

January 21, 1998

HOUSE BILL No. 1008

DIGEST OF HB 1008 (Updated January 16, 1998 4:35 pm - DI 51)

Citations Affected: IC 2-3; IC 10-2; IC 15-5; IC 20-3; IC 25-14; IC 33-4; IC 36-8.

Synopsis: Jury selection process. Allows any county to follow the one-day or one-trial jury selection system currently in effect for Porter County. Specifies that jurors who are selected for trial serve until the conclusion of the first trial in which the juror is sworn. (Current law applicable to counties other than Porter County requires a three-month period of juror service.) Requires the judges of the circuit and superior courts to specify by court rule the procedure for the selection and service of jurors. Repeals the current Porter County jury selection statute and restates it in a form applicable to any county that chooses to follow the procedure. States the exemptions from jury service in a single statute and repeals or removes the separate exemptions for certain staff members of the governor's staff, members of the Indianapolis board of school commissioners, members of the general assembly, veterinarians, dentists, and members of town fire
(Continued next page)

Effective: July 1, 1998.

Ayres, Villalpando, Dvorak, Foley

January 6, 1998, read first time and referred to Committee on Courts and Criminal Code.
January 20, 1998, amended, reported — Do Pass.

HB 1008—LS 6155/DI 41



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departments. Allows a person to be excused from jury service if the person, or the person's spouse or parent, is an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility. (The introduced version of this bill was prepared by the commission on courts.)

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January 21, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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HOUSE BILL No. 1008



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-2-1-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1998]: Sec. 5. The governor may appoint an
3 honorary staff to consist of such number of honorary aides with the
4 brevet title of colonel, lieutenant-colonel or major, or comparable naval
5 rank, as he may desire. All of these staff officers shall be appointed by
6 the governor and hold office at his will and their commissions shall
7 expire with the term of office of the governor making such
8 appointment. ~~Staff officers shall not be subject to jury duty during the~~
9 ~~period of their service.~~ The adjutant-general shall be ex officio chief of
10 staff.

11 SECTION 2. IC 10-2-8-12 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. (a) Whenever such
13 forces or any part thereof shall be ordered out for active service or
14 armory drill, the uniform code of military justice governing the national

HB 1008—LS 6155/DI 41



1 guard of this state relating to courts-martial, their jurisdiction and the
 2 limits of punishment, and the rules and regulations prescribed
 3 thereunder shall be in full force and effect as provided for in
 4 IC 10-2-5-1.

5 (b) No officer or enlisted person of such forces shall be arrested on
 6 any warrant, except for treason or felony, while going to, remaining at,
 7 or returning from a place where ordered to attend for military duty.
 8 Every officer and enlisted person of such forces shall, during the
 9 service therein, be exempt from service upon any posse comitatus. ~~and~~
 10 ~~from jury duty.~~

11 SECTION 3. IC 20-3-11-2 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) Each member of
 13 the board of school commissioners must be a resident voter of the
 14 school city, and must have been a resident for at least one (1) year
 15 immediately preceding the member's election. A board member may
 16 not serve in any elective or appointive office under the board of school
 17 commissioners or under the government of the civil city while serving
 18 on the board. A board member may not knowingly have a pecuniary
 19 interest (as defined in IC 35-44-1-3(g)) in any contract or purchase with
 20 the school city in which the member is elected. If, at any time after the
 21 member is elected to the board, a board member knowingly acquires a
 22 pecuniary interest in any contract or purchase with the school city, the
 23 member shall be disqualified to continue as a member of the board, and
 24 a vacancy in the office is created.

