

HOUSE BILL No. 1196

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-2.1-7-3; IC 33-4; IC 33-19.

Synopsis: Jury service. Provides that a person who appears for jury duty but is not selected has completed the person's jury duty at the end of the first day. Removes the professional exemption from jury duty for a member of the Indianapolis board of school commissioners. Provides that a person is entitled to one automatic postponement of jury duty. Provides exemptions from jury duty for health reasons and for certain persons with caregiver responsibilities. Excuses a person from jury duty if the person has served within the preceding year. Expands the source of names for jury lists to include a person who obtains a drivers license or identification card from the BMV. Creates the lengthy trial account to be funded by an \$8 filing and continuance fee in most civil cases. Provides that the account is administered by the division of state court administration. Provides that a person who serves in a trial lasting between 4 and 10 days is entitled to \$100 per day for the fourth through tenth court days, and a person who serves on a jury for more than 10 days is entitled to \$300 per day after the tenth court day. Prohibits an employer from requiring an employee to use vacation or other leave for jury duty. Makes conforming amendments.

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

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January 13, 2004, read first time and referred to Committee on Courts and Criminal Code.

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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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HOUSE BILL No. 1196



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 33-4-5-2 IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) The commissioners shall
 25 immediately, from the names of:

26 **(1) legal voters of the county; and**

27 **(2) citizens of the United States on the latest tax duplicate and the**
 28 **tax schedules of the county; and**

29 **(3) individuals who:**

30 **(A) reside in the county; and**

31 **(B) have obtained a driver's license or identification card**
 32 **under IC 9-24 from the bureau of motor vehicles;**

33 examine for the purpose of determining the sex, age, and identity of
 34 prospective jurors, and proceed to select and deposit, in a box furnished
 35 by the clerk for that purpose, the names, written on separate slips of
 36 paper of uniform shape, size, and color, of twice as many persons as
 37 will be required by law for grand and petit jurors in the courts of the
 38 county, for all the terms of such courts, to commence with the calendar
 39 year next ensuing. Each selection shall be made as nearly as possible
 40 in proportion to the population of each county commissioner's district.
 41 In making such selections, they shall in all things observe their oath,
 42 and they shall not select the name of any person who is to them known

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1 to be interested in or has cause pending which may be tried by a jury
2 to be drawn from the names so selected. They shall deliver the box,
3 locked, to the clerk of the circuit court, after having deposited therein
4 the names as herein directed. The key shall be retained by one (1) of
5 the commissioners, not an adherent of the same political party as is the
6 clerk.

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

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

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

37 (e) The supplemental sources designated under subsection (d) may
38 consist of such lists as those of utility customers, persons filing income
39 tax returns, motor vehicle registrations, city directories, **and** telephone
40 directories. ~~and driver's licenses~~. These supplemental lists may not be
41 substituted for the voter registration list **or driver's license and**
42 **identification card lists**. The jury commissioners may not draw more

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1 names from supplemental sources than are drawn from the voter
 2 registration lists, ~~and~~ tax schedules, **or driver's licenses and**
 3 **identification card lists.**

4 SECTION 3. IC 33-4-5-7, AS AMENDED BY P.L.195-2003,
 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2004]: Sec. 7. (a) A person shall be excused from acting as a
 7 juror if the person:

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

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

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

13 (A) the United States;

14 (B) Indiana; or

15 (C) a unit of local government;

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

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

20 (5) is an honorary military staff officer appointed by the governor
 21 under IC 10-16-2-5;

22 (6) is an officer or enlisted person of the guard reserve forces
 23 authorized by the governor under IC 10-16-8;

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

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

27 ~~(9) (8)~~ (8) is a dentist licensed under IC 25-14-1;

28 ~~(10) (9)~~ (9) is a member of a police or fire department or company
 29 under IC 36-8-3 or IC 36-8-12; or

30 ~~(11) (10)~~ (10) would serve as a juror during a criminal trial and the
 31 person is:

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

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

36 ~~and desires to be excused for that reason. if the person requests to be~~
 37 ~~excused before being sworn as a juror.~~

