

## HOUSE BILL No. 1008

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DIGEST OF HB 1008 (Updated January 26, 1998 5:40 pm - DI 51)

**Citations Affected:** IC 2-3; IC 10-2; IC 15-5; IC 20-3; IC 25-14; IC 33-4; IC 35-34; 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.

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**Ayres, Villalpando, Dvorak, Foley**

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January 6, 1998, read first time and referred to Committee on Courts and Criminal Code.  
January 20, 1998, amended, reported — Do Pass.  
January 26, 1998, read second time, amended, ordered engrossed.

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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. Provides for one alternative juror on a grand jury. (The introduced version of this bill was prepared by the commission on courts.)

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Reprinted  
January 27, 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.

## 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

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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 33-4-5.5-12 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. (a) The jury  
 18 commissioner shall maintain a qualified jury wheel and shall place in  
 19 the jury wheel the names or identifying numbers of all prospective  
 20 jurors drawn from the master list who are not disqualified or excused.

21 (b) A judge of any court or any other state or county official having  
 22 the authority to conduct a trial or hearing with a jury within the county  
 23 by order may direct the jury commissioner to draw and assign to that  
 24 court or official the number of qualified jurors necessary for one (1) or  
 25 more petit jury panels. Upon receipt of the order and in a manner  
 26 prescribed in section 14 of this chapter, the jury commissioner shall  
 27 publicly draw at random from the qualified jury wheel the number of  
 28 qualified jurors required by the order and assign said qualified jurors  
 29 so drawn to the court's jury panel.

30 (c) Upon receipt of an order for a grand jury, the jury commissioner  
 31 shall publicly and in a manner prescribed in section 14 of this chapter,  
 32 draw at random from the qualified jury wheel twelve (12) qualified  
 33 jurors who shall be directed to appear before the chief judge. The chief  
 34 judge shall randomly select six (6) jurors **and one (1) alternate juror**  
 35 after having explained to the twelve (12) prospective jurors the duties  
 36 and responsibilities of a grand jury and having excused jurors as  
 37 prescribed in section 15 of this chapter.

38 (d) An alphabetic listing of grand and petit jurors assigned to each  
 39 court location shall be maintained by the jury commissioner and a copy  
 40 transmitted to the judge for whom the names have been drawn.

41 (e) If a grand, petit, or other jury is ordered to be drawn, the clerk  
 42 thereafter shall cause each person drawn for jury service to be served

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1 with a summons either personally or by registered or certified mail,  
 2 return receipt requested, addressed to him at his usual residence,  
 3 business, or post office address, requiring him to report for jury service  
 4 at a specified time and place.

5 (f) Whenever there is an unanticipated shortage of available petit  
 6 jurors drawn from a qualified jury wheel, the court may require the jury  
 7 commissioner to:

8 (1) draw additional jurors at random from the qualified jury  
 9 wheel; or

10 (2) send available jurors from another panel to the court location  
 11 requiring additional jurors.

12 In no instance may talesmen be solicited from among bystanders or  
 13 from any source except from among names drawn from the qualified  
 14 jury wheel.

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

21 SECTION 8. IC 33-4-5.5-13 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. ~~No~~ A qualified  
 23 prospective juror is **not** exempt from jury service except **for the**  
 24 **following:**

25 (1) Members in active service of the Armed Forces of the United  
 26 States **who are actively engaged in the performance of their**  
 27 **official duties.**

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

30 (A) United States;

31 (B) State of Indiana; or

32 (C) counties affected by this chapter;

33 who are actively engaged in the performance of their official  
 34 duties.

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

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

37 (B) **is:**

38 (i) **an employee of the department of correction whose**  
 39 **duties require contact with inmates confined in a**  
 40 **department of correction facility; or**

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



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1 SECTION 9. IC 33-4-5.5-15 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 15. (a) ~~No persons shall~~  
 3 **Except as provided in section 13 of this chapter, a person may not**  
 4 be automatically excused under this chapter. The chief judge or jury  
 5 commissioner, upon request of a prospective juror, shall determine on  
 6 the basis of information provided on the juror qualification form,  
 7 correspondence from the prospective juror, or interview with the  
 8 prospective juror whether the prospective juror should be excused from  
 9 jury service. The jury commissioner shall enter this determination in  
 10 the space provided on the juror qualification form.

