

TITLE 2
JURIES AND JURORS

CHAPTER 1
JURIES -- KINDS AND DEFINITIONS

2-101. JURY DEFINED. A jury is a body of men or women, or both, temporarily selected from the citizens of a particular county and invested with power to present or indict a person for a public offense or to try a question of fact.

[(2-101) C.C.P. 1881, sec. 73; R.S., R.C., & C.L., sec. 3935; C.S., sec. 6512; I.C.A., sec. 2-101; am. 1943, ch. 158, sec. 1, p. 320; am. 2000, ch. 70, sec. 1, p. 153.]

2-102. KINDS OF JURIES. Juries are of three (3) kinds:

1. Grand juries.
2. Trial juries.
3. Juries of inquest.

[(2-102) C.C.P. 1881, sec. 74; R.S., R.C., & C.L., sec. 3936; C.S., sec. 6513; I.C.A., sec. 2-102.]

2-103. "GRAND JURY" DEFINED. A grand jury is a body of men or women or both, sixteen (16) in number, returned in pursuance of law from citizens of the county before a court of competent jurisdiction and sworn to inquire of public offenses committed or triable within the county.

[(2-103) C.C.P. 1881, sec. 74; R.S., R.C., & C.L., sec. 3936; C.S., sec. 6513; I.C.A., sec. 2-102; am. 1953, ch. 87, sec. 1, p. 118.]

2-104. TRIAL JURY DEFINED -- VERDICT IN CIVIL ACTIONS. A trial jury is a body of men or women, or both, returned from the citizens of a particular county before a court or officer of competent jurisdiction and sworn to try and determine by a verdict a question of fact. Three-fourths (3/4) of the jury may render a verdict in a civil action, and such verdict shall have the same effect as a unanimous verdict.

[(2-104) C.C.P. 1881, sec. 76; R.S., sec. 3938; am. 1890-1891, p. 165, sec. 1; reen. 1899, p. 110, sec. 1; reen. R.C. & C.L., sec. 3938; C.S., sec. 6515; I.C.A., sec. 2-104; am. 1943, ch. 158, sec. 2, p. 320; am. 2000, ch. 70, sec. 2, p. 153.]

2-105. CONSTITUTION OF TRIAL JURY. A trial jury consists of twelve (12) men or women or both: provided, that in civil actions the jury may consist of any number less than twelve (12) upon which the parties may agree in open court: and provided, further, that in cases of misdemeanor and in civil actions involving not more than five hundred dollars (\$500), exclusive of costs, the jury shall consist of not more than six (6).

[(2-105) R.S., sec. 3939; compiled R.C., sec. 3939; reen. C.L., sec. 3939; C.S., sec. 6516; I.C.A., sec. 2-105; am. 1965, ch. 80, sec. 2, p. 130; am. 1978, ch. 80, sec. 1, p. 155.]

2-106. JURY OF INQUEST DEFINED. A jury of inquest is a body of men or women, or both, summoned from the citizens of a particular county, before the sheriff, coroner, or other ministerial officer to inquire of particular facts.

[(2-106) C.C.P. 1881, sec. 78; R.S., R.C., & C.L., sec. 3940; C.S., sec. 6517; I.C.A., sec. 2-106; am. 2000, ch. 70, sec. 3, p. 153.]