

SENATE BILL No. 416

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-2.1-7-3; IC 33-4; IC 33-19; IC 35-44-2-5.

Synopsis: Jury service. Removes certain professional exemptions from jury duty. Provides that a person is entitled to one automatic postponement of jury duty, and provides for exemptions from jury duty for health reasons and for certain persons with caregiver responsibilities. Excuses a juror from service if the juror has served within the preceding 24 months. Creates the lengthy trial account to be funded by a \$3 filing fee in most civil cases. Provides that a person who serves in a trial lasting more than ten days may receive wage replacement from the lengthy trial fund. Caps the wage replacement at \$300 per day for every day of jury service beyond the tenth day. Provides that certain individuals serving more than ten days on a jury may receive hardship wage replacement for jury service from days four through ten, with a \$100 per day cap. Provides that the division of state court administration shall administer the lengthy trial account. Makes it a Class C misdemeanor to avoid jury service or to make misrepresentations on a jury questionnaire. Prohibits an employer from requiring an employee to use vacation or other leave for jury service. Makes conforming amendments. Repeals superseded penal statutes concerning jury service.

Effective: July 1, 2004; July 1, 2005.

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January 12, 2004, read first time and referred to Committee on Rules and Legislative Procedure.

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Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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SENATE BILL No. 416



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

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

1 SECTION 1. IC 33-2.1-7-3, AS AMENDED BY P.L.183-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 3. (a) The division of state court administration
4 shall do the following:

5 (1) Examine the administrative and business methods and systems
6 employed in the offices of the clerks of court and other offices
7 related to and serving the courts and make recommendations for
8 necessary improvement.

9 (2) Collect and compile statistical data and other information on
10 the judicial work of the courts in the state. All justices of the
11 supreme court, judges of the court of appeals, judges of all trial
12 courts in the state, and any city or town courts, whether having
13 general or special jurisdiction, court clerks, court reporters, and
14 other officers and employees of the courts shall, upon notice by
15 the executive director and in compliance with procedures
16 prescribed by the executive director, furnish the executive
17 director such information as is requested concerning the nature



1 and volume of judicial business. The information reports shall
 2 include, but not be limited to, the volume, condition, and type of
 3 business conducted by the courts, the methods of procedure
 4 therein, the work accomplished by the courts, the receipt and
 5 expenditure of public money by and for the operation of the
 6 courts, and the methods of disposition or termination of cases.
 7 (3) Prepare and publish reports, not less than one (1) nor more
 8 than two (2) times per year, on the nature and volume of judicial
 9 work performed by the courts as determined by the information
 10 required in subdivision (2).
 11 (4) Serve the judicial nominating commission and the judicial
 12 qualifications commission in the performance by the commissions
 13 of their statutory and constitutional functions.
 14 (5) Administer the civil legal aid fund as required by
 15 IC 33-2.1-11.
 16 (6) Administer the judicial technology and automation project
 17 fund established by section 10 of this chapter.
 18 **(7) Administer the lengthy trial account as required by**
 19 **IC 33-19-11.**
 20 (b) All forms to be used in the gathering of data must be approved
 21 by the supreme court, and shall be distributed to all judges and clerks
 22 prior to the start of each period for which reports are required.
 23 SECTION 2. IC 33-4-5-7, AS AMENDED BY P.L.195-2003,
 24 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2004]: Sec. 7. (a) A person shall be excused from acting as a
 26 juror if the person:
 27 (1) is over sixty-five (65) years of age;
 28 (2) is a member in active service of the armed forces of the United
 29 States; **or**
 30 (3) is an elected or appointed official of the executive, legislative,
 31 or judicial branches of government of:
 32 (A) the United States;
 33 (B) Indiana; or
 34 (C) a unit of local government;
 35 who is actively engaged in the performance of the person's official
 36 duties.
 37 ~~(4) is a member of the general assembly who makes the request~~
 38 ~~to be excused before being sworn as a juror.~~
 39 ~~(5) is an honorary military staff officer appointed by the governor~~
 40 ~~under IC 10-16-2-5;~~
 41 ~~(6) is an officer or enlisted person of the guard reserve forces~~
 42 ~~authorized by the governor under IC 10-16-8;~~

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1 (7) is a veterinarian licensed under IC 15-5-1.1;
 2 (8) is serving as a member of the board of school commissioners
 3 of the city of Indianapolis under IC 20-3-11-2;
 4 (9) is a dentist licensed under IC 25-14-1;
 5 (10) is a member of a police or fire department or company under
 6 IC 36-8-3 or IC 36-8-12; or
 7 (11) would serve as a juror during a criminal trial and the person
 8 is:

9 (A) an employee of the department of correction whose duties
 10 require contact with inmates confined in a department of
 11 correction facility; or
 12 (B) the spouse or child of a person described in clause (A);
 13 and desires to be excused for that reason:

14 (b) A person scheduled to appear for jury service has the right
 15 to postpone the date of the person's initial appearance for jury
 16 service one (1) time. The court shall grant a prospective juror's
 17 request for postponement if the following conditions are met:

18 (1) The prospective juror has not previously been granted a
 19 postponement.