11 (b) A person who is not disqualified for jury service may be excused  
 12 from jury service only upon a showing of undue hardship, extreme  
 13 inconvenience, or public necessity, until the time of the next drawing  
 14 at which time he will be resummoned. Appropriate records shall be  
 15 maintained by the jury commissioner to facilitate said resummoning.

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

20 SECTION 10. IC 33-4-5.6-20, AS ADDED BY P.L.214-1996,  
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 1998]: Sec. 20. (a) The jury commissioner shall maintain a  
 23 qualified jury wheel and shall place in the jury wheel the names or  
 24 identifying numbers of all prospective jurors drawn from the master list  
 25 who are not disqualified or excused.

26 (b) The judges of the courts shall, by local court rule, specify the  
 27 procedure to be used for the selection of qualified prospective jurors  
 28 under this section and the procedure for summoning qualified  
 29 prospective jurors whose names are drawn from the qualified jury  
 30 wheel.

31 (c) Upon receipt of an order for a grand jury, the jury commissioner  
 32 shall publicly, and in accordance with section 22 of this chapter, draw  
 33 at random from the qualified jury wheel twelve (12) qualified jurors  
 34 and direct them to appear before the supervising judge. The supervising  
 35 judge shall randomly select six (6) jurors **and one (1) alternate juror**  
 36 after:

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

39 (2) excusing jurors under section 23 of this chapter.

40 (d) Whenever there is an unanticipated shortage of available petit  
 41 jurors drawn from a qualified jury wheel, the supervising judge may  
 42 require the jury commissioner to draw additional jurors at random from

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1 the qualified jury wheel. Talesmen may not be solicited from among  
 2 bystanders or from any source except from among names drawn from  
 3 the qualified jury wheel.

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

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

12 **Chapter 11. Circuit and Superior Court Jury Selection and**  
 13 **Service**

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

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

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

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

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

- 30 (1) a serially printed list;
- 31 (2) a magnetic tape;
- 32 (3) an addressograph file;
- 33 (4) a punched card file;
- 34 (5) a computer record; or
- 35 (6) another form of record determined by the supervising  
 36 judge to be consistent with this chapter;

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

41 **Sec. 6. As used in this chapter, "qualified jury wheel" means the**  
 42 **jury wheel in which there are placed the names or identifying**

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1 numbers of prospective jurors drawn at random from the master  
2 list and who are not disqualified.

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

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

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

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

14 (2) qualified citizens have the opportunity under this chapter  
15 to:

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

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

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

21 (b) The supervising judge may authorize use of a computerized  
22 jury selection system under this chapter. However, a system  
23 authorized under this subsection must be fair and may not violate  
24 the rights of persons with respect to impartial and random  
25 selection of prospective jurors. Jurors selected under a  
26 computerized selection system must be eligible for selection under  
27 this chapter.

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

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

35 (c) Certain duties of the jury commissioner may be delegated by  
36 the court administrator to a deputy court administrator with the  
37 approval of the supervising judge.

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



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

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

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

21 (d) The plan must be submitted by the jury commissioner to the  
 22 judges of the courts. The judges of the courts shall approve or  
 23 direct modification of the plan not later than sixty (60) days after  
 24 its receipt. The approved plan must go into effect not later than  
 25 sixty (60) days after approval by the judges of the courts.

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

29 **Sec. 13. (a)** The jury commissioner shall compile and maintain  
 30 a master list consisting of all the voter registration lists for the  
 31 county, supplemented with names from other lists of persons  
 32 resident in the county that the Indiana supreme court shall from  
 33 time to time designate as necessary to obtain the broadest cross  
 34 section of the county, having determined that use of supplemental  
 35 lists is feasible. The Indiana supreme court may designate  
 36 supplemental lists for use by the courts from time to time in a  
 37 manner that fosters the policy and protects the rights secured by  
 38 this chapter. Supplemental sources may consist of lists of utility  
 39 customers, property taxpayers, persons filing income tax returns,  
 40 motor vehicle registrations, city directories, telephone directories,  
 41 and driver's licenses. Supplemental lists may not be substituted for  
 42 the voter registration list. In drawing names from supplemental

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1 lists, the jury commissioner shall avoid duplication of names.

