

# COMMITTEE REPORT

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## MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 8-2-15-9 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. It shall be the duty of  
5 all persons, companies or corporations keeping, having, or maintaining  
6 any public ferries across any stream to and from any point within this  
7 state, to cause the banks of the river or creek to be dug sufficiently low  
8 and kept in good passable order for the passage of ~~man persons, and~~  
9 ~~horse horses, and~~ wagons and other vehicles. ~~and such ferry-keepers~~  
10 ~~and persons employed in attendance at such ferry shall not be~~  
11 ~~compelled to serve on juries or perform military duty."~~  
12           Page 1, line 3, strike "(a) A person shall be excused from acting as  
13 a".  
14           Page 1, strike lines 4 through 17.  
15           Page 2, strike line 1.  
16           Page 2, line 2, strike "(6) is an officer or enlisted person of the".  
17           Page 2, line 2, delete "Indiana".  
18           Page 2, line 2, strike "guard reserve".  
19           Page 2, line 3, strike "authorized by the governor under  
20 IC 10-16-8;".

- 1 Page 2, line 5, delete "(7)".
- 2 Page 2, line 5, strike "is serving as a member of the board of  
3 school".
- 4 Page 2, strike line 6.
- 5 Page 2, line 8, delete "(8)".
- 6 Page 2, line 8, strike "is a member of a police or fire department or  
7 company".
- 8 Page 2, strike line 9.
- 9 Page 2, line 10, delete "(9)".
- 10 Page 2, line 10, strike "would serve as a juror during a criminal trial  
11 and the".
- 12 Page 2, strike lines 11 through 16.
- 13 Page 2, line 17, strike "(b)" and insert "(a)".
- 14 Page 2, line 35, strike "(c)" and insert "(b)".
- 15 Page 2, line 40, strike "(d)" and insert "(c)".
- 16 Page 3, line 1, strike "(e)" and insert "(d)".
- 17 Page 3, line 3, strike "(f)" and insert "(e)".
- 18 Page 3, line 5, strike "(g)" and insert "(f)".
- 19 Page 3, line 7, strike "(c), (d), and (l)," and insert "(b), (c), and  
20 (k),".
- 21 Page 3, line 14, strike "(h)" and insert "(g)".
- 22 Page 3, line 34, strike "(d)" and insert "(c)".
- 23 Page 3, line 36, strike "(i)" and insert "(h)".
- 24 Page 3, line 38, strike "(j)" and insert "(i)".
- 25 Page 3, line 41, strike "(k)" and insert "(j)".
- 26 Page 3, line 42, strike "(h)" and insert "(g)".
- 27 Page 4, line 2, strike "(l)" and insert "(k)".
- 28 Page 4, after line 8, begin a new paragraph and insert:
- 29 "SECTION 3. IC 33-4-5.5-13 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. ~~A qualified~~  
31 ~~prospective juror is not exempt from jury service except for the~~  
32 ~~following:~~
- 33 ~~(1) Members in active service of the Armed Forces of the United~~  
34 ~~States who are actively engaged in the performance of their~~  
35 ~~official duties.~~
- 36 ~~(2) Elected or appointed officials of the executive, legislative, or~~  
37 ~~judicial branches of government of the:~~
- 38 ~~(A) United States;~~
- 39 ~~(B) State of Indiana; or~~
- 40 ~~(C) counties affected by this chapter;~~

1 who are actively engaged in the performance of their official  
2 duties:

3 (3) A person who:

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

5 (B) is:

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

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

10 and desires to be excused for that reason:

11 (a) The court shall determine if a prospective juror is qualified  
12 to serve, or, if disabled but otherwise qualified, could serve with  
13 reasonable accommodation. A person who is not eligible for jury  
14 service shall not serve. In order to serve as a juror, a person shall  
15 state under oath or affirmation that the person meets all the  
16 following requirements:

17 (1) The person is a citizen of the United States.

18 (2) The person is at least eighteen (18) years of age.

19 (3) The person is a resident of the summoning county.

20 (4) The person is able to read, speak, and understand the  
21 English language.

22 (5) The person is not suffering from a physical or mental  
23 disability that prevents the person from rendering  
24 satisfactory jury service.

25 (6) The person is not under a guardianship because of mental  
26 incapacity.

27 (7) The person has not had the right to vote revoked by  
28 reason of a felony conviction (unless the right to vote has  
29 been restored).

30 (8) If the trial is for a criminal case, the person is not a law  
31 enforcement officer.

32 (b) A person who has completed a term of jury service in the  
33 year preceding the date of the person's summons may claim  
34 exemption from jury service.

35 (c) The judge or the judge's designee may authorize a deferral  
36 of jury service for up to one (1) year upon a showing of undue  
37 hardship, extreme inconvenience, or public necessity.

38 (d) The facts supporting juror disqualification, exemption, and  
39 deferral shall be recorded under oath or affirmation. No

- 1 **disqualification, exemption, or deferral shall be authorized unless**
- 2 **the facts support it."**
- 3       Renumber all SECTIONS consecutively.  
      (Reference is to SB 190 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 6, Nays 3.