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

42 (1) The prospective juror has not previously been granted a

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1 **postponement.**
2 **(2) The prospective juror requests a postponement by**
3 **contacting the jury commissioner:**
4 **(A) by telephone;**
5 **(B) by electronic mail;**
6 **(C) in writing; or**
7 **(D) in person.**
8 **(3) The prospective juror selects another date on which the**
9 **prospective juror will appear for jury service that is:**
10 **(A) not more than six (6) months after the date upon which**
11 **the prospective juror was originally scheduled to appear;**
12 **and**
13 **(B) a date when the court will be in session.**
14 **(c) A court may excuse a prospective juror from jury service for**
15 **up to one (1) year if the court finds one (1) of the following:**
16 **(1) Jury service would require the prospective juror to**
17 **abandon another person who is 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 for the time when the prospective juror is required**
21 **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:**
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) must:**
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 For purposes of this subsection, documentary evidence may include
5 an income tax return, a medical statement from a licensed
6 physician, or proof of guardianship. The court shall deny a
7 prospective juror's application to be excused from jury service if
8 the prospective juror fails to supply satisfactory documentary
9 evidence in support of the application.

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

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

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

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

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

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

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

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

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

37 (i) The same petit jurors may be used in civil cases and in
38 criminal cases.

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

41 (k) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration
42 of the right to serve on a jury under this section and except as provided

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1 in subsections ~~(c)~~, **(l)**, ~~(t)~~, **(m)**, and ~~(h)~~, **(p)**, a person who has been
 2 convicted of a crime of domestic violence (as defined in
 3 IC 35-41-1-6.3) may not possess a firearm:

- 4 (1) after the person is no longer under a sentence imposed for an
 5 offense; or
 6 (2) after the person has had the person's rights restored following
 7 a conviction.

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

- 14 (1) Whether the person has been subject to:
 15 (A) a protective order;
 16 (B) a no contact order;
 17 (C) a workplace violence restraining order; or
 18 (D) any other court order that prohibits the person from
 19 possessing a firearm.
 20 (2) Whether the person has successfully completed a substance
 21 abuse program, if applicable.
 22 (3) Whether the person has successfully completed a parenting
 23 class, if applicable.
 24 (4) Whether the person still presents a threat to the victim of the
 25 crime.
 26 (5) Whether there is any other reason why the person should not
 27 possess a firearm, including whether the person failed to complete
 28 a specified condition under subsection ~~(t)~~ **(m)** or whether the
 29 person has committed a subsequent offense.

30 ~~(i)~~ **(m)** The court may condition the restoration of a person's right to
 31 possess a firearm upon the person's completion of specified conditions.

32 ~~(j)~~ **(n)** If the court denies a petition for restoration of the right to
 33 possess a firearm, the person may not file a second or subsequent
 34 petition until one (1) year has elapsed.

35 ~~(k)~~ **(o)** A person has not been convicted of a crime of domestic
 36 violence for purposes of subsection ~~(h)~~ **(l)** if the conviction has been
 37 expunged or if the person has been pardoned.

38 ~~(h)~~ **(p)** The right to possess a firearm shall be restored to a person
 39 whose conviction is reversed on appeal or on post-conviction review at
 40 the earlier of the following:

- 41 (1) At the time the prosecuting attorney states on the record that
 42 the charges that gave rise to the conviction will not be refiled.

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1 (2) Ninety (90) days after the final disposition of the appeal or the
2 post-conviction proceeding.