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

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

11 (d) The master list of names is open to the public for  
12 examination as a public record. However, the source of names and  
13 any information other than the names contained in the source is  
14 confidential.

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

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

30 (c) The number of names required to be drawn each quarter  
31 must be determined by the jury commissioner after consultation  
32 with all judges of the courts who may conduct jury trials during  
33 the quarter, taking into consideration the number of jurors  
34 required for the grand jury.

35 (d) The frequency of the drawing of names may be increased by  
36 the jury commissioner if the jury commissioner determines it  
37 necessary for purposes of fairness, efficiency, or to ensure  
38 compliance with this chapter.

39 (e) Names must be drawn randomly under section 16 of this  
40 chapter.

41 (f) Names drawn from the master list may not be returned to the  
42 master list until all nonexempt persons on the master list have been

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1 called.

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

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

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

13 (3) The required number of names is selected beginning with  
 14 the starting name selected under subdivision (2) and  
 15 proceeding to successive names appearing in the master list at  
 16 intervals equal to the key number, recommencing at the  
 17 beginning of the list until the required number of names is  
 18 selected.

19 (4) Upon recommencing at the beginning of the list, or if  
 20 additional names are subsequently ordered to be drawn from  
 21 the master list, names previously selected in the process  
 22 described in subdivision (3) must be disregarded in selecting  
 23 the additional names.

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

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

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

37 (1) the prospective juror's name, address of residence, and  
 38 age; and

39 (2) whether the prospective juror:

40 (A) is a citizen of the United States and a resident of the  
 41 county;

42 (B) is able to read, speak, and understand the English



1 language;

2 (C) has any physical or mental disability impairing the  
3 person's capacity to render satisfactory jury service; or

4 (D) has had rights revoked by reason of a felony conviction  
5 and not restored.

6 The juror qualification form must contain the prospective juror's  
7 declaration that the responses are true to the best of the  
8 prospective juror's knowledge. Notarization of the juror  
9 qualification form is not required.

10 (c) If a prospective juror is unable to fill out the form, another  
11 person may fill out the form for the prospective juror. If the form  
12 is completed by a person other than a prospective juror, the form  
13 must indicate that another person has done so and the reason for  
14 doing so.

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

20 (e) A prospective juror who fails to return a completed juror  
21 qualification form as instructed must be directed by the jury  
22 commissioner to immediately appear before the jury commissioner  
23 to fill out a juror qualification form.

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

34 Sec. 17. (a) A prospective juror who fails to appear as directed  
35 by the jury commissioner under section 16 of this section must be  
36 ordered by the supervising judge to appear and show cause for the  
37 failure to appear as directed. If the prospective juror fails to  
38 appear under the supervising judge's order or fails to show good  
39 cause for the failure to appear as directed by the jury  
40 commissioner, the prospective juror is guilty of criminal contempt.

41 (b) A person who knowingly misrepresents a material fact on a  
42 juror qualification form for the purpose of avoiding or securing

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1 service as a juror commits a Class C misdemeanor.

2 **Sec. 18. (a)** The supervising judge or the jury commissioner  
3 shall determine solely on the basis of information provided on a  
4 juror qualification form or interview with a prospective juror  
5 whether the prospective juror is disqualified for jury service. The  
6 jury commissioner shall enter this determination in the space  
7 provided on the juror qualification form or electronic data  
8 processing facsimile and on the alphabetical list of names drawn  
9 from the master list.

10 **(b)** A person may not be automatically excused under this  
11 chapter. The supervising judge or jury commissioner, upon request  
12 of a prospective juror, shall determine on the basis of information  
13 provided on the juror qualification form, correspondence from the  
14 prospective juror, or an interview with the prospective juror  
15 whether the prospective juror may be excused from jury service.  
16 The jury commissioner shall enter this determination in the space  
17 provided on the juror qualification form.