20 (2) The prospective juror requests a postponement by
 21 contacting the jury commissioner:

- 22 (A) by telephone;
- 23 (B) by electronic mail;
- 24 (C) in writing; or
- 25 (D) in person.

26 (3) The prospective juror selects a date on which the
 27 prospective juror will appear for jury service that is:

- 28 (A) not more than six (6) months after the date on which
 29 the prospective juror was originally scheduled to appear;
 30 and
- 31 (B) a date when the court will be in session.

32 (c) A court may excuse a prospective juror from jury service for
 33 up to twenty-four (24) months if the court finds one (1) of the
 34 following:

35 (1) Jury service would require the prospective juror to
 36 abandon another person under the personal care or
 37 supervision of the prospective juror, and it is impossible for
 38 the prospective juror to obtain an appropriate substitute
 39 caregiver during the time when the prospective juror is
 40 required to participate in the jury pool.

41 (2) Jury service would substantially interfere with the
 42 prospective juror's ability to pay for necessary daily living

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expenses (including the necessary daily living expenses of other persons for whom the prospective juror is the principal means of support).

(3) Jury service would cause the prospective juror to suffer physical hardship that would likely result in injury or disease.

A prospective juror is not entitled to be excused from jury service solely because jury service would require the prospective juror to be absent from the prospective juror's place of employment.

(d) A court may excuse a prospective juror from jury service permanently if the court finds that:

(1) jury service would cause the prospective juror to suffer physical hardship that would likely result in injury or disease; and

(2) the condition described in subdivision (1) is permanent.

(e) A prospective juror who applies to be excused from jury service under subsection (c) or (d) shall:

(1) apply to be excused before the date the prospective juror is scheduled to appear for jury service, unless this is impossible; and

(2) provide the court with documentary and other evidence that supports the prospective juror's application to be excused.

Documentary evidence may include an income tax return, a medical statement from a licensed physician, or proof of guardianship. The court shall deny a prospective juror's application to be excused from jury service if the prospective juror fails to supply satisfactory documentary evidence in support of the application.

(f) 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~~ shall 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.

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

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

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

6 ~~(c)~~ (g) A person may not serve as a petit juror in any county if the
7 person served as a petit juror in the same county within the previous
8 ~~three hundred sixty-five (365) days; twenty-four (24) months~~. The
9 fact that a person's selection as a juror would violate this subsection is
10 sufficient cause for challenge.

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

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

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

18 ~~(g)~~ (k) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration
19 of the right to serve on a jury under this section and except as provided
20 in subsections ~~(c)~~; ~~(d)~~; (l), (m), and ~~(f)~~; (p), a person who has been
21 convicted of a crime of domestic violence (as defined in
22 IC 35-41-1-6.3) may not possess a firearm:

23 (1) after the person is no longer under a sentence imposed for an
24 offense; or

25 (2) after the person has had the person's rights restored following
26 a conviction.

27 ~~(h)~~ (l) Not earlier than five (5) years after the date of conviction, a
28 person who has been convicted of a crime of domestic violence (as
29 defined in IC 35-41-1-6.3) may petition the court for restoration of the
30 person's right to possess a firearm. In determining whether to restore
31 the person's right to possess a firearm, the court shall consider the
32 following factors:

33 (1) Whether the person has been subject to:

34 (A) a protective order;

35 (B) a no contact order;

36 (C) a workplace violence restraining order; or

37 (D) any other court order that prohibits the person from
38 possessing a firearm.

39 (2) Whether the person has successfully completed a substance
40 abuse program, if applicable.

41 (3) Whether the person has successfully completed a parenting
42 class, if applicable.

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1 (4) Whether the person still presents a threat to the victim of the
 2 crime.
 3 (5) Whether there is any other reason why the person should not
 4 possess a firearm, including whether the person failed to complete
 5 a specified condition under subsection ~~(t)~~ (m) or whether the
 6 person has committed a subsequent offense.
 7 ~~(i)~~ (m) The court may condition the restoration of a person's right to
 8 possess a firearm upon the person's completion of specified conditions.
 9 ~~(j)~~ (n) If the court denies a petition for restoration of the right to
 10 possess a firearm, the person may not file a second or subsequent
 11 petition until one (1) year has elapsed.
 12 ~~(k)~~ (o) A person has not been convicted of a crime of domestic
 13 violence for purposes of subsection ~~(h)~~ (l) if the conviction has been
 14 expunged or if the person has been pardoned.
 15 ~~(t)~~ (p) The right to possess a firearm shall be restored to a person
 16 whose conviction is reversed on appeal or on post-conviction review at
 17 the earlier of the following:
 18 (1) At the time the prosecuting attorney states on the record that
 19 the charges that gave rise to the conviction will not be refiled.
 20 (2) Ninety (90) days after the final disposition of the appeal or the
 21 post-conviction proceeding.
 22 SECTION 3. IC 33-4-5-12 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2004]: **Sec. 12. (a) A person who appears for service as a petit or
 25 grand juror serves until the conclusion of the first trial in which
 26 the juror is sworn, regardless of the length of the trial or the
 27 manner in which the trial is disposed. A person who appears for
 28 service but is not selected and sworn as a juror completes the
 29 person's service at the end of one (1) day.**
 30 **(b) A person who:**
 31 **(1) serves as a juror under this chapter; or**
 32 **(2) completes one (1) day of jury selection but is not chosen to**
 33 **serve as a juror;**
 34 **may not be selected for another jury panel for at least twenty-four**
 35 **(24) months.**
 36 **(c) The employer of a person who:**
 37 **(1) is summoned to serve as a juror; and**
 38 **(2) notifies the person's employer of the jury summons within**
 39 **a reasonable period after receiving the jury summons and**
 40 **before the person appears for jury duty;**
 41 **may not subject the person to any adverse employment action as**
 42 **the result of the person's jury service.**