25 (b) Each member of the board shall, before assuming the duties of
 26 office, take an oath, before a person qualified to administer oaths, that:

- 27 (1) the member possesses all the qualifications required by this
 28 chapter for membership on the board;
 29 (2) the member will honestly and faithfully discharge the duties
 30 of office;
 31 (3) the member will not, while serving as a member of the board,
 32 become interested, directly or indirectly, in any contract with or
 33 claim against the school city, except as authorized by law; and
 34 (4) in the performance of official duties as a member of the board,
 35 including the selection of its officers, agents, and employees, the
 36 member will not be influenced by any consideration of politics or
 37 religion and that the member will be controlled in the selection
 38 only by considerations of the merits, fitness, and qualifications of
 39 the persons to be selected.

40 (c) The members of the board are entitled to receive compensation
 41 not to exceed the amount allowed under IC 20-5-3-6 and a per diem not
 42 to exceed the rate approved for members of the city-county council



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1 established under IC 36-3-4 for attendance at each regular and
2 committee meeting as determined by the board.

3 ~~(d) Members of the board are exempt from jury duty during their~~
4 ~~term of office.~~

5 SECTION 4. IC 33-4-5-7 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) A person shall be excused
7 from acting as a juror ~~who~~ **if the person:**

8 (1) is over sixty-five (65) years of age;

9 (2) **is a member in active service of the armed forces of the**
10 **United States;**

11 (3) **is an elected or appointed official of the executive,**
12 **legislative, or judicial branches of government of:**

13 (A) **the United States;**

14 (B) **Indiana; or**

15 (C) **a unit of local government;**

16 **who is actively engaged in the performance of the person's**
17 **official duties;**

18 (4) **is a member of the general assembly who makes the**
19 **request to be excused before being sworn as a juror;**

20 (5) **is an honorary military staff officer appointed by the**
21 **governor under IC 10-2-1-5;**

22 (6) **is an officer or enlisted person of the guard reserve forces**
23 **authorized by the governor under IC 10-2-8;**

24 (7) **is a veterinarian licensed under IC 15-5-1.1;**

25 (8) **is serving as a member of the board of school**
26 **commissioners of the city of Indianapolis under IC 20-3-11-2;**

27 (9) **is a dentist licensed under IC 25-14-1;**

28 (10) **is a member of a police or fire department or company**
29 **under IC 36-8-3 or IC 36-8-12; or**

30 (11) **would serve as a juror during a criminal trial and the**
31 **person is:**

32 (A) **an employee of the department of correction whose**
33 **duties require contact with inmates confined in a**
34 **department of correction facility; or**

35 (B) **the spouse or child of a person described in clause (A);**

36 and desires to be excused for that reason.

37 (b) A prospective juror is disqualified to serve on a jury if any of the
38 following conditions exist:

39 (1) The person is not a citizen of the United States, at least
40 eighteen (18) years of age, and a resident of the county.

41 (2) The person is unable to read, speak, and understand the
42 English language with a degree of proficiency sufficient to fill out

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1 satisfactorily a juror qualification form.

2 (3) The person is incapable of rendering satisfactory jury service
3 due to physical or mental disability. However, a person claiming
4 this disqualification may be required to submit a physician's or
5 authorized Christian Science practitioner's certificate confirming
6 the disability, and the certifying physician or practitioner is then
7 subject to inquiry by the court at the court's discretion.

8 (4) The person is under a sentence imposed for an offense.

9 (5) A guardian has been appointed for the person under IC 29-3
10 because the person has a mental incapacity.

11 **(6) The person has had rights revoked by reason of a felony
12 conviction and the rights have not been restored.**

13 (c) A person may not serve as a petit juror in any county if the
14 person served as a petit juror in the same county within the previous
15 three hundred sixty-five (365) days. The fact that a person's selection
16 as a juror would violate this subsection is sufficient cause for
17 challenge.

18 (d) A grand jury, a petit jury, or an individual juror drawn for
19 service in one (1) court may serve in another court of the county, in
20 accordance with orders entered on the record in each of the courts.

21 (e) The same petit jurors may be used in civil cases and in criminal
22 cases.