18 **(c)** A person who is not disqualified for jury service may be  
19 excused from jury service only upon a showing of undue hardship,  
20 extreme inconvenience, or public necessity, until the time of the  
21 next drawing when the person is resummoned. Appropriate  
22 records must be maintained by the jury commissioner to facilitate  
23 resummoning.

24 **(d)** Requests for excuse, other than those accompanying the  
25 return of the qualification form, must be made by the prospective  
26 juror in writing to the jury commissioner not later than three (3)  
27 days before the date when the prospective juror has been  
28 summoned to appear.

29 **Sec. 19. (a)** The jury commissioner shall maintain a qualified  
30 jury wheel and shall place in the jury wheel the names or  
31 identifying numbers of all prospective jurors drawn from the  
32 master list who are not disqualified or excused.

33 **(b)** The judges of the courts shall, by local court rule, specify the  
34 procedure to be used for the selection of qualified prospective  
35 jurors under this section and the procedure for summoning  
36 qualified prospective jurors whose names are drawn from the  
37 qualified jury wheel.

38 **(c)** Upon receipt of an order for a grand jury, the jury  
39 commissioner shall publicly, and in accordance with section 20 of  
40 this chapter, draw at random from the qualified jury wheel twelve  
41 (12) qualified jurors and direct them to appear before the  
42 supervising judge. The supervising judge shall randomly select six

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1 (6) jurors after:

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

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

5 (d) Whenever there is an unanticipated shortage of available  
6 petit jurors drawn from a qualified jury wheel, the supervising  
7 judge may require the jury commissioner to draw additional jurors  
8 at random from the qualified jury wheel. Talesmen may not be  
9 solicited from among bystanders or from any source except from  
10 among names drawn from the qualified jury wheel.

11 (e) The names of qualified jurors drawn from the qualified jury  
12 wheel and the contents of jury qualification forms completed by  
13 those jurors may not be made available to the public until the  
14 period of service of those jurors has expired. However, attorneys  
15 in any cases in which these jurors may serve may have access to the  
16 information.

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

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

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

29 (2) in a criminal case move:

30 (A) to dismiss the indictment (if the case has been brought  
31 by indictment);

32 (B) to stay the proceedings; or

33 (C) for other appropriate relief;

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

36 (b) Upon a motion filed under subsection (a) containing a sworn  
37 statement of facts that, if true, would constitute a substantial  
38 failure to comply with this chapter, the moving party may present  
39 in support of the motion the testimony of the jury commissioner,  
40 relevant records and papers not public or otherwise available used  
41 by the jury commissioner, and other relevant evidence. If the court  
42 determines that in selecting either a grand jury or a petit jury



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1 there has been a substantial failure to comply with this chapter, the  
2 court:

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

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

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

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

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

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

29 (b) A person who:

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

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

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

35 **Sec. 24.** A person summoned for jury service who fails to appear  
36 or complete jury service as directed must be ordered by the court  
37 to immediately appear and show cause for the person's failure to  
38 comply with the summons. If the person fails to show good cause  
39 for noncompliance with the summons, the person is guilty of  
40 criminal contempt and upon conviction may be fined not more  
41 than one hundred dollars (\$100) or imprisoned in the county jail  
42 for not more than three (3) days, or both.



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

4       SECTION 12. IC 35-34-2-2 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) A grand jury shall  
 6 consist of six (6) ~~persons~~ **grand jurors and one (1) alternate** and may  
 7 be impaneled by the circuit court or a superior court with criminal  
 8 jurisdiction. A grand jury shall hear and examine evidence concerning  
 9 crimes and shall take action with respect to this evidence as provided  
 10 by law.

11       (b) The court shall call the grand jury into session at the request of  
 12 the prosecuting attorney. The court may also convene the grand jury  
 13 without a request from the prosecuting attorney. The grand jury shall  
 14 be convened by the judge issuing an order requiring the jury to meet at  
 15 a time specified.

16       (c) A grand jury may not remain in session for more than six (6)  
 17 months.

