

REFERENCE TITLE: jury duty exemption; cognitive disability

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1166

Introduced by
Senator Gray L

AN ACT

AMENDING SECTION 21-202, ARIZONA REVISED STATUTES; RELATING TO JURY DUTY EXEMPTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 21-202, Arizona Revised Statutes, is amended to
3 read:

4 21-202. Persons entitled to be excused from jury service:
5 definition

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

9 B. On timely application to the court, the following persons shall be
10 excused temporarily from service as a juror if the judge or jury commissioner
11 finds that any of the following ~~apply~~ APPLIES:

12 1. The prospective juror has a mental or physical condition that
13 causes the juror to be incapable of performing jury service. The juror or
14 the juror's personal representative shall provide to the court or jury
15 commissioner a medical statement from a physician who is licensed pursuant to
16 title 32 that explains an existing mental or physical condition that renders
17 the person unfit for jury service. If a prospective juror does not have a
18 physician, the prospective juror or the juror's personal representative shall
19 provide a sworn statement from a professional caregiver for the prospective
20 juror that is deemed acceptable by the court or jury commissioner and that
21 explains the mental or physical condition that renders the prospective juror
22 incapable of performing jury service. For the purposes of this paragraph:

23 (a) The statement shall be in writing and shall contain a description
24 and duration of any mobility restrictions, the specific symptoms that make
25 the prospective juror mentally or physically unfit for jury service and their
26 duration, the employment status of the prospective juror and the printed
27 name, signature, professional license number if applicable, area of specialty
28 and contact information of the authorizing physician or professional
29 caregiver.

30 (b) A form that complies with this paragraph shall be made available
31 at courthouses, the Arizona medical board web site and other appropriate
32 locations that are identified by the court or jury commissioner.

33 (c) These documents are not public records and shall not be disclosed
34 to the general public.

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

37 3. The prospective juror is not currently capable of understanding the
38 English language.

39 4. Jury service would cause undue or extreme physical or financial
40 hardship to the prospective juror or a person under the prospective juror's
41 care or supervision. For the purposes of this paragraph:

42 (a) A judge or jury commissioner of the court for which the person was
43 called to jury service shall determine whether jury service would cause the
44 prospective juror undue or extreme physical or financial hardship.

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

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

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

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

14 (iii) Would suffer physical hardship that would result in illness or
15 disease.

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

19 (e) A person who requests to be excused under this paragraph shall
20 provide the judge or jury commissioner with documentation that supports the
21 request to be excused, such as federal and state income tax returns, payroll
22 records, medical statements from physicians licensed pursuant to title 32,
23 proof of dependency or guardianship or other similar documents. The judge or
24 jury commissioner may excuse a person if the documentation clearly supports
25 the request to be excused. These documents are not public records and shall
26 not be disclosed to the general public.

27 5. The prospective juror is a peace officer who is certified by the
28 Arizona peace officer standards and training board and who is employed as a
29 peace officer by this state or any political subdivision of this state. The
30 employer of a peace officer shall not in any way influence the peace officer
31 to make or not to make an application to the court, pursuant to this section,
32 to be excused from jury service.

33 6. A judge or jury commissioner of the court for which the person was
34 called to jury service excuses the prospective juror for good cause based on
35 a showing of undue or extreme hardship under the circumstances, including
36 being temporarily absent from the jurisdiction or a lack of transportation.

37 C. Notwithstanding subsection B, a prospective juror who is at least
38 seventy-five years of age may submit a written statement to the court
39 requesting that the person be excused from service. The prospective juror
40 may request to be excused temporarily or permanently. On receipt of the
41 request, the judge or jury commissioner shall excuse the prospective juror
42 from service.

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

1 E. NOTWITHSTANDING SUBSECTION B OR C, A PROSPECTIVE JUROR WHO SUFFERS
2 FROM A PERMANENT COGNITIVE DISABILITY MAY REQUEST TO BE PERMANENTLY EXCUSED
3 FROM SERVICE. A JUROR OR JUROR'S PERSONAL REPRESENTATIVE SHALL SUBMIT A
4 MEDICAL STATEMENT TO THE COURT OR JURY COMMISSIONER PURSUANT TO SUBSECTION B,
5 PARAGRAPH 1. ON RECEIPT OF THE REQUEST AND MEDICAL STATEMENT, THE JUDGE OR
6 JURY COMMISSIONER SHALL PERMANENTLY EXCUSE THE PERSON FROM JURY SERVICE.

7 ~~E.~~ F. A person may be permanently excused only if the deciding judge
8 or jury commissioner determines that the underlying grounds for being excused
9 are permanent in nature or the person is permanently excused under
10 subsection C OR E.

11 G. FOR THE PURPOSES OF THIS SECTION, "PERMANENT COGNITIVE DISABILITY"
12 MEANS A CONDITION THAT INVOLVES SUBAVERAGE GENERAL INTELLECTUAL FUNCTIONING
13 THAT EXISTS CONCURRENTLY WITH DEFICITS IN ADAPTIVE BEHAVIOR AND THAT IS
14 SOMETIMES REFERRED TO AS INTELLECTUAL DISABILITY OR MENTAL RETARDATION.