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- 1 (d) An employee may not be required or requested to use
- 2 annual, vacation, or sick leave for time spent:
- 3 (1) responding to a summons for jury duty;
- 4 (2) participating in the jury selection process; or
- 5 (3) serving on a jury.

6 This subsection does not require an employer to provide annual,
 7 vacation, or sick leave to an employee who is not otherwise entitled
 8 to these benefits.

- 9 (e) If:
- 10 (1) a prospective juror works for an employer with five (5) or
- 11 fewer full-time employees (or their equivalent);
- 12 (2) another employee of the employer described in subdivision
- 13 (1) is already performing jury service; and
- 14 (3) the prospective juror or the employee already performing
- 15 jury service notifies the court that they both work for the
- 16 same employer;

17 the court shall reschedule the prospective juror's jury service for
 18 a date that does not overlap with the jury service of the employee
 19 already performing jury service. The rescheduling of jury service
 20 under this subsection does not affect the prospective juror's right
 21 to a postponement under section (7)(b) of this chapter.

22 SECTION 4. IC 33-4-5.5-11 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) The court or the
 24 jury commissioner shall determine solely on the basis of information
 25 provided on the juror qualification form or interview with the
 26 prospective juror whether or not the prospective juror is disqualified for
 27 jury service. The jury commissioner shall enter this determination in
 28 the space provided on the juror qualification form or electronic data
 29 processing facsimile and on the alphabetical list of names drawn from
 30 the master list.

- 31 (b) A prospective juror is disqualified to serve on a jury if ~~he~~: **the**
 32 **prospective juror:**

- 33 (1) is not a citizen of the United States, eighteen (18) years old,
 34 and a resident of the county; or
- 35 (2) is unable to read, speak, and understand the English language
 36 with a degree of proficiency sufficient to fill out satisfactorily the
 37 juror qualification form; or
- 38 (3) is incapable, by reasons of ~~his~~ **the prospective juror's**
 39 physical or mental disability, of rendering satisfactory jury
 40 service. However, a person claiming this disqualification ~~may be~~
 41 **required to shall** submit a physician's or authorized Christian
 42 Science practitioner's certificate as to the disability, and the

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1 certifying physician or practitioner is subject to inquiry by the
2 court at its discretion; or
3 (4) has had his rights revoked by reason of a felony conviction
4 and not restored.

5 SECTION 5. IC 33-4-5.5-13 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. ~~A qualified~~
7 ~~prospective juror is not~~ (a) **The following persons are** exempt from
8 jury service: ~~except for the following:~~

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

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

- 14 (A) United States;
 - 15 (B) state of Indiana; or
 - 16 (C) counties affected by this chapter;
- 17 who are actively engaged in the performance of their official
18 duties.

19 ~~(3) A person who:~~
 20 ~~(A) would serve as a juror during a criminal trial; and~~
 21 ~~(B) is:~~
 22 ~~(i) an employee of the department of correction whose duties~~
 23 ~~require contact with inmates confined in a department of~~
 24 ~~correction facility; or~~
 25 ~~(ii) the spouse or child of a person described in item (i);~~
 26 ~~and desires to be excused for that reason.~~

27 (b) **A person scheduled to appear for jury service has the right**
28 **to postpone the date of the person's initial appearance for jury**
29 **service one (1) time only. The court shall grant a prospective**
30 **juror's request for postponement if the following conditions are**
31 **met:**

32 (1) **The prospective juror has not previously been granted a**
33 **postponement.**

34 (2) **The prospective juror requests a postponement by**
35 **contacting the jury commissioner:**

- 36 (A) by telephone;
- 37 (B) by electronic mail;
- 38 (C) in writing; or
- 39 (D) in person.

40 (3) **The prospective juror selects a date on which the**
41 **prospective juror will appear for jury service that is:**

42 (A) **not more than six (6) months after the date on which**

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the prospective juror was originally scheduled to appear;
and
(B) a date when the court will be in session.

(c) A court may excuse a prospective juror from jury service for up to twenty-four (24) months if the court finds one (1) of the following:

(1) Jury service would require the prospective juror to abandon another person under the personal care or supervision of the prospective juror, and it is impossible for the prospective juror to obtain an appropriate substitute caregiver during the time when the prospective juror is required to participate in the jury pool.

