

SENATE, No. 1252

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Senators CAFIERO, BUBBA, Connors, Ewing,
Palaia and Ciesla

1 AN ACT providing that persons 65 years of age or older shall be
2 excused from jury service under certain circumstances and
3 amending N.J.S.2B:20-10.
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. N.J.S.2B:20-10 is amended to read as follows:
9 2B:20-10. Grounds for excuse from jury service.

10 [An excuse] A prospective juror may be excused from jury service
11 [shall be granted only] if:

12 a. The prospective juror is [75] 65 years of age or older and
13 provides proper notification as instructed by the Assignment Judge or
14 jury management office at least seven days prior to the date on which
15 the prospective juror is summoned to report for service. A
16 prospective juror who complies with these conditions shall be excused
17 from that jury service. Where the prospective juror 65 years of age or
18 older indicates on the juror questionnaire the wish not to be selected
19 as a juror at a future time, the Assignment Judge shall designate the
20 juror's record in such a way that the juror will not be selected again.
21 The juror may, at any later date, request the Assignment Judge to
22 remove that designation;

23 b. The prospective juror has served as a juror within the last three
24 years in the county to which the juror is being summoned;

25 c. Jury service will impose a severe hardship due to circumstances
26 which are not likely to change within the following year. Severe
27 hardship includes the following circumstances:

28 (1) The prospective juror has a medical inability to serve which is
29 verified by a licensed physician.

30 (2) The prospective juror will suffer a severe financial hardship
31 which will compromise the juror's ability to support himself, herself,
32 or dependents. In determining whether to excuse the prospective
33 juror, the Assignment Judge shall consider:

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 (a) the sources of the prospective juror's household income; and
2 (b) the availability and extent of income reimbursement; and
3 (c) the expected length of service.

4 (3) The prospective juror has a personal obligation to care for
5 another, including a sick, aged or infirm dependent or a minor child,
6 who requires the prospective juror's personal care and attention, and
7 no alternative care is available without severe financial hardship on the
8 prospective juror or the person requiring care.

9 (4) The prospective juror provides highly specialized technical
10 health care services for which replacement cannot reasonably be
11 obtained.

12 (5) The prospective juror is a health care worker directly involved
13 in the care of a mentally or physically handicapped person, and the
14 prospective juror's continued presence is essential to the regular and
15 personal treatment of that person.

16 (6) The prospective juror is a member of the full-time instructional
17 staff of a grammar school or high school, the scheduled jury service is
18 during the school term, and a replacement cannot reasonably be
19 obtained. In determining whether to excuse the prospective juror or
20 grant a deferral of service, the Assignment Judge shall consider:

21 (a) the impact on the school considering the number and function
22 of teachers called for jury service during the current academic year;
23 and

24 (b) the special role of certified special education teachers in
25 providing continuity of instruction to handicapped students;

26 d. The prospective juror is a member of a volunteer fire department
27 or fire patrol; or

28 e. The prospective juror is a volunteer member of a first aid or
29 rescue squad.

30 (cf: N.J.S.2B:20-10)

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32 2. This act shall take effect on the 180th day following enactment.

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STATEMENT

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37 This bill excuses from jury duty persons 65 years of age or older if
38 they notify the assignment judge or the jury management office of the
39 county in which they were summoned at least seven days prior to the
40 date on which they have been summoned to report for service. Under
41 this provision, prospective jurors must be excused from jury service if
42 the age and notice conditions are met. Currently, an assignment judge
43 may excuse prospective jurors from jury duty if they are 75 years of
44 age or older.

45 This bill also provides that, upon notification to the assignment
46 judge, the juror records of prospective jurors 65 years of age or older

1 who no longer want to serve as jurors will be designated in such a way
2 that they will not be selected for jury service in the future. However,
3 prospective jurors may at any time request the assignment judge to
4 remove the designation.

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9 Provides that persons 65 years or older will be excused from jury
10 service under certain circumstances.