

Jury Service

This Act establishes certain provisions for jury service. It also creates a Lengthy Trial Fund to compensate jurors who serve more than ten days of jury service. The Fund will be comprised of money collected from a fee on court filing, appearance and answer or response fees, beginning January 1, 2004.

Specifically, the Act:

- Requires the state Supreme Court to impose an additional fee for each filing, appearance and answer or response fee charged by a clerk of the superior court beginning January 1, 2004;
- Directs the state Supreme Court to deposit the funds into the Lengthy Trial Fund;
- Allows the State Treasurer to invest and divest money in the Fund, and specifies that the money earned from investment will be credited to the Fund;
- Allows the court to exempt any filing the court determines to involve a minimal use of resources, and that customarily is not afforded the opportunity for a trial by jury;
- Grants the Supreme Court the power to administer the Lengthy Trial Fund and adopt rules for the Fund's administration, including:
 1. The selection and appointment of the Fund's administrator.
 2. Procedures for the administration of the Fund, including payment of necessary personnel, accounting, auditing, and investment of the monies in the Fund.
 3. The submission of an annual report regarding the amount of money collected and disbursed from the Fund and the number of jurors paid.
- Directs the Supreme Court to spend the money to pay full or partial wage replacement to jurors who serve on juries for more than ten days and whose employers pay less than full regular wages;
- Allows not more than three per cent of the money in the Fund to be used by the Supreme Court for the costs of administering the Fund;
- Directs the court clerk to collect and send the money to the county treasurer who then transmits them to the state treasurer;
- Requires a prospective juror who has a mental or physical condition that causes the juror to be incapable of performing jury service to be excused based on the judge's discretion;
- Defines "undue or extreme physical or financial hardship;"
- Exempts prospective jurors whose service would "substantially and materially affect the public interest or welfare in an adverse manner;"
- Clarifies that undue financial or physical hardship does not exist based solely on the fact that the prospective juror will be required to be absent from their place of employment;
- Stipulates that documents produced pursuant to an excuse from the Act are not public and may not be released to the general public;
- Allows a prospective juror to be permanently excused if the judge finds the underlying grounds to be permanent in nature;
- Prohibits an employer from requiring or requesting an employee to use annual, vacation or sick leave for time spent in jury service or jury selection except that the Act does not require an employer to provide the benefits to employees who are otherwise not entitled to them;
- Raises the fine for failure to attend on the date scheduled for jury service;
- Revises provisions for a request of service postponement;
- Allows a postponement that is not more than three months;

- Stipulates that jury service postponement may only be granted twice;
- Directs the court to postpone and reschedule the service of a prospective juror of an employer of five or fewer full time employees if another employee from the same employer is summoned during the same period of time;
 - Allows a presiding judge and jury commissioner to apply for an exemption from the frequency of service and service obligation provisions for not more than one year;
 - Prohibits any court in the state from requiring a juror to serve within two years following the last day of the juror's service (frequency of service);
 - Provides definitions for the fulfillment of jury service (obligation of service) if a person:
 1. Serves on one trial until being excused or discharged.
 2. Appears in court but is not assigned to a trial division or selection of a jury before the end of that day.
 3. Is assigned on one day to one or more trial divisions for jury selection and serves through the completion of a jury selection or is excused.
 4. Complies with the request to telephone a court or check a court's web site to determine whether to report on a particular day, for four days within a thirty-day period.
 - Provides the court with a valid telephone number and stands ready to serve on the same day for a period of two days;
 - Allows the Court to pay replacement or supplemental wages of up to \$300 per day beginning on the eleventh day of jury service, or if it is found to be a significant financial hardship for the juror, the Court may pay the juror an addition \$100 per day from the fourth through the tenth days of jury service;
 - Stipulates that payment is contingent upon the availability of funds;
 - Specifies that a juror who serves on a lengthy trial will receive no less than \$40 a day;
 - Directs a juror who is eligible for payment to submit a request form for payment from the Fund;
 - Payment is limited to the difference between the state paid jury fee and the actual amount of wages a juror earns, up to the maximum amount allowed by the new section (\$300 per day x number of days over ten) minus any compensation from the juror's employer;
 - Requires a juror who requests payment from the Fund to do the following:
 1. Disclose information on the juror's regular wages.
 2. Submit information from the juror's employer to verify the information provided by the juror before receiving payment from the Fund.
 3. Submit a sworn affidavit attesting to the juror's approximate gross weekly income if the juror is self-employed.
 - Specifies that the money may only be used for the sole purpose of the lengthy trial juror compensation; and
 - Repeals the Lengthy Trial Fund in ten years.

