

1 HB128
2 214675-1
3 By Representative Sorrell
4 RFD: Constitution, Campaigns and Elections
5 First Read: 13-JAN-22

SYNOPSIS: Under existing law, there are limited exemptions available for an individual who is called to serve as a juror.

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

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 duty 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 the request of a prospective juror pursuant to this section, shall determine, l on the basis

1 of information provided during an interview with the
2 prospective juror or based on other competent evidence,
3 whether the prospective juror should be excused from jury
4 service.

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

8 "(1) Serving on a jury would result in undue or
9 extreme physical or financial hardship,~~a.~~

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

12 "(3) The prospective juror is a nursing mother at
13 the time she receives the summons.

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

19 "(c) (1) A person asking An individual requesting to
20 be excused based on undue or extreme physical or financial
21 hardship shall take all actions necessary to have obtained a
22 ruling on that request by no later than the date on which the
23 individual is scheduled to appear for jury ~~duty~~ service.

24 Documentation of such hardship shall be provided to the court
25 upon request.

1 "(2) For purposes of this ~~article~~ section, undue or
2 extreme physical or financial hardship is limited to any of
3 the following circumstances in which an individual would:

4 "a. Be required to abandon a person under his or her
5 personal care or supervision due to the impossibility of
6 obtaining an appropriate substitute caregiver during the
7 period of participation in the jury pool or on the jury.

8 "b. Incur costs that would have a substantial
9 adverse impact on the payment of the individual's necessary
10 daily living expenses or on those for whom he or she provides
11 the principal means of support.

12 "c. Suffer physical hardship that would result in
13 illness or disease.

14 "(3) Undue or extreme physical or financial hardship
15 does not exist solely based on the fact that a prospective
16 juror will be required to be absent from his or her place of
17 employment.

18 "(d) (1) Except as provided in subdivision (2), a
19 prospective juror excused pursuant to this section shall be
20 exempt from jury service for a period of 24 months.

21 "(2) A nursing mother excused pursuant to this
22 section shall be exempt from jury service for a period of 12
23 months.

24 "(3) At the conclusion of the 24-month or 12-month
25 period, the individual may be directed to reappear for jury
26 service in accordance with the court's direction.

1 "~~(c)~~ (e) The excusal of ~~a person~~ an individual from
2 jury service pursuant to ~~subsection (b)~~ this section shall not
3 affect ~~the person's~~ his or her right to one automatic
4 postponement under Section 12-16-63.1."

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