

Senate Study Bill 1084 - 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 annually using an electronic data processing system
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 2017, is
2 amended by striking the subsection.

3 Sec. 2. Section 331.502, subsections 34 and 36, Code 2017,
4 are amended by striking the subsections.

5 Sec. 3. Section 331.653, subsection 43, Code 2017, is
6 amended by striking the subsection.

7 Sec. 4. Section 602.1209, Code 2017, is amended by adding
8 the following new subsection:

9 NEW SUBSECTION. 17A. Carry out duties relating to the
10 identification and service of jurors as provided in chapter
11 607A.

12 Sec. 5. Section 602.1303, subsection 3, Code 2017, is
13 amended by striking the subsection.

14 Sec. 6. Section 602.8102, subsection 91, Code 2017, is
15 amended by striking the subsection.

16 Sec. 7. Section 602.8102, subsection 92, Code 2017, is
17 amended to read as follows:

18 92. Carry out duties relating to the ~~selection~~
19 identification and service of jurors as provided in chapter
20 607A.

21 Sec. 8. Section 607A.3, Code 2017, is amended by adding the
22 following new subsections:

23 NEW SUBSECTION. 2A. "*Electronic data processing system*"
24 means an electronic jury management system as designated by the
25 state court administrator.

26 NEW SUBSECTION. 3A. "*Jury pool*" means the sum total of
27 prospective jurors reporting for service.

28 Sec. 9. Section 607A.3, subsections 3, 5, 6, 10, 11, and 13,
29 Code 2017, are amended to read as follows:

30 3. "*Juror*" means any person ~~selected~~ identified for service
31 on either the grand or petit jury who attends court when
32 originally instructed to report or is deferred to a future date
33 uncertain, or is on-call and available to report to court when
34 so needed and so requested by the court.

35 5. "*Master jury list*" means the list of names taken from the

1 source lists for possible jury service.

2 6. "Motor vehicle operators list and nonoperators
3 identification list" means the official records maintained by
4 the state of the names and addresses of those individuals in
5 the respective counties retaining valid motor vehicle operator
6 driver's's licenses on or before March 15 of each odd-numbered
7 year or nonoperator's identification cards.

8 10. "~~Random selection~~" "Identification" means the selection
9 random drawing of names in a manner immune to any subjective
10 bias so that no recognizable class of the population from which
11 names are being ~~selected~~ randomly drawn can be purposefully
12 included or excluded.

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

17 13. "Voter registration list" means the official records
18 maintained by the state of names and addresses of persons
19 registered to vote ~~on or before March 15 of each odd-numbered~~
20 ~~year.~~

21 Sec. 10. Section 607A.3, subsection 9, Code 2017, is amended
22 by striking the subsection.

23 Sec. 11. Section 607A.20, Code 2017, is amended to read as
24 follows:

25 **607A.20 Jury manager.**

26 ~~If the chief judge of the judicial district uses electronic~~
27 ~~data processing techniques and equipment for the drawing of~~
28 ~~jurors in lieu of a jury commission, the~~ The chief judge of the
29 judicial district shall, after consultation with the clerk,
30 ~~district court administrator and county auditor,~~ appoint an
31 individual to serve as the jury manager for the each county in
32 that district. The A jury manager shall be responsible for the
33 implementation of [this chapter](#) for the jury manager's county
34 and shall assist the state court administrator in implementing
35 this chapter. The A jury manager shall ~~update the master list~~

1 ~~from the source lists at least once every two years beginning~~
2 ~~January 1 after the general election is held~~ retain proper
3 records to document, as directed by the chief judge or state
4 court administrator, that the procedures used to randomly
5 identify prospective jurors meet the requirements of this
6 chapter.

7 Sec. 12. Section 607A.21, Code 2017, is amended by striking
8 the section and inserting in lieu thereof the following:

9 **607A.21 Master jury list.**

10 The electronic data processing system shall create a master
11 jury list by merging all of the names from the source lists and
12 removing duplicative entries. The state court administrator
13 shall ensure the electronic data processing system updates the
14 master jury lists from the source list at least once every
15 year. The names entered in the master jury lists constitute
16 the grand and petit master jury lists, from which grand and
17 petit jurors shall be identified.

