
HOUSE BILL No. 1043

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-28.

Synopsis: Jury service. Includes in the source of names for jury lists persons who obtain a driver's license or an identification card from the bureau of motor vehicles and persons on the property tax duplicate. Prohibits an employer from: (1) requiring an employee to use vacation or other leave for jury duty; and (2) subjecting an employee to an adverse employment action because of the employee's jury service.

Effective: July 1, 2006.

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January 4, 2006, read first time and referred to Committee on Judiciary.

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Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

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HOUSE BILL No. 1043



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

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

1 SECTION 1. IC 33-28-4-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The jury
3 commissioners shall immediately, from the names of:
4 (1) legal voters **of the county; and**
5 (2) citizens of the United States on the latest tax duplicate and the
6 tax schedules of the county; **and**
7 (3) **individuals who:**
8 (A) **reside in the county; and**
9 (B) **have obtained a driver's license or an identification**
10 **card under IC 9-24 from the bureau of motor vehicles;**
11 examine for the purpose of determining the sex, age, and identity of
12 prospective jurors, and proceed to select and deposit, in a box furnished
13 by the clerk for that purpose, the names, written on separate slips of
14 paper of uniform shape, size, and color, of twice as many persons as
15 will be required by law for grand and petit jurors in the courts of the
16 county, for all the terms of the courts, to begin with the following
17 calendar year.



1 (b) Each selection shall be made as nearly as possible in proportion
2 to the population of each county commissioner's district. In making the
3 selections, the jury commissioners shall in all things observe their
4 oaths. The jury commissioners shall not select the name of any person
5 who is to them known to be interested in or has a case pending that
6 may be tried by a jury to be drawn from the names so selected.

7 (c) The jury commissioners shall deliver the locked box to the clerk
8 of the circuit court, after having deposited into the box the names as
9 directed under this section. The key shall be retained by one (1) of the
10 jury commissioners, who may not be an adherent of the same political
11 party as the clerk.

12 (d) In a county containing a consolidated city, the jury
13 commissioners may, upon an order made by the judge of the circuit
14 court and entered in the records of the circuit court of the county, make
15 the selections and deposits required under this section monthly instead
16 of annually. The jury commissioners may omit the personal
17 examination of prospective jurors, the examination of voters lists, and
18 make selection without reference to county commissioners' districts.
19 The judge of the circuit court in a county containing a consolidated city
20 may do the following:

21 (1) Appoint a secretary for the jury commissioners, and sufficient
22 stenographic aid and clerical help to properly perform the duties
23 of the jury commissioners.

24 (2) Fix the salaries of the commissioners, the secretary, and
25 stenographic and clerical employees.

26 (3) Provide office quarters and necessary supplies for the jury
27 commissioners and their employees.

28 The expenses incurred under this subsection shall be paid for from the
29 treasury of the county upon the order of the court.

30 (e) Subject to appropriations made by the county fiscal body, the
31 jury commissioners may use a computerized jury selection system.
32 However, the system used for the selection system must be fair and
33 may not violate the rights of persons with respect to the impartial and
34 random selection of prospective jurors. The jurors selected under the
35 computerized jury selection system must be eligible for selection under
36 this chapter. The commissioners shall deliver the names of the
37 individuals selected to the clerk of the circuit court. The commissioners
38 shall observe their oath in all activities taken under this subsection.

39 (f) The jury commissioners may supplement voter registration lists,
40 tax schedules, **and names of individuals with a driver's license or**
41 **identification card** under subsection (a) with names from lists of
42 persons residing in the county that the jury commissioners may

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1 designate as necessary to obtain a cross-section of the population of
2 each county commissioner's district. The lists designated by the jury
3 commissioners under this subsection must be used for the selection of
4 jurors throughout the entire county.

5 (g) The supplemental sources designated under subsection (f) may
6 consist of such lists as those of utility customers, persons filing income
7 tax returns, motor vehicle registrations, city directories, **and** telephone
8 directories. ~~and driver's licenses.~~ These supplemental lists may not be
9 substituted for the voter registration list. The jury commissioners may
10 not draw more names from supplemental sources than are drawn from
11 the voter registration lists and tax schedules.

