

1 **SENATE FLOOR VERSION**

February 9, 2021

2 **AS AMENDED**

3 SENATE BILL NO. 653

By: Newhouse and Bullard of the
Senate

4 and

5 Ford of the House
6

7
8
9 An Act relating to jurors; amending 38 O.S. 2011,
10 Section 28, as last amended by Section 11, Chapter
242, O.S.L. 2015 (38 O.S. Supp. 2020, Section 28),
11 which relates to qualifications and exemptions
pertaining to jury duty; disqualifying certain
12 persons from jury service; and providing an effective
date.

13
14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 38 O.S. 2011, Section 28, as last
17 amended by Section 11, Chapter 242, O.S.L. 2015 (38 O.S. Supp. 2020,
18 Section 28), is amended to read as follows:

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

23 B. All citizens of the United States, residing in this state,
24 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 licensed to practice
11 medicine verifying that a mental or physical condition renders the
12 person unfit for jury service for a period of up to twenty-four (24)
13 months; or

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

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

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

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

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

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

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

8 3. Sheriffs or deputy sheriffs;

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

12 5. Federal law enforcement officers;

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

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

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

21 D. Jailers, or municipal or state law enforcement officers,
22 ~~municipal, state or federal,~~ in a county with a population of less
23 than **two hundred fifty-five thousand (255,000),** shall be eligible to
24 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 February 9, 2021 - DO PASS AS AMENDED
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24