

HB209 INTRODUCED



1 HB209
2 4TJVR3R-1
3 By Representatives DuBose, Rafferty, Hulsey, Shaver, Shirey,
4 Wilcox, Wood (D), Lands, Fidler
5 RFD: Judiciary
6 First Read: 06-Feb-25



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SYNOPSIS:

Under existing law, individuals may be excused from jury duty for limited reasons including extreme physical or financial hardship, incapacity, or public necessity.

This bill would provide that a nursing mother may be excused from service as a juror.

This bill would also require a nursing mother seeking excusal from jury service to provide the court with certification from a health care professional that she is nursing.

A BILL
TO BE ENTITLED
AN ACT

Relating to juries; to amend Section 12-16-63, Code of Alabama 1975; to provide an exemption from jury service for nursing mothers.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§12-16-63

(a) ~~The court, upon~~ Upon the request of a prospective



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29 juror pursuant to this section, the court shall determine, on
30 the basis of information provided during an interview with the
31 prospective juror or based on other competent evidence,
32 whether the prospective juror should be excused from jury
33 service.

34 (b) ~~A person~~ An individual who is not disqualified for
35 jury service may apply to be excused from jury service by the
36 court only upon a showing of ~~undue~~ one of the following:

37 (1) That serving on a jury would result in undue or
38 extreme physical or financial hardship, ~~a.~~

39 (2) The prospective juror has a mental or physical
40 condition that incapacitates ~~the person, or~~ him or her.

41 (3) The prospective juror is a nursing mother at the
42 time she receives a summons.

43 (4) The prospective juror should be excused for reasons
44 of public necessity, ~~for a period of up to 24 months, at the~~
45 ~~conclusion of which the person may be directed to reappear for~~
46 ~~jury service in accordance with the court's direction.~~

47 (c) (1) A person An individual asking to be excused
48 based on undue or extreme physical or financial hardship shall
49 take all actions necessary to have obtained a ruling on that
50 request by no later than the date on which the individual is
51 scheduled to appear for jury duty. ~~Documentation of such~~
52 ~~hardship shall be provided to the court upon request.~~ Upon the
53 request of the court, the individual seeking to be excused
54 must provide documentation of the hardship.

55 (2) For purposes of this ~~article~~ section, undue or
56 extreme physical or financial hardship is limited to any of



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57 the following circumstances in which an individual would:

58 a. Be required to abandon ~~a person~~ an individual under
59 his or her personal care or supervision due to the
60 impossibility of obtaining an appropriate substitute caregiver
61 during the period of participation in the jury pool or on the
62 jury.

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

67 c. Suffer physical hardship that would result in
68 illness or disease.

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

73 (d) An individual asking to be excused under
74 subdivision (b) (3) shall provide to the court a written
75 statement from a health care professional certifying that she
76 is a nursing mother. For the purposes of this section,
77 appropriate health care professionals include, but are not
78 limited to, a physician, lactation consultant, certified nurse
79 midwife, or pediatrician.

80 (e) (1) A prospective juror excused pursuant to this
81 section shall be exempt from jury service for a period of 24
82 months.

83 (2) At the conclusion of the 24-month period, the
84 individual may be directed to reappear for jury service at the



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85 court's direction.

86 (f) ~~(e)~~ The excusal of ~~a person~~ an individual from jury
87 service pursuant to ~~subsection (b) shall~~ this section may not
88 affect ~~the person's~~ his or her right to one automatic
89 postponement under Section 12-16-63.1."

90 Section 2. This act shall become effective on October
91 1, 2025.