

FIRST REGULAR SESSION

SENATE BILL NO. 46

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WRIGHT-JONES.

Pre-filed December 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0218S.011

AN ACT

To repeal section 494.430, RSMo, and to enact in lieu thereof one new section relating to jury duty.

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

Section A. Section 494.430, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 494.430, to read as follows:

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

3 (1) Any person who has served on a state or federal petit or grand jury
4 within the preceding two years;

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

8 (3) Any person upon whom service as a juror would in the judgment of the
9 court impose an undue or extreme physical or financial hardship;

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

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

19 **(6) Any person who is an elected official during his or her term**
20 **of office.**

21 2. A judge of the court for which the individual was called to jury service

22 shall make undue or extreme physical or financial hardship determinations. The
23 authority to make these determinations is delegable only to court officials or
24 personnel who are authorized by the laws of this state to function as members of
25 the judiciary.

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

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

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

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

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

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

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

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