18       **(d) An alternate impaneled under this section shall appear and**  
 19 **hear all evidence presented to the grand jury but may not**  
 20 **comment, deliberate, or vote unless there is not a quorum of grand**  
 21 **jurors for a particular session.**

22       SECTION 13. IC 35-34-2-3 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) **The jurors on a**  
 24 **grand jury and one (1) alternate** shall be drawn, selected, and  
 25 impaneled by the procedure set out in IC 33-4-5, ~~or~~ IC 33-4-5.5, **or**  
 26 **IC 33-4-5.6.**

27       (b) Whenever the court finds that the original panel was not selected  
 28 in substantial conformity with the requirements of law for the selection  
 29 of the panel, the court shall discharge the panel and summon another  
 30 panel.

31       (c) Whenever the court finds that a grand juror:

- 32       (1) is disqualified from service under law;
- 33       (2) is incapable of performing the juror's duties because of bias or  
 34       prejudice;
- 35       (3) is guilty of misconduct in the performance of the juror's duties  
 36       that might impair the proper functioning of the grand jury;
- 37       (4) is under the age of eighteen (18) years;
- 38       (5) is not a resident of the county;
- 39       (6) is an alien;
- 40       (7) is a mentally incompetent person;
- 41       (8) is a witness for the prosecution;
- 42       (9) has such a state of mind in reference to a target that the juror



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1 cannot act impartially and without prejudice to the substantial  
2 rights of that person;

3 (10) holds a juror's place on the grand jury by reason of the  
4 corruption of the officer who selected and impaneled the grand  
5 jury; or

6 (11) has requested or otherwise caused any officer or an officer's  
7 deputy to place the juror upon the grand jury;

8 the court shall refuse to swear that grand juror or, if the juror has been  
9 sworn, shall discharge that grand juror and swear another grand juror.

10 (d) After a grand jury has been impaneled, the court that called the  
11 grand jury shall appoint one (1) of the grand jurors as foreman and one  
12 (1) as clerk. During any absence of the foreman or clerk, the grand jury  
13 shall select one (1) of their number to act as foreman or clerk. The clerk  
14 shall keep minutes of the grand jury proceedings. The court shall  
15 supply a means for recording the evidence presented before the grand  
16 jury and all of the other proceedings that occur before the grand jury,  
17 except for the deliberations and voting of the grand jury and other  
18 discussions when the members of the grand jury are the only persons  
19 present in the grand jury room. The evidence and proceedings shall be  
20 recorded in the same manner as evidence and proceedings are recorded  
21 in the court that impaneled the grand jury. When ordered by the court,  
22 a transcript or a copy of the recording shall be prepared and supplied  
23 to the requesting party. If the transcript is supplied, it shall be at the  
24 cost of the party requesting it. If a copy of the recording is supplied, the  
25 party requesting it is responsible for the actual cost of reproduction. If  
26 a transcript has already been prepared, the requesting party is  
27 responsible for the actual cost of obtaining the copy. If the court finds  
28 the requesting party is an indigent defendant, the cost of the transcript  
29 or copy of the recording supplied to the defendant shall be paid by the  
30 county.

31 (e) The following oath must be administered to the grand jury:

32 "You, and each of you, do solemnly swear or affirm that you will  
33 diligently inquire and make true presentment of all offenses  
34 committed or triable within this county, of which you have or can  
35 obtain legal evidence; that you will present no person through  
36 malice, hatred, ill will, nor leave any unrepresented through fear,  
37 favor, or affection, or for any reward, or the promise or hope  
38 thereof, but in all your indictments you will present the truth, the  
39 whole truth, and nothing but the truth; that you will not disclose  
40 any evidence given or proceeding had before the grand jury; that  
41 you will keep secret whatever you or any other grand juror may  
42 have said or in what manner you or any other grand juror may

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1           have voted on a matter before the grand jury.".

2           (f) The court shall provide a printed copy of the provisions of this

3 chapter to the grand jury upon the request of any member of the grand

4 jury. In addition, the court shall give the grand jurors any instructions

5 relating to the proper performance of their duties that the court

6 considers necessary.

7           (g) If a member of the grand jury has reason to believe that an

8 offense has been committed which is triable in the county, the member

9 may report this information to fellow jurors, who may then investigate

10 the alleged offense.

