



Reprinted
February 24, 2015

SENATE BILL No. 99

DIGEST OF SB 99 (Updated February 23, 2015 2:35 pm - DI 106)

Citations Affected: IC 33-28.

Synopsis: Jury service review. Permits a nursing mother who is denied permission to defer jury service to request the trial judge to reconsider her request for deferral.

Effective: July 1, 2015.

**Zakas, Leising, Steele, Becker,
Delph, Taylor**

January 6, 2015, read first time and referred to Committee on Rules & Legislative Procedure.
January 22, 2015, amended; reassigned to Committee on Judiciary.
February 19, 2015, amended, reported favorably — Do Pass.
February 23, 2015, read second time, amended, ordered engrossed.

SB 99—LS 6179/DI 13



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First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 99

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, 2015]: 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

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- 1 English language with a degree of proficiency sufficient to fill out
 2 satisfactorily a juror qualification form.
- 3 (3) The person is incapable of rendering satisfactory jury service
 4 due to physical or mental disability. However, a person claiming
 5 this disqualification may be required to submit a physician's or
 6 authorized Christian Science practitioner's certificate confirming
 7 the disability, and the certifying physician or practitioner is then
 8 subject to inquiry by the court at the court's discretion.
- 9 (4) A guardian has been appointed for the person under IC 29-3
 10 because the person has a mental incapacity.
- 11 (5) The person has had the right to vote revoked by reason of a
 12 felony conviction and the right has not been restored.
- 13 (c) A person scheduled to appear for jury service has the right to
 14 defer the date of the person's initial appearance for jury service one (1)
 15 time upon a showing of hardship, extreme inconvenience, or necessity.
 16 The court shall grant a prospective juror's request for deferral if the
 17 following conditions are met:
- 18 (1) The prospective juror has not previously been granted a
 19 deferral.
- 20 (2) The prospective juror requests a deferral by contacting the
 21 jury administrator:
- 22 (A) by telephone;
 23 (B) by electronic mail;
 24 (C) in writing; or
 25 (D) in person.
- 26 (3) The prospective juror selects another date on which the
 27 prospective juror will appear for jury service that is:
- 28 (A) not more than one (1) year after the date upon which the
 29 prospective juror was originally scheduled to appear; and
 30 (B) a date when the court will be in session.
- 31 (4) The court determines that the prospective juror has
 32 demonstrated that a deferral is necessary due to:
- 33 (A) hardship;
 34 (B) extreme inconvenience; or
 35 (C) necessity.
- 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) If a prospective juror who is nursing a child is denied a**
 41 **deferral from jury service by the supervising judge or jury**
 42 **administrator, the prospective juror may request, at any time**



1 before the jury is selected, that the trial judge consider again her
 2 request for a deferral. The prospective juror may provide any
 3 additional information that she believes would be helpful to the
 4 judge. The prospective juror may request reconsideration:

- 5 (1) by telephone;
- 6 (2) by electronic mail;
- 7 (3) in writing; or
- 8 (4) in person.

9 **If the nursing mother has requested reconsideration before she is**
 10 **required to appear for jury service, the judge shall attempt, to the**
 11 **extent practicable, to rule on the request for reconsideration and**
 12 **inform her of the decision before she is required to appear at the**
 13 **courthouse.**

14 ~~(e)~~ (f) A person may not serve as a petit juror in any county if the
 15 person served as a petit juror in the same county within the previous
 16 three hundred sixty-five (365) days in a case that resulted in a verdict.
 17 The fact that a person's selection as a juror would violate this
 18 subsection is sufficient cause for challenge.

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

22 ~~(g)~~ (h) The same petit jurors may be used in civil cases and in
 23 criminal cases.

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



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 99, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 99 as introduced.)

LONG, Chairperson

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 99, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 40, delete "A" and insert "**If a**".

Page 2, line 40, delete "may be exempted" and insert "**is denied a deferral**".

Page 2, line 41, delete "if the prospective juror notifies the jury" and insert "**under this section, the prospective juror may request that the trial judge review her request for a deferral. The prospective juror may provide any additional information that she believes would be helpful to the judge.**".



Page 2, delete line 42.

Page 3, delete line 1.

and when so amended that said bill do pass.

(Reference is to SB 99 as printed January 23, 2015.)

STEELE

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 99 be amended to read as follows:

Page 2, line 41, delete "under this section," and insert "**by the supervising judge or jury administrator**,".

Page 2, line 42, delete "request" and insert "**request, at any time before the jury is selected**,".

Page 2, line 42, delete "review" and insert "**consider again**".

Page 3, line 2, after "judge." insert "**The prospective juror may request reconsideration:**

- (1) by telephone;
- (2) by electronic mail;
- (3) in writing; or
- (4) in person.

If the nursing mother has requested reconsideration before she is required to appear for jury service, the judge shall attempt, to the extent practicable, to rule on the request for reconsideration and inform her of the decision before she is required to appear at the courthouse."

(Reference is to SB 99 as printed February 20, 2015.)

ZAKAS