(2) Jury service would substantially interfere with the prospective juror's ability to pay for necessary daily living expenses (including the necessary daily living expenses of other persons for whom the prospective juror is the principal means of support).

(3) Jury service would cause the prospective juror to suffer physical hardship that would likely result in injury or disease. A prospective juror is not entitled to be excused from jury service solely because jury service would require the prospective juror to be absent from the prospective juror's place of employment.

(d) A court may excuse a prospective juror from jury service permanently if the court finds that:

(1) jury service would cause the prospective juror to suffer physical hardship that would likely result in injury or disease; and

(2) the condition described in subdivision (1) is permanent.

(e) A prospective juror who applies to be excused from jury service under subsection (c) or (d) shall:

(1) apply to be excused before the date the prospective juror is scheduled to appear for jury service, unless this is impossible; and

(2) provide the court with documentary and other evidence that supports the prospective juror's application to be excused.

Documentary evidence may include an income tax return, a medical statement from a licensed physician, or proof of guardianship. The court shall deny a prospective juror's application to be excused from jury service if the prospective juror fails to supply satisfactory documentary evidence in support of the application.

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1 SECTION 6. IC 33-4-5.5-15 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) Except as
 3 provided in section 13 of this chapter, a person may not be
 4 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) (b) Requests for excuse, other than those accompanying return
 17 of the qualification form, shall be made by the prospective juror in
 18 writing to the presiding judge no later than three (3) weeks in advance
 19 of the date upon which ~~he~~ **the person** has been summoned to appear.

20 SECTION 7. IC 33-4-5.5-23 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2004]: Sec. 23. (a) **A person who appears for service as a petit or**
 23 **grand juror serves until the conclusion of the first trial in which**
 24 **the juror is sworn, regardless of the length of the trial or the**
 25 **manner in which the trial is disposed. A person who appears for**
 26 **service but is not selected and sworn as a juror completes the**
 27 **person's service at the end of one (1) day.**

28 (b) A person who:

- 29 (1) serves as a juror under this chapter; or
 30 (2) completes one (1) day of jury selection but is not chosen to
 31 serve as a juror;

32 **may not be selected for another jury panel for at least twenty-four**
 33 **(24) months.**

34 (c) The employer of a person who:

- 35 (1) is summoned to serve as a juror; and
 36 (2) notifies the person's employer of the jury summons within
 37 a reasonable period after receiving the jury summons and
 38 before the person appears for jury duty;

39 **may not subject the person to any adverse employment action as**
 40 **the result of the person's jury service.**

41 (d) **An employee may not be required or requested to use**
 42 **annual, vacation, or sick leave for time spent:**

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- 1 (1) responding to a summons for jury duty;
- 2 (2) participating in the jury selection process; or
- 3 (3) serving on a jury.

4 **This subsection does not require an employer to provide annual,**
 5 **vacation, or sick leave to an employee who is not otherwise entitled**
 6 **to these benefits.**

- 7 (e) If:
- 8 (1) a prospective juror works for an employer with five (5) or
 - 9 fewer full-time employees (or their equivalent);
 - 10 (2) another employee of the employer described in subdivision
 - 11 (1) is already performing jury service; and
 - 12 (3) the prospective juror or the employee already performing
 - 13 jury service notifies the court that they both work for the
 - 14 same employer;

15 **the court shall reschedule the prospective juror's jury service for**
 16 **a date that does not overlap with the jury service of the employee**
 17 **already performing jury service. The rescheduling of jury service**
 18 **under this subsection does not affect the prospective juror's right**
 19 **to a postponement under section (13)(b) of this chapter.**

20 SECTION 8. IC 33-4-11-18 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 18. (a) The supervising
 22 judge or the jury commissioner shall determine solely on the basis of
 23 information provided on a juror qualification form or interview with a
 24 prospective juror whether the prospective juror is disqualified for jury
 25 service. The jury commissioner shall enter this determination in the
 26 space provided on the juror qualification form or electronic data
 27 processing facsimile and on the alphabetical list of names drawn from
 28 the master list.

29 ~~(b) A person may not be automatically excused under this chapter.~~
 30 ~~The supervising judge or jury commissioner, upon request of a~~
 31 ~~prospective juror, shall determine on the basis of information provided~~
 32 ~~on the juror qualification form, correspondence from the prospective~~
 33 ~~juror, or an interview with the prospective juror whether the~~
 34 ~~prospective juror may be excused from jury service. The jury~~
 35 ~~commissioner shall enter this determination in the space provided on~~
 36 ~~the juror qualification form.~~

37 **(b) A person scheduled to appear for jury service has the right**
 38 **to postpone the date of the person's initial appearance for jury**
 39 **service one (1) time. The court shall grant a prospective juror's**
 40 **request for postponement if the following conditions are met:**

- 41 (1) The prospective juror has not previously been granted a
- 42 postponement.