23 **(f) A person may not be excluded from jury service on account
24 of race, color, religion, sex, national origin, or economic status.**

25 SECTION 5. IC 33-4-5-11, AS AMENDED BY P.L.214-1996,
26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 1998]: Sec. 11. (a) This chapter does not apply to a county
28 having a population of:

29 (1) more than four hundred thousand (400,000) but less than
30 seven hundred thousand (700,000); and

31 (2) more than one hundred twenty-five thousand (125,000) but
32 less than one hundred twenty-nine thousand (129,000);

33 **that chooses under subsection (b) to follow the procedure for jury
34 selection and service set out in IC 33-4-11.**

35 (b) **The court administrator or the clerk of the circuit and
36 superior courts of a county may choose to follow the procedure for
37 jury selection and service set out in IC 33-4-11 instead of the
38 procedure set out in this chapter. The court administrator shall
39 serve as the jury commissioner under IC 33-4-11. If the decision to
40 follow IC 33-4-11 is made, all of the provisions of IC 33-4-11 must
41 be followed.**

42 SECTION 6. IC 33-4-5.5-5 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) The court
 2 administrator of the court shall also serve as the jury commissioner for
 3 the county, and shall have the powers and perform the duties prescribed
 4 in this chapter for jury commissioners, under the direction of the chief
 5 judge.

6 (b) The court administrator in his role as jury commissioner, shall
 7 not receive any compensation in addition to his regular salary.

8 (c) Performance of certain duties of the jury commissioner may be
 9 delegated to a deputy court administrator with the express approval of
 10 the chief judge.

11 (d) **The jury commissioner may choose to follow the procedure**
 12 **for jury selection and service set out in IC 33-4-11 instead of the**
 13 **procedure set out in this chapter. If the decision to follow**
 14 **IC 33-4-11 is made, all of the provisions of IC 33-4-11 must be**
 15 **followed.**

16 SECTION 7. IC 33-4-5.5-13 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. ~~No~~ A qualified
 18 prospective juror is **not** exempt from jury service **except for the**
 19 **following:**

20 (1) Members in active service of the Armed Forces of the United
 21 States **who are actively engaged in the performance of their**
 22 **official duties.**

23 (2) Elected or appointed officials of the executive, legislative, or
 24 judicial branches of government of the:

25 (A) United States;

26 (B) State of Indiana; or

27 (C) counties affected by this chapter;

28 who are actively engaged in the performance of their official
 29 duties.

30 (3) **A person who:**

31 (A) **would serve as a juror during a criminal trial; and**

32 (B) **is:**

33 (i) **an employee of the department of correction whose**
 34 **duties require contact with inmates confined in a**
 35 **department of correction facility; or**

36 (ii) **the spouse or child of a person described in item (i);**
 37 **and desires to be excused for that reason.**

38 SECTION 8. IC 33-4-5.5-15 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 15. (a) ~~No persons shall~~
 40 **Except as provided in section 13 of this chapter, a person may not**
 41 be automatically excused under this chapter. The chief judge or jury
 42 commissioner, upon request of a prospective juror, shall determine on



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1 the basis of information provided on the juror qualification form,
 2 correspondence from the prospective juror, or interview with the
 3 prospective juror whether the prospective juror should be excused from
 4 jury service. The jury commissioner shall enter this determination in
 5 the space provided on the juror qualification form.

6 (b) A person who is not disqualified for jury service may be excused
 7 from jury service only upon a showing of undue hardship, extreme
 8 inconvenience, or public necessity, until the time of the next drawing
 9 at which time he will be ressumoned. Appropriate records shall be
 10 maintained by the jury commissioner to facilitate said ressumoning.

11 (c) Requests for excuse, other than those accompanying return of
 12 the qualification form, shall be made by the prospective juror in writing
 13 to the Presiding Judge no later than three (3) weeks in advance of the
 14 date upon which he has been summoned to appear.

