

THE HOUSE OF REPRESENTATIVES
Tuesday, April 15, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 74

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 74 - By: CRAIN of the Senate and MCDANIEL (JEANNIE) of the House.

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

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

1 SECTION 1. AMENDATORY 38 O.S. 2001, Section 28, as last amended by
2 Section 42, Chapter 1, O.S.L. 2005 (38 O.S. Supp. 2007, Section 28), is amended to read
3 as follows:
4 Section 28. A. It is the policy of this state that all citizens qualified for jury service
5 pursuant to this section have an obligation to serve on petit juries when summoned by
6 the courts of this state, unless excused.
7 B. All citizens of the United States, residing in this state, having the qualifications
8 of electors of this state, are competent jurors to serve on all grand and petit juries within
9 their counties; provided, that persons over seventy (70) years of age and persons who
10 have served as a grand or petit juror during the last two (2) immediately preceding

1 calendar years shall not be compelled to serve as jurors in this state and the court may
2 excuse or discharge any juror drawn and summoned as a grand or petit juror if:

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

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

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

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

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

- 16 1. Justices of the Supreme Court or the Court of Civil Appeals;
- 17 2. Judges of the Court of Criminal Appeals or the district court;
- 18 3. Sheriffs or deputy sheriffs;
- 19 4. ~~Jailers or law enforcement officers, state or federal, having custody of prisoners;~~
- 20 5. Licensed attorneys engaged in the practice of law;
- 21 6. 5. Persons who have been convicted of any felony or who have served a term of

22 imprisonment in any penitentiary, state or federal, for the commission of a felony;

1 provided, any such citizen convicted, who has been fully restored to his or her civil rights,
2 shall be eligible to serve as a juror; and

3 ~~7. 6.~~ Legislators during a session of the Legislature or when involved in state
4 business.

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

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
11 dated 04-14-08 - DO PASS, As Amended.