3 SECTION 4. IC 33-4-5-12 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2004]: **Sec. 12. (a) A person who appears for service as a petit or
6 grand juror serves until the conclusion of the first trial in which
7 the juror is sworn, regardless of the length of the trial or the
8 manner in which the trial is disposed. A person who appears for
9 service but is not selected and sworn as a juror completes the
10 person's service at the end of one (1) day.**

11 **(b) A person who:**

12 (1) serves as a juror under this chapter; or
13 (2) completes one (1) day of jury selection but is not chosen to
14 serve as a juror;

15 **may not be selected for another jury panel for at least one (1) year.**

16 **(c) The employer of a person who:**

17 (1) is summoned to serve as a juror; and
18 (2) notifies the employer of the jury summons:

19 (A) within a reasonable period after receiving the jury
20 summons; and
21 (B) before the person appears for jury duty;

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

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

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

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

32 **(e) If:**

33 (1) a prospective juror works for an employer with five (5) or
34 fewer full-time employees (or their equivalent);
35 (2) another employee of the employer described in subdivision
36 (1) is already performing jury service; and
37 (3) the prospective juror or the employee already performing
38 jury service notifies the court that they both work for the
39 same employer;

40 **the court shall reschedule the prospective juror's jury service for
41 a date that does not overlap with the jury service of the other
42 employee already performing jury service. The rescheduling of**

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1 **jury service under this subsection does not affect the prospective**
2 **juror's right to a postponement under section (7)(b) of this chapter.**

3 SECTION 5. IC 33-4-5.5-4 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. As used in this
5 chapter:

6 (a) "Court" means the superior court of a county having a population
7 of more than four hundred thousand (400,000) but less than seven
8 hundred thousand (700,000) and also includes all other courts in such
9 counties.

10 (b) "Jury commissioner" may include any deputy court administrator
11 designated by the jury commissioner from time to time to act in his
12 place.

13 (c) "Master list" means:
14 (1) all current, up-to-date voter registration lists for each precinct
15 in the county;
16 (2) all citizens of the United States on the latest tax duplicate
17 and the tax schedules of the county; and
18 (3) a list of individuals who reside in the county and who have
19 obtained a driver's license or identification card under
20 IC 9-24 from the bureau of motor vehicles;

21 which shall be supplemented with names from other sources prescribed
22 pursuant to other sections of this chapter, in order to foster the policy
23 and protect the rights secured by this chapter. The "list" may be in the
24 form of a serially printed list, a magnetic tape, an addressograph file,
25 punched cards, or such other form deemed by the chief judge to be
26 consistent with the provisions of this chapter.

27 (d) "Voter registration lists" means the official records of persons
28 registered to vote in the most recent general election.

29 (e) "Jury wheel" means any list, physical device, or electronic
30 system for the storage of the names or identifying numbers of
31 prospective jurors.

32 (f) "Qualified jury wheel" means the jury wheel in which there are
33 placed the names or identifying numbers of prospective jurors drawn
34 at random from the master list and who are not disqualified.

35 (g) "Juror qualification form" means the form prescribed for use by
36 the court and mailed to each prospective juror, or an electronic data
37 processing facsimile of that form such as might be created on magnetic
38 tape, punched cards, or computer discs.

39 SECTION 6. IC 33-4-5.5-7 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) The jury
41 commissioner shall compile and maintain a master list consisting of:

42 (1) all the voter registration lists for the county;

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- 1 **(2) the names of all citizens of the United States on the latest**
- 2 **tax duplicate and the tax schedules of the county; and**
- 3 **(3) a list of individuals who reside in the county and who have**
- 4 **obtained a driver's license or identification card under**
- 5 **IC 9-24 from the bureau of motor vehicles;**

6 supplemented with names from other lists of persons resident in the
 7 county which the Indiana supreme court shall from time to time
 8 designate as necessary to obtain the broadest cross-section of the
 9 county, having determined that use of such supplemental lists is
 10 feasible. The supreme court shall exercise the authority so to designate
 11 from time to time in such manner as to foster the policy and protect the
 12 rights secured by this article. These supplemental sources may consist
 13 of such lists as those of utility customers, property taxpayers, persons
 14 filing income tax returns, motor vehicle registrations, city directories,
 15 telephone directories, and driver's licenses. Such lists may not be
 16 substituted for the voter registration list. In drawing names from such
 17 supplemental lists, the jury commissioner shall avoid duplication of
 18 names.

19 (b)(1) Whoever has custody, possession, or control of any of the lists
 20 making up or used in compiling the master list, including those
 21 designated under subsection (a) of this section by the supreme court as
 22 supplementary sources of names, shall furnish the list to the jury
 23 commissioner for inspection, reproduction, and copying at all
 24 reasonable times.