15 SECTION 9. IC 33-4-11 IS ADDED TO THE INDIANA CODE AS
 16 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 1998]:

18 **Chapter 11. Circuit and Superior Court Jury Selection and**
 19 **Service**

20 **Sec. 1. As used in this chapter, "courts" means the circuit and**
 21 **superior courts of a county that chooses to follow the procedure for**
 22 **jury selection and service set out in this chapter.**

23 **Sec. 2. As used in this chapter, "juror qualification form" means**
 24 **the form prescribed for use by the courts and mailed to each**
 25 **prospective juror, or an electronic data processing facsimile of that**
 26 **form such as might be created on magnetic tape, punched cards, or**
 27 **computer discs.**

28 **Sec. 3. As used in this chapter, "jury commissioner" means the**
 29 **court administrator or the clerk of the court and includes a deputy**
 30 **court administrator designated by the jury commissioner from**
 31 **time to time to act in the jury commissioner's place.**

32 **Sec. 4. As used in this chapter, "jury wheel" means any list,**
 33 **physical device, or electronic system for the storage of the names**
 34 **or identifying numbers of prospective jurors.**

35 **Sec. 5. As used in this chapter, "master list" means:**

- 36 (1) a serially printed list;
 37 (2) a magnetic tape;
 38 (3) an addressograph file;
 39 (4) a punched card file;
 40 (5) a computer record; or
 41 (6) another form of record determined by the supervising
 42 judge to be consistent with this chapter;



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1 that fosters the policy and protects the rights secured by this
2 chapter and that contains all current, up-to-date voter registration
3 lists for each precinct in the county and that is supplemented by
4 names derived from other sources identified under this chapter.

5 Sec. 6. As used in this chapter, "qualified jury wheel" means the
6 jury wheel in which there are placed the names or identifying
7 numbers of prospective jurors drawn at random from the master
8 list and who are not disqualified.

9 Sec. 7. As used in this chapter, "supervising judge" means a
10 judge of the courts who is designated by the judges of the courts to
11 supervise the jury selection process.

12 Sec. 8. As used in this chapter, "voter registration lists" means
13 the official records of persons registered to vote.

14 Sec. 9. The jury commissioner and supervising judge under the
15 plan required by section 13 of this chapter shall provide a uniform
16 system of jury selection for the courts ensuring that:

17 (1) persons selected for jury service are selected at random
18 from a fair cross section of the population of the area served
19 by the courts; and

20 (2) qualified citizens have the opportunity under this chapter
21 to:

22 (A) be considered for jury service in the county; and

23 (B) fulfill their obligation to serve as jurors when
24 summoned for that purpose.

25 Sec. 10. (a) The supervising judge is responsible for the selection
26 of jurors as prescribed by this section.

27 (b) The supervising judge may authorize use of a computerized
28 jury selection system under this chapter. However, a system
29 authorized under this subsection must be fair and may not violate
30 the rights of persons with respect to impartial and random
31 selection of prospective jurors. Jurors selected under a
32 computerized selection system must be eligible for selection under
33 this chapter.

34 Sec. 11. (a) The court administrator shall serve as the jury
35 commissioner for the county, and has the powers and shall perform
36 the duties prescribed in this chapter for the jury commissioner,
37 under the direction of the supervising judge.

38 (b) The court administrator, when acting as jury commissioner,
39 may not receive any compensation in addition to the court
40 administrator's regular salary.

41 (c) Certain duties of the jury commissioner may be delegated by
42 the court administrator to a deputy court administrator with the

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1 approval of the supervising judge.

2 Sec. 12. (a) The jury commissioner, under the supervision of the
3 supervising judge, shall prepare a written plan for the selection of
4 grand and petit jurors in the county. The plan must be designed to
5 achieve the objectives of, and otherwise comply with, this chapter.
6 The plan must specify the:

- 7 (1) source of names for the master list;
8 (2) form of the master list;
9 (3) method of selecting names from the master list;
10 (4) forms of and method for maintaining records of names
11 drawn, jurors qualified, and juror's excuses and reasons to be
12 excused;
13 (5) method of drawing names of qualified jurors for
14 prospective service;
15 (6) procedures to be followed by prospective jurors in
16 requesting to be excused from jury service; and
17 (7) number of petit jurors that constitutes a panel for civil and
18 criminal cases or a description of the uniform manner in
19 which this determination is made.

