

2635

2009-2010 Regular Sessions

I N S E N A T E

February 25, 2009

Introduced by Sens. PDAVAN, DeFRANCISCO, LARKIN, MORAHAN -- read twice
and ordered printed, and when printed to be committed to the Committee
on Judiciary

AN ACT to amend the judiciary law, in relation to optional excusal from
jury service for persons age 70 and over

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

1 Section 1. Subdivision (a) of section 517 of the judiciary law is
2 amended by adding a new paragraph 3 to read as follows:

3 (3) AN APPLICATION FOR EXCUSAL FROM THE WHOLE OF THE TIME OF JURY
4 SERVICE SHALL BE GRANTED HEREUNDER UPON THE REQUEST OF ANY PERSON WHO IS
5 SEVENTY YEARS OF AGE OR OVER MADE TO THE COMMISSIONER OF JURORS, WITHOUT
6 ANY NEED TO SHOW MENTAL OR PHYSICAL INCAPACITY, UNDUE HARDSHIP OR
7 EXTREME INCONVENIENCE TO THE APPLICANT.

8 S 2. Subdivision (c) of section 517 of the judiciary law, as amended
9 by chapter 86 of the laws of 1995, is amended to read as follows:

10 (c) [In] EXCEPT AS PROVIDED IN PARAGRAPH THREE OF SUBDIVISION (A) OF
11 THIS SECTION, IN determining whether an application for excusal should
12 be granted, the commissioner or the court shall consider whether the
13 applicant has a mental or physical condition that causes him or her to
14 be incapable of performing jury service or there is any other fact WHICH
15 indicates that attendance for jury service in accordance with the
16 summons would cause undue hardship or extreme inconvenience to the
17 applicant, a person under his or her care or supervision, or the public.
18 Except as provided in paragraph two of subdivision (a) of this section,
19 in determining whether an application for postponement should be grant-
20 ed, the commissioner or the court shall be guided by standards promul-
21 gated by the chief administrator of the courts.

22 S 3. This act shall take effect on the first of September next
23 succeeding the date on which it shall have become a law.

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

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