

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1134

By: Jolley

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5  
6 AS INTRODUCED

7 An Act relating to jurors; amending 38 O.S. 2001,  
8 Section 28, as last amended by Section 1, Chapter  
9 339, O.S.L. 2008 (38 O.S. Supp. 2008, Section 28),  
10 which relates to qualifications and exemptions;  
11 adding certain exemption; and providing an effective  
12 date.

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

14 SECTION 1. AMENDATORY 38 O.S. 2001, Section 28, as last  
15 amended by Section 1, Chapter 339, O.S.L. 2008 (38 O.S. Supp. 2008,  
16 Section 28), is amended to read as follows:

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

21 B. All citizens of the United States, residing in this state,  
22 having the qualifications of electors of this state, are competent  
23 jurors to serve on all grand and petit juries within their counties;  
24 provided, that persons over seventy (70) years of age and persons

1 who have served as a grand or petit juror during the last two (2)  
2 immediately preceding calendar years shall not be compelled to serve  
3 as jurors in this state and the court may excuse or discharge any  
4 juror drawn and summoned as a grand or petit juror if:

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

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

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

20       After two (2) years, a person excused from jury service shall  
21 become eligible once again for qualification as a juror unless the  
22 person was excused from service permanently. A person is excused  
23 from jury service permanently only when the deciding judge  
24

1 determines that the underlying grounds for being excused are of a  
2 permanent nature.

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

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

5 2. Judges of the Court of Criminal Appeals or the district  
6 court;

7 3. Sheriffs or deputy sheriffs;

8 4. Licensed attorneys engaged in the practice of law;

9 5. Persons who have been convicted of any felony or who have  
10 served a term of imprisonment in any penitentiary, state or federal,  
11 for the commission of a felony; provided, any such citizen  
12 convicted, who has been fully restored to his or her civil rights,  
13 shall be eligible to serve as a juror; and

14 6. Legislators during a session of the Legislature or when  
15 involved in state business.

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

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

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

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

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

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