

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 442 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 33-4-5-9 IS AMENDED TO READ AS
- 4 FOLLOWS[EFFECTIVE: JULY 1, 1998]: Sec. 9. (a) During the month
- 5 of December, and at such other times as the judge deems necessary, the
- 6 judge of any court of record in which jury trials are had shall by written
- 7 order direct the clerk of the circuit court to draw grand jurors or petit
- 8 jurors from the names selected by the jury commissioners, which
- 9 names shall be drawn by the clerk in the presence of the jury
- 10 commissioners, in a number equal to the number of jurors to be
- 11 summoned according to the judge's orders. The names of jurors for
- 12 each court having criminal jurisdiction shall be drawn first.
- 13 (b) At the time of the drawing, the clerk shall enter in the order
- 14 book of the court a list of the names drawn, in the order in which they
- 15 were drawn. He shall attach his certificate to attest to the accuracy of
- 16 the list. The clerk shall issue venires for such jurors as the courts direct.
- 17 However, the jurors called to service shall be identified long enough
- 18 before the trial or grand jury session to permit counsel to study their
- 19 backgrounds.
- 20 (c) Notice to or summons of persons for jury duty shall be served,
- 21 **for receipt by the prospective juror no later than two weeks prior**
- 22 **to the time of requested jury service,** by the clerk of the circuit court
- 23 upon order of the court.
- 24 (d) The sheriff or bailiff shall call the jurors to the jury box in the
- 25 same order in which their names were drawn. Jurors shall serve for
- 26 three (3) months, or for a shorter period if a shorter period is specified

1 in the judge's written order.
2 (e) The provisions of this section shall be construed to supplement
3 IC 34-1-19, IC 34-1-20, and other statutory provisions for special
4 juries, for juries by agreement, for juries from other counties, for struck
5 juries, and for special venires. This section shall be construed liberally,
6 to the effect that no indictment shall be quashed, and no trial,
7 judgment, order, or proceeding shall be reversed or held invalid on the
8 ground that the terms of this section have not been followed, unless it
9 appears that the noncompliance was either in bad faith or was objected
10 to promptly upon discovery and was probably harmful to the
11 substantial rights of the objecting party."
12 Renumber all SECTIONS consecutively.
(Reference is to ESB442 as printed February 16, 1998.)

Representative MURPHY