

ASSEMBLY, No. 4287

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 22, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Temporarily reduces age at which person may opt-out of jury duty for period associated with Public Health Emergency and State of Emergency declared by Governor's Executive Order 103 of 2020 concerning coronavirus disease 2019 pandemic.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** temporarily reducing the age at which a person may be
2 excused from jury duty by the person's own request for a period
3 associated with the Public Health Emergency and State of
4 Emergency declared by the Governor in Executive Order 103 of
5 2020 concerning the coronavirus disease 2019 pandemic, and
6 amending N.J.S.2B:20-10.

7
8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

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

12 2B:20-10. An excuse from jury service shall be granted only if:

13 a. (1) The prospective juror is 75 years of age or older;

14 (2) Notwithstanding paragraph (1) of this subsection to the
15 contrary, the prospective juror is instead 65 years of age or older,
16 which reduced age range shall apply for a period associated with the
17 Public Health Emergency and State of Emergency declared by the
18 Governor in Executive Order 103 of 2020 concerning the
19 coronavirus disease 2019 pandemic. This paragraph shall apply
20 retroactively to the date that the emergency was declared in
21 Executive Order 103 of 2020, but shall not apply to any person who
22 is 65 years of age or older who is already a member of an
23 empaneled jury, and the provisions of this paragraph shall expire
24 either 30 days following the declared end to the emergency, or
25 January 1, 2021, whichever occurs later.

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

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

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

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

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

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

39 (c) the expected length of service.

40 (3) The prospective juror has a personal obligation to care for
41 another, including a dependent who is sick, is elderly, or has an
42 infirmity or a minor child, who requires the prospective juror's
43 personal care and attention, and no alternative care is available
44 without severe financial hardship on the prospective juror or the
45 person requiring care.

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

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

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

14 (a) the impact on the school considering the number and
15 function of teachers called for jury service during the current
16 academic year; and

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

19 d. The prospective juror is a member of a volunteer fire
20 department or fire patrol; or

21 e. The prospective juror is a volunteer member of a first aid or
22 rescue squad.

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

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25 2. This act shall take effect immediately.

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STATEMENT

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30 This bill would temporarily reduce the minimum age at which a
31 person may be excused from jury duty at the person's own request,
32 for any reason, for a period of time associated with the Public
33 Health Emergency and State of Emergency declared by the
34 Governor's Executive Order 103 of 2020 concerning the
35 coronavirus disease 2019 pandemic. The opt-out age currently
36 starts at 75 years; the bill would reduce it to 65 years, and apply this
37 age retroactively to March 9, 2020, the date the emergency was
38 declared in the executive order, but would not apply to any person
39 65 years of age or older who is already a member of an empaneled
40 jury. The provisions of the paragraph would expire 30 days
41 following the declared end to the emergency, or January 1, 2021,
42 whichever occurs later.

43 Although no excuse is required for exercising the age-based opt-
44 out, the main consideration for temporarily changing the minimum
45 opt-out age to 65 years is the well known vulnerability of persons of
46 that age and older to becoming infected with the virus SARS-CoV-2
47 or the disease caused by the virus, Coronavirus disease 2019, also
48 referred to as COVID-19. This highly communicable virus has

1 caused a much higher rate of hospitalizations and fatalities among
2 persons 65 years of age and older. Thus, the bill would allow any
3 person in the vulnerable age range the option of avoiding
4 potentially large crowds of prospective jurors in courthouses, and
5 reduce the risk of viral exposure, if that person did not meet one of
6 the other, limited statutory reasons allowing an exemption from
7 reporting for jury duty.