

SENATE, No. 1173

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:
Senator NILSA CRUZ-PEREZ
District 5 (Camden and Gloucester)

SYNOPSIS

Clarifies excuse from jury service for members of the military or reserve under certain circumstances; repeals N.J.S.38A:4-6.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning jury duty, amending N.J.S.2B:20-10 and
2 repealing N.J.S.38A:4-6.

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. Grounds for excuse from jury service.

9 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; or

7 f. The prospective juror is an officer or enlisted member of the
8 organized militia, the United States Armed Forces, or a reserve
9 component thereof, and has submitted to the jury manager or
10 Assignment Judge a certification that the person is unavailable for
11 jury service due to a military deployment or duty assignment.

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

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14 2. N.J.S.38A:4-6 is repealed.

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16 3. This act shall take effect immediately.

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19 STATEMENT

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21 This bill would provide an excuse from jury service for
22 members of the military under certain circumstances.

23 Currently, N.J.S.2B:20-10 enumerates the grounds for excuse
24 from jury service. Pursuant to P.L.1995, c.44, the Legislature
25 eliminated exemptions for jury service and provided that a juror
26 may be excused from jury service in limited circumstances: the
27 juror is 75 years of age or under; the juror has served as a juror
28 within the last three years; jury service with impose a severe
29 hardship; the juror is a volunteer fire department or fire patrol
30 member; or the juror is a volunteer first aid or rescue squad
31 member. Although N.J.S.38A:4-6 provides an excuse from jury
32 service for members of the military, this section does not set forth a
33 mechanism whereby the courts can verify a person's status in the
34 military.

35 This bill would repeal N.J.S.38A:4-6 and amend N.J.S.A.2B:20-
36 10 to establish procedures for excuse from jury service for officers
37 and enlisted members of the military. Under the bill, an officer or
38 enlisted member of the organized militia, the United States Armed
39 Forces, or a reserve component may be excused from jury service
40 provided the person has submitted to the jury manager or
41 Assignment Judge a certification that the person is unavailable for
42 jury service due to a military deployment or duty assignment.