

1 ENGROSSED SENATE
2 BILL NO. 484

By: Mazzei and Sykes of the
Senate

3 and

4 McCullough of the House

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6
7 An Act relating to jury duty; amending 38 O.S. 2011,
8 Section 28, which relates to qualifications and
9 exemptions; increasing certain time period; and
10 providing an effective date.

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

13 SECTION 1. AMENDATORY 38 O.S. 2011, Section 28, is
14 amended to read as follows:

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

19 B. All citizens of the United States, residing in this state,
20 having the qualifications of electors of this state, are competent
21 jurors to serve on all grand and petit juries within their counties;
22 provided, that persons over seventy (70) years of age and persons
23 who have served as a grand or petit juror during the last ~~two (2)~~
24 five (5) immediately preceding calendar years shall not be compelled

1 to serve as jurors in this state and the court may excuse or
2 discharge any juror drawn and summoned as a grand or petit juror if:

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

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

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

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

24 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. Upon his or her request, a person shall be exempt from

16 service as a juror if the person is:

- 17 1. A member of the Armed Forces of the United States who is
- 18 serving on active duty during a time of war or declared hostilities;
- 19 or
- 20 2. A mother who is breast-feeding a baby.

21 SECTION 2. This act shall become effective November 1, 2013.

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