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March 30, 2021

ENGROSSED HOUSE
BILL NO. 2746

By: Ford of the House

and

Newhouse of the Senate

An Act relating to jurors; amending 38 O.S. 2011, Section 28, as last amended by Section 11, Chapter 242, O.S.L. 2015 (38 O.S. Supp. 2020, Section 28), which relates to qualifications and exemptions pertaining to jury duty; modifying list of persons disqualified to serve as jurors; 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. 2020, 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;

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

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

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

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

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

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

11 5. Federal law enforcement officers;

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

13 ~~5.~~ 7. Persons who have been convicted of any felony or who have
14 served a term of imprisonment in any penitentiary, state or federal,
15 for the commission of a felony; provided, any such citizen
16 convicted, who has been fully restored to his or her civil rights,
17 shall be eligible to serve as a juror; and

18 ~~6.~~ 8. Legislators during a session of the Legislature or when
19 involved in state business.

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

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

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

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

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

21 G. Information provided to the court pursuant to this section
22 by persons summoned for jury service shall be used exclusively for
23 purposes of determining jury disqualifications or excusals. No
24

1 person shall disclose, copy or permit any person to copy this
2 information for purposes other than jury management.

3 SECTION 2. This act shall become effective November 1, 2021.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
5 March 30, 2021 - DO PASS
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