12 SECTION 2. IC 33-28-4-10 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2006]: **Sec. 10. (a) The employer of a person who:**

- 15 (1) is summoned to serve as a juror; and
 - 16 (2) notifies the employer of the jury summons:
 - 17 (A) within a reasonable time after receiving the jury
 - 18 summons; and
 - 19 (B) before the person appears for jury duty;
- 20 may not subject the person to any adverse employment action as
21 the result of the person's jury service.

22 (b) An employee may not be required or requested to use annual
23 leave, vacation leave, or sick leave for time spent:

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

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

30 (c) If:

- 31 (1) a prospective juror works for an employer with ten (10) or
32 fewer full-time employees (or their equivalent);
- 33 (2) another employee of the employer described in subdivision
34 (1) is performing jury service; and
- 35 (3) the prospective juror or the employee performing jury
36 service notifies the court that they both work for the same
37 employer;

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

41 SECTION 3. IC 33-28-5-5 IS AMENDED TO READ AS
42 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. As used in this

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1 chapter, "master list" means:
 2 (1) a serially printed list;
 3 (2) a magnetic tape;
 4 (3) an Addressograph file;
 5 (4) a punched card file;
 6 (5) a computer record; or
 7 (6) another form of record determined by the supervising judge to
 8 be consistent with this chapter;

9 that fosters the policy and protects the rights secured by this chapter,
 10 contains all current, up-to-date voter registration lists for each precinct
 11 in the county, **the names of all citizens of the United States on the**
 12 **latest tax duplicate and the tax schedules of the county, and the**
 13 **names of all individuals who reside in the county and have**
 14 **obtained a driver's license or an identification card under IC 9-24**
 15 **from the bureau of motor vehicles,** and is supplemented by names
 16 derived from other sources identified under this chapter.

17 SECTION 4. IC 33-28-5-13 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The jury
 19 commissioner shall compile and maintain a master list consisting of:

- 20 (1) all the voter registration lists for the county;
 21 (2) **the names of all citizens of the United States on the latest**
 22 **tax duplicate and the tax schedules of the county; and**
 23 **(3) the names of all individuals who reside in the county and**
 24 **have obtained a driver's license or an identification card**
 25 **under IC 9-24 from the bureau of motor vehicles.**

26 (b) **The master list in subsection (a) shall be** supplemented with
 27 names from other lists of persons resident in the county that the
 28 supreme court shall periodically designate as necessary to obtain the
 29 broadest cross-section of the county, having determined that use of
 30 supplemental lists is feasible. The supreme court may designate
 31 supplemental lists for use by the courts periodically in a manner that
 32 fosters the policy and protects the rights secured by this chapter.
 33 Supplemental sources may consist of lists of:

- 34 (1) utility customers;
 35 ~~(2) property taxpayers;~~ and
 36 ~~(3) (2) persons filing income tax returns, motor vehicle~~
 37 ~~registrations, city directories, and telephone directories. and~~
 38 ~~driver's licenses.~~

39 Supplemental lists may not be substituted for the voter registration list,
 40 **tax schedules, or the driver's license and identification card list.** In
 41 drawing names from supplemental lists, the jury commissioner shall
 42 avoid duplication of names.

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1 ~~(b)~~ (c) A person who has custody, possession, or control of any of
2 the lists making up or used in compiling the master list, including those
3 designated under subsection ~~(a)~~ (b) by the supreme court as
4 supplementary sources of names, shall furnish the master list to the jury
5 commissioner for inspection, reproduction, and copying at all
6 reasonable times.

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

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

13 SECTION 5. IC 33-28-5-23 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) A person who
15 appears for service as a petit or grand juror serves until the conclusion
16 of the first trial in which the juror is sworn, regardless of the length of
17 the trial or the manner in which the trial is disposed. A person who
18 appears for service but is not selected and sworn as a juror completes
19 the person's service at the end of one (1) day.

