

1 SB40
2 124920-1
3 By Senator Marsh
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 02/18/2011

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8 SYNOPSIS: This bill would, upon request, excuse a
9 prospective juror who is at least 65 years of age
10 from service.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT

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16 To amend Section 12-16-63, Code of Alabama 1975,
17 relating to jury service; to excuse, upon request, a
18 prospective juror who is 65 years of age or older.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 12-16-63 of the Code of Alabama
21 of 1975, is amended to read as follows:

22 "§12-16-63.

23 "(a) The court, upon the request of a prospective
24 juror pursuant to this section, shall determine on the basis
25 of information provided during an interview with the
26 prospective juror or based on other competent evidence whether
27 the prospective juror should be excused from jury service.

1 "(b) A person who is not disqualified for jury
2 service may apply to be excused from jury service by the court
3 only upon a showing of undue or extreme physical or financial
4 hardship, a mental or physical condition that incapacitates
5 the person, or public necessity, for a period of up to 24
6 months, at the conclusion of which the person may be directed
7 to reappear for jury service in accordance with the court's
8 direction.

9 "(1) A person asking to be excused based on undue or
10 extreme physical or financial hardship shall take all actions
11 necessary to have obtained a ruling on that request by no
12 later than the date on which the individual is scheduled to
13 appear for jury duty. Documentation of such hardship shall be
14 provided to the court upon request.

15 "(2) For purposes of this article, undue or extreme
16 physical or financial hardship is limited to any of the
17 following circumstances in which an individual would:

18 "a. Be required to abandon a person under his or her
19 personal care or supervision due to the impossibility of
20 obtaining an appropriate substitute caregiver during the
21 period of participation in the jury pool or on the jury.

22 "b. Incur costs that would have a substantial
23 adverse impact on the payment of the individual's necessary
24 daily living expenses or on those for whom he or she provides
25 the principal means of support.

26 "c. Suffer physical hardship that would result in
27 illness or disease.

1 "(3) Undue or extreme physical or financial hardship
2 does not exist solely based on the fact that a prospective
3 juror will be required to be absent from his or her place of
4 employment.

5 "(c) Notwithstanding subsection (b), a prospective
6 juror who is at least 65 years of age may submit a written
7 statement to the court requesting that he or she be excused
8 from service. The prospective juror may request to be excused
9 temporarily or permanently. On receipt of the request, the
10 judge shall excuse the prospective juror from service.

11 "~~(c)~~(d) The excusal of a person from jury service
12 pursuant to subsection (b) shall not affect the person's right
13 to one automatic postponement under Section 12-16-63.1."

14 Section 2. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.