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

2923

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. SCHIMMINGER, ENGLEBRIGHT, CLARK, HOYT, MILLMAN, ARROYO -- Multi-Sponsored by -- M. of A. COLTON, COOK, DelMONTE, HOOPER, JOHN, P. RIVERA, SWEENEY, TOWNS, WEISENBERG -- read once and referred 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 ASSEMBLY, DO ENACT AS FOLLOWS:

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

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

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

(c) [In] EXCEPT AS PROVIDED IN PARAGRAPH THREE OF SUBDIVISION (A) OF THIS SECTION, 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 two 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 3. This act shall take effect on the first of September next 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.

LBD03954-01-9