25 (2) When a copy of a list maintained by a public official is
 26 furnished, only the actual cost of the copy may be charged to the court.

27 (3) The master list of names shall be open to the public for
 28 examination as a public record, except that the source of names and
 29 any information other than name contained in that source shall not be
 30 public information.

31 SECTION 7. IC 33-4-5.5-11 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) The court or the
 33 jury commissioner shall determine solely on the basis of information
 34 provided on the juror qualification form or interview with the
 35 prospective juror whether or not the prospective juror is disqualified for
 36 jury service. The jury commissioner shall enter this determination in
 37 the space provided on the juror qualification form or electronic data
 38 processing facsimile and on the alphabetical list of names drawn from
 39 the master list.

40 (b) A prospective juror is disqualified to serve on a jury if ~~he~~ **at**
 41 **least one (1) of the following subdivisions applies to the prospective**
 42 **juror:**

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- 1 (1) **The prospective juror** is not a citizen of the United States,
- 2 eighteen (18) years old, and a resident of the county. ~~or~~
- 3 (2) **The prospective juror** is unable to read, speak, and
- 4 understand the English language with a degree of proficiency
- 5 sufficient to fill out satisfactorily the juror qualification form. ~~or~~
- 6 (3) **The prospective juror** is incapable, by reasons of ~~his~~ **the**
- 7 **prospective juror's** physical or mental disability, of rendering
- 8 satisfactory jury service. However, a person claiming this
- 9 disqualification ~~may be required to~~ **must** submit a physician's or
- 10 authorized Christian Science practitioner's certificate as to the
- 11 disability, and the certifying physician or practitioner is subject to
- 12 inquiry by the court at its discretion. ~~or~~
- 13 (4) ~~has had his~~ **The rights of the prospective juror have been**
- 14 **revoked by reason of a felony conviction and not restored.**

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

- 19 (1) Members in active service of the Armed Forces of the United
- 20 States who are actively engaged in the performance of their
- 21 official duties.
- 22 (2) Elected or appointed officials of the executive, legislative, or
- 23 judicial branches of government of the:
- 24 (A) United States;
- 25 (B) state of Indiana; or
- 26 (C) counties affected by this chapter;
- 27 who are actively engaged in the performance of their official
- 28 duties.
- 29 (3) ~~A person who:~~
- 30 (A) would serve as a juror during a criminal trial; and
- 31 (B) is:
- 32 (i) an employee of the department of correction whose duties
- 33 require contact with inmates confined in a department of
- 34 correction facility; or
- 35 (ii) the spouse or child of a person described in item (i);
- 36 and desires to be excused for that reason.
- 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 another 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 one (1) year if the court finds one (1) of the following:**
- 15 **(1) Jury service would require the prospective juror to**
- 16 **abandon another person who is under the personal care or**
- 17 **supervision of the prospective juror, and it is impossible for**
- 18 **the prospective juror to obtain an appropriate substitute**
- 19 **caregiver for the time when the prospective juror is required**
- 20 **to participate in the jury pool.**
- 21 **(2) Jury service would substantially interfere with the**
- 22 **prospective juror's ability to pay for necessary daily living**
- 23 **expenses (including the necessary daily living expenses of**
- 24 **other persons for whom the prospective juror is the principal**
- 25 **means of support).**
- 26 **(3) Jury service would cause the prospective juror to suffer**
- 27 **physical hardship that would likely result in injury or disease.**
- 28 **A prospective juror is not entitled to be excused from jury service**
- 29 **solely because jury service would require the prospective juror to**
- 30 **be absent from the prospective juror's place of employment.**
- 31 **(d) A court may excuse a prospective juror from jury service**
- 32 **permanently if the court finds that:**
- 33 **(1) jury service would cause the prospective juror to suffer**
- 34 **physical hardship that would likely result in injury or disease;**
- 35 **and**
- 36 **(2) the condition described in subdivision (1) is permanent.**
- 37 **(e) A prospective juror who applies to be excused from jury**
- 38 **service under subsection (c) or (d) must:**
- 39 **(1) apply to be excused before the date the prospective juror**
- 40 **is scheduled to appear for jury service, unless this is**
- 41 **impossible; and**
- 42 **(2) provide the court with documentary and other evidence**

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1 that supports the prospective juror's application to be
2 excused.