20 (b) The plan must be placed into operation after approval by the
21 judges of the courts. The judges of the courts shall examine the
22 plan to determine whether it complies with this chapter. If the plan
23 is found not to comply, the court shall order the jury commissioner
24 to make the necessary changes to bring the plan into compliance.

25 (c) The plan may be modified at any time according to the
26 procedure specified under this chapter.

27 (d) The plan must be submitted by the jury commissioner to the
28 judges of the courts. The judges of the courts shall approve or
29 direct modification of the plan not later than sixty (60) days after
30 its receipt. The approved plan must go into effect not later than
31 sixty (60) days after approval by the judges of the courts.

32 (e) The plan is a public document on file in the office of the jury
33 commissioner and must be available for inspection at all
34 reasonable times.

35 Sec. 13. (a) The jury commissioner shall compile and maintain
36 a master list consisting of all the voter registration lists for the
37 county, supplemented with names from other lists of persons
38 resident in the county that the Indiana supreme court shall from
39 time to time designate as necessary to obtain the broadest cross
40 section of the county, having determined that use of supplemental
41 lists is feasible. The Indiana supreme court may designate
42 supplemental lists for use by the courts from time to time in a



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1 manner that fosters the policy and protects the rights secured by
2 this chapter. Supplemental sources may consist of lists of utility
3 customers, property taxpayers, persons filing income tax returns,
4 motor vehicle registrations, city directories, telephone directories,
5 and driver's licenses. Supplemental lists may not be substituted for
6 the voter registration list. In drawing names from supplemental
7 lists, the jury commissioner shall avoid duplication of names.

8 (b) Whoever has custody, possession, or control of any of the
9 lists making up or used in compiling the master list, including those
10 designated under subsection (a) by the Indiana supreme court as
11 supplementary sources of names, shall furnish the master list to the
12 jury commissioner for inspection, reproduction, and copying at all
13 reasonable times.

14 (c) When a copy of a list maintained by a public official is
15 furnished, only the actual cost of the copy may be charged to the
16 courts.

17 (d) The master list of names is open to the public for
18 examination as a public record. However, the source of names and
19 any information other than the names contained in the source is
20 confidential.

21 **Sec. 14. (a)** Names must be drawn for juror service quarterly,
22 based on a calendar year commencing in January. A public
23 drawing of names for the next quarter must be held during the first
24 week of the second month of the quarter next preceding that for
25 which names are being drawn, at a time and place prescribed by
26 the jury commissioner.

27 (b) The jury commissioner shall create and file an alphabetical
28 list of names drawn under this section. The alphabetical list may be
29 in the form of a serial listing or discreet records (such as punched
30 cards, addressograph plates, or computer records) filed together
31 to constitute the alphabetical list. Names may not be added to the
32 alphabetical list, except by order of the court. Neither the names
33 drawn nor any list compiled from the alphabetical list may be
34 disclosed to any person other than under this chapter or by order
35 of the supervising judge.

36 (c) The number of names required to be drawn each quarter
37 must be determined by the jury commissioner after consultation
38 with all judges of the courts who may conduct jury trials during
39 the quarter, taking into consideration the number of jurors
40 required for the grand jury.

41 (d) The frequency of the drawing of names may be increased by
42 the jury commissioner if the jury commissioner determines it

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1 necessary for purposes of fairness, efficiency, or to ensure
2 compliance with this chapter.

3 (e) Names must be drawn randomly under section 16 of this
4 chapter.