18 Sec. 13. Section 607A.22, Code 2017, is amended to read as
19 follows:

20 **607A.22 Use of source lists — information provided.**

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

25 a. The current voter registration list.

26 b. The current motor vehicle operators list and nonoperators
27 identification list.

28 2. ~~The appointive jury commission or the~~ A jury manager may
29 use any other current comprehensive list of persons residing in
30 the county, ~~including but not limited to the lists of public~~
31 ~~utility customers,~~ which the ~~appointive jury commission or~~
32 jury manager determines are useable for the purpose of a juror
33 source list.

34 3. The applicable state and local government officials
35 shall furnish, upon request, the ~~appointive jury commission or~~

1 state court administrator or the jury manager with copies of
2 lists necessary for the formulation of source lists at no cost
3 ~~to the commission, manager, or county.~~

4 ~~4. The jury manager or jury commission may request~~
5 ~~a consolidated source list. A consolidated source list~~
6 ~~contains all the names and addresses found in either the voter~~
7 ~~registration list or the motor vehicle operators list, but does~~
8 ~~not duplicate an individual's name within the consolidated~~
9 ~~list. State officials shall cooperate with one another~~
10 ~~to prepare consolidated lists. The jury manager or jury~~
11 ~~commission may further request that only a randomly chosen~~
12 ~~portion of the consolidated list be prepared which may consist~~
13 ~~of either a certain number of names or a certain percentage of~~
14 ~~all the names in the consolidated list, as specified by the~~
15 ~~jury manager or jury commission.~~

16 Sec. 14. Section 607A.25, Code 2017, is amended by striking
17 the section and inserting in lieu thereof the following:

18 **607A.25 Storing and security of master jury lists.**

19 The master jury lists shall be stored in the electronic data
20 processing system, and shall be accessible to only the state
21 court administrator or state court administrator's designee, or
22 the jury manager or jury manager's designee.

23 Sec. 15. Section 607A.26, Code 2017, is amended to read as
24 follows:

25 **607A.26 Preservation of records.**

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

31 Sec. 16. Section 607A.30, Code 2017, is amended to read as
32 follows:

33 ~~607A.30 Time of drawing~~ Drawing of jury pools.

34 ~~In counties using an ex officio jury commission, the~~
35 ~~required number of jurors shall be drawn by the commission, or~~

1 ~~a majority of its members, at the office of the clerk at a time~~
2 ~~agreed to by the commissioners.~~

3 1. In counties using a jury manager, the At times necessary
4 for the identification of grand and petit jurors, the jury
5 manager shall arrange for the selection of the required
6 electronic data processing system to draw the necessary number
7 of grand and petit jurors at a time and place chosen by the
8 manager from the master jury list.

9 2. The chief judge of the judicial district may by order
10 prescribe the time for the drawing by the ~~ex officio commission~~
11 ~~er~~ the jury manager.

12 3. The jurors thus selected identified constitute the jury
13 pool and shall be notified by the clerk or jury manager by
14 regular mail when called.

15 Sec. 17. Section 607A.33, Code 2017, is amended by striking
16 the section and inserting in lieu thereof the following:

17 **607A.33 Electronic data processing system — identifying**
18 **jurors.**

19 The designated electronic data processing system shall be
20 used for the identification of jurors.

21 Sec. 18. Section 607A.35, Code 2017, is amended to read as
22 follows:

23 **607A.35** ~~Filing list — notice~~ Notice to report.

24 After the list or lists have been drawn in the manner
25 provided in section 607A.33, ~~the list or lists shall be filed~~
26 ~~in the office of the clerk or jury manager~~ and immediately upon
27 the request of the court, the clerk or manager shall issue a
28 notice to report, by regular mail, to the persons ~~so drawn~~
29 identified to appear at the courthouse at times as the court
30 prescribes, for service as petit or grand jurors.

