

SB64 ENGROSSED



1 5V7T36-2
2 By Senators Singleton, Orr
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 2023 Regular Session



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A BILL
TO BE ENTITLED
AN ACT

Relating to jury service; to amend Sections 12-16-62 and 12-16-63, Code of Alabama 1975; to allow individuals 75 years of age or older to be excused from jury service and to request a permanent exemption from jury service.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-16-62 and 12-16-63, Code of Alabama 1975, are amended to read as follows:

"§12-16-62

(a) No qualified prospective juror is exempt from jury service, except as provided in subsection (b).

(b) An individual who is 75 years of age or older may submit a written statement to the court requesting that he or she be permanently exempt from jury service. On receipt of the request, the court shall remove the propsective juror from the master jury list."

"§12-16-63

(a) The court, upon the request of a prospective juror pursuant to this section, shall determine on the basis of information provided during an interview with the prospective juror or based on other competent evidence whether the



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29 prospective juror should be excused from jury service.

30 (b) ~~(1) A person~~ An individual who is not disqualified
31 for jury service may apply to be excused from jury service by
32 the court ~~only upon a~~ in each of the following circumstances:

33 a. The individual is 75 years of age or older.

34 b. The individual provides a showing of undue or
35 extreme physical or financial hardship. ~~7~~

36 c. The individual has a mental or physical condition
37 that incapacitates ~~the person,~~ him or her.

38 ~~d. or public~~ Public necessity. ~~7~~

39 (2) An individual may be excused from jury service for
40 a period of up to 24 months, at the conclusion of which the
41 ~~person~~ individual may be directed to reappear for jury service
42 in accordance with the court's direction.

43 ~~(1) A person~~ (3) An individual asking to be excused
44 based on undue or extreme physical or financial hardship shall
45 take all actions necessary to have obtained a ruling on that
46 request by no later than the date on which the individual is
47 scheduled to appear for jury duty. Documentation of such
48 hardship shall be provided to the court upon request.

49 ~~(2)~~ (4) For purposes of this article, undue or extreme
50 physical or financial hardship is limited to any of the
51 following circumstances in which an individual would:

52 a. Be required to abandon ~~a person~~ an individual under
53 his or her personal care or supervision due to the
54 impossibility of obtaining an appropriate substitute caregiver
55 during the period of participation in the jury pool or on the
56 jury.



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57 b. Incur costs that would have a substantial adverse
58 impact on the payment of the individual's necessary daily
59 living expenses or on those for whom he or she provides the
60 principal means of support.

61 c. Suffer physical hardship that would result in
62 illness or disease.

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

67 (c) The excusal of ~~a person~~ an individual from jury
68 service pursuant to subsection (b) shall not affect the
69 person's right to one automatic postponement under Section
70 12-16-63.1."

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



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74
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76 Senate

77 Read for the first time and referred07-Mar-23
78 to the Senate committee on Judiciary
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80 Read for the second time and placed03-May-23
81 on the calendar:
82 1 amendment
83
84 Read for the third time and passed16-May-23
85 as amended
86 Yeas 34
87 Nays 0
88 Abstains 0
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Patrick Harris,
Secretary.

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