

see substitute following
Wp

A BILL

AN ACT REPEALING SECTIONS 231, 4256 AND 4291, AND ENACTING SUBSTITUTES THEREFOR, RELATING TO THE GRAND JURY AND REDUCING THE NUMBER OF GRAND JURORS.

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

SECTION 1. That section 231 of the Code of Iowa be and the same is hereby repealed, and
2 the following enacted in lieu thereof:

3 Sec. 231. The number of grand jurors shall be five, and in counties
4 containing less than fifteen thousand inhabitants as shown by the last
5 preceding census, the trial jurors shall consist of fifteen, unless the judge
6 otherwise orders. But in counties containing a greater number of inhab-
7 itants, the number of trial jurors shall be twenty-four.

SEC. 2. That section 4256 of the Code be and the same is hereby repealed, and the follow-
2 ing enacted in lieu thereof:

3 Sec. 4256. At a term of court at which grand jurors are required to ap-
4 pear, the panel shall be called, and the names of the grand jurors who
5 shall appear shall be entered on the record. If five grand jurors do not
6 appear, or if the number appearing be reduced from any cause, either then
7 or afterward, to less than five, the court may order the sheriff of the
8 county to summon a sufficient number of qualified persons to complete
10 the panel.

SEC. 3. That section 4291 of the Code be and the same is hereby repealed, and the follow-
2 ing enacted in lieu thereof:

3 Sec. 4291. An indictment cannot be found without the concurrence of
4 four grand jurors; and when so found, it must be endorsed "A true bill,"
5 and the endorsement must be signed by the foreman of the grand jury.

A BILL

FOR AN ACT REPEALING SECTIONS 231, 241, 4256 AND 4291 OF THE CODE, AND ENACTING SUBSTITUTES THEREFOR, RELATING TO GRAND JURORS, AND REDUCING THE NUMBER THEREOF, AND FIXING THE NUMBER OF TRIAL JURORS.

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

SECTION 1. That section 231 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof :

Section 231. That from and after the first day of January, A. D. 1887, the grand jury shall be composed as follows : In counties having a population of sixteen thousand inhabitants or less, the grand jury shall be composed of five members ; and in counties having a population of more than sixteen thousand inhabitants the grand jury shall be composed of seven members. The trial jurors in counties containing less than fifteen thousand inhabitants shall consist of fifteen, unless the judge otherwise orders, but in counties containing fifteen thousand inhabitants or over, the number of trial jurors shall be twenty-four. Such population shall in each case be determined by the last preceding national or State census.

SEC. 2. That section 241 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof :

Section 241. After thoroughly mixing the same, the clerk or his deputy shall draw therefrom the requisite number of jurors to serve as aforesaid, and shall, within three days thereafter, issue a precept to the sheriff commanding him to summon the said jurors to appear before the court as provided in section two hundred and thirty of the Code. When the grand jury shall be composed of five members only, the number drawn shall be eight, and when the grand jury shall be composed of seven members the number of grand jurors to be drawn shall be twelve ; *provided*, that in drawing such grand jury not more than one person shall be drawn as a grand juror from any civil township, excepting where the grand jury is by law required to be drawn from a district containing fewer civil townships than the number of grand jurors required to be summoned, in which case, if the number of civil townships in such district be not less than one-half of the number of jurors required, not more than two persons shall be drawn as grand jurors from any such township, and if the number of civil townships be less than one-

16 half of the number of jurors required not more than three persons shall be drawn as
17 grand jurors from any such township. If more persons shall be drawn from any civil
18 township than are hereby authorized it shall be the duty of the officer drawing such
19 grand jury to reject all superfluous names so drawn, and to proceed with the drawing
20 until the required number of jurors shall be secured. No person shall serve as grand
21 jurors for two consecutive years.

SEC. 3. That section 4256 of the Code be and the same is hereby repealed, and the follow-
2 ing hereby enacted in lieu thereof :

3 Section 4256. At a term of court at which grand jurors are required to appear, the
4 panel shall be called and the names of the grand jurors appearing shall be entered on
5 the record. From the number of jurors thus summoned and appearing the clerk shall
6 select, by lot, the required number. If more grand jurors have appeared than the
7 number required to fill the panel, the remaining number shall be discharged for the
8 term. If from any cause, either then or afterward, the number of the panel be reduced
9 to a less number than required, the court may order the sheriff of the county to summon
10 a sufficient number of qualified persons to complete the panel.

SEC. 4. That section 4291 of the Code be and the same is hereby repealed, and the follow-
2 ing enacted in lieu thereof :

3 Section 4291. An indictment cannot be found without the concurrence of four grand
4 jurors, when the grand jury is composed of five members ; and not without the concur-
5 rence of five grand jurors when the grand jury is composed of seven members. Every
6 indictment must be indorsed " A true bill," and the indorsement must be signed by the
7 foreman of the grand jury.

SEC. 5. That none of the provisions, clauses or enactments of this chapter shall in any
2 way or manner affect any trial or grand jury to be empanelled prior to the first day of Jan-
3 uary, A. D. 1887, or the manner of drawing or empanelling any of said juries ; and shall in
4 no way or manner affect the validity of any indictment found prior to the first day of Jan-
5 uary, A. D. 1887 ; but said provisions, clauses and enactments shall relate to and apply only
6 to juries to be impanelled on or after said first Monday of January, A. D. 1887.

See bill previous

A BILL

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Section 241. After thoroughly mixing the same, the clerk or his deputy shall draw therefrom the requisite number of jurors to serve as aforesaid, and shall, within three days thereafter, issue a precept to the sheriff commanding him to summon the said jurors to appear before the court as provided in section two hundred and thirty of the Code. When the grand jury shall be composed of five members only, the number drawn shall be eight, and when the grand jury shall be composed of seven members the number of grand jurors to be drawn shall be ten ; *provided*, that in drawing such grand jury not more than one person shall be drawn as a grand juror from any one township or city. If more than one grand juror shall be drawn for any township or city, save as herein excepted, it shall be the duty of the officer drawing such grand jury to reject the superfluous name drawn from such township or city, and proceed with the drawing until the required number is secured. No person shall serve as a grand juror for two consecutive years.

SEC. 3. That section 4256 of the Code be and the same is hereby repealed, and the following hereby enacted in lieu thereof :

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4 panel shall be called and the names of the grand jurors appearing shall be entered on
5 the record. From the number of jurors thus summoned and appearing the clerk shall
6 select, by lot, the required number. If more grand jurors have appeared than the
7 number required to fill the panel, the remaining number shall be discharged for the
8 term. If from any cause, either then or afterward, the number of the panel be reduced
9 to a less number than required, the court may order the sheriff of the county to summon
10 a sufficient number of qualified persons to complete the panel.

SEC. 4. That section 4291 of the Code be and the same is hereby repealed, and the following enacted in lieu thereof :

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4 jurors, when the grand jury is composed of five members ; and not without the concurrence
5 of five grand jurors when the grand jury is composed of seven members. Every
6 indictment must be indorsed " A true bill," and the indorsement must be signed by the
7 foreman of the grand jury.

SEC. 5. That none of the provisions, clauses or enactments of this chapter shall in any
2 way or manner affect any trial or grand jury empaneled prior to the first Monday of January,
3 A. D. 1887, or the manner of drawing or empanneling any of said juries ; and shall in
4 no way or manner affect the validity of any indictment found prior to the first Monday of
5 January, A. D. 1887 ; but said provisions, clauses and enactments shall relate to and apply
6 only to juries empaneled on or after said first Monday of January, A. D. 1887.