5 (f) Names drawn from the master list may not be returned to the
6 master list until all nonexempt persons on the master list have been
7 called.

8 **Sec. 15.** Assuming the master list contains names in some
9 sequential order, such as an alphabetical or a numeric sequence,
10 the drawing of names from the master list must be performed in
11 the following manner:

12 (1) The total number of names on the master list is divided by
13 the number of names to be drawn. The next whole number
14 greater than the resulting quotient is the key number, except
15 that the key number is never less than two (2).

16 (2) A starting name for making the selection is determined by
17 randomly choosing a number between one (1) and the key
18 number, inclusive.

19 (3) The required number of names is selected beginning with
20 the starting name selected under subdivision (2) and
21 proceeding to successive names appearing in the master list at
22 intervals equal to the key number, recommencing at the
23 beginning of the list until the required number of names is
24 selected.

25 (4) Upon recommencing at the beginning of the list, or if
26 additional names are subsequently ordered to be drawn from
27 the master list, names previously selected in the process
28 described in subdivision (3) must be disregarded in selecting
29 the additional names.

30 (5) An electronic or a mechanical system may be used to draw
31 names from the master list.

32 **Sec. 16.** (a) Not later than seven (7) days after the date of the
33 drawing of names from the master list, the jury commissioner shall
34 mail to each person whose name is drawn a juror qualification
35 form. The form must be accompanied by instructions to fill out and
36 return the form by mail to the jury commissioner not later than ten
37 (10) days after its receipt. The instructions must state that requests
38 for excuse from jury service during the next jury term should
39 accompany the return of the qualification form.

40 (b) The juror qualification form must be designed by the jury
41 commissioner and subject to approval by the judges of the courts
42 as to matters of content and must elicit:



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- 1 **(1) the prospective juror's name, address of residence, and**
 2 **age; and**
 3 **(2) whether the prospective juror:**
 4 **(A) is a citizen of the United States and a resident of the**
 5 **county;**
 6 **(B) is able to read, speak, and understand the English**
 7 **language;**
 8 **(C) has any physical or mental disability impairing the**
 9 **person's capacity to render satisfactory jury service; or**
 10 **(D) has had rights revoked by reason of a felony conviction**
 11 **and not restored.**

12 **The juror qualification form must contain the prospective juror's**
 13 **declaration that the responses are true to the best of the**
 14 **prospective juror's knowledge. Notarization of the juror**
 15 **qualification form is not required.**

16 **(c) If a prospective juror is unable to fill out the form, another**
 17 **person may fill out the form for the prospective juror. If the form**
 18 **is completed by a person other than a prospective juror, the form**
 19 **must indicate that another person has done so and the reason for**
 20 **doing so.**

21 **(d) If it appears there is an omission, ambiguity, or error in a**
 22 **returned form, the jury commissioner shall resend the form,**
 23 **instructing the prospective juror to make the necessary addition,**
 24 **clarification, or correction and to return the form to the jury**
 25 **commissioner not later than ten (10) days after its second receipt.**

26 **(e) A prospective juror who fails to return a completed juror**
 27 **qualification form as instructed must be directed by the jury**
 28 **commissioner to immediately appear before the jury commissioner**
 29 **to fill out a juror qualification form.**

30 **(f) When a prospective juror appears for jury service, or when**
 31 **there is an official conversation with the supervising judge or jury**
 32 **commissioner, a prospective juror may be required to fill out**
 33 **another juror qualification form in the presence of the supervising**
 34 **judge or jury commissioner. At this time, the prospective juror**
 35 **may be questioned, but only with regard to responses to questions**
 36 **contained on the form and grounds for the prospective juror's**
 37 **excuse or disqualification. Information acquired under this**
 38 **subsection by the supervising judge or jury commissioner must be**
 39 **noted on the juror qualification form.**

40 **Sec. 17. (a) A prospective juror who fails to appear as directed**
 41 **by the jury commissioner under section 16 of this section must be**
 42 **ordered by the supervising judge to appear and show cause for the**



1 failure to appear as directed. If the prospective juror fails to
 2 appear under the supervising judge's order or fails to show good
 3 cause for the failure to appear as directed by the jury
 4 commissioner, the prospective juror is guilty of criminal contempt.

