

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2108

By: Erwin

AS INTRODUCED

An Act relating to jurors; amending 38 O.S. 1991, Section 21, which relates to procedures for grand and petit juries; modifying provision related to excuses or discharge of jurors; authorizing excuse from jury duty for certain persons conducting business; requiring proof of certain economic loss; prescribing conditions justifying excuse from jury duty; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 38 O.S. 1991, Section 21, is amended to read as follows:

Section 21. A. At such times as the chief judge of the district court or, during his absence or disability, some other judge assigned to the district court in the county, may order the court clerk or one of his deputies and the sheriff or one of his deputies in open court and under the directions of the chief judge of the district court, or during his absence or disability, some other judge assigned to the district court in the county, shall draw from the wheel containing the names of jurors, after the same has been well turned so that the cards therein are thoroughly mixed, one

by one until the number of jurors for grand or petit jury service as directed by said judge are procured and shall record such names as they are drawn upon as many separate sheets of paper as there are weeks for such term or terms for which jurors will be required. The officers attending such drawing shall not divulge the name of any person that may be drawn as a juror to any person. If a grand jury is ordered, the first names drawn to the number stated in the judge's order, not to exceed one hundred, shall be summoned as grand jurors, and the grand jury shall be impaneled from said persons. In addition to the twelve (12) grand jurors to be impaneled, three additional persons shall be selected as alternate grand jurors. The alternate grand jurors shall attend all functions of the grand jury during its term and shall be subject to all laws governing grand jurors. Provided that, no alternate juror shall participate in any deliberations of the grand jury until appointed to fill a vacancy. If the judge so directs, the persons summoned for the grand jury panel who are not used thereon may be transferred to the petit jury panel. Additional and other drawing of as many names as the court may order may be had at any such time as the court or judge may order for the completion of a grand or petit jury panel, or for the impaneling of a new grand or petit jury if, in the judgment of the court, the same shall be necessary, or if, for any cause, the court, in its discretion, shall deem other jurors necessary.

B. The court may excuse or discharge any person drawn and summoned as a grand or petit juror, whenever, in its discretion, such action shall be deemed expedient. No person may be required to render service as a petit juror for more than a total of eighteen (18) days in any one calendar year unless, when this time limit is reached, he is sitting upon a panel engaged in the consideration of a case, in which event he may be excused when such case is terminated; provided, that if the judge is of the opinion that the jury business of a term fixed by the court may be concluded within

six (6) days, he may require a petit jury, or a petit juror, to remain until the termination of said jury service. Persons summoned for petit jury service need not be required to serve during previously fixed days or weeks or a term fixed by the court for jury trials, but they may be recalled from time to time as the trial needs of the district court may require, without regard to the term fixed by the court for jury trials for which they were originally summoned.

C. Any person conducting business as a sole proprietor may make application to the court for excuse from jury duty based upon economic loss resulting from the service upon the jury. The testimony of the applicant may be taken in open court and if the court determines that the absence of the sole proprietor from the business location or the inability to attend to the operation of the business is likely to result in any of the conditions specified in this subsection, the court shall excuse the prospective juror from service. The conditions which are grounds for excuse are as follows:

1. Inability to adequately safeguard the business premises;
2. Default upon a negotiable instrument or other evidence of debt, whether or not secured by an interest in real or personal property;
3. Economic or physical loss to crops, business inventory or livestock which is irreparable in nature;
4. Federal, state or local tax liability which is not likely to be adequately funded or paid in the absence of the sole proprietor;
5. Inability to meet obligations related to wages or other compensation to be paid to employees of the sole proprietor; or
6. A substantial likelihood that without being excused the sole proprietor would file a bankruptcy petition to seek protection from creditors, to reorganize the business or to liquidate the business operation entirely.

SECTION 2. This act shall become effective November 1, 1996.

45-2-8220

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