

SB 1134

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THE STATE SENATE
Monday, February 16, 2009

Senate Bill No. 1134

SENATE BILL NO. 1134 - By: Jolley of the Senate and Duncan of the House.

An Act relating to jurors; amending 38 O.S. 2001, Section 28, as last amended by Section 1, Chapter 339, O.S.L. 2008 (38 O.S. Supp. 2008, Section 28), which relates to qualifications and exemptions; adding 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 28, as last amended by Section 1, Chapter 339, O.S.L. 2008 (38 O.S. Supp. 2008, 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 1. The prospective juror has a mental or physical condition
2 that causes him or her to be incapable of performing jury service.
3 The juror, or the juror's personal representative, shall provide the
4 court with documentation from a physician licensed to practice
5 medicine verifying that a mental or physical condition renders the
6 person unfit for jury service for a period of up to twenty-four (24)
7 months; or

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

1 caregiver during the period of participation in the jury pool or on
2 the jury, incur costs that would have a substantial adverse impact
3 on the payment of the individual's necessary daily living expenses
4 or on those for whom he or she provides the principle means of
5 support, or suffer physical hardship that would result in illness or
6 disease. Undue or extreme physical or financial hardship does not
7 exist solely based on the fact that a prospective juror will be
8 required to be absent from his or her place of employment. A person
9 requesting a judge to grant an excuse based on undue or extreme
10 physical or financial hardship shall be required to provide the
11 judge with documentation, such as, but not limited to, federal and
12 state income tax returns, medical statements from licensed
13 physicians, proof of dependency or guardianship, and similar
14 documents, which the judge finds to clearly support the request to
15 be excused. Failure to provide satisfactory documentation shall
16 result in a denial of the request to be excused.

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

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

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

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

15 E. ~~Mothers who are breast-feeding a baby, upon their~~ Upon his
16 or her request, a person shall be exempt from service as ~~jurors~~ a
17 juror if the person is:

18 1. A member of the Armed Forces of the United States who is
19 serving on active duty during a time of war or declared hostilities;

20 or

21 2. A mother who is breast-feeding a baby.

22 SECTION 2. This act shall become effective November 1, 2009.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-10-09 - DO
24 PASS, As Coauthored.