

# SENATE BILL No. 301

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-4.

**Synopsis:** Jury service. Allows a person to be excused from acting as a juror if the person would serve as a juror during a criminal trial and the person is: (1) an employee of the department of correction whose duties require contact with inmates confined in a department of correction facility; or (2) the spouse or child of such an employee; and the person desires to be excused for either reason.

**Effective:** July 1, 1998.

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January 8, 1998, read first time and referred to Committee on Judiciary.

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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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# SENATE BILL No. 301



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 33-4-5-7 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 7. (a) A person shall be
- 3 excused from acting as a juror ~~who~~ **if the person:**
- 4 (1) is over sixty-five (65) years of age; or
- 5 (2) **would serve as a juror during a criminal trial and the**
- 6 **person is:**
- 7 (A) **an employee of the department of correction whose**
- 8 **duties require contact with inmates confined in a**
- 9 **department of correction facility; or**
- 10 (B) **the spouse or child of a person described in clause**
- 11 **(A);**
- 12 and desires to be excused for ~~that~~ **either** reason.
- 13 (b) A prospective juror is disqualified to serve on a jury if any of
- 14 the following conditions exist:
- 15 (1) The person is not a citizen of the United States, at least
- 16 eighteen (18) years of age, and a resident of the county.
- 17 (2) The person is unable to read, speak, and understand the



1 English language with a degree of proficiency sufficient to fill  
2 out satisfactorily a juror qualification form.

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

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

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

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

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

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

22 SECTION 2. IC 33-4-5.5-13 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. ~~No~~ A qualified  
24 prospective juror is **not** exempt from jury service, except **for the**  
25 **following:**

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

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

31 (A) United States;

32 (B) State of Indiana; or

33 (C) counties affected by this chapter;

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

36 (3) A person who:

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

38 (B) is:

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

42 (ii) the spouse or child of a person described in item

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(i);  
and desires to be excused for that reason.

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

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

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

SECTION 4. IC 33-4-5.6-21, AS ADDED BY P.L.214-1996, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 21. A qualified prospective juror is not exempt from jury service, except **for the following:**

(1) Members in active service of the Armed Forces of the United States ~~or who are actively engaged in the performance of their official duties.~~

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

~~(A)~~ (A) the United States;

~~(B)~~ (B) Indiana; or

~~(C)~~ (C) counties affected by this chapter;

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

(3) **A person who:**

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

(B) **is:**

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

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1                                   (ii) the spouse or child of a person described in item  
2                                   (i);  
3                                   **and desires to be excused for that reason.**  
4                                   SECTION 5. IC 33-4-5.6-23, AS ADDED BY P.L.214-1996,  
5                                   SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6                                   JULY 1, 1998]: Sec. 23. (a) **Except as provided in section 21 of this**  
7                                   **chapter**, a person may not be automatically excused under this chapter.  
8                                   The supervising judge or jury commissioner, upon request of a  
9                                   prospective juror, shall determine on the basis of information provided  
10                                   on the juror qualification form, correspondence from the prospective  
11                                   juror, or an interview with the prospective juror whether the  
12                                   prospective juror may be excused from jury service. The jury  
13                                   commissioner shall enter this determination in the space provided on  
14                                   the juror qualification form.  
15                                   (b) A person who is not disqualified for jury service may be  
16                                   excused from jury service only upon a showing of undue hardship,  
17                                   extreme inconvenience, or public necessity, until the time of the next  
18                                   drawing when the person is ressumoned. Appropriate records must be  
19                                   maintained by the jury commissioner to facilitate ressumoning.  
20                                   (c) Requests for excuse, other than those accompanying the return  
21                                   of the qualification form, must be made by the prospective juror in  
22                                   writing to the jury commissioner not later than three (3) days before the  
23                                   date when the prospective juror has been summoned to appear.

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