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

9 SECTION 9. IC 33-4-5.5-15 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) Except as
11 provided in section 13 of this chapter, a person may not be
12 automatically excused under this chapter. ~~The chief judge or jury~~
13 ~~commissioner, upon request of a prospective juror, shall determine on~~
14 ~~the basis of information provided on the juror qualification form,~~
15 ~~correspondence from the prospective juror, or interview with the~~
16 ~~prospective juror whether the prospective juror should be excused from~~
17 ~~jury service. The jury commissioner shall enter this determination in~~
18 ~~the space provided on the juror qualification form.~~

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

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

28 SECTION 10. IC 33-4-5.5-23 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2004]: Sec. 23. (a) **A person who appears for**
31 **service as a petit or grand juror serves until the conclusion of the**
32 **first trial in which the juror is sworn, regardless of the length of**
33 **the trial or the manner in which the trial is disposed. A person who**
34 **appears for service but is not selected and sworn as a juror**
35 **completes the person's service at the end of one (1) day.**

36 (b) A person who:
37 (1) serves as a juror under this chapter; or
38 (2) completes one (1) day of jury selection but is not chosen to
39 serve as a juror;
40 may not be selected for another jury panel for at least one (1) year.

41 (c) The employer of a person who:
42 (1) is summoned to serve as a juror; and

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- 1 **(2) notifies the employer of the jury summons:**
- 2 **(A) within a reasonable period after receiving the jury**
- 3 **summons; and**
- 4 **(B) before the person appears for jury duty;**
- 5 **may not subject the person to any adverse employment action as**
- 6 **the result of the person's jury service.**
- 7 **(d) An employee may not be required or requested to use annual**
- 8 **leave, vacation leave, or sick leave for time spent:**
- 9 **(1) responding to a summons for jury duty;**
- 10 **(2) participating in the jury selection process; or**
- 11 **(3) serving on a jury.**

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

- 15 **(e) If:**
- 16 **(1) a prospective juror works for an employer with five (5) or**
- 17 **fewer full-time employees (or their equivalent);**
- 18 **(2) another employee of the employer described in subdivision**
- 19 **(1) is already performing jury service; and**
- 20 **(3) the prospective juror or the employee already performing**
- 21 **jury service notifies the court that they both work for the**
- 22 **same employer;**

23 **the court shall reschedule the prospective juror's jury service for**
 24 **a date that does not overlap with the jury service of the employee**
 25 **already performing jury service. The rescheduling of jury service**
 26 **under this subsection does not affect the prospective juror's right**
 27 **to a postponement under section (13)(b) of this chapter.**

28 **SECTION 11. IC 33-4-11-5 IS AMENDED TO READ AS**
 29 **FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. As used in this**
 30 **chapter, "master list" means:**

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

38 **that fosters the policy and protects the rights secured by this chapter,**
 39 **and that contains all current, up-to-date voter registration lists for each**
 40 **precinct in the county, the names of all citizens of the United States**
 41 **on the latest tax duplicate and the tax schedules of the county, and**
 42 **the names of all individuals who reside in the county and have**

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1 **obtained a driver's license or identification card under IC 9-24**
2 **from the bureau of motor vehicles, and** that is supplemented by
3 names derived from other sources identified under this chapter.

