

ASSEMBLY, No. 2520

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblymen McClellan and Simonsen

SYNOPSIS

Exempts nursing mothers from jury duty.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2020)

1 AN ACT concerning exemption from jury service and amending
2 N.J.S.2B:20-10.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. N.J.S.2B:20-10 is amended to read as follows:

8 2B:20-10. An excuse from jury service shall be granted only if:

9 a. The prospective juror is 75 years of age or older;

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

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

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

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

21 (a) the sources of the prospective juror's household income; and

22 (b) the availability and extent of income reimbursement; and

23 (c) the expected length of service.

24 (3) The prospective juror has a personal obligation to care for
25 another, including:

26 (a) a dependent who is sick, is elderly, or has an infirmity or a
27 minor child, who requires the prospective juror's personal care and
28 attention, and no alternative care is available without severe
29 financial hardship on the prospective juror or the person requiring
30 care; or

31 (b) a child who is one year of age or younger where the
32 prospective juror is the child's mother and is nursing or expressing
33 milk for the child.

34 (4) The prospective juror provides highly specialized technical
35 health care services for which replacement cannot reasonably be
36 obtained.

37 (5) The prospective juror is a health care worker directly
38 involved in the care of a person with a mental or physical disability,
39 and the prospective juror's continued presence is essential to the
40 personal treatment of that person.

41 (6) The prospective juror is a member of the full-time
42 instructional staff of a grammar school or high school, the
43 scheduled jury service is during the school term, and a replacement
44 cannot reasonably be obtained. In determining whether to excuse

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

Matter underlined thus is new matter.

1 the prospective juror or grant a deferral of service, the Assignment
2 Judge shall consider:

3 (a) the impact on the school considering the number and
4 function of teachers called for jury service during the current
5 academic year; and

6 (b) the special role of certified special education teachers in
7 providing continuity of instruction to students with disabilities;

8 d. The prospective juror is a member of a volunteer fire
9 department or fire patrol; or

10 e. The prospective juror is a volunteer member of a first aid or
11 rescue squad.

12 (cf: P.L.2017, c.131, s.3)

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14 2. This act shall take effect immediately and shall apply to
15 jurors impaneled on or after the effective date.

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18 STATEMENT

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20 This bill exempts nursing mothers from jury duty. Under current
21 law, nursing mothers are not explicitly exempted from jury duty,
22 which can present a hardship to mothers who are nursing or
23 expressing milk for their babies.

24 Currently, exemptions from jury duty are statutorily authorized
25 for persons: 75 years of age or older; who have served on a jury
26 within the previous three years; or who will suffer severe hardship
27 due to circumstances that are unlikely to change within a year (e.g.
28 medical conditions, care of another or financial hardship).
29 Members of volunteer fire departments and first aid or rescue
30 squads and, under certain circumstances, teachers are exempted.

31 Medical professionals state breastfeeding provides health
32 benefits to infants. Breastfeeding has been associated with reduced
33 risk of respiratory infections, gastrointestinal tract infections,
34 sudden infant death syndrome, allergic disease, celiac disease,
35 inflammatory bowel disease, obesity, diabetes, childhood leukemia
36 and lymphoma, and neurodevelopmental disorders. Breastfeeding
37 has also been associated with health benefits to mothers such as
38 reduced risk of rheumatoid arthritis, cardiovascular disease,
39 diabetes, breast cancer and ovarian cancer.

40 In 2011, the United States Surgeon General issued a “Call to
41 Action to Support Breastfeeding.” The State of New Jersey
42 Department of Health has recognized the benefits associated with
43 breastfeeding and has issued proposed guidelines for New Jersey
44 hospitals which are designed to encourage more mothers to
45 breastfeed in order to improve health outcomes of both mothers and
46 infants.

47 It is the view of the sponsor that nursing mothers should be
48 supported in their efforts to breastfeed their babies. This bill

A2520 VAINIERI HUTTLE, MOSQUERA

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- 1 provides assistance to mothers who are nursing or expressing milk
- 2 by enabling them to claim an exemption from jury duty during the
- 3 first year of their child's life.