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- 1 **(2) The prospective juror requests a postponement by**
- 2 **contacting the jury commissioner:**
- 3 **(A) by telephone;**
- 4 **(B) by electronic mail;**
- 5 **(C) in writing; or**
- 6 **(D) in person.**
- 7 **(3) The prospective juror selects a date on which the**
- 8 **prospective juror will appear for jury service that is:**
- 9 **(A) not more than six (6) months after the date on which**
- 10 **the prospective juror was originally scheduled to appear;**
- 11 **and**
- 12 **(B) a date when the court will be in session.**
- 13 **(c) A court may excuse a prospective juror from jury service for**
- 14 **up to twenty-four (24) months if the court finds one (1) of the**
- 15 **following:**
- 16 **(1) Jury service would require the prospective juror to**
- 17 **abandon another person under the personal care or**
- 18 **supervision of the prospective juror, and it is impossible for**
- 19 **the prospective juror to obtain an appropriate substitute**
- 20 **caregiver during the time when the prospective juror is**
- 21 **required to participate in the jury pool.**
- 22 **(2) Jury service would substantially interfere with the**
- 23 **prospective juror's ability to pay for necessary daily living**
- 24 **expenses (including the necessary daily living expenses of**
- 25 **other persons for whom the prospective juror is the principal**
- 26 **means of support).**
- 27 **(3) Jury service would cause the prospective juror to suffer**
- 28 **physical hardship that would likely result in injury or disease.**
- 29 **A prospective juror is not entitled to be excused from jury service**
- 30 **solely because jury service would require the prospective juror to**
- 31 **be absent from the prospective juror's place of employment.**
- 32 **(d) A court may excuse a prospective juror from jury service**
- 33 **permanently if the court finds that:**
- 34 **(1) jury service would cause the prospective juror to suffer**
- 35 **physical hardship that would likely result in injury or disease;**
- 36 **and**
- 37 **(2) the condition described in subdivision (1) is permanent.**
- 38 **(e) A prospective juror who applies to be excused from jury**
- 39 **service under subsection (c) or (d) shall:**
- 40 **(1) apply to be excused before the date the prospective juror**
- 41 **is scheduled to appear for jury service, unless this is**
- 42 **impossible; and**

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1 (2) provide the court with documentary and other evidence
2 that supports the prospective juror's application to be
3 excused.

4 Documentary evidence may include an income tax return, a
5 medical statement from a licensed physician, or proof of
6 guardianship. The court shall deny a prospective juror's
7 application to be excused from jury service if the prospective juror
8 fails to supply satisfactory documentary evidence in support of the
9 application.

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

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

19 SECTION 9. IC 33-4-11-23 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 23. (a) A person who
21 appears for service as a petit or grand juror serves until the conclusion
22 of the first trial in which the juror is sworn, regardless of the length of
23 the trial or the manner in which the trial is disposed. A person who
24 appears for service but is not selected and sworn as a juror completes
25 the person's service at the end of one (1) day.

26 (b) A person who:
27 (1) serves as a juror under this chapter; or
28 (2) completes one (1) day of jury selection but is not chosen to
29 serve as a juror;
30 may not be selected for another jury panel until all nonexempt persons
31 on the master list have been called for jury duty: for at least
32 twenty-four (24) months.

33 (c) The employer of a person who:
34 (1) is summoned to serve as a juror; and
35 (2) notifies the person's employer of the jury summons within
36 a reasonable period after receiving the jury summons and
37 before the person appears for jury duty;
38 may not subject the person to any adverse employment action as
39 the result of the person's jury service.

40 (d) An employee may not be required or requested to use
41 annual, vacation, or sick leave for time spent:
42 (1) responding to a summons for jury duty;

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1 (2) participating in the jury selection process; or
 2 (3) serving on a jury.
 3 **This subsection does not require an employer to provide annual,**
 4 **vacation, or sick leave to an employee who is not otherwise entitled**
 5 **to these benefits.**
 6 (e) If:
 7 (1) a prospective juror works for an employer with five (5) or
 8 fewer full-time employees (or their equivalent);
 9 (2) another employee of the employer described in subdivision
 10 (1) is already performing jury service; and
 11 (3) the prospective juror or the employee already performing
 12 jury service notifies the court that they both work for the
 13 same employer;
 14 **the court shall reschedule the prospective juror's jury service for**
 15 **a date that does not overlap with the jury service of the employee**
 16 **already performing jury service. The rescheduling of jury service**
 17 **under this subsection does not affect the prospective juror's right**
 18 **to a postponement under section (18)(b) of this chapter.**
 19 SECTION 10. IC 33-19-1-4 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) Jurors of circuit,
 21 superior, county, probate, and municipal courts and members of a
 22 grand jury are entitled to fees equal to:
 23 (1) the mileage rate paid to state officers for each mile necessarily
 24 traveled to and from the court; and
 25 (2) payment at the rate of:
 26 (A) fifteen dollars (\$15) for each day the juror is in actual
 27 attendance in court until the jury is impaneled; and
 28 (B) forty dollars (\$40) for each day the juror is in actual
 29 attendance after impaneling and until the jury is discharged.
 30 (b) A county fiscal body may adopt an ordinance to pay from county
 31 funds a supplemental fee in addition to the fees prescribed by
 32 subsection (a)(2).
 33 (c) Jurors of city and town courts are entitled to:
 34 (1) fifteen dollars (\$15) per day while in actual attendance; and
 35 (2) receive a sum for mileage equal to that sum per mile paid to
 36 state officers and employees for each mile necessarily traveled to
 37 and from the court.
 38 (d) A city or town fiscal body may adopt an ordinance to pay from
 39 city or town funds a supplemental fee in addition to the fee prescribed
 40 by subsection (c)(1).
 41 (e) A prospective juror who is summoned for jury duty and who
 42 reports to the summoning court on the day specified in the summons is

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1 in actual attendance on that day for the purposes of this section.

