and not drawn or
22 assigned to a courtroom, judge, or trial.

23 Sec. 8. Section 607A.3, subsections 5, 6, 10, 11, and 13,
24 Code 2016, are amended to read as follows:

25 5. "*Master jury list*" means the list of names taken from the
26 source lists for possible jury service.

27 6. "*Motor vehicle operators list and nonoperators*
28 *identification list*" means the official records maintained
29 by the state of the names and addresses of those individuals
30 in the respective counties retaining valid motor vehicle
31 operator's driver's licenses on or before March 15 of each
32 odd-numbered year or nonoperator's identification cards.

33 10. "*Random selection identification*" means the selection
34 of names in a manner immune to any subjective bias so that no
35 recognizable class of the population from which names are being

1 selected can be purposefully included or excluded.

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

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

10 Sec. 9. Section 607A.3, subsection 9, Code 2016, is amended
11 by striking the subsection.

12 Sec. 10. Section 607A.20, Code 2016, is amended to read as
13 follows:

14 **607A.20 Jury manager.**

15 ~~If the chief judge of the judicial district uses electronic~~
16 ~~data processing techniques and equipment for the drawing of~~
17 ~~jurors in lieu of a jury commission, the The chief judge of the~~
18 ~~judicial district shall, after consultation with the clerk,~~
19 ~~district court administrator and county auditor, appoint an~~
20 individual to serve as the jury manager for the each county in
21 that district. The A jury manager shall be responsible for the
22 implementation of [this chapter](#) for the jury manager's county
23 and shall assist the state court administrator in implementing
24 this chapter. The A jury manager shall ~~update the master list~~
25 ~~from the source lists at least once every two years beginning~~
26 ~~January 1 after the general election is held~~ retain proper
27 ~~records to document, as directed by the chief judge or state~~
28 ~~court administrator, that the procedures used to randomly~~
29 ~~identify prospective jurors meet the requirements of this~~
30 ~~chapter~~.

31 Sec. 11. Section 607A.21, Code 2016, is amended by striking
32 the section and inserting in lieu thereof the following:

33 **607A.21 Master jury list.**

34 The electronic data processing system shall create a master
35 jury list by merging all of the names from the source lists and

1 removing duplicative entries. The state court administrator
2 shall ensure the electronic data processing system updates the
3 master jury lists from the source list at least once every
4 year. The names entered in the master jury lists constitute
5 the grand and petit master jury lists, from which grand and
6 petit jurors shall be drawn.

7 Sec. 12. Section 607A.22, Code 2016, is amended to read as
8 follows:

9 **607A.22 Use of source lists — information provided.**

10 1. ~~The appointive jury commission or the jury manager~~ state
11 court administrator shall ~~use both of~~ ensure the following
12 source lists ~~in~~ are merged in the electronic data processing
13 system when preparing grand and petit master jury lists:

14 a. The current voter registration list.

15 b. The current motor vehicle operators list and nonoperators
16 identification list.

17 2. ~~The appointive jury commission or the~~ A jury manager may
18 use any other current comprehensive list of persons residing in
19 the county, ~~including but not limited to the lists of public~~
20 ~~utility customers,~~ which the ~~appointive jury commission or~~
21 jury manager determines are useable for the purpose of a juror
22 source list.

23 3. The applicable state and local government officials
24 shall furnish, upon request, the ~~appointive jury commission or~~
25 state court administrator or the jury manager with copies of
26 lists necessary for the formulation of source lists at no cost
27 ~~to the commission, manager, or county~~.

28 4. ~~The jury manager or jury commission may request~~
29 ~~a consolidated source list. A consolidated source list~~
30 ~~contains all the names and addresses found in either the voter~~
31 ~~registration list or the motor vehicle operators list, but does~~
32 ~~not duplicate an individual's name within the consolidated~~
33 ~~list. State officials shall cooperate with one another~~
34 ~~to prepare consolidated lists. The jury manager or jury~~
35 ~~commission may further request that only a randomly chosen~~

1 ~~portion of the consolidated list be prepared which may consist~~
2 ~~of either a certain number of names or a certain percentage of~~
3 ~~all the names in the consolidated list, as specified by the~~
4 ~~jury manager or jury commission.~~

5 Sec. 13. Section 607A.25, Code 2016, is amended by striking
6 the section and inserting in lieu thereof the following:

7 **607A.25 Storing and security of master jury lists.**

8 The master jury lists shall be stored in the electronic data
9 processing system, and shall be accessible to only the state
10 court administrator or state court administrator's designee, or
11 the jury manager or jury manager's designee.