31 Sec. 19. Section 607A.37, Code 2017, is amended to read as
32 follows:

33 **607A.37 Cancellation for illegality.**

34 If the court determines that the petit or grand jurors
35 have been illegally ~~selected, drawn,~~ identified or notified

1 to report, the court may set aside the order under which
2 the jurors were identified or notified and direct that a
3 new ~~drawing, selection~~ identification and notification of a
4 sufficient number of replacement jurors take place. ~~In that~~
5 ~~case, the ex officio jury commission shall meet at the office~~
6 ~~of the clerk, at the time the court directs, and proceed in the~~
7 ~~manner provided for the drawing of the original panel, to draw~~
8 ~~the required number of replacement jurors.~~

9 Sec. 20. Section 607A.39, Code 2017, is amended to read as
10 follows:

11 **607A.39 Additional jurors.**

12 The court may order as many additional jurors ~~drawn~~
13 identified for a jury pool or panel as the court deems
14 necessary.

15 Sec. 21. Section 607A.41, Code 2017, is amended to read as
16 follows:

17 **607A.41 Method of subsequent drawing.**

18 The names of the jurors ~~drawn~~ identified under sections
19 607A.39 and **607A.40** shall be drawn by the ~~ex officio commission~~
20 ~~or the jury manager in the manner provided for the drawing of~~
21 ~~an original pool or panel~~ electronic data processing system
22 that was used to draw the original jury pool or panel.

23 Sec. 22. Section 607A.43, Code 2017, is amended to read as
24 follows:

25 **607A.43 Correcting illegality in original lists.**

26 If the court for any reason determines that there has been
27 such substantial failure to comply with the law relative to
28 ~~selection~~ jury identification, preparation, or return of grand
29 or petit lists that lawful grand or petit jurors cannot be
30 drawn, or that the lists are exhausted or insufficient for the
31 needs of the court, the court shall order the ~~ex officio jury~~
32 ~~commission or the jury manager~~ or state court administrator
33 ~~to convene at a fixed time and place~~ use electronic data
34 processing techniques to prepare lists in lieu of the lists
35 which have been found to be illegal, or an additional list or

1 lists as the court deems necessary.

2 Sec. 23. REPEAL. Sections 607A.9, 607A.10, 607A.11,
3 607A.12, 607A.13, 607A.14, 607A.15, 607A.16, 607A.17, 607A.18,
4 607A.19, 607A.24, 607A.27, 607A.28, 607A.31, 607A.32, 607A.34,
5 607A.42, and 607A.44, Code 2017, are repealed.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill relates to the juror identification process,
10 eliminates the use of jury commissions to draw juror lists, and
11 requires the master jury list to be updated annually using an
12 electronic data processing system.

13 Under current law, counties may use jury commissions or a
14 jury manager to draw up a master jury list of eligible jurors,
15 return a list of grand jurors and petit jurors to the clerk of
16 district court, and select the number of required jurors from
17 the grand juror or petit juror list.

18 For counties that use jury commissions, the chief judge of
19 the judicial district in which the county is located appoints a
20 jury commission which is responsible for drawing up the master
21 jury list of potential jurors, as well as a list of potential
22 grand jurors and petit jurors. An ex officio jury commission,
23 comprised of the clerk of the district court and the county
24 auditor, then randomly selects the names from the grand juror
25 list and petit juror list to draw the required number of jurors
26 for a pool or panel.

27 Counties, however, are not required to appoint jury
28 commissions, and may instead use jury managers. The jury
29 manager for the county is appointed by the chief judge of the
30 judicial district, after consultation with the clerk of court,
31 district court administrator, and county auditor. The jury
32 manager draws up the master jury list, draws up the lists of
33 grand jurors and petit jurors, and randomly selects the names
34 from the grand juror list and petit juror list to draw the
35 required number of jurors for a pool or panel.

1 The bill eliminates jury commissions. As a result, counties
2 will be required to use jury managers to draw master jury lists
3 and identify jurors. The bill also requires that an electronic
4 data processing system be used to create a master jury list and
5 for the random drawing of jurors.

6 Under current law, the master jury list must be updated once
7 every two years. The master jury list is the list of names
8 taken from all source lists, including the voter registration
9 list and the motor vehicle operators list, for possible jury
10 service. The bill requires that the master jury list be
11 updated every year, and that the master jury list include the
12 list of names from the nonoperators identification list.

13 The bill provides that jury managers and the state court
14 administrator are responsible for implementing the provisions
15 of the bill.

16 The bill makes conforming changes.