Submitted as:

Arizona

Chapter 200 of 2003

Status: Enacted into law in 2003.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as “An Act to Reform Jury Service.”

2

3 Section 2. [*Obligation of Qualified Citizens to Serve on Juries.*]

4 A. It is the policy of this state that all qualified citizens have an obligation to serve on
5 juries when summoned by the courts of this state, unless excused.

6 B. It is unlawful for a juror who is summoned and who fails to obtain a postponement or
7 who is not excused from jury service to willfully and without reasonable excuse fail to attend on
8 the date scheduled for jury service. The juror may be attached as for a direct contempt of court
9 and may be compelled to attend on the date scheduled for jury service, and a fine not exceeding
10 [five hundred dollars] may be imposed by the [court] for nonattendance upon the [court].

11

12 Section 3. [*Jurors' Term of Service; Exemption.*]

13 A. A person's jury service obligation is fulfilled when the person does any of the
14 following:

15 1. Serves on one trial until being excused or discharged.

16 2. Appears at court but is not assigned to a trial division for selection of a jury
17 before the end of that day.

18 3. Is assigned on one day to one or more trial divisions for jury selection and
19 serves through the completion of jury selection or is excused.

20 4. Complies with a request to telephone a court or check a court's web site to
21 determine whether to report on a particular day, for [four days within a thirty-day period].

22 5. Provides the [court] with a valid telephone number and stands ready to serve
23 on the same day, for a period of [two days].

24 B. A presiding judge of a [county superior court], in coordination with the [jury
25 commissioner], may apply to the [supreme court] for an exemption for the county from this
26 section for a specified period of time, not to exceed [one year].

27

28 Section 4. [*Frequency of Service; Exemption.*]

29 A. A juror who has been summoned and selected to serve on a jury in this state is not
30 required to serve again as a juror in any court in this state for [two years] following the last day
31 of the juror's service.

32 B. A presiding judge, in coordination with the [jury commissioner], may apply to the
33 [state supreme court] for an exemption from this section for a specified period of time, not to
34 exceed [one year].

35

36 Section 5. [*Postponement of Jury Service.*]

37 A. A person who is scheduled to appear for jury service may postpone the date of their
38 initial appearance for jury service [two times] only. On request, postponement shall be granted
39 if all of the following apply:

40 1. The prospective juror has not previously been granted a postponement.

41 2. The prospective juror appears in person or contacts the [jury commissioner] by
42 telephone, electronic mail or in writing to request a postponement.

43 3. A postponement shall not be for more than [three months] after the date on
44 which the prospective juror originally was called to serve and shall be a date when the [court]
45 will be in session.

46 B. A [jury commissioner] may approve a subsequent request for postponement of jury
47 service only in the event of an extreme emergency that could not have been anticipated at the

48 time the initial postponement was granted. The prospective juror is subject to being
49 resummoned at the discretion of the [jury commissioner].

50

51 Section 6. [*Excusing Prospective Jurors from Jury Duty.*]

52 A. If a prospective juror's answers to a questionnaire as required by [insert citation]
53 indicate that the person is unqualified for jury service or, in the opinion of the judge or [jury
54 commissioner], state grounds sufficient to be excused from jury service, the person's name shall
55 not be included on the qualified juror list and the person shall be notified that they are excused
56 from jury service.

57 B. The [jury commissioner] may investigate the accuracy of the answers to the
58 questionnaire and may call upon law enforcement agencies for assistance in the investigation.