20 (b) A person who:
21 (1) serves as a juror under this chapter; or
22 (2) completes one (1) day of jury selection but is not chosen to
23 serve as a juror;
24 may not be selected for another jury panel until all nonexempt persons
25 on the master list have been called for jury duty.

26 (c) **The employer of a person who:**
27 **(1) is summoned to serve as a juror; and**
28 **(2) notifies the employer of the jury summons:**
29 **(A) within a reasonable time after receiving the jury**
30 **summons; and**
31 **(B) before the person appears for jury duty;**
32 **may not subject the person to any adverse employment action as**
33 **the result of the person's jury service.**

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

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

42 (e) **If:**

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- 1 **(1) a prospective juror works for an employer with ten (10) or**
- 2 **fewer full-time employees (or their equivalent);**
- 3 **(2) another employee of the employer described in subdivision**
- 4 **(1) is performing jury service; and**
- 5 **(3) the prospective juror or the person performing jury**
- 6 **service notifies the court that they both work for the same**
- 7 **employer;**
- 8 **the court shall reschedule the prospective juror's jury service for**
- 9 **a date that does not overlap with the jury service of the other**
- 10 **employee.**

11 SECTION 6. IC 33-28-6-6 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. As used in this
 13 chapter, "master list" means:

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

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

27 SECTION 7. IC 33-28-6-13 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The jury
 29 commissioner shall compile and maintain a master list consisting of:

- 30 **(1) all the voter registration lists for the county;**
- 31 **(2) the names of all citizens of the United States on the latest**
- 32 **tax duplicate and the tax schedules of the county; and**
- 33 **(3) a list of all individuals who reside in the county and who**
- 34 **have obtained a driver's license or an identification card**
- 35 **under IC 9-24 from the bureau of motor vehicles;**

36 supplemented with names from other lists of persons resident in the
 37 county that the supreme court shall periodically designate as necessary
 38 to obtain the broadest cross-section of the county, having determined
 39 that use of the supplemental lists is feasible. The supreme court shall
 40 exercise the authority to designate supplemental lists periodically in
 41 order to foster the policy and protect the rights secured by this article.
 42 The supplemental sources may include lists of utility customers,

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1 ~~property taxpayers, and~~ persons filing income tax returns, motor
 2 vehicle registrations, city directories, ~~and~~ telephone directories. ~~and~~
 3 ~~driver's licenses.~~ Supplemental lists may not be substituted for the voter
 4 registration list. In drawing names from supplemental lists, the jury
 5 commissioner shall avoid duplication of names.

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

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

13 (d) The master list of names shall be open to the public for
 14 examination as a public record, except that the source of names and
 15 any information other than the names contained in that source may not
 16 be public information.

17 SECTION 8. IC 33-28-6-27 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2006]: **Sec. 27. (a) The employer of a person who:**

20 (1) **is summoned to serve as a juror; and**

21 (2) **notifies the employer of the jury summons:**

22 (A) **within a reasonable period after receiving the jury**
 23 **summons; and**

24 (B) **before the person appears for jury duty;**

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

27 (b) **An employee may not be required or requested to use annual**
 28 **leave, vacation leave, or sick leave for time spent:**

29 (1) **responding to a summons for jury duty;**

30 (2) **participating in the jury selection process; or**

31 (3) **servng on a jury.**

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

35 (c) **If:**

36 (1) **a prospective juror works for an employer with ten (10) or**
 37 **fewer full-time employees (or their equivalent);**

38 (2) **another employee of the employer described in subdivision**
 39 (1) **is performing jury service; and**

40 (3) **the prospective juror or the employee performing jury**
 41 **service notifies the court that they both work for the same**
 42 **employer;**

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1 **the court shall reschedule the prospective juror's jury service for**
2 **a date that does not overlap with the jury service of the employee**
3 **already performing jury service.**

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