2 **(f) In addition to the jury service fee described in subsection (a),**
3 **a juror may receive remuneration from the lengthy trial account**
4 **under IC 33-19-11.**

5 SECTION 11. IC 33-19-5-4, AS AMENDED BY P.L.1-2002,
6 SECTION 136, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) For each civil action except:

- 8 (1) proceedings to enforce a statute defining an infraction under
- 9 IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- 10 (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or
- 11 IC 34-4-32-4 before its repeal);
- 12 (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- 13 (4) proceedings in paternity under IC 31-14;
- 14 (5) proceedings in small claims court under IC 33-11.6; and
- 15 (6) proceedings in actions under section 6 of this chapter;

16 the clerk shall collect from the party filing the action a civil costs fee
17 of one hundred dollars (\$100).

18 (b) In addition to the civil costs fee collected under this section, the
19 clerk shall collect the following fees if they are required under
20 IC 33-19-6:

- 21 (1) A document fee.
- 22 (2) A support and maintenance fee.
- 23 (3) A document storage fee (IC 33-19-6-18.1).
- 24 (4) An automated record keeping fee (IC 33-19-6-19).
- 25 **(5) A lengthy trial fee (IC 33-19-6-23).**

26 SECTION 12. IC 33-19-6-23 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2004]: **Sec. 23. (a) Except as provided in**
29 **subsection (b), this section applies to all civil actions.**

30 **(b) This section does not apply to the following:**

- 31 **(1) An action involving a pro se litigant or brought in forma**
- 32 **pauperis.**
- 33 **(2) An action brought in small claims.**
- 34 **(3) An action brought by or on behalf of the state or a political**
- 35 **subdivision.**
- 36 **(4) An action involving dissolution of marriage, child support,**
- 37 **or child custody.**
- 38 **(5) An action brought in probate.**
- 39 **(6) An action to determine disability or worker's**
- 40 **compensation.**
- 41 **(7) An action involving recoupment of a government backed**
- 42 **educational loan or mortgage.**

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- 1 **(8) An action in which a party is not entitled to trial by jury.**
- 2 **(c) The clerk shall collect a lengthy trial fee of three dollars (\$3).**
- 3 **(d) The clerk shall forward the lengthy trial fee to the auditor of**
- 4 **state under IC 33-19-7-1.**

5 SECTION 13. IC 33-19-7-1, AS AMENDED BY P.L.167-2003,
 6 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2005]: Sec. 1. (a) The clerk of a circuit court shall
 8 semiannually distribute to the auditor of state as the state share for
 9 deposit in the state general fund seventy percent (70%) of the amount
 10 of fees collected under the following:

- 11 (1) IC 33-19-5-1(a) (criminal costs fees).
- 12 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 13 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 14 (4) IC 33-19-5-4(a) (civil costs fees).
- 15 (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- 16 (6) IC 33-19-5-6(a) (probate costs fees).
- 17 (7) IC 33-19-6-16.2 (deferred prosecution fees).

18 (b) The clerk of a circuit court shall semiannually distribute to the
 19 auditor of state for deposit in the state user fee fund established under
 20 IC 33-19-9-2 the following:

- 21 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 22 interdiction, and correction fees collected under
 23 IC 33-19-5-1(b)(5).
- 24 (2) Twenty-five percent (25%) of the alcohol and drug
 25 countermeasures fees collected under IC 33-19-5-1(b)(6),
 26 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 27 (3) Fifty percent (50%) of the child abuse prevention fees
 28 collected under IC 33-19-5-1(b)(7).
- 29 (4) One hundred percent (100%) of the domestic violence
 30 prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- 31 (5) One hundred percent (100%) of the highway work zone fees
 32 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- 33 (6) One hundred percent (100%) of the safe schools fee collected
 34 under IC 33-19-6-16.3.
- 35 (7) One hundred percent (100%) of the automated record keeping
 36 fee (IC 33-19-6-19).

37 (c) The clerk of a circuit court shall monthly distribute to the county
 38 auditor the following:

- 39 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 40 interdiction, and correction fees collected under
 41 IC 33-19-5-1(b)(5).
- 42 (2) Seventy-five percent (75%) of the alcohol and drug

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1 countermeasures fees collected under IC 33-19-5-1(b)(6),
2 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
3 The county auditor shall deposit fees distributed by a clerk under this
4 subsection into the county drug free community fund established under
5 IC 5-2-11.

