S T A T E O F N E W Y O R K

4226

2009-2010 Regular Sessions

I N A S S E M B L Y

February 2, 2009

Introduced by M. of A. CROUCH, BACALLES, TOWNSEND, OAKS -- Multi-Sponsored by -- M. of A. FINCH -- read once and referred to the Committee on Judiciary

AN ACT to amend the judiciary law, in relation to providing an excuse from jury duty for financial hardship related to self-employment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 517 of the judiciary law, as amended by chapter 86 of the laws of 1995, is amended to read as follows:

S 517. Excuses and postponements. (a) (1) Except as otherwise provided in paragraph two of this subdivision, the commissioner of jurors may, in his or her discretion, on the application of a prospective juror who has been summoned to attend, excuse such prospective juror from a part or the whole of the time of jury service or may postpone the time of jury service to a later day during the same or any subsequent term of the court. The application shall be presented to the commissioner at such time and in such manner as he or she shall require, except that an application for postponement of the initial date for jury service may be made by telephone.

(2) An application for postponement of jury service shall be granted hereunder provided: (i) such service has not already been postponed or excused, (ii) the application is made at such time and in such manner as the commissioner of jurors requires, and (iii) the postponement is to a date certain when the court is in session not more than six months after the date on which such service otherwise is to commence and such date is selected by the prospective juror.

(3) AN APPLICATION TO BE EXCUSED FOR FINANCIAL HARDSHIP SHALL BE GRANTED HEREUNDER PROVIDED: (I) SUCH INDIVIDUAL PRODUCES A SWORN STATEMENT THAT SUCH INDIVIDUAL IS SELF-EMPLOYED AND THAT SERVICE WOULD CAUSE A FINANCIAL HARDSHIP, (II) THE APPLICATION IS MADE AT SUCH TIME AND IN SUCH MANNER AS THE COMMISSIONER OF JURORS REQUIRES, AND (III) SUCH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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FINANCIAL HARDSHIP DIRECTLY IMPAIRS THE APPLICANTS ABILITY TO PROVIDE SUPPORT FOR THE INDIVIDUAL OR FAMILY AS A RESULT OF SUCH SERVICE.

(b) A person whose application has been denied by the commissioner, or who has not applied to the commissioner for an excuse or postponement, may apply to the trial court, or to the court having supervision of the grand jury, as the case may be, which may, in its discretion, excuse such person from a part or the whole of the time of jury service, or may postpone the time of jury service to a later day during the same or any subsequent term of the court. If the applicant cannot personally attend, he or she shall send the summons and application by a person capable of making the necessary proof in relation to the application.

(c) In determining whether an application for excusal should be granted, the commissioner or the court shall consider whether the applicant has a mental or physical condition that causes him or her to be incapable of performing jury service or there is any other fact WHICH indicates that attendance for jury service in accordance with the summons would cause undue hardship or extreme inconvenience to the applicant, a person under his or her care or supervision, or the public. Except as provided in [paragraph] PARAGRAPHS two AND THREE of subdivision (a) of this section, in determining whether an application for postponement should be granted, the commissioner or the court shall be guided by standards promulgated by the chief administrator of the courts.

S 2. This act shall take effect immediately.