

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 1320

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ELLINGER (Sponsor), SCHUPP, KIRKTON, PACE, NICHOLS,
MORGAN, MITTEN, OTTO AND GARDNER (Co-sponsors).

4688L.01P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 191.918 and 494.430, RSMo, and to enact in lieu thereof two new sections relating to breast-feeding.

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

Section A. Sections 191.918 and 494.430, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 191.918 and 494.430, to read as follows:

191.918. **1.** Notwithstanding any other provision of law to the contrary, a mother may, with [as much] discretion [as possible], breast-feed her child **or express breast milk** in any public or private location where the mother is otherwise authorized to be.

2. The act of a mother breast-feeding a child or expressing breast milk in a public or private location where the mother and child are otherwise authorized to be shall not:

(1) Constitute sexual conduct or sexual contact as defined in section 566.010; or

(2) Be considered an act of public indecency, indecent exposure, sexual conduct, lewd touching, or obscenity or any other similar term for purposes of state or municipal law.

3. A municipality shall not enact an ordinance prohibiting or restricting a mother from breast-feeding a child or expressing breast milk in a public or private location where the mother and child are otherwise authorized to be.

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

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.

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 nursing mother, upon her request, and with a completed written statement**
6 **from her physician to the court certifying she is a nursing mother;**

7 [(2)] (3) Any person whose absence from his or her regular place of employment would,
8 in the judgment of the court, tend materially and adversely to affect the public safety, health,
9 welfare or interest;

10 [(3)] (4) Any person upon whom service as a juror would in the judgment of the court
11 impose an undue or extreme physical or financial hardship;

12 [(4)] (5) Any person licensed as a health care provider as such term is defined in section
13 538.205, but only if such person provides a written statement to the court certifying that he or
14 she is actually providing health care services to patients, and that the person's service as a juror
15 would be detrimental to the health of the person's patients;

16 [(5)] (6) Any employee of a religious institution whose religious obligations or
17 constraints prohibit their serving on a jury. The certification of the employment and obligation
18 or constraint may be provided by the employee's religious supervisor.

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

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

26 4. Unless it is apparent to the court that the physical hardship would significantly impair
27 the person's ability to serve as a juror, for purposes of sections 494.400 to 494.460 undue or
28 extreme physical or financial hardship is limited to circumstances in which an 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 provide the judge with documentation as required by the judge, such as,
40 but not limited to, federal and state income tax returns, medical statements from licensed
41 physicians, proof of dependency or guardianship, and similar documents, which the judge finds
42 to clearly support the request to be excused. Failure to provide satisfactory documentation shall
43 result in a denial of the request to be excused. Such documents shall be filed under seal.

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

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