5 (b) A person who knowingly misrepresents a material fact on a
 6 juror qualification form for the purpose of avoiding or securing
 7 service as a juror commits a Class C misdemeanor.

8 Sec. 18. (a) The supervising judge or the jury commissioner
 9 shall determine solely on the basis of information provided on a
 10 juror qualification form or interview with a prospective juror
 11 whether the prospective juror is disqualified for jury service. The
 12 jury commissioner shall enter this determination in the space
 13 provided on the juror qualification form or electronic data
 14 processing facsimile and on the alphabetical list of names drawn
 15 from the master list.

16 (b) A person may not be automatically excused under this
 17 chapter. The supervising judge or jury commissioner, upon request
 18 of a prospective juror, shall determine on the basis of information
 19 provided on the juror qualification form, correspondence from the
 20 prospective juror, or an interview with the prospective juror
 21 whether the prospective juror may be excused from jury service.
 22 The jury commissioner shall enter this determination in the space
 23 provided on the juror qualification form.

24 (c) A person who is not disqualified for jury service may be
 25 excused from jury service only upon a showing of undue hardship,
 26 extreme inconvenience, or public necessity, until the time of the
 27 next drawing when the person is resummoned. Appropriate
 28 records must be maintained by the jury commissioner to facilitate
 29 resummoning.

30 (d) Requests for excuse, other than those accompanying the
 31 return of the qualification form, must be made by the prospective
 32 juror in writing to the jury commissioner not later than three (3)
 33 days before the date when the prospective juror has been
 34 summoned to appear.

35 Sec. 19. (a) The jury commissioner shall maintain a qualified
 36 jury wheel and shall place in the jury wheel the names or
 37 identifying numbers of all prospective jurors drawn from the
 38 master list who are not disqualified or excused.

39 (b) The judges of the courts shall, by local court rule, specify the
 40 procedure to be used for the selection of qualified prospective
 41 jurors under this section and the procedure for summoning
 42 qualified prospective jurors whose names are drawn from the

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1 qualified jury wheel.

2 (c) Upon receipt of an order for a grand jury, the jury
3 commissioner shall publicly, and in accordance with section 20 of
4 this chapter, draw at random from the qualified jury wheel twelve
5 (12) qualified jurors and direct them to appear before the
6 supervising judge. The supervising judge shall randomly select six
7 (6) jurors after:

8 (1) explaining to the twelve (12) prospective jurors the duties
9 and responsibilities of a grand jury; and

10 (2) excusing jurors under section 18 of this chapter.

11 (d) Whenever there is an unanticipated shortage of available
12 petit jurors drawn from a qualified jury wheel, the supervising
13 judge may require the jury commissioner to draw additional jurors
14 at random from the qualified jury wheel. Talesmen may not be
15 solicited from among bystanders or from any source except from
16 among names drawn from the qualified jury wheel.

17 (e) The names of qualified jurors drawn from the qualified jury
18 wheel and the contents of jury qualification forms completed by
19 those jurors may not be made available to the public until the
20 period of service of those jurors has expired. However, attorneys
21 in any cases in which these jurors may serve may have access to the
22 information.

23 **Sec. 20.** The same method described in section 15 of this chapter
24 for drawing names from the master list must be followed for
25 drawing names from the qualified jury wheel unless the names in
26 the qualified jury wheel are not in some sequential order as
27 described in section 15 of this chapter. If the names are in the form
28 of ballots or in some other form requiring them to be blindly
29 drawn from a container by hand, the key number system is not
30 necessary.