4 SECTION 12. IC 33-4-11-13 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) The jury
6 commissioner shall compile and maintain a master list consisting of:

- 7 (1) all the voter registration lists for the county;
- 8 (2) **the names of all citizens of the United States on the latest**
- 9 **tax duplicate and the tax schedules of the county;** and
- 10 (3) **the names of all individuals who reside in the county and**
- 11 **have obtained a driver's license or identification card under**
- 12 **IC 9-24 from the bureau of motor vehicles license branches;**

13 supplemented with names from other lists of persons resident in the
14 county that the Indiana supreme court shall from time to time designate
15 as necessary to obtain the broadest cross section of the county, having
16 determined that use of supplemental lists is feasible. The Indiana
17 supreme court may designate supplemental lists for use by the courts
18 from time to time in a manner that fosters the policy and protects the
19 rights secured by this chapter. Supplemental sources may consist of
20 lists of utility customers, property taxpayers, persons filing income tax
21 returns, motor vehicle registrations, city directories, telephone
22 directories, and driver's licenses. Supplemental lists may not be
23 substituted for the voter registration list, **tax schedules, or the driver's**
24 **license and identification card list.** In drawing names from
25 supplemental lists, the jury commissioner shall avoid duplication of
26 names.

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

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

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

38 SECTION 13. IC 33-4-11-18 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 18. (a) The supervising
40 judge or the jury commissioner shall determine solely on the basis of
41 information provided on a juror qualification form or interview with a
42 prospective juror whether the prospective juror is disqualified for jury

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1 service. The jury commissioner shall enter this determination in the
2 space provided on the juror qualification form or electronic data
3 processing facsimile and on the alphabetical list of names drawn from
4 the master list.

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

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

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

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

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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:

(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) of this section must:

(1) apply to be excused before the date the person 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.

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

(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) (f) 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.

SECTION 14. IC 33-4-11-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: 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.

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1 (b) A person who:
 2 (1) serves as a juror under this chapter; or
 3 (2) completes one (1) day of jury selection but is not chosen to
 4 serve as a juror;
 5 may not be selected for another jury panel ~~until all nonexempt persons~~
 6 ~~on the master list have been called for jury duty for at least one (1)~~
 7 ~~year.~~

8 (c) **The employer of a person who:**
 9 (1) **is summoned to serve as a juror; and**
 10 (2) **notifies the employer of the jury summons:**
 11 (A) **within a reasonable period of time after receiving the**
 12 **jury summons; and**
 13 (B) **before the person appears for jury duty;**
 14 **may not subject the person to any adverse employment action as**
 15 **the result of the person's jury service.**

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

21 **Nothing in this subsection requires an employer to provide annual**
 22 **leave, vacation leave, or sick leave to an employee who is not**
 23 **otherwise entitled to these benefits.**

24 (e) **If:**
 25 (1) **a prospective juror works for an employer with five (5) or**
 26 **fewer full-time employees (or their equivalent);**
 27 (2) **another employee of the employer described in subdivision**
 28 (1) **is already performing jury service; and**
 29 (3) **the prospective juror or the person already performing**
 30 **jury service notifies the court that they both work for the**
 31 **same employer;**

32 **the court shall reschedule the prospective juror's jury service for**
 33 **a date that does not overlap with the jury service of the other**
 34 **employee. The rescheduling of jury service under this subsection**
 35 **does not affect the prospective juror's right to a postponement**
 36 **under section (18)(b) of this chapter.**

37 SECTION 15. IC 33-19-1-4 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) Jurors of circuit,
 39 superior, county, probate, and municipal courts and members of a
 40 grand jury are entitled to fees equal to:

41 (1) the mileage rate paid to state officers for each mile necessarily
 42 traveled to and from the court; and

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- 1 (2) payment at the rate of:
- 2 (A) fifteen dollars (\$15) for each day if the juror is in actual
- 3 attendance in court until the jury and is not impaneled; and
- 4 (B) forty dollars (\$40) for each day the first three (3) court
- 5 days that the juror is in actual attendance after impaneling;
- 6 and until the jury is discharged:
- 7 (C) one hundred dollars (\$100) for the fourth through
- 8 tenth court days that the juror is in actual attendance after
- 9 impaneling; and
- 10 (D) three hundred dollars (\$300) for the eleventh and
- 11 subsequent court days that the juror is in actual
- 12 attendance after impaneling and until the jury is
- 13 discharged.

14 (b) A county fiscal body may adopt an ordinance to pay from county
 15 funds a supplemental fee in addition to the fees prescribed by
 16 subsection ~~(a)(2)~~: **(a)(2)(A) and (a)(2)(B)**.