12 Sec. 14. Section 607A.26, Code 2016, is amended to read as
13 follows:

14 **607A.26 Preservation of records.**

15 The clerk or jury manager shall preserve all records and
16 lists compiled and maintained in connection with the ~~selection~~
17 identification and service of jurors for four years, or for any
18 longer period ordered by the state court administrator or chief
19 judge of the judicial district.

20 Sec. 15. Section 607A.30, Code 2016, is amended to read as
21 follows:

22 **607A.30 ~~Time of drawing~~ Drawing of jury pools.**

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

27 1. In counties using a jury manager, the At times necessary
28 for drawing grand and petit jurors, the jury manager shall
29 arrange for the selection of the required electronic data
30 processing system to draw the necessary number of grand and
31 petit jurors at a time and place chosen by the manager from the
32 master jury list.

33 2. The chief judge of the judicial district may by order
34 prescribe the time for the drawing by the ex officio commission
35 or the jury manager.

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

4 Sec. 16. Section 607A.33, Code 2016, is amended by striking
5 the section and inserting in lieu thereof the following:

6 **607A.33 Electronic data processing — identifying jurors.**

7 The designated electronic data processing system shall be
8 used for the random drawing of the number of jurors needed.

9 Sec. 17. Section 607A.35, Code 2016, is amended to read as
10 follows:

11 **607A.35 ~~Filing list — notice~~ Notice to report.**

12 After the list or lists have been drawn in the manner
13 provided in section 607A.33, ~~the list or lists shall be filed~~
14 ~~in the office of the clerk or jury manager~~ and immediately upon
15 the request of the court, the clerk or manager shall issue a
16 notice to report, by regular mail, to the persons so drawn to
17 appear at the courthouse at times as the court prescribes, for
18 service as petit or grand jurors.

19 Sec. 18. Section 607A.37, Code 2016, is amended to read as
20 follows:

21 **607A.37 Cancellation for illegality.**

22 If the court determines that the petit or grand jurors
23 have been illegally selected, drawn, or notified to report,
24 the court may set aside the order under which the jurors
25 were notified and direct that a new drawing, selection and
26 notification of a sufficient number of replacement jurors take
27 place. ~~In that case, the ex officio jury commission shall meet~~
28 ~~at the office of the clerk, at the time the court directs, and~~
29 ~~proceed in the manner provided for the drawing of the original~~
30 ~~panel, to draw the required number of replacement jurors.~~

31 Sec. 19. Section 607A.39, Code 2016, is amended to read as
32 follows:

33 **607A.39 Additional jurors.**

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

1 return a list of grand jurors and petit jurors to the clerk of
2 district court, and select the number of required jurors from
3 the grand juror or petit juror list.

4 For counties that use jury commissions, an appointive jury
5 commission is appointed for the county by the chief judge of
6 the judicial district in which the county is located and is
7 responsible for drawing up the master jury list of potential
8 jurors, as well as a list of potential grand jurors and petit
9 jurors. An ex officio jury commission, comprised of the clerk
10 of the district court and the county auditor, then randomly
11 selects the names from the grand juror list and petit juror
12 list to draw the required number of jurors for a pool or panel.

13 Counties, however, are not required to appoint jury
14 commissions, and may instead use jury managers. The jury
15 manager for the county is appointed by the chief judge of the
16 judicial district, after consultation with the clerk of court,
17 district court administrator, and county auditor. The jury
18 manager draws up the master jury list, draws up the lists of
19 grand jurors and petit jurors, and randomly selects the names
20 from the grand juror list and petit juror list to draw the
21 required number of jurors for a pool or panel.

22 The bill eliminates jury commissions. As a result, counties
23 will be required to use jury managers to draw master jury lists
24 and select jurors. The bill also requires that an electronic
25 data processing system be used to create a master jury list and
26 for the random drawing of jurors.

27 Under current law, the master jury list must be updated once
28 every two years. The master jury list is the list of names
29 taken from all source lists, including the voter registration
30 list and the motor vehicle operators list, for possible jury
31 service. The bill requires that the master jury list be
32 updated every year, and that the master jury list include the
33 nonoperators identification list.

34 The bill provides that jury managers and the state court
35 administrator are responsible for implementing the provisions

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1 of the bill.

2 The bill makes conforming changes.