

A BILL

FOR AN ACT TO REPEAL SECTIONS 2791, 2798 AND 2802 OF CHAPTER 9, OF TITLE XVII, OF THE CODE, RELATING TO THE DELIBERATIONS OF JURIES IN CIVIL ACTIONS, AND TO PERMIT THEM TO SEPARATE DURING THEIR DELIBERATIONS, AND TO ENACT SUBSTITUTES THEREFOR.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That sections 2791, 2798 and 2802 of chapter 9, of title XVII, of the Code, be and the same are hereby repealed, and the following enacted in lieu thereof:

Sec. 2791. When the case is finally submitted to the jury, they may decide in court, or retire for deliberation. If they retire, they shall remain together in charge of an officer, under the orders of the court, until the court is about to adjourn, when the court shall direct the officer to bring the jury into court, and if they have not then agreed upon a verdict, the court shall then instruct them that they will be permitted to separate until the court convenes again, and that during their separation they shall not, in any manner, communicate to any person or persons the state of their deliberations; nor shall they converse among themselves, or with any other person or persons, in any manner, or under any pretext whatever, about the case then being considered; nor shall they suffer any person or persons to converse about such case in their presence or hearing; and that no person, under any pretext whatever, shall speak to any juror of such jury about such cause for any purpose whatever during such separation. The papers given to the jury when they retired shall be returned to the court and delivered to the clerk, who shall safely keep the same during such separation of the jury, and return the same on the order of the court. The court shall then announce the hour to which the court will stand adjourned, and require each member of the jury to promptly attend at such time so fixed by the court. At the hour fixed by the court for the jury to reassemble, the court shall require the clerk to call the roll of the jury in the order they were drawn; and the court shall then deliver to their foreman the papers in the cause, and shall order them to retire and resume their deliberations, in charge of an officer, who shall not communicate with the jury except to ask them if they have agreed upon a verdict; nor shall

14 he allow any other person to do so, except upon the order of the court; and if, after the jury
15 have had a reasonable time to fully deliberate upon such cause and fail to agree upon a ver-
16 dict, the court shall discharge them from further deliberations thereon.

SEC. 2. If any person attempts to influence any juror during the time the jury is sepa-
2 rated, under the provisions of section 2791 of this act, or attempt to converse with any mem-
3 ber of such jury with regard to the case being considered by such jury, knowing him to be
4 a juror, or converse about such case in the hearing of such juror, shall, upon conviction
5 thereof, be fined not more than five hundred dollars nor less than two hundred dollars, and
6 be confined in the county jail not more than ninety days nor less than forty days, and until
7 the fine is paid.

SEC. 3. If any juror, during the time the jury is separated by the provisions of said sec-
2 tion 2791 of this act, shall communicate anything done by the jury while deliberating upon
3 the case, or shall converse with any person about such case, or remain in the hearing of any
4 person conversing about the same, shall be fined not more than five hundred dollars nor less
5 than three hundred dollars, and shall be confined in the county jail not more than ninety
6 days and not less than sixty days, and shall remain committed until the fine is paid.

SEC. 4. If any juror fails to be present at the time fixed by the court, as provided in this
2 act, for the jury to report, he shall be adjudged in contempt and be forthwith attached, and
3 if he shall fail to purge such contempt of court, on account of sickness or unavoidable ca-
4 lamity or accident, he shall be fined not more than fifty dollars nor less than ten dollars.