17 **(c) The lengthy trial account under IC 33-19-11 shall fund juror**
 18 **payments under subsection (a)(2)(C) and (a)(2)(D)**.

- 19 **(d)** Jurors of city and town courts are entitled to:
- 20 (1) fifteen dollars (\$15) per day while in actual attendance; and
- 21 (2) receive a sum for mileage equal to that sum per mile paid to
- 22 state officers and employees for each mile necessarily traveled to
- 23 and from the court.

24 ~~(d)~~ **(e)** A city or town fiscal body may adopt an ordinance to pay
 25 from city or town funds a supplemental fee in addition to the fee
 26 prescribed by subsection ~~(c)(1)~~: **(d)(1)**.

27 ~~(e)~~ **(f)** A prospective juror who is summoned for jury duty and who
 28 reports to the summoning court on the day specified in the summons is
 29 in actual attendance on that day for the purposes of this section.

30 SECTION 16. IC 33-19-5-4, AS AMENDED BY P.L.1-2002,
 31 SECTION 136, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) For each civil action except:

- 33 (1) proceedings to enforce a statute defining an infraction under
- 34 IC 34-28-5-4 (or IC 34-4-32-4 before its repeal);
- 35 (2) proceedings to enforce an ordinance under IC 34-28-5-4 (or
- 36 IC 34-4-32-4 before its repeal);
- 37 (3) proceedings in juvenile court under IC 31-34 or IC 31-37;
- 38 (4) proceedings in paternity under IC 31-14;
- 39 (5) proceedings in small claims court under IC 33-11.6; and
- 40 (6) proceedings in actions under section 6 of this chapter;

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

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

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

9 SECTION 17. IC 33-19-6-23 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2004]: **Sec. 23. (a) Except as provided in**
12 **subsection (b), this section applies to all civil actions.**

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

- 14 **(1) An action involving a pro se litigant or brought in forma**
15 **pauperis.**
- 16 **(2) An action brought in small claims.**
- 17 **(3) An action brought by or on behalf of the state or any**
18 **political subdivision.**
- 19 **(4) An action involving dissolution of marriage, child support,**
20 **or child custody.**
- 21 **(5) An action brought in probate.**
- 22 **(6) An action to determine disability or workers'**
23 **compensation.**
- 24 **(7) An action involving recoupment of a government backed**
25 **educational loan or mortgage.**
- 26 **(8) An action in which a party is not entitled to trial by jury.**

27 **(c) The clerk shall collect a lengthy trial fee of eight dollars (\$8):**

- 28 **(1) from the plaintiff when a complaint is:**
29 **(A) filed; or**
30 **(B) amended; and**
- 31 **(2) from a party in an action when a party files a motion for:**
32 **(A) a continuance; or**
33 **(B) an extension of time.**

34 **(d) The clerk shall forward the lengthy trial fee to the auditor of**
35 **state under IC 33-19-7-1.**

36 SECTION 18. IC 33-19-7-1, AS AMENDED BY P.L.167-2003,
37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2005]: **Sec. 1. (a) The clerk of a circuit court shall**
39 **semiannually distribute to the auditor of state as the state share for**
40 **deposit in the state general fund seventy percent (70%) of the amount**
41 **of fees collected under the following:**

- 42 **(1) IC 33-19-5-1(a) (criminal costs fees).**

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- 1 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 2 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 3 (4) IC 33-19-5-4(a) (civil costs fees).
- 4 (5) IC 33-19-5-5(a)(1) (small claims costs fees).
- 5 (6) IC 33-19-5-6(a) (probate costs fees).
- 6 (7) IC 33-19-6-16.2 (deferred prosecution fees).

