

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2972

By: West (Rick) of the House

and

Burns of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to jurors; amending 38 O.S. 2021,
12 Section 28, which relates to jury service exemptions;
13 authorizing physician assistant to verify medical
14 exemption; authorizing advanced practice registered
15 nurse to verify medical exemption; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 38 O.S. 2021, Section 28, is
19 amended to read as follows:

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

24 B. All citizens of the United States, residing in this state,
 having the qualifications of electors of this state, are competent

1 jurors to serve on all grand and petit juries within their counties;
2 provided, that persons over seventy (70) years of age and persons
3 who have served as a grand or petit juror during the last five (5)
4 immediately preceding calendar years shall not be compelled to serve
5 as jurors in this state and the court may excuse or discharge any
6 juror drawn and summoned as a grand or petit juror if:

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

15 2. Jury service would cause undue or extreme physical or
16 financial hardship to the prospective juror or a person under his or
17 her care or supervision. A judge of the court for which the
18 individual was called to jury service shall make undue or extreme
19 physical or financial hardship determinations. The authority to
20 make these determinations is delegable only to court officials or
21 personnel who are authorized by the laws of this state to function
22 as members of the judiciary. A person requesting to be excused
23 based on a finding of undue or extreme physical or financial
24 hardship shall take all actions necessary to have obtained a ruling

1 on that request by no later than the date on which the individual is
2 scheduled to appear for jury duty. For purposes of this section,
3 "undue or extreme physical or financial hardship" is limited to
4 circumstances in which an individual would be required to abandon a
5 person under his or her personal care or supervision due to the
6 impossibility of obtaining an appropriate substitute caregiver
7 during the period of participation in the jury pool or on the jury,
8 incur costs that would have a substantial adverse impact on the
9 payment of the individual's necessary daily living expenses or on
10 those for whom he or she provides the principal means of support, or
11 suffer physical hardship that would result in illness or disease.
12 Undue or extreme physical or financial hardship does not exist
13 solely based on the fact that a prospective juror will be required
14 to be absent from his or her place of employment. A person
15 requesting a judge to grant an excuse based on undue or extreme
16 physical or financial hardship shall be required to provide the
17 judge with documentation, such as, but not limited to, federal and
18 state income tax returns, medical statements from licensed
19 physicians, proof of dependency or guardianship, and similar
20 documents, which the judge finds to clearly support the request to
21 be excused. Failure to provide satisfactory documentation shall
22 result in a denial of the request to be excused.

23 After two (2) years, a person excused from jury service shall
24 become eligible once again for qualification as a juror unless the

1 person was excused from service permanently. A person is excused
2 from jury service permanently only when the deciding judge
3 determines that the underlying grounds for being excused are of a
4 permanent nature.

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

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

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

9 3. Sheriffs or deputy sheriffs;

10 4. Municipal or state law enforcement officers employed in any
11 county with a population of two hundred fifty-five thousand
12 (255,000) or more;

13 5. Federal law enforcement officers;

14 6. Licensed attorneys engaged in the practice of law;

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

20 8. Legislators during a session of the Legislature or when
21 involved in state business.

22 D. Jailers, or municipal or state law enforcement officers in a
23 county with a population of less than two hundred fifty-five
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1 thousand (255,000), shall be eligible to serve on noncriminal
2 actions only.

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

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

7 ~~or~~

8 2. A mother who is breast-feeding a baby; or

9 3. A student currently enrolled and attending classes or exams
10 at an institution of higher education.

11 F. The district court may provide electronic resources for
12 persons summoned for jury duty to obtain information about their
13 jury service and to submit information to the court, including but
14 not limited to communications via telephone, text message,
15 electronic mail and website. The court may utilize an approved
16 electronic jury management system to record, process, respond to,
17 and maintain juror communications. The court clerk and the trial
18 court administrator, under the supervision and control of the
19 presiding judge or chief judge, or any district judge acting as his
20 or her designee, may be authorized to make determinations regarding
21 juror excusals, exemptions, disqualifications, postponements and
22 deferrals. However, determinations regarding extreme physical or
23 financial hardship shall be made as provided in paragraph 2 of
24 subsection B of this section.

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

6 SECTION 2. This act shall become effective November 1, 2022.
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8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
9 03/01/2022 - DO PASS, As Amended and Coauthored.
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