

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1430

By: Cooksey

COMMITTEE SUBSTITUTE

An Act relating to jurors; amending 38 O.S. 2001, Section 18, as last amended by Section 1, Chapter 234, O.S.L. 2003 (38 O.S. Supp. 2004, Section 18), which relates to method of ascertaining names of persons qualified for jury service; modifying method of ascertaining names; amending 38 O.S. 2001, Section 28, as amended by Section 8, Chapter 525, O.S.L. 2004 (38 O.S. Supp. 2004, Section 28), which relates to qualifications and exemptions for jury duty; adding exemption; and providing an effective date.

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

SECTION 1. AMENDATORY 38 O.S. 2001, Section 18, as last amended by Section 1, Chapter 234, O.S.L. 2003 (38 O.S. Supp. 2004, Section 18), is amended to read as follows:

Section 18. For the purpose of ascertaining names of all persons qualified for jury service:

1. ~~The Commissioner of Public Safety shall cause to be provided~~
secretary of each county election board shall provide to the Administrative Director of the Courts, not later than the first day of October of each year, a list by county of residence of persons who reside in the county, who are eighteen (18) years of age or older, and who are ~~holders of a current driver license or a current identification license issued by the Department of Public Safety~~
registered voters in the county as of January 1 of that year. The list shall contain the name, date of birth, and mailing address of each person listed. The list shall be used exclusively for jury

selection purposes. The Administrative Director of the Courts and the court clerk shall not copy or permit any person to copy the list or any portion thereof for purposes other than jury selection;

2. All names and addresses of the persons so listed under the provisions of paragraph 1 of this section shall be used thereafter in the selection of juries; provided, however, no jury panel shall be quashed because of a duplication of names;

3. The list will be furnished by the Administrative Director of the Courts to the court clerks according to the period of time prescribed by the Administrative Director of the Courts;

4. The provisions of this section shall not be construed to preclude persons otherwise qualified to serve as jurors from volunteering for jury service in a manner prescribed by the Administrative Director of the Courts; and

5. The Administrative Director of the Courts may accept changes or corrections in a mailing address or county of residence of a qualified juror from such qualified juror. Changes may be accepted in any manner prescribed by the Administrative Director of the Courts.

SECTION 2. AMENDATORY 38 O.S. 2001, Section 28, as amended by Section 8, Chapter 525, O.S.L. 2004 (38 O.S. Supp. 2004, Section 28), is amended to read as follows:

Section 28. A. It is the policy of this state that all citizens qualified for jury service pursuant to this section have an obligation to serve on petit juries when summoned by the courts of this state, unless excused.

B. All citizens of the United States, residing in this state, having the qualifications of electors of this state, are competent jurors to serve on all grand and petit juries within their counties; provided, that persons over seventy (70) years of age ~~and~~, persons who have served as a grand or petit juror during the last two (2) immediately preceding calendar years, and persons who are students

enrolled in at least twelve (12) hours for the current semester in an accredited institution of higher education shall not be compelled to serve as jurors in this state and the court may excuse or discharge any juror drawn and summoned as a grand or petit juror if:

1. The prospective juror has a mental or physical condition that causes him or her to be incapable of performing jury service. The juror, or the juror's personal representative, shall provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the person unfit for jury service for a period of up to twenty-four (24) months; or

2. Jury service would cause undue or extreme physical or financial hardship to the prospective juror or a person under his or her care or supervision. A judge of the court for which the individual was called to jury service shall make undue or extreme physical or financial hardship determinations. The authority to make these determinations is delegable only to court officials or personnel who are authorized by the laws of this state to function as members of the judiciary. A person requesting to be excused based on a finding of undue or extreme physical or financial hardship shall take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty. For purposes of this act, "undue or extreme physical or financial hardship" is limited to circumstances in which an individual would be required to abandon a person under his or her personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury, incur costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom he or she provides the principle means of support, or suffer physical hardship that would result in illness or disease.

Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from his or her place of employment. A person requesting a judge to grant an excuse based on undue or extreme physical or financial hardship shall be required to provide the judge with documentation, such as, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused.

After two (2) years, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

C. Persons who are not qualified to serve as jurors are:

1. Justices of the Supreme Court or the Court of Civil Appeals;
2. Judges of the Court of Criminal Appeals or the district court;
3. Sheriffs or deputy sheriffs;
4. Jailers or law enforcement officers, state or federal, having custody of prisoners;
5. Licensed attorneys engaged in the practice of law;
6. Persons who have been convicted of any felony or who have served a term of imprisonment in any penitentiary, state or federal, for the commission of a felony; provided, any such citizen convicted, who has been fully restored to his or her civil rights, shall be eligible to serve as a juror; and
7. Legislators during session of the Legislature or involved in state business.

SECTION 3. This act shall become effective November 1, 2005.

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