

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 74

By: Crain of the Senate

and

6 McDaniel (Jeannie) of the
7 House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to jurors; amending 38 O.S. 2001,
12 Section 28, as last amended by Section 42, Chapter 1,
13 O.S.L. 2005 (38 O.S. Supp. 2007, Section 28), which
14 relates to qualifications and exemptions; modifying
15 certain exemption; and providing an effective date.

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

17 SECTION 1. AMENDATORY 38 O.S. 2001, Section 28, as last
18 amended by Section 42, Chapter 1, O.S.L. 2005 (38 O.S. Supp. 2007,
19 Section 28), is amended to read as follows:

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

1 B. All citizens of the United States, residing in this state,
2 having the qualifications of electors of this state, are competent
3 jurors to serve on all grand and petit juries within their counties;
4 provided, that persons over seventy (70) years of age and persons
5 who have served as a grand or petit juror during the last two (2)
6 immediately preceding calendar years shall not be compelled to serve
7 as jurors in this state and the court may excuse or discharge any
8 juror drawn and summoned as a grand or petit juror if:

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

16 2. Jury service would cause undue or extreme physical or
17 financial hardship to the prospective juror or a person under his or
18 her care or supervision. A judge of the court for which the
19 individual was called to jury service shall make undue or extreme
20 physical or financial hardship determinations. The authority to
21 make these determinations is delegable only to court officials or
22 personnel who are authorized by the laws of this state to function
23 as members of the judiciary. A person requesting to be excused
24 based on a finding of undue or extreme physical or financial

1 hardship shall take all actions necessary to have obtained a ruling
2 on that request by no later than the date on which the individual is
3 scheduled to appear for jury duty. For purposes of this act, "undue
4 or extreme physical or financial hardship" is limited to
5 circumstances in which an individual would be required to abandon a
6 person under his or her personal care or supervision due to the
7 impossibility of obtaining an appropriate substitute caregiver
8 during the period of participation in the jury pool or on the jury,
9 incur costs that would have a substantial adverse impact on the
10 payment of the individual's necessary daily living expenses or on
11 those for whom he or she provides the principle means of support, or
12 suffer physical hardship that would result in illness or disease.
13 Undue or extreme physical or financial hardship does not exist
14 solely based on the fact that a prospective juror will be required
15 to be absent from his or her place of employment. A person
16 requesting a judge to grant an excuse based on undue or extreme
17 physical or financial hardship shall be required to provide the
18 judge with documentation, such as, but not limited to, federal and
19 state income tax returns, medical statements from licensed
20 physicians, proof of dependency or guardianship, and similar
21 documents, which the judge finds to clearly support the request to
22 be excused. Failure to provide satisfactory documentation shall
23 result in a denial of the request to be excused.

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

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

8 1. Justices of the Supreme Court or the Court of Civil Appeals;

9 2. Judges of the Court of Criminal Appeals or the district
10 court;

11 3. Sheriffs or deputy sheriffs;

12 4. ~~Jailers or law enforcement officers, state or federal,~~
13 ~~having custody of prisoners;~~

14 5. Licensed attorneys engaged in the practice of law;

15 ~~6.~~ 5. Persons who have been convicted of any felony or who have
16 served a term of imprisonment in any penitentiary, state or federal,
17 for the commission of a felony; provided, any such citizen
18 convicted, who has been fully restored to his or her civil rights,
19 shall be eligible to serve as a juror; and

20 ~~7.~~ 6. Legislators during a session of the Legislature or when
21 involved in state business.

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

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

3 SECTION 2. This act shall become effective November 1, 2008.

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5 51-2-11064 MMP 04/10/08

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