

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 405
93RD GENERAL ASSEMBLY

Reported from the Committee on Judiciary, April 14, 2005 with recommendation that House Committee Substitute for Senate Bill No. 405 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

1517L.03C

AN ACT

To repeal sections 494.430 and 494.432, RSMo, and to enact in lieu thereof two new sections relating to jury service.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 494.430 and 494.432, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 494.430 and 494.432, to read as follows:

494.430. 1. Upon timely application to the court, the following persons shall be excused
2 from service as a petit or grand juror:

3 (1) Any person who has served on a state or federal petit or grand jury within the
4 preceding two years;

5 (2) Any person whose absence from his or her regular place of employment would, in
6 the judgment of the court, tend materially and adversely to affect the public safety, health,
7 welfare or interest;

8 (3) Any person upon whom service as a juror would in the judgment of the court impose
9 an undue or extreme physical or financial hardship;

10 (4) Any person licensed [to engage in and actively engaged in the practice of medicine,
11 osteopathy, chiropractic, dentistry or pharmacy] **as a healthcare provider as such term is**
12 **defined in section 538.205, RSMo**, but only if such person provides a written statement to the
13 court certifying that he or she is actually providing health care services to patients, and that the
14 person's service as a juror would be detrimental to the health of the person's patients;

15 (5) **Any employee of a religious institution whose religious obligations or constraints**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **prohibit their serving on a jury. The certification of the employment and obligation or**
17 **constraint may be provided by the employee's religious supervisor.**

18 2. A judge of the court for which the individual was called to jury service shall make
19 undue or extreme physical or financial hardship determinations. The authority to make these
20 determinations is delegable only to court officials or personnel who are authorized by the laws
21 of this state to function as members of the judiciary.

22 3. A person asking to be excused based on a finding of undue or extreme physical or
23 financial hardship must take all actions necessary to have obtained a ruling on that request by no
24 later than the date on which the individual is scheduled to appear for jury duty.

25 4. **Unless it is apparent to the court that the physical hardship would significantly**
26 **impair the person's ability to serve as a juror,** for purposes of sections 494.400 to 494.460
27 undue or extreme physical or financial hardship is limited to circumstances in which an
28 individual would:

29 (1) Be required to abandon a person under his or her personal care or supervision due
30 to the impossibility of obtaining an appropriate substitute caregiver during the period of
31 participation in the jury pool or on the jury; or

32 (2) Incur costs that would have a substantial adverse impact on the payment of the
33 individual's necessary daily living expenses or on those for whom he or she provides the
34 principal means of support; or

35 (3) Suffer physical hardship that would result in illness or disease.

36 5. Undue or extreme physical or financial hardship does not exist solely based on the fact
37 that a prospective juror will be required to be absent from his or her place of employment.

38 6. A person asking a judge to grant an excuse based on undue or extreme physical or
39 financial hardship shall [be required to] provide the judge with documentation **as required by**
40 **the judge**, such as, but not limited to, federal and state income tax returns, medical statements
41 from licensed physicians, proof of dependency or guardianship, and similar documents, which
42 the judge finds to clearly support the request to be excused. Failure to provide satisfactory
43 documentation shall result in a denial of the request to be excused. Such documents shall be
44 filed under seal.

45 7. After two years, a person excused from jury service shall become eligible once again
46 for qualification as a juror unless the person was excused from service permanently. A person
47 is excused from jury service permanently only when the deciding judge determines that the
48 underlying grounds for being excused are of a permanent nature.

494.432. 1. Individuals scheduled to appear for jury service have the right to postpone
2 the date of their initial appearance for jury service one time only for reasons other than undue
3 influence or extreme physical or financial hardship. When requested, postponements shall be

4 granted, provided that:

5 (1) The prospective juror has not previously been granted a postponement;

6 (2) The prospective juror appears in person or contacts the board of jury commissioners
7 by telephone, electronic mail, or in writing to request a postponement; and

8 (3) Prior to the grant of a postponement [with the concurrence of the board of jury
9 commissioners, the prospective juror fixes a date certain] **the court shall set the date** on which
10 [he or she] **the prospective juror** will appear for jury service that is not more than six months
11 after the date on which the prospective juror originally was called to serve and on which date the
12 court will be in session. **If** a prospective juror [who] is a full-time student of any accredited
13 institution [may fix a date certain], **the court shall set the date** on which [he or she] **the**
14 **prospective juror** will appear for jury service that is not more than twelve months after the date
15 on which the prospective juror originally was called to serve and on which the court will be in
16 session.

17 2. A subsequent request to postpone jury service may be approved by a judicial officer
18 only in the event of an extreme emergency, such as a death in the family, sudden grave illness,
19 or a natural disaster or national emergency in which the prospective juror is personally involved,
20 that could not have been anticipated at the time the initial postponement was granted. Prior to
21 the grant of a second postponement, the prospective juror must fix a date certain on which the
22 individual will appear for jury service within six months of the postponement on a date when the
23 court will be in session.