11           SECTION 14. IC 36-8-3-15 IS AMENDED TO READ AS

12 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 15. (a) This section also

13 applies to all members of a fire department organized by a town.

14           (b) Members of the police and fire departments are exempt ~~from~~

15 ~~jury service and~~ from service in the militia, except in case of war,

16 invasion, or insurrection.

17           SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE

18 JULY 1, 1998]: IC 2-3-6-1; IC 15-5-1.1-32; IC 25-14-1-26;

19 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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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 5, between lines 15 and 16, begin a new paragraph and insert:

SECTION 7. IC 33-4-5.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. (a) The jury commissioner shall maintain a qualified jury wheel and shall place in the jury wheel the names or identifying numbers of all prospective jurors drawn from the master list who are not disqualified or excused.

(b) A judge of any court or any other state or county official having the authority to conduct a trial or hearing with a jury within the county by order may direct the jury commissioner to draw and assign to that court or official the number of qualified jurors necessary for one (1) or more petit jury panels. Upon receipt of the order and in a manner prescribed in section 14 of this chapter, the jury commissioner shall publicly draw at random from the qualified jury wheel the number of qualified jurors required by the order and assign said qualified jurors so drawn to the court's jury panel.

(c) Upon receipt of an order for a grand jury, the jury commissioner shall publicly and in a manner prescribed in section 14 of this chapter, draw at random from the qualified jury wheel twelve (12) qualified jurors who shall be directed to appear before the chief judge. The chief judge shall randomly select six (6) jurors **and one (1) alternate juror** after having explained to the twelve (12) prospective jurors the duties and responsibilities of a grand jury and having excused jurors as prescribed in section 15 of this chapter.

(d) An alphabetic listing of grand and petit jurors assigned to each court location shall be maintained by the jury commissioner and a copy transmitted to the judge for whom the names have been drawn.

(e) If a grand, petit, or other jury is ordered to be drawn, the clerk thereafter shall cause each person drawn for jury service to be served with a summons either personally or by registered or certified mail, return receipt requested, addressed to him at his usual residence, business, or post office address, requiring him to report for jury service at a specified time and place.

(f) Whenever there is an unanticipated shortage of available petit jurors drawn from a qualified jury wheel, the court may require the jury commissioner to:

- (1) draw additional jurors at random from the qualified jury wheel; or
- (2) send available jurors from another panel to the court location requiring additional jurors.

**HB 1008—LS 6155/DI 41**



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In no instance may talesmen be solicited from among bystanders or from any source except from among names drawn from the qualified jury wheel.

(g) The names of qualified jurors drawn from the qualified jury wheel and the contents of jury qualification forms completed by those jurors shall not be made available to the public until the period of service of those jurors shall have expired, except that attorneys in any cases in which these jurors may serve, shall have access to the information.

Page 5, line 16, delete "SECTION 7" and insert "SECTION 8".

Page 5, line 38, delete "SECTION 8" and insert "SECTION 9".

Page 6, between lines 14 and 15, begin a new paragraph and insert:

SECTION 10. IC 33-4-5.6-20, AS ADDED BY P.L.214-1996, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 20. (a) The jury commissioner shall maintain a qualified jury wheel and shall place in the jury wheel the names or identifying numbers of all prospective jurors drawn from the master list who are not disqualified or excused.

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

(c) Upon receipt of an order for a grand jury, the jury commissioner shall publicly, and in accordance with section 22 of this chapter, draw at random from the qualified jury wheel twelve (12) qualified jurors and direct them to appear before the supervising judge. The supervising judge shall randomly select six (6) jurors **and one (1) alternate juror** after:

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

(2) excusing jurors under section 23 of this chapter.

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

(e) The names of qualified jurors drawn from the qualified jury wheel and the contents of jury qualification forms completed by those jurors may not be made available to the public until the period of service of those jurors has expired. However, attorneys in any cases in



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which these jurors may serve may have access to the information.

Page 6, line 15, delete "SECTION 9" and insert "SECTION 11".

Page 15, between lines 9 and 10, begin a new paragraph and insert:

SECTION 12. IC 35-34-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) A grand jury shall consist of six (6) ~~persons~~ **grand jurors and one (1) alternate** and may be impaneled by the circuit court or a superior court with criminal jurisdiction. A grand jury shall hear and examine evidence concerning crimes and shall take action with respect to this evidence as provided by law.