59 C. A person, upon their timely application to the [court], shall be excused temporarily
60 from service as a juror if any of the following apply:

61 1. The prospective juror has a mental or physical condition that causes the juror
62 to be incapable of performing jury service. The juror or the juror's personal representative shall
63 provide the [court] with a medical statement from a physician who is licensed pursuant to [insert
64 citation] that verifies that a mental or physical condition renders the person unfit for jury
65 service.

66 2. Jury service by the prospective juror would substantially and materially affect
67 the public interest or welfare in an adverse manner.

68 3. Jury service would cause undue or extreme physical or financial hardship to
69 the prospective juror or a person under the prospective juror's care or supervision. For the
70 purposes of this paragraph:

71 (a) A judge or [jury commissioner] of the [court] for which the person
72 was called to jury service shall determine whether jury service would cause the prospective
73 juror undue or extreme physical or financial hardship.

74 (b) A person who requests to be excused under this paragraph shall take
75 all actions necessary to obtain a ruling on the request before the date on which the person is
76 scheduled to appear for jury duty.

77 (c) Undue or extreme physical or financial hardship is limited to the
78 following circumstances in which a person:

79 (i) Would be required to abandon a person under the potential
80 juror's care or supervision due to the impossibility of obtaining an appropriate substitute
81 caregiver during the period of participation in the jury pool or on the jury.

82 (ii) Would incur costs that would have a substantial adverse
83 impact on the payment of the person's necessary daily living expenses or on those for whom the
84 potential juror provides regular employment or the principal means of support.

85 (iii) Would suffer physical hardship that would result in illness or
86 disease.

87 (iv) Is not currently capable of understanding the English
88 language.

89 (d) Undue or extreme physical or financial hardship does not exist solely
90 based on the fact that a prospective juror will be required to be absent from the prospective
91 juror's place of employment.

92 (e) A person who requests to be excused under this paragraph shall
93 provide the judge or [jury commissioner] with documentation that supports the request to be
94 excused, such as federal and state income tax returns, payroll records, medical statements from
95 physicians licensed pursuant to [insert citation], proof of dependency or guardianship or other
96 similar documents. The judge or [jury commissioner] may excuse a person if the documentation

97 clearly supports the request to be excused. These documents are not public records and shall not
98 be disclosed to the general public.

99 D. A person who is excused temporarily pursuant to this section becomes eligible for
100 qualification as a juror when the temporary excuse expires unless the person is permanently
101 excused from jury service.

102 E. A person may be permanently excused only if the deciding judge or [jury
103 commissioner] determines that the underlying grounds for being excused are permanent in
104 nature.

105
106 Section 7. [*Absence from Employment for Jury Duty; Vacation and Seniority Rights;*
107 *Automatic Postponement; Violation; Classification.*]

108 A. An employer shall not require or request an employee to use annual, vacation or sick
109 leave for time spent responding to a summons for jury duty, participating in the jury selection
110 process or actually serving on a jury. This subsection does not require an employer to provide
111 annual, vacation or sick leave to employees who are otherwise not entitled to such benefits
112 under company policies.

113 B. An employer shall not refuse to permit an employee to serve as a juror. No employer
114 may dismiss or in any way penalize any employee because the employee serves as a grand or
115 trial juror. An employer is not required to compensate an employee when the employee is absent
116 from employment because of jury service.

117 C. An employee shall not lose seniority or precedence while absent from employment
118 due to serving as a member of a grand or trial jury. Upon return to employment the employee
119 shall be returned to the employee's previous position, or to a higher position commensurate with
120 the employee's ability and experience as seniority or precedence would ordinarily entitle the
121 employee.

122 D. A court shall postpone and reschedule the service of a summoned juror of an
123 employer with [five or fewer full-time employees], or [their equivalent], if during the same
124 period another employee of that employer is serving as a juror. A postponement pursuant to this
125 subsection does not affect a person's right to one automatic postponement under [insert citation].