31 **Sec. 21.** (a) Not later than seven (7) days after a moving party
32 discovers or by the exercise of diligence could have discovered
33 grounds, but before a petit jury is sworn to try a case, a party may:

34 (1) in a civil case move to stay the proceedings; and

35 (2) in a criminal case move:

36 (A) to dismiss the indictment (if the case has been brought
37 by indictment);

38 (B) to stay the proceedings; or

39 (C) for other appropriate relief;

40 on the ground of substantial failure to comply with this chapter in
41 selecting the prospective grand or petit jurors.

42 (b) Upon a motion filed under subsection (a) containing a sworn

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1 statement of facts that, if true, would constitute a substantial
 2 failure to comply with this chapter, the moving party may present
 3 in support of the motion the testimony of the jury commissioner,
 4 relevant records and papers not public or otherwise available used
 5 by the jury commissioner, and other relevant evidence. If the court
 6 determines that in selecting either a grand jury or a petit jury
 7 there has been a substantial failure to comply with this chapter, the
 8 court:

9 (1) shall stay the proceedings pending the selection of the jury
 10 in conformity with this chapter; and

11 (2) may dismiss an indictment (if the case was brought by
 12 indictment) or grant other appropriate relief.

13 (c) The procedures required by this section are the exclusive
 14 means by which the state, a person accused of an offense, or a
 15 party in a civil case may challenge a jury on the ground that the
 16 jury was not selected in conformity with this chapter.

17 (d) The parties to the case may inspect, reproduce, and copy the
 18 records or papers of the jury commissioner at all reasonable times
 19 during the preparation and pendency of a motion under subsection
 20 (a).

21 **Sec. 22.** After the period of service for which names were drawn
 22 from the master jury list has expired, and all persons elected to
 23 serve as jurors have been discharged, all records and papers
 24 compiled and maintained by the jury commissioner or the clerk
 25 must be preserved by the clerk of the courts for the period
 26 prescribed by rule of the Indiana supreme court. The records and
 27 papers must be available for public inspection at all reasonable
 28 times.

29 **Sec. 23. (a)** A person who appears for service as a petit or grand
 30 juror serves until the conclusion of the first trial in which the juror
 31 is sworn, regardless of the length of the trial or the manner in
 32 which the trial is disposed. A person who appears for service but
 33 is not selected and sworn as a juror completes the person's service
 34 at the end of one (1) day.

35 (b) A person who:

36 (1) serves as a juror under this chapter; or

37 (2) completes one (1) day of jury selection but is not chosen to
 38 serve as a juror;

39 may not be selected for another jury panel until all nonexempt
 40 persons on the master list have been called for jury duty.

41 **Sec. 24.** A person summoned for jury service who fails to appear
 42 or complete jury service as directed must be ordered by the court



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1 to immediately appear and show cause for the person's failure to
 2 comply with the summons. If the person fails to show good cause
 3 for noncompliance with the summons, the person is guilty of
 4 criminal contempt and upon conviction may be fined not more
 5 than one hundred dollars (\$100) or imprisoned in the county jail
 6 for not more than three (3) days, or both.

7 **Sec. 25. The Indiana supreme court may adopt rules, not**
 8 **inconsistent with this chapter, regulating the selection and service**
 9 **of jurors.**

10 SECTION 10. IC 36-8-3-15 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 15. (a) This section also
 12 applies to all members of a fire department organized by a town.

13 (b) Members of the police and fire departments are exempt ~~from~~
 14 ~~jury service and~~ from service in the militia, except in case of war,
 15 invasion, or insurrection.

16 SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE
 17 JULY 1, 1998]: IC 2-3-6-1; IC 15-5-1.1-32; IC 25-14-1-26;
 18 IC 33-4-5.6.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1008, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, line 12, delete "in the most recent" and insert ".".

Page 7, delete line 13.

and when so amended that said bill do pass.

(Reference is to House Bill 1008 as introduced.)

DVORAK, Chair

Committee Vote: yeas 14, nays 0.

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