

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1351

By: Crain

AS INTRODUCED

An Act relating to jurors; amending 38 O.S. 2001, Sections 23.1, as amended by Section 7, Chapter 525, O.S.L. 2004, and 28, as last amended by Section 42, Chapter 1, O.S.L. 2005 (38 O.S. Supp. 2005, Sections 23.1 and 28), which relate to on-call system jurors and qualifications and exemptions; updating term; modifying certain time frame; modifying certain 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 23.1, as amended by Section 7, Chapter 525, O.S.L. 2004 (38 O.S. Supp. 2005, Section 23.1), is amended to read as follows:

Section 23.1 A. In those district courts in which an on-call system is implemented by order of the ~~chief~~ presiding judge of the district court, each juror retained for services subject to call shall be required to contact a center for information as to the time and place of his or her next assignment.

B. For purposes of this section, "on-call system" means a method whereby the ~~chief~~ presiding judge of a district court estimates the number of jurors required for a jury term of court.

C. Pursuant to summons for service on petit juries in the district court, each qualified, nonexempt juror is retained for service subject to call and is assigned to a judge or a case.

D. In those districts in which an on-call system is implemented by order of the ~~chief justice of the trial court~~ presiding judge, no person shall be required to render service as a juror for more than one (1) day in a calendar year, unless he or she is selected to serve in a trial or is under consideration by the presiding judge to

potentially serve in a trial and such consideration covers a period of two (2) or more days. Once selected, a juror shall serve on the jury for the duration of the trial unless excused by the presiding judge.

SECTION 2. AMENDATORY 38 O.S. 2001, Section 28, as last amended by Section 42, Chapter 1, O.S.L. 2005 (38 O.S. Supp. 2005, 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 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.~~ 5. 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.~~ 6. Legislators during a session of the Legislature or when involved in state business.

D. Jailers or law enforcement officers, state or federal, shall be eligible to serve on noncriminal actions only.

E. Mothers who are breast-feeding a baby, upon their request, shall be exempt from service as jurors.

SECTION 3. This act shall become effective November 1, 2006.