

HOUSE BILL No. 1152

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-28-5-18.

Synopsis: Jury duty and nursing mothers. Specifies that "necessity", for purposes of deferring jury service, includes being a nursing mother.

Effective: July 1, 2022.

King, Vermilion

January 6, 2022, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1152



A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-28-5-18, AS AMENDED BY P.L.157-2009,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 18. (a) The supervising judge or the jury
4 administrator shall determine whether a prospective juror is qualified
5 to serve or, if disabled but otherwise qualified, whether the prospective
6 juror could serve with reasonable accommodation. A person who is not
7 eligible for jury service may not serve. The facts supporting juror
8 disqualification or exemption must be recorded under oath or
9 affirmation. A disqualification or exemption is not authorized unless
10 supported by the facts. The jury administrator shall make a record of all
11 disqualifications.

12 (b) A prospective juror is disqualified to serve on a jury if any of the
13 following conditions exist:

14 (1) The person is not a citizen of the United States, at least
15 eighteen (18) years of age, and a resident of the county.

16 (2) The person is unable to read, speak, and understand the
17 English language with a degree of proficiency sufficient to fill out



1 satisfactorily a juror qualification form.

2 (3) The person is incapable of rendering satisfactory jury service
3 due to physical or mental disability. However, a person claiming
4 this disqualification may be required to submit a physician's or
5 authorized Christian Science practitioner's certificate confirming
6 the disability, and the certifying physician or practitioner is then
7 subject to inquiry by the court at the court's discretion.

8 (4) A guardian has been appointed for the person under IC 29-3
9 because the person has a mental incapacity.

10 (5) The person has had the right to vote revoked by reason of a
11 felony conviction and the right has not been restored.

12 (c) A person scheduled to appear for jury service has the right to
13 defer the date of the person's initial appearance for jury service one (1)
14 time upon a showing of hardship, extreme inconvenience, or necessity.
15 The court shall grant a prospective juror's request for deferral if the
16 following conditions are met:

17 (1) The prospective juror has not previously been granted a
18 deferral.

19 (2) The prospective juror requests a deferral by contacting the
20 jury administrator:

- 21 (A) by telephone;
22 (B) by electronic mail;
23 (C) in writing; or
24 (D) in person.

25 (3) The prospective juror selects another date on which the
26 prospective juror will appear for jury service that is:

- 27 (A) not more than one (1) year after the date upon which the
28 prospective juror was originally scheduled to appear; and
29 (B) a date when the court will be in session.

30 (4) The court determines that the prospective juror has
31 demonstrated that a deferral is necessary due to:

- 32 (A) hardship;
33 (B) extreme inconvenience; or
34 (C) necessity, **including the fact that the prospective juror
35 is a nursing mother.**

36 (d) A prospective juror who is at least seventy-five (75) years of age
37 may be exempted from jury service if the prospective juror notifies the
38 jury administrator that the prospective juror is at least seventy-five (75)
39 years of age and wishes to be exempted from jury service.

40 (e) A person may not serve as a petit juror in any county if the
41 person served as a petit juror in the same county within the previous
42 three hundred sixty-five (365) days in a case that resulted in a verdict.



1 The fact that a person's selection as a juror would violate this
2 subsection is sufficient cause for challenge.

3 (f) A grand jury, a petit jury, or an individual juror drawn for service
4 in one (1) court may serve in another court of the county, in accordance
5 with orders entered on the record in each of the courts.

6 (g) The same petit jurors may be used in civil cases and in criminal
7 cases.

8 (h) A person may not be excluded from jury service on account of
9 race, color, religion, sex, national origin, or economic status.