126 E. A person who violates any provision of this section is guilty of a [class 3
127 misdemeanor].

128
129 Section 8. [*Lengthy Trial Fund.*]

130 A. A Lengthy Trial Fund is established consisting of money received from additional
131 fees paid on all filings, appearances, responses and answers pursuant to section 9 of this Act.
132 The money in the Fund shall not be used for any purpose other than as prescribed in this section.

133 B. The [state supreme court] shall administer the Fund and shall adopt rules for the
134 administration of the Fund. Not more than [three per cent] of the money in the Fund shall be
135 used for the reasonable and necessary costs of administering the Fund. On or before the
136 [fifteenth day of each month], on receipt of a request for reimbursement, the [state supreme
137 court] shall transmit money from the Fund to a [jury commissioner] for money paid to a juror
138 under this section, together with a fee of not less than the amount prescribed in [insert citation]
139 for each application for payment of replacement or supplemental earnings by a juror.

140 C. Beginning [July 1, 2004] and subject to the availability of money, for jury trials that
141 commence on or after [July 1, 2004], money in the Fund shall be used to pay full or partial
142 earnings replacement or supplementation to jurors who serve as petit jurors for more than [ten
143 days] and who receive less than full compensation. The amount of replacement or supplemental
144 earnings shall be at least [forty dollars] but not more than [three hundred dollars per day per

145 juror] beginning on the [eleventh day of jury service] and at least [forty dollars] but not more
146 than [one hundred dollars per day] from the [fourth day to the tenth day of jury service].

147 D. Beginning on [July 1, 2004], a juror whose jury service lasts more than [ten days]
148 may submit a request for payment from the Lengthy Trial Fund. The amount a juror receives
149 from the Fund is limited to the difference between the state paid jury fee and the actual amount
150 of earnings a juror earns, not less than [forty dollars], up to the maximum level payable under
151 subsection C of this section, minus any amount the juror actually received from the juror's
152 employer during the same time period. A juror who requests payment from the Fund:

153 1. Shall disclose on the form the juror's regular earnings, the amount the juror's
154 employer will pay during the term of jury service starting on the [eleventh day and thereafter],
155 the amount of replacement or supplemental earnings being requested and any other information
156 that the [jury commissioner] deems necessary.

157 2. Before receiving payment from the Fund, shall submit verification from the
158 juror's employer regarding the earnings information that is provided under paragraph 1 of this
159 subsection. This verification may include the employee's most recent earnings statement or a
160 similar document.

161 3. In order to verify the weekly income if the juror is self-employed or receives
162 compensation other than wages, shall provide a sworn affidavit attesting to the juror's
163 approximate gross weekly income, together with any other information that the [state supreme
164 court] requires.

165 E. The [state supreme court] shall annually report to the [joint legislative budget
166 committee] on the amount of money collected and disbursed from the Fund and the number of
167 jurors who received money from the Fund.

168

169 Section 9. [*Additional Filing, Appearance and Answer or Response Fees; Deposit.*]

170 A. In addition to any other assessment authorized by law, the [state supreme court] shall
171 establish an additional fee on each filing, appearance and answer or response fee charged by a
172 [clerk of the superior court].

173 B. The [clerk] shall collect the additional fee and monthly remit the additional fees to the
174 county treasurer. The county treasurer shall transmit the fees to the [state treasurer] on or before
175 the [fifteenth day of each month] for deposit pursuant to the [Lengthy Trial Fund] established by
176 section 8 of this Act. The [state treasurer] shall invest and divest money in the Fund as provided
177 by [insert citation], and money earned from investment shall be credited to the Fund.

178 C. The additional fee may be deferred or waived pursuant to [insert citation].

179 D. In establishing the additional fees under subsection A of this section, the [state
180 supreme court] may designate by rule that the additional fees not be imposed on filings in cases
181 that involve minimal use of court resources or that are not afforded the opportunity for a trial by
182 jury.

183

184 Section 10. [*Severability.*] [Insert severability clause.]

185

186 Section 11. [*Repealer.*] [Insert repealer clause.]

187

188 Section 12. [*Effective Date.*] [Insert effective date.]