

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE  
5 BILL NO. 653

By: Newhouse, Bullard and  
6 **Bergstrom** of the Senate

7 and

8 Ford of the House

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

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

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

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

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

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

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

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1 After two (2) years, a person excused from jury service shall  
2 become eligible once again for qualification as a juror unless the  
3 person was excused from service permanently. A person is excused  
4 from jury service permanently only when the deciding judge  
5 determines that the underlying grounds for being excused are of a  
6 permanent nature.

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

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

9 2. Judges of the Court of Criminal Appeals or the district  
10 court;

11 3. Sheriffs or deputy sheriffs;

12 4. Municipal or state law enforcement officers employed in any  
13 county with a population of two hundred fifty-five thousand  
14 (255,000) or more;

15 5. Federal law enforcement officers;

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

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

22 ~~6.~~ 8. Legislators during a session of the Legislature or when  
23 involved in state business.

1 D. Jailers, or municipal or state law enforcement officers, ~~7~~  
2 ~~municipal, state or federal,~~ in a county with a population of less  
3 than two hundred fifty-five thousand (255,000), shall be eligible to  
4 serve on noncriminal actions only.

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

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

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

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, ~~7~~ 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, ~~7~~  
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, 2021.

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8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
9 03/24/2021 - DO PASS, As Coauthored.

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