

ASSEMBLY, No. 5633

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman ANTHONY S. VERRELLI

District 15 (Hunterdon and Mercer)

SYNOPSIS

Excuses certain persons from jury duty whose employment is essential to public's health, safety, and welfare during public health emergency.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2021)

1 **AN ACT** concerning an excuse from jury duty for certain employees
2 during a public health emergency, amending N.J.S.2B:20-10 and
3 supplementing Title 2B of the New Jersey Statutes.

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

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

9 2B:20-10. An excuse from jury service shall be granted only if:

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

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

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

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

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

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

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

24 (c) the expected length of service.

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

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

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

38 (6) The prospective juror is a member of the full-time
39 instructional staff of a grammar school or high school, the
40 scheduled jury service is during the school term, and a replacement
41 cannot reasonably be obtained. In determining whether to excuse
42 the prospective juror or grant a deferral of service, the Assignment
43 Judge shall consider:

44 (a) the impact on the school considering the number and
45 function of teachers called for jury service during the current
46 academic year; and

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

3 d. The prospective juror is a member of a volunteer fire
4 department or fire patrol; or

5 e. The prospective juror is a volunteer member of a first aid or
6 rescue squad.

7 f. The prospective juror is an essential employee, as defined in
8 section 2 of P.L. , c. (C.) (pending before the Legislature
9 as this bill), during a public health emergency declared by the
10 Governor pursuant to the "Emergency Health Powers Act,"
11 P.L.2005, c.222 (C.26:13-1 et seq.) that involves an infectious
12 disease, including but not limited to the public health emergency
13 declared by the Governor in Executive Order 103 of 2020.

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

15
16 2. (New section) As used in subsection f. of N.J.S.2B:20-10,
17 an "essential employee" means an employee in the public or private
18 sector who, during a public health emergency declared by the
19 Governor pursuant to the "Emergency Health Powers Act,"
20 P.L.2005, c.222 (C.26:13-1 et seq.) that involves an infectious
21 disease, including but not limited to the public health emergency
22 declared by the Governor in Executive Order 103 of 2020:

23 a. is a public safety worker or first responder, including any
24 fire, police or other emergency responders;

25 b. is involved in providing medical and other healthcare
26 services, emergency transportation, social services, and other care
27 services, including services provided in health care facilities,
28 residential facilities, or homes;

29 c. performs functions which involve physical proximity to
30 members of the public or physical proximity to other employees and
31 are essential to the public's health, safety, and welfare, including
32 transportation services, hotel and other residential services,
33 financial services, and the production, preparation, storage, sale,
34 and distribution of essential goods such as food, beverages,
35 medicine, fuel, and supplies for conducting essential business and
36 work at home; or

37 d. is any other employee deemed an essential employee by the
38 Governor during a declared public health emergency that involves
39 an infectious disease.

40
41 3. This act shall take effect immediately and shall apply to
42 prospective jurors summoned for jury service on or after the
43 effective date.

STATEMENT

This bill would excuse certain certain persons from jury duty whose employment is essential to public health, safety, and welfare during a public health emergency that involves an infectious disease.

A person eligible for an excuse from jury duty on the grounds enumerated in the law is allowed to serve on a jury, but is not required to.

The bill defines an “essential employee” as an employee in the public or private sector who, during a public health emergency declared by the Governor pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.) that involves an infectious disease, including but not limited to the public health emergency declared by the Governor in Executive Order 103 of 2020:

a. is a public safety worker or first responder, including any fire, police or other emergency responders;

b. is involved in providing medical and other healthcare services, emergency transportation, social services, and other care services, including services provided in health care facilities, residential facilities, or homes;

c. performs functions which involve physical proximity to members of the public or physical proximity to other employees and are essential to the public's health, safety, and welfare, including transportation services, hotel and other residential services, financial services, and the production, preparation, storage, sale, and distribution of essential goods such as food, beverages, medicine, fuel, and supplies for conducting essential business and work at home; or

d. is any other employee deemed an essential employee by the Governor during a declared public health emergency that involves an infectious disease.

The bill would take effect immediately and would apply to prospective jurors summoned for jury service on or after the effective date.