

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1100
93RD GENERAL ASSEMBLY

Reported from the Committee on Judiciary February 16, 2006 with recommendation that House Committee Substitute for House Bill No. 1100 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3900L.02C

AN ACT

To repeal sections 494.425 and 494.430, 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Section A. Sections 494.425 and 494.430, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 494.425 and 494.430, to read as follows:

494.425. The following persons shall be disqualified from serving as a petit or grand
2 juror:

3 (1) Any person who is less than twenty-one years of age;

4 (2) Any person not a citizen of the United States;

5 (3) Any person not a resident of the county or city not within a county served by the
6 court issuing the summons;

7 (4) Any person who has been convicted of a felony, unless such person has been restored
8 to his civil rights;

9 (5) Any person unable to read, speak and understand the English language, unless such
10 person's inability is due to a vision or hearing impairment which can be adequately compensated
11 for through the use of auxiliary aids or services;

12 (6) Any person on active duty in the armed forces of the United States or any member
13 of the organized militia on active duty under order of the governor;

14 (7) Any [judge of a court of record] **licensed attorney at law**;

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.

15 (8) Any person who, in the judgment of the court, is incapable of performing the duties
16 of a juror because of mental or physical illness or infirmity. The juror or the juror's personal
17 representative, may provide the court with documentation from a physician licensed to practice
18 medicine verifying that a mental or physical condition renders the person unfit for jury service
19 for a period of up to twenty-four months.

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 as a health care provider as such term is defined in section
11 538.205, RSMo, but only if such person provides a written statement to the court certifying that
12 he or she is actually providing health care services to patients, and that the person's service as a
13 juror would be detrimental to the health of the person's patients;

14 (5) Any employee of a religious institution whose religious obligations or constraints
15 prohibit their serving on a jury. The certification of the employment and obligation or constraint
16 may be provided by the employee's religious supervisor;

17 **(6) Any woman who is breastfeeding, but only if such woman provides a written**
18 **statement to the court certifying that she is actually breastfeeding her own child not**
19 **exceeding two years of age; and requesting that she be excused from service.**

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

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

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

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

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

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

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

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

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