

REFERENCE TITLE: jury duty; military active duty

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2092**

Introduced by  
Representative Nelson, Senator Blendu: Representative Weiers JP, Senator  
Burton Cahill

AN ACT

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

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

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

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

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

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

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

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

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

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

41 (a) A judge or jury commissioner of the court for which the person was  
42 called to jury service shall determine whether jury service would cause the  
43 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 7. THE PROSPECTIVE JUROR IS A MEMBER OF THE MILITARY WHO IS ON ACTIVE  
38 DUTY AND WHO IS STATIONED OUTSIDE OF THE COURT'S JURISDICTION.

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

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

4           E. A person may be permanently excused only if the deciding judge or  
5 jury commissioner determines that the underlying grounds for being excused  
6 are permanent in nature or the person is permanently excused under  
7 subsection C.