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

- 10 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 11 interdiction, and correction fees collected under
 12 IC 33-19-5-1(b)(5).
- 13 (2) Twenty-five percent (25%) of the alcohol and drug
 14 countermeasures fees collected under IC 33-19-5-1(b)(6),
 15 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 16 (3) Fifty percent (50%) of the child abuse prevention fees
 17 collected under IC 33-19-5-1(b)(7).
- 18 (4) One hundred percent (100%) of the domestic violence
 19 prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- 20 (5) One hundred percent (100%) of the highway work zone fees
 21 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- 22 (6) One hundred percent (100%) of the safe schools fee collected
 23 under IC 33-19-6-16.3.
- 24 (7) One hundred percent (100%) of the automated record keeping
 25 fee (IC 33-19-6-19).

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

- 28 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 29 interdiction, and correction fees collected under
 30 IC 33-19-5-1(b)(5).
- 31 (2) Seventy-five percent (75%) of the alcohol and drug
 32 countermeasures fees collected under IC 33-19-5-1(b)(6),
 33 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

34 The county auditor shall deposit fees distributed by a clerk under this
 35 subsection into the county drug free community fund established under
 36 IC 5-2-11.

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

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

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1 auditor one hundred percent (100%) of the late payment fees collected
2 under IC 33-19-6-20. The county auditor shall deposit fees distributed
3 by a clerk under this subsection as follows:

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

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

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

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

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

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

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

31 (h) The clerk of a circuit court shall monthly distribute to the county
32 auditor one hundred percent (100%) of the small claims service fee
33 under IC 33-19-5-5(a)(2) for deposit in the county general fund.

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

38 SECTION 19. IC 33-19-11 IS ADDED TO THE INDIANA CODE
39 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2004]:

41 **Chapter 11. Lengthy Trial Account**
42 **Sec. 1. As used in this section, "the lengthy trial account" or**

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1 "account" refers to the lengthy trial account established by section
2 of this chapter.

3 Sec. 2. (a) The lengthy trial account is established within the
4 state general fund to compensate a person who serves as a juror in
5 a lengthy trial. The division of state court administration shall
6 administer the account.

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

9 (c) The treasurer of state shall invest the money in the lengthy
10 trial account not currently needed to meet the obligations of the
11 account in the same manner as other public money may be
12 invested. Interest that accrues from these investments shall be
13 deposited in the account.

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

16 Sec. 3. (a) Except as provided in subsection (c), if a juror serves
17 on a petit or grand jury for at least four (4) court days, the juror
18 is entitled to one hundred dollars (\$100) per day for each court day
19 of jury service, for the fourth through tenth court days of jury
20 service.

21 (b) Except as provided in subsection (c), if a juror serves on a
22 petit or grand jury for more than ten (10) court days, the juror is
23 entitled to three hundred dollars (\$300) per court day for the
24 eleventh court day and each subsequent court day of jury service.

25 (c) If the juror's employer is paying the juror wages during jury
26 service, payments to the juror under subsections (a) and (b) shall
27 be reduced by the amount of wages the juror receives. A juror is
28 not entitled to any payments under subsections (a) and (b) if the
29 wages paid to the juror are more than the payment amounts set
30 forth in subsections (a) and (b). A juror must submit verifcaiton
31 of the wages the juror's employee paid to the juror while on jury
32 service to the division of state court administration before the
33 juror receives a payment under subsection (a) or (b).

34 Sec. 4. (a) The division of state court administration shall adopt
35 guidelines and forms for the administration of the lengthy trial
36 account.

37 (b) The division of state court administration shall adopt
38 guidelines and forms for the payment of jury service in accordance
39 with this chapter. The guidelines must ensure that funds from the
40 lengthy trial account are distributed equitably and efficiently.

41 Sec. 5. The money in the lengthy trial account is continually
42 appropriated to the division of state court administration.

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1 **However, money may not be disbursed from this account except in**
2 **accordance with the provisions of this chapter.**

3 SECTION 20. [EFFECTIVE JULY 1, 2004] (a) **Notwithstanding**
4 **IC 33-19-7-1, as amended by P.L.167-2003, SECTION 8, the clerk**
5 **of a circuit court shall semiannually distribute to the auditor of**
6 **state 100% of the lengthy trial fee for deposit in the lengthy trial**
7 **account.**

8 (b) **This SECTION expires June 30, 2005.**

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