HOUSE BILL No. 1008

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-3-6-1; IC 10-2-1-5; IC 10-2-8-12; IC 15-5-1.1-32; IC 20-3-11-2; IC 25-14-1-26; IC 33-4; IC 36-8-3-15.

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

(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.

Digest Continued

commissioners, members of the general assembly, veterinarians, dentists, and members of town fire 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.)

Introduced

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:

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

SECTION 2. IC 10-2-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 12. (a) Whenever such forces or any part thereof shall be ordered out for active service or armory drill, the uniform code of military justice governing the national guard of this state relating to courts-martial, their jurisdiction and the

limits of punishment, and the rules and regulations prescribed thereunder shall be in full force and effect as provided for in IC 10-2-5-1.

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

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

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

(1) the member possesses all the qualifications required by this chapter for membership on the board;

(2) the member will honestly and faithfully discharge the duties of office;

(3) the member will not, while serving as a member of the board, become interested, directly or indirectly, in any contract with or claim against the school city, except as authorized by law; and

(4) in the performance of official duties as a member of the board, including the selection of its officers, agents, and employees, the member will not be influenced by any consideration of politics or religion and that the member will be controlled in the selection only by considerations of the merits, fitness, and qualifications of the persons to be selected.

(c) The members of the board are entitled to receive compensation not to exceed the amount allowed under IC 20-5-3-6 and a per diem not to exceed the rate approved for members of the city-county council established under IC 36-3-4 for attendance at each regular and

committee meeting as determined by the board.

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

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

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

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

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

(A) the United States;

(B) Indiana; or

(C) a unit of local government;

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

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

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

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

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

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

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

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

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

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

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

and desires to be excused for that reason.

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

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

(2) The person is unable to read, speak, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily a juror qualification form.

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

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

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

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

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

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

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

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

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

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

~~(2) more than one hundred twenty-five thousand (125,000) but less than one hundred twenty-nine thousand (129,000).~~

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

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

SECTION 6. IC 33-4-5.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 5. (a) The court

administrator of the court shall also serve as the jury commissioner for the county, and shall have the powers and perform the duties prescribed in this chapter for jury commissioners, under the direction of the chief judge.

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

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

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

SECTION 7. IC 33-4-5.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13. ~~No~~ **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 **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 the:

(A) United States;

(B) State of Indiana; or

(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

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

and desires to be excused for that reason.

SECTION 8. 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 9. IC 33-4-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1998]:

Chapter 11. Circuit and Superior Court Jury Selection and Service

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

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

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

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

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

(1) a serially printed list;

(2) a magnetic tape;

(3) an addressograph file;

(4) a punched card file;

(5) a computer record; or

(6) another form of record determined by the supervising judge to be consistent with this chapter;

that fosters the policy and protects the rights secured by this

chapter and that contains all current, up-to-date voter registration lists for each precinct in the county and that is supplemented by names derived from other sources identified under this chapter.

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

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

Sec. 8. As used in this chapter, "voter registration lists" means the official records of persons registered to vote in the most recent general election held in the county.

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

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

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

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

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

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

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

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

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

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

approval of the supervising judge.

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

(1) source of names for the master list;

(2) form of the master list;

(3) method of selecting names from the master list;

(4) forms of and method for maintaining records of names drawn, jurors qualified, and juror's excuses and reasons to be excused;

(5) method of drawing names of qualified jurors for prospective service;

(6) procedures to be followed by prospective jurors in requesting to be excused from jury service; and

(7) number of petit jurors that constitutes a panel for civil and criminal cases or a description of the uniform manner in which this determination is made.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) whether the prospective juror:

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A person may not be automatically excused under this chapter. The supervising 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 an interview with the prospective juror whether the prospective juror may be excused from jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form.

(c) 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 when the person is resummoned. Appropriate records must be maintained by the jury commissioner to facilitate resummoning.

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

Sec. 19. (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 20 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 after:

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

(2) excusing jurors under section 18 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 which these jurors may serve may have access to the information.

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

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

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

(2) in a criminal case move:

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

(B) to stay the proceedings; or

(C) for other appropriate relief;

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

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

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

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

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

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

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

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

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

(b) A person who:

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

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

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

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

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

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

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

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

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