ENGROSSED SENATE
BILL NO. 990 By: Thompson of the Senate

and

Dunlap of the House

An Act relating to jury service; amending 38 O.S. 2011, Section 28, as last amended by Section 11, Chapter 242, O.S.L. 2015 (38 O.S. Supp. 2015, Section 28), which relates to qualifications and exemptions; increasing certain time period; conforming language; and providing an effective date.

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

SECTION 1. AMENDATORY 38 O.S. 2011, Section 28, as last amended by Section 11, Chapter 242, O.S.L. 2015 (38 O.S. Supp. 2015, 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 five (5) 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. The prospective juror has a mental or physical condition that causes him or her to be incapable of performing jury service. The juror, or the juror's personal representative, shall provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the person unfit for jury service for a period of up to twenty-four (24) months; or

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

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

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

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

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

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

3. Sheriffs or deputy sheriffs;

4. Licensed attorneys engaged in the practice of law;

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

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

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

E. Upon his or her request, a person shall be exempt from service as a juror if the person is:

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

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

F. The district court may provide electronic resources for persons summoned for jury duty to obtain information about their jury service and to submit information to the court, including but not limited to communications via telephone, text message,

electronic mail and website. The court may utilize an approved electronic jury management system to record, process, respond to, and maintain juror communications. The court clerk and the trial court administrator, under the supervision and control of the presiding judge or chief judge, or any district judge acting as his or her designee, may be authorized to make determinations regarding juror excusals, exemptions, disqualifications, postponements and deferrals. However, determinations regarding extreme physical or financial hardship shall be made as provided in paragraph 2 of subsection B of this section.

G. Information provided to the court pursuant to this section by persons summoned for jury service shall be used exclusively for purposes of determining jury disqualifications or excusals. No person shall disclose, copy or permit any person to copy this information for purposes other than jury management.

SECTION 2. This act shall become effective November 1, 2016.

Passed the Senate the 7th day of March, 2016.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2016.

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Presiding Officer of the House
of Representatives