

# HOUSE BILL No. 1017

---

## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Public access to jury lists. Provides that the list of names on a jury list is a public record that may be kept confidential if a supervising judge reasonably believes disclosure would: (1) endanger the safety of potential or selected jurors; or (2) lead to jury tampering. (The introduced version of this bill was prepared by the commission on courts.)

**Effective:** July 1, 1999.

---

---

**Ayres, Villalpando, Richardson,  
Sturtz**

---

---

January 6, 1999, read first time and referred to Committee on Judiciary.

---

---

C  
O  
P  
Y



Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

C  
O  
P  
Y

## HOUSE BILL No. 1017



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 33-4-5-2 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The commissioners shall  
3 immediately, from the names of legal voters and citizens of the United  
4 States on the latest tax duplicate and the tax schedules of the county,  
5 examine for the purpose of determining the sex, age, and identity of  
6 prospective jurors, and proceed to select and deposit, in a box furnished  
7 by the clerk for that purpose, the names, written on separate slips of  
8 paper of uniform shape, size, and color, of twice as many persons as  
9 will be required by law for grand and petit jurors in the courts of the  
10 county, for all the terms of such courts, to commence with the calendar  
11 year next ensuing. Each selection shall be made as nearly as possible  
12 in proportion to the population of each county commissioner's district.  
13 In making such selections, they shall in all things observe their oath,  
14 and they shall not select the name of any person who is to them known  
15 to be interested in or has cause pending which may be tried by a jury  
16 to be drawn from the names so selected. They shall deliver the box,  
17 locked, to the clerk of the circuit court, after having deposited therein



1 the names as herein directed. The key shall be retained by one (1) of  
2 the commissioners, not an adherent of the same political party as is the  
3 clerk.

4 (b) In a county containing a consolidated city, the commissioners  
5 may, upon an order made by the judge of the circuit court and entered  
6 in the records of the circuit court of the county, make such selections  
7 and such deposits monthly instead of annually and may omit the  
8 personal examination of prospective jurors, the examination of voters  
9 lists, and make selection without reference to commissioners' districts.  
10 The judge of the circuit court in any such county containing a  
11 consolidated city may appoint a secretary for the jury commissioners,  
12 and sufficient stenographic aid and clerical help to properly perform  
13 the duties of the commissioners and may fix the salaries of the  
14 commissioners, the secretary, and stenographic and clerical employees,  
15 and may also provide office quarters and necessary supplies therefor,  
16 all of which shall be paid for from the treasury of the county upon the  
17 order of the court.

18 (c) Subject to appropriations made by the county fiscal body, the  
19 jury commissioners may utilize a computerized jury selection system.  
20 However, the system utilized for the selection system must be fair and  
21 may not violate the rights of persons with respect to the impartial and  
22 random selection of prospective jurors. The jurors selected under the  
23 computerized jury selection system must be eligible for selection under  
24 this chapter. The commissioners shall deliver the names of the  
25 individuals selected to the clerk of the circuit court. The commissioners  
26 shall observe their oath in all activities taken under this subsection.

27 (d) The jury commissioners may supplement voter registration lists  
28 and tax schedules under subsection (a) with names from lists of persons  
29 residing in the county that the jury commissioners may designate as  
30 necessary to obtain a cross section of the population of each county  
31 commissioner's district. The lists designated by the jury commissioners  
32 under this subsection must be used for the selection of jurors  
33 throughout the entire county.

34 (e) The supplemental sources designated under subsection (d) may  
35 consist of such lists as those of utility customers, persons filing income  
36 tax returns, motor vehicle registrations, city directories, telephone  
37 directories, and driver's licenses. These supplemental lists may not be  
38 substituted for the voter registration list. The jury commissioners may  
39 not draw more names from supplemental sources than are drawn from  
40 the voter registration lists and tax schedules.

41 **(f) The names selected shall be open to the public for**  
42 **examination as a public record, except that the source of names**

C  
O  
P  
Y

1 **and information other than names contained in that source shall**  
 2 **not be public information. The names selected or any list compiled**  
 3 **from the names selected may be ruled confidential by order of the**  
 4 **supervising judge if the judge reasonably believes disclosure**  
 5 **would:**

6 (1) **endanger the safety of potential or selected jurors; or**

7 (2) **lead to jury tampering.**

8 SECTION 2. IC 33-4-5.5-7 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) The jury  
 10 commissioner shall compile and maintain a master list consisting of all  
 11 the voter registration lists for the county, supplemented with names  
 12 from other lists of persons resident in the county which the Indiana  
 13 supreme court shall from time to time designate as necessary to obtain  
 14 the broadest cross-section of the county, having determined that use of  
 15 such supplemental lists is feasible. The supreme court shall exercise  
 16 the authority so to designate from time to time in such manner as to  
 17 foster the policy and protect the rights secured by this article. These  
 18 supplemental sources may consist of such lists as those of utility  
 19 customers, property taxpayers, persons filing income tax returns, motor  
 20 vehicle registrations, city directories, telephone directories, and driver's  
 21 licenses. Such lists may not be substituted for the voter registration list.  
 22 In drawing names from such supplemental lists, the jury commissioner  
 23 shall avoid duplication of names.

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

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

32 (⊕) (d) The master list of names shall be open to the public for  
 33 examination as a public record, except that the source of names and  
 34 any information other than name contained in that source shall not be  
 35 public information. **The names drawn or any list compiled from the**  
 36 **master list may be ruled confidential by order of the supervising**  
 37 **judge if the judge reasonably believes disclosure would:**

38 (1) **endanger the safety of potential or selected jurors; or**

39 (2) **lead to jury tampering.**

40 SECTION 3. IC 33-4-11-14 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) Names must be  
 42 drawn for juror service quarterly, based on a calendar year



C  
O  
P  
Y

1 commencing in January. A public drawing of names for the next  
 2 quarter must be held during the first week of the second month of the  
 3 quarter next preceding that for which names are being drawn, at a time  
 4 and place prescribed by the jury commissioner.

5 (b) The jury commissioner shall create and file an alphabetical list  
 6 of names drawn under this section. The alphabetical list may be in the  
 7 form of a serial listing or discreet records (such as punched cards,  
 8 addressograph plates, or computer records) filed together to constitute  
 9 the alphabetical list. Names may not be added to the alphabetical list,  
 10 except by order of the court. ~~Neither~~ The names drawn ~~nor or~~ any list  
 11 compiled from the alphabetical list may be ~~disclosed to any person~~  
 12 ~~other than under this chapter or ruled confidential~~ by order of the  
 13 supervising judge **if the judge reasonably believes disclosure would:**

14 **(1) endanger the safety of potential or selected jurors; or**

15 **(2) lead to jury tampering.**

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

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

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

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

C  
O  
P  
Y

