

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 22
CONDUCT OF JURY

19-2201. JURY ROOM TO BE PROVIDED BY COMMISSIONERS. A room must be provided by the commissioners of each county for the use of the jury upon their retirement for deliberation, with suitable furniture, fuel, lights and stationery. If the commissioners neglect, the court may order the sheriff to do so, and the expenses incurred by him in carrying the order into effect, when certified by the court, are a county charge.

[(19-2201) Cr. Prac. 1864, sec. 390, p. 260; R.S., R.C., & C.L., sec. 7900; C.S., sec. 8976; I.C.A., sec. 19-2101.]

19-2202. PROVISION OF FOOD AND LODGING FOR JURY. While the jury are kept together, either during the progress of the trial or after their retirement for deliberation, they must be provided by the sheriff, at the expense of the county, with suitable and sufficient food and lodging.

[(19-2202) Cr. Prac. 1864, sec. 391, p. 260; R.S., R.C., & C.L., sec. 7901; C.S., sec. 8977; I.C.A., sec. 19-2102.]

19-2203. PAPERS WHICH MAY BE TAKEN BY JURY. Upon retiring for deliberation, the jury may take with them all exhibits and all papers (except depositions) which have been received in evidence in the cause, or copies of such public records or private documents given in evidence as ought not, in the opinion of the court, to be taken from the person having them in possession. They may also take with them the written instructions given and notes of the testimony or other proceedings on the trial, taken by themselves or any of them, but none taken by any other person.

[(19-2203) Cr. Prac. 1864, secs. 392, 393, p. 260; R.S., & R.C., sec. 7902; am. 1911, ch. 23, sec. 1, p. 49; reen. C.L., sec. 7902; C.S., sec. 8978; I.C.A., sec. 19-2103.]

19-2204. RETURN OF JURY FOR INFORMATION. After the jury have retired for deliberation, if there is any disagreement between them as to the testimony, or if they desire to be informed on any point of law arising in the cause, they must require the officer to conduct them into court. Upon being brought into court, the information required must be given in the presence of, or after notice to, the prosecuting attorney and the defendant or his counsel, or after they have been called.

[(19-2204) Cr. Prac. 1864, sec. 394, p. 260; R.S., R.C., & C.L., sec. 7903; C.S., sec. 8979; I.C.A., sec. 19-2104.]

19-2205. DISCHARGE OF JURY FOR ILLNESS OR ACCIDENT. If, after the retirement of the jury, one (1) of them be taken so sick as to prevent the continuance of his duty, or any other accident or cause occur to prevent their being kept for deliberation, the jury may be discharged.

[(19-2205) Cr. Prac. 1864, sec. 395, p. 260; R.S., R.C., & C.L., sec. 7904; C.S., sec. 8980; I.C., sec. 19-2105.]

19-2206. WHEN JURY MAY BE DISCHARGED. Except as provided in the last section, the jury cannot be discharged after the cause is submitted to them until they have agreed upon their verdict and rendered it in open court, unless by consent of both parties entered upon the minutes, or unless, at the expiration of such time as the court may deem proper, it satisfactorily appears that there is no reasonable probability that the jury can agree.

[(19-2206) Cr. Prac. 1864, sec. 396, p. 260; R.S., R.C., & C.L., sec. 7905; C.S., sec. 8981; I.C.A., sec. 19-2106.]

19-2207. RETRIAL AFTER DISCHARGE OF JURY. In all cases where a jury are discharged or prevented from giving a verdict by reason of an accident or other cause, except where the defendant is discharged from the indictment during the progress of the trial or after the cause is submitted to them, the cause may be again tried at the same or another term.

[(19-2207) Cr. Prac. 1864, sec. 397, p. 260; R.S., R.C., & C.L., sec. 7906; C.S., sec. 8982; I.C.A., sec. 19-2107.]

19-2208. ADJOURNMENT DURING ABSENCE OF JURY. While the jury are absent, the court may adjourn from time to time, as to other business, but it must nevertheless be open for every purpose connected with the cause submitted to the jury until a verdict is rendered or the jury discharged.

[(19-2208) Cr. Prac. 1864, sec. 398, p. 261; R.S., R.C., & C.L., sec. 7907; C.S., sec. 8983; I.C.A., sec. 19-2108.]

19-2209. FINAL ADJOURNMENT OF THE COURT DISCHARGES THE JURY. A final adjournment of the court discharges the jury.

[(19-2209) Cr. Prac. 1864, sec. 399, p. 261; R.S., R.C., & C.L., sec. 7908; C.S., sec. 8984; I.C.A., sec. 19-2109.]

19-2210. EXPENSES TO BE PAID BY WHAT COUNTY. When two (2) or more counties are joined for judicial purposes, the expense of the trial of a cause must be paid by the county where the offense is alleged to have been committed.

[(19-2210) Cr. Prac. 1864, sec. 400, p. 261; R.S., R.C., & C.L., sec. 7909; C.S., sec. 8985; I.C.A., sec. 19-2110.]