(b) The court shall call the grand jury into session at the request of the prosecuting attorney. The court may also convene the grand jury without a request from the prosecuting attorney. The grand jury shall be convened by the judge issuing an order requiring the jury to meet at a time specified.

(c) A grand jury may not remain in session for more than six (6) months.

**(d) An alternate impaneled under this section shall appear and hear all evidence presented to the grand jury but may not comment, deliberate, or vote unless there is not a quorum of grand jurors for a particular session.**

SECTION 13. IC 35-34-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 3. (a) **The jurors on a grand jury and one (1) alternate** shall be drawn, selected, and impaneled by the procedure set out in IC 33-4-5, ~~or~~ IC 33-4-5.5, **or IC 33-4-5.6.**

(b) Whenever the court finds that the original panel was not selected in substantial conformity with the requirements of law for the selection of the panel, the court shall discharge the panel and summon another panel.

(c) Whenever the court finds that a grand juror:

- (1) is disqualified from service under law;
- (2) is incapable of performing the juror's duties because of bias or prejudice;
- (3) is guilty of misconduct in the performance of the juror's duties that might impair the proper functioning of the grand jury;
- (4) is under the age of eighteen (18) years;
- (5) is not a resident of the county;
- (6) is an alien;
- (7) is a mentally incompetent person;
- (8) is a witness for the prosecution;
- (9) has such a state of mind in reference to a target that the juror



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cannot act impartially and without prejudice to the substantial rights of that person;

(10) holds a juror's place on the grand jury by reason of the corruption of the officer who selected and impaneled the grand jury; or

(11) has requested or otherwise caused any officer or an officer's deputy to place the juror upon the grand jury;

the court shall refuse to swear that grand juror or, if the juror has been sworn, shall discharge that grand juror and swear another grand juror.

(d) After a grand jury has been impaneled, the court that called the grand jury shall appoint one (1) of the grand jurors as foreman and one (1) as clerk. During any absence of the foreman or clerk, the grand jury shall select one (1) of their number to act as foreman or clerk. The clerk shall keep minutes of the grand jury proceedings. The court shall supply a means for recording the evidence presented before the grand jury and all of the other proceedings that occur before the grand jury, except for the deliberations and voting of the grand jury and other discussions when the members of the grand jury are the only persons present in the grand jury room. The evidence and proceedings shall be recorded in the same manner as evidence and proceedings are recorded in the court that impaneled the grand jury. When ordered by the court, a transcript or a copy of the recording shall be prepared and supplied to the requesting party. If the transcript is supplied, it shall be at the cost of the party requesting it. If a copy of the recording is supplied, the party requesting it is responsible for the actual cost of reproduction. If a transcript has already been prepared, the requesting party is responsible for the actual cost of obtaining the copy. If the court finds the requesting party is an indigent defendant, the cost of the transcript or copy of the recording supplied to the defendant shall be paid by the county.

(e) The following oath must be administered to the grand jury:

"You, and each of you, do solemnly swear or affirm that you will diligently inquire and make true presentment of all offenses committed or triable within this county, of which you have or can obtain legal evidence; that you will present no person through malice, hatred, ill will, nor leave any unrepresented through fear, favor, or affection, or for any reward, or the promise or hope thereof, but in all your indictments you will present the truth, the whole truth, and nothing but the truth; that you will not disclose any evidence given or proceeding had before the grand jury; that you will keep secret whatever you or any other grand juror may have said or in what manner you or any other grand juror may

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have voted on a matter before the grand jury."

(f) The court shall provide a printed copy of the provisions of this chapter to the grand jury upon the request of any member of the grand jury. In addition, the court shall give the grand jurors any instructions relating to the proper performance of their duties that the court considers necessary.

(g) If a member of the grand jury has reason to believe that an offense has been committed which is triable in the county, the member may report this information to fellow jurors, who may then investigate the alleged offense.

Renumber all SECTIONS consecutively.

(Reference is to House Bill 1008 as printed January 21, 1998.)

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