6 (d) The clerk of a circuit court shall monthly distribute to the county
7 auditor fifty percent (50%) of the child abuse prevention fees collected
8 under IC 33-19-5-1(b)(8). The county auditor shall deposit fees
9 distributed by a clerk under this subsection into the county child
10 advocacy fund established under IC 12-17-17.

11 (e) The clerk of a circuit court shall monthly distribute to the county
12 auditor one hundred percent (100%) of the late payment fees collected
13 under IC 33-19-6-20. The county auditor shall deposit fees distributed
14 by a clerk under this subsection as follows:

15 (1) If directed to do so by an ordinance adopted by the county
16 fiscal body, the county auditor shall deposit forty percent (40%)
17 of the fees in the clerk's record perpetuation fund established
18 under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the
19 county general fund.

20 (2) If the county fiscal body has not adopted an ordinance under
21 subdivision (1), the county auditor shall deposit all the fees in the
22 county general fund.

23 (f) The clerk of the circuit court shall semiannually distribute to the
24 auditor of state for deposit in the sexual assault victims assistance fund
25 established under IC 16-19-13-6 one hundred percent (100%) of the
26 sexual assault victims assistance fees collected under IC 33-19-6-21.

27 (g) The clerk of a circuit court shall monthly distribute to the county
28 auditor the following:

29 (1) One hundred percent (100%) of the support and maintenance
30 fees for cases designated as non-Title IV-D child support cases in
31 the Indiana support enforcement tracking system (ISETS)
32 collected under IC 33-19-6-5.

33 (2) The percentage share of the support and maintenance fees for
34 cases designated as IV-D child support cases in ISETS collected
35 under IC 33-19-6-5 that is reimbursable to the county at the
36 federal financial participation rate.

37 The county clerk shall monthly distribute to the office of the secretary
38 of family and social services the percentage share of the support and
39 maintenance fees for cases designated as Title IV-D child support cases
40 in ISETS collected under IC 33-19-6-5 that is not reimbursable to the
41 county at the applicable federal financial participation rate.

42 (h) The clerk of a circuit court shall monthly distribute to the county

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1 auditor one hundred percent (100%) of the small claims service fee
2 under IC 33-19-5-5(a)(2) for deposit in the county general fund.

3 (i) **The clerk of a circuit court shall semiannually distribute to**
4 **the auditor of state one hundred percent (100%) of the lengthy**
5 **trial fee under IC 33-19-6-23 for deposit in the lengthy trial**
6 **account under IC 33-19-11.**

7 SECTION 14. IC 33-19-11 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2004]:

10 **Chapter 11. Lengthy Trial Account**

11 **Sec. 1. The following definitions apply throughout this chapter:**

12 (1) "Court day" means a day that a juror or prospective juror
13 is required to be in court.

14 (2) "Lengthy trial account" refers to the lengthy trial account
15 established by section 2 of this chapter.

16 **Sec. 2. (a) The lengthy trial account is established within the**
17 **state general fund to compensate a person who serves as a grand**
18 **juror or juror in a lengthy trial. The division of state court**
19 **administration shall administer the account.**

20 (b) The expenses of administering the lengthy trial account shall
21 be paid from money in the lengthy trial account.

22 (c) The treasurer of state shall invest the money in the lengthy
23 trial account not currently needed to meet the obligations of the
24 account in the same manner as other public money may be
25 invested. Interest that accrues from these investments shall be
26 deposited in the lengthy trial account.

27 (d) Money in the lengthy trial account at the end of a state fiscal
28 year does not revert to the state general fund.

29 **Sec. 3. (a) The lengthy trial account may be used to replace some**
30 **or all of a juror's wages if all the following conditions are met:**

31 (1) The juror serves on a petit or grand jury for more than ten
32 (10) court days.

33 (2) The juror's employer pays the juror less than the juror's
34 full regular wages for the jury service period starting with the
35 eleventh court day of jury service.

36 (3) The juror applies to the division of state court
37 administration for wage replacement on a form developed by
38 the division of state court administration.

39 (b) Unless the juror is eligible for hardship wage replacement
40 under section 4 of this chapter, a juror is only eligible for wage
41 replacement beginning on the eleventh court day of jury service. A
42 juror may not receive wage replacement under this section for

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wages the juror would have earned during the first ten (10) court days of jury service.

(c) A juror is only entitled to wage replacement for the difference between the juror's regular wage and the wages paid to the juror for each court day beyond the tenth court day of jury service plus the amount of jury pay paid to the juror by the state.

(d) The maximum amount a juror may receive under this section is three hundred (\$300) per court day for each court day of jury service beyond the first ten (10) court days of jury service.

Sec. 4. (a) The lengthy trial account may be used to replace some or all of a juror's wages if all the following conditions are met:

(1) The juror serves on a grand or petit jury for more than ten (10) court days.

(2) The juror's employer pays the juror less than the juror's full regular wages for the jury service period starting with the fourth court day of jury service and ending with the tenth court day of jury service.

(3) The juror applies to the division of state court administration for hardship wage replacement on a form developed by the division of state court administration.

(4) The trial court certifies to the division of state court administration, on a form developed by the division of state court administration, that the juror's service posed a significant financial hardship to the juror, even in light of wage replacement that the juror may be entitled to for jury service after the tenth court day of service.

(b) A juror is only eligible for hardship wage replacement beginning on the fourth court day of jury service and ending on the tenth court day of jury service. A juror may not receive wage replacement under this section for wages the juror would have earned during the first three (3) court days of jury service. However, a juror who has received hardship wage replacement may also receive wage replacement under section 3 of this chapter.

(c) A juror is only entitled to hardship wage replacement for the difference between the juror's regular wage and the wages paid to the juror for each court day from the fourth through the tenth court day of jury service plus the amount of jury pay paid to the juror by the state.

(d) The maximum amount a juror may receive under this section is one hundred (\$100) per court day for each court day of jury service from the fourth through the tenth court day of jury service.

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1 **Sec. 5. (a) The division of state court administration shall adopt**
 2 **guidelines and forms for the administration of the lengthy trial**
 3 **account.**

4 **(b) The division of state court administration shall adopt**
 5 **guidelines for the payment of wage replacement and hardship wage**
 6 **replacement in accordance with this chapter. The guidelines must**
 7 **ensure that funds from the lengthy trial account are distributed**
 8 **equitably and efficiently.**

9 **(c) The division of state court administration shall publish the**
 10 **forms necessary to apply for wage replacement and hardship wage**
 11 **replacement on the Internet through the computer gateway**
 12 **administered by the intelenet commission under IC 5-21-2 and**
 13 **known as accessIndiana. In addition, the division of state court**
 14 **administration shall provide the forms necessary to apply for wage**
 15 **replacement and hardship wage replacement to any person who**
 16 **requests them.**

17 **Sec. 6. (a) A juror who has served on a grand or petit jury for**
 18 **more than ten (10) court days may submit a request for payment**
 19 **from the lengthy trial account on a form provided by the division**
 20 **of state court administration.**

21 **(b) The juror shall disclose the following:**

22 **(1) The juror's regular wages.**

23 **(2) The amount of wages the employer will pay:**

24 **(A) starting on the eleventh court day of jury service, if the**
 25 **juror is applying for standard wage replacement;**

26 **(B) from the fourth to the tenth court day of jury service,**
 27 **if the juror is applying for hardship wage replacement; or**

28 **(C) both, if the juror is applying for standard wage**
 29 **replacement and hardship wage replacement.**

30 **(3) The amount of wage replacement the juror is requesting.**

31 **(4) The amount of jury pay the juror received from the state.**

32 **(5) Any other information requested by the division of state**
 33 **court administration that is necessary for proper payment.**

34 **(c) The juror shall submit verification from the employer**
 35 **concerning the juror's regular wages and the amount the employer**
 36 **has paid or will pay the employee during the relevant periods of**
 37 **jury service. On request by the division of state court**
 38 **administration, a juror shall submit the additional documentation**
 39 **the division of state court administration requires to comply with**
 40 **this chapter.**

41 **(d) If a juror is self-employed or receives compensation other**
 42 **than wages, the juror shall provide a sworn affidavit attesting to**

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1 the juror's gross weekly income. In addition, the juror shall submit
 2 the additional documentation the division of state court
 3 administration requires to comply with this chapter.

4 (e) The division of state court administration may summarily
 5 deny a request for wage replacement if the juror:

6 (1) has not accurately completed the request form; or

7 (2) has failed to provide documentation sufficient to verify the
 8 amount of wage replacement to which the juror is entitled.

9 Sec. 7. The money in the lengthy trial account is continually
 10 appropriated to the division of state court administration.
 11 However, money may not be disbursed from the account except in
 12 accordance with this chapter.

13 SECTION 15. IC 35-44-2-5 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2004]: Sec. 5. (a) A person required to appear for jury service
 16 who knowingly or intentionally fails to appear in person for jury
 17 service on the:

18 (1) date originally scheduled for jury service, if the person has
 19 not received a postponement; or

20 (2) rescheduled jury service date, if the person has received a
 21 postponement;

22 commits failure to appear for jury service, a Class C misdemeanor.

23 (b) A person who knowingly or intentionally fails to complete
 24 jury service commits failure to complete jury service, a Class C
 25 misdemeanor.

26 (c) A person who, with the intent to avoid or secure service as a
 27 juror, knowingly or intentionally misrepresents a material fact on
 28 a juror qualification form commits juror misrepresentation, a
 29 Class C misdemeanor.

30 SECTION 16. THE FOLLOWING ARE REPEALED [EFFECTIVE
 31 JULY 1, 2004]: IC 33-4-5.5-20; IC 33-4-11-17; IC 33-4-11-24.

32 SECTION 17. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding
 33 IC 33-19-7-1, as amended by P.L.167-2003, SECTION 8, the clerk
 34 of a circuit court shall semiannually distribute to the auditor of
 35 state one hundred percent (100%) of the lengthy trial fee for
 36 deposit in the lengthy trial account.

37 (b) This SECTION expires June 30, 2005.

38 SECTION 18. [EFFECTIVE JULY 1, 2004] IC 35-44-2-5, as
 39 added by this act, applies only to crimes